

## Criminal Trespass:

What to do if someone is on your private property without authorization to be there?



### Ask them to leave:

Have a representative of the property owner ask the individual to leave the property.

Proceed to Step 2 if the individual is acting in a manner where you believe they could be a threat to persons or property; or if the individual refuses to leave the property or leaves and later returns.



### Call 911. Then call Midtown Blue at (404) 817-0500

### There are four elements to Criminal Trespass under Georgia law:

1. The individual is on private property without authorization, whether inside or outside your premises
2. The individual is asked to leave by the owner of the property or the owner's agent\*
3. This request is made in the presence of an Atlanta police officer (Midtown Blue off-duty APD or on-duty APD)
4. Once an APD Officer arrives at your location they will take the individual's information and receive a case number related to the trespass warning.

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If the individual refuses to comply, or leaves and later returns at any time in the future, they will be arrested for Criminal Trespass if the owner wishes to press charges.

*\* If Midtown Blue has a current, signed Letter of Agency on file for your property, Midtown Blue civilian Public Safety Officers can legally act as your agent under Georgia law. Contact Midtown Blue to find out about our Letter of Agency program.*

## Criminal Trespass (cont'd)

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### Your responsibilities as a property owner:

- It is up to you or your agents to keep a record of all criminal trespass warnings on your premises for future use if the individual decides to return to the same property at a later date. This information consists of the case number and description of the individual and a photo if available.
- If the individual does return, call 911 first, then Midtown Blue. Advise the dispatcher that the individual has returned.
- When the APD officer arrives you must provide them with the previously documented criminal trespass warning.
- If you or your authorized agent tells the officer that they wish to press criminal trespass charges, the individual will be placed under arrest and taken into custody.
- Please note that if you wish to press charges you will be required to go to court and testify on behalf of the establishment.

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### Outside your premises – what's a public sidewalk vs. private property?

- A property owner can only enforce criminal trespass on their private property. (See our related fact-sheet, What constitutes unlawful conduct in the public sidewalk or right-of-way.)
- In urban districts like Midtown, with