



PRINCE WILLIAM COUNTY POLICE DEPARTMENT TRESPASSING ENFORCEMENT PROGRAM



Sections 16-41.1 through 16-41.4 of the Prince William County Code authorizes the owners of residential properties to designate the Police Department to act on their behalf for purposes of enforcing the trespassing laws. This enables police officers to notify persons trespassing on your property that they are forbidden to do so, and to charge or arrest those who are found in violation of the trespassing laws.

In order for the Police Department to do so, the property owner must apply for acceptance into the program. This includes executing a limited power of attorney to the Chief of Police to enable the police officers to act on your behalf solely for enforcing the trespassing laws. Certain criteria must be met for the Police Department to accept enforcement responsibility for your property. This ensures police resources are used in those locations most in need.

APPLICATION PROCESS

The property owner, or lawfully designated agent, must submit an "Application for Trespassing Enforcement Program" form, including a map of the community and complete list of street names contained in the community, as well as a properly executed original "Limited Power of Attorney" form (this may be on the sample form attached or on a similarly designed form containing the precise language as the sample). These documents must be submitted to:

Office of the Chief of Police
Charlie T. Deane Building
5036 Davis Ford Road
Woodbridge, VA 22192

The Police Department's District Commander for the area in consideration will review the application. You will be notified by mail of your acceptance or rejection by the District Commander within 30 days of your application.

It is expected this program will avoid the need for you to be present in court to testify against violators. You must agree, however, to appear when duly summoned to appear in cases as needed. You must further agree to follow the provisions of the ordinances, copies of which are attached.

For additional information, you may contact one of the following:

Eastern District Station
15948 Donald Curtis Drive
Woodbridge, VA 22191
(703) 792-7202

Western District Station
8900 Freedom Center Boulevard
Manassas, VA 20110
(703) 792-6542

Central District Station
5036 Davis Ford Road
Woodbridge, VA 22192
(703) 792-7096

APPLICATION FOR POLICE ENFORCEMENT OF TRESPASSING LAWS ON PRIVATE PROPERTY

Location of Property: _____
(Street address)

Name of Applicant: _____
(First, Middle, Last)

Position or Title (if not owner): _____

Phone number: _____ Email: _____

Name of Management Firm (if applicable): _____

Reason for Request (Specify existing problems. Attach additional sheet(s) if necessary):

The following must be provided with the application:

☐ Map of Community (incl. boundaries) ☐ Listing of street names in Community

I hereby request the Chief of Police, or designee, of the Prince William County Police Department to act as my agent and lawful attorney-in-fact for purposes of serving notices against trespassing and enforcing the laws against trespassing on real property, as described above, as authorized by the provisions of §§16-41.1 through 16-41.4 of the Prince William County Code. It is understood that the Chief of Police may rescind acceptance of this designation upon written notice at any time. It is further understood that I may rescind this designation upon written notice to the Chief of Police. This form must be accompanied by the duly executed "Designation of Limited Power of Attorney" form included in this packet.

Printed Name: _____ Date: ____/____/____

Signature: _____

Application received by: _____ Date: ____/____/____

District Commander's Approval/Rejection: _____ Date: ____/____/____

Filed by: _____ Copy to Chief of Police: _____

Limited Power of Attorney

I _____, _____,
(name of owner or manager) (title and name of management company, if applicable)

The owner or manager of for real property located at _____,
(street address and name of complex, if applicable)

Appointing the Chief of Police, and each and every sworn member of the Prince William County Police Department as my true and lawful attorneys-in-fact (hereinafter referred to as “my attorneys”), My attorneys are authorized to act for me as follows:

1. To serve “notices against trespassing” on any persons encountered on the described properties who are not included within any lease agreement and/or cannot demonstrate a legitimate purpose for being on the premises. The notice shall forbid the person so served from returning to the property.
2. To initiate criminal process for trespassing against any persons who have been duly served if thereafter found to be or have been on the premises.
3. To testify in a court of law on behalf of the owner or management in any criminal prosecutions arising out of the violations heretofore described.

This Power of Attorney shall not terminate upon my disability.

WITNESS my signature and seal this _____ day of _____, _____.

COMMONWEALTH OF VIRGINIA)
) ss.
County of Prince William)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____.

Notary Public

My Commission expires: _____, _____.

PRINCE WILLIAM COUNTY CODE OF ORDINANCES

(Related to Trespassing)

- **Sec. 16-41. - Instigating, etc., trespass by others; preventing service to persons not forbidden to trespass.**

If any person shall solicit, urge, encourage, exhort, instigate or procure another to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, knowing such other person to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or knowing such other person to have been forbidden to do so by a sign posted on such lands, buildings, premises or part, portion or area thereof, at a place where it may reasonably be seen, or if any person shall, on such lands, buildings, premises or part, portion or area thereof, prevent or seek to prevent the owner, lessee, custodian, person in charge or any of his employees from rendering service to any person not so forbidden, he shall be deemed guilty of a Class 1 misdemeanor.

(Code 1965, §§ 13.1-98, 18-2)

State Law reference— Similar provisions, Code of Virginia, § 18.2-120.

- **Sec. 16-41.1. - Designation of chief of police and designees as "persons lawfully in charge of property" for the purposes of enforcing laws prohibiting trespassing.**

The owner of any real property used for residential purposes in the county, or any person legally authorized to act for the owner of such property, or the lessee, custodian, or other person lawfully in charge as those terms are used in Code of Virginia, § 18.2-119, may designate the chief of police or designees as agents of the property owner and as "persons lawfully in charge of the property" for the purposes of forbidding another to go or remain upon the lands, buildings, or premises of the owner as specified in the designation, for enforcing any and all state and local laws prohibiting trespassing against such persons should they observe such persons going or remaining on such lands, buildings or premises after having been forbidden to do so. Such designations must be made in accordance with the procedure established in [section 16-41.2](#), and are subject to the conditions and limitations established by sections [16-41.3](#) and [16-41.4](#).

(Ord. No. 99-83, 12-21-99; Ord. No. 02-53, 6-25-02, effective 7-1-02)

State Law reference— Similar provisions, Code of Virginia, § 15.2-1717.1.

- **Sec. 16-41.2. - Procedure for designating the chief of police and designees as "persons lawfully in charge" of the owner's property for purposes of enforcing laws prohibiting trespassing.**

The owner of any real property used for residential purposes, or any person legally authorized to act for the owner of such property, or the lessee, custodian, or other person lawfully in charge as those terms are used in Code of Virginia, § 18.2-119, wishing to designate the chief of police as "a person lawfully in charge of the property" for the purposes set forth in [section 16-41.1](#) must:

- (1) File a written application, in a form to be established by the chief of police, with the chief's office, stating the owner's intent to designate the chief of police for these purposes, describing the real property covered by the designation, stating whether the property owner wishes the chief of police to enforce the trespassing laws against individuals identified in the application, against any individual found on the property engaging in suspicious or unlawful activity in the opinion of the chief of police or his or her designees, against any individual to be identified in future by the property owner, or against any combination of these groups of people. The written application must be signed by a person who can demonstrate that he or she is the owner of the property, or is legally authorized to act for the property owner.
- (2) Execute a written power of attorney, in a form approved by the chief of police and the county attorney, designating the chief of police and his or her designees as persons lawfully in charge of the property for the following purposes:
 - a. To orally or in writing forbid any person identified by the property owner or applicant, or any person who, in the opinion of the chief of police or his designees, should be forbidden to go or remain upon the lands, buildings, or premises covered by the application;
 - b. To initiate criminal process for trespassing and take any and all other appropriate action to enforce state and local laws prohibiting trespassing if a person returns to or remains on the property after having been forbidden to do so by the owner, lessee, custodian, or other person lawfully in charge of the property; and
 - c. To testify on behalf of the owner, lessee, custodian, or other person lawfully in charge of the property, as a person lawfully in charge of the property, in any criminal prosecutions arising out of any trespass notices or complaints described in this subsection.

(Ord. No. 99-83, 12-21-99; Ord. No. 02-53, 6-25-02, effective 7-1-02)

- **Sec. 16-41.3. - Acceptance of designation by chief of police required; other conditions.**

- (a) A designation of the chief of police and his or her designees as agent and a person lawfully in charge of the property becomes complete when the chief of police mails a written notification to the applicant that the application and power of attorney have been received, reviewed, and accepted, and the chief of police consents to being designated as a person lawfully in charge of the property for the purposes set forth in [section 16-41.1](#). The decision whether to accept any designation is solely within the discretion of the chief of police, who may base his or her decision on such factors as resource levels of the police department, and the proper allocation of those resources.
- (b) The chief of police may rescind his acceptance at any time, by mailing written notification of his rescission of acceptance to the applicant. The decision to rescind an acceptance of designation is solely within the discretion of the chief of police, who may base his or her decision on such factors as resource levels of the police department, and the proper allocation of those resources.
- (c) The chief of police and his designees will make reasonable efforts to issue no trespassing notices to persons specifically identified by the applicant.
- (d) The decision of whether to issue no trespassing notices to persons who have not been specifically identified by the applicant, but who are observed on the property by the chief of police or his or her designees are solely within the discretion of the chief of police and his or her designees.
- (e) The chief of police and his or her designees will provide written notification to the applicant whenever they give an oral or written no trespassing notice to a person, identifying the person with reasonable specificity.
- (f) The chief of police will maintain on file in the police department all applications and powers of attorney in cases in which he or she has accepted designation as "a person lawfully in charge of the property," as well as records of all no trespassing notices issued by employees of the police department acting in that capacity.

(Ord. No. 99-83, 12-21-99; Ord. No. 02-53, 6-25-02, effective 7-1-02)

- **Sec. 16-41.4. - Temporary or partial suspensions or rescissions of no trespassing notices.**

The property owner or applicant may temporarily or partially suspend, or rescind a notice of no trespassing issued by the chief of police or his or her designees to any person, provided that the property owner or applicant first provides a written notification to the chief of police of the temporary or partial suspension or rescission, and sufficiently identifying the person. If a trespassing notice is to be temporarily or partially suspended, the property owner or applicant must provide, in the written notice, a reasonably specific description of the times and circumstances under which the person is authorized to be on the property.

A property owner or other applicant considering a person's request to modify or rescind a no trespassing notice issued to him or her may request the chief of police or his or her designees to perform a local criminal record check. The chief of police may disclose the results of that local record check to the property owner for the property owner's purposes in considering the person's request for modification or rescission of the no trespassing notice.

(Ord. No. 99-83, 12-21-99; Ord. No. 02-53, 6-25-02, effective 7-1-02)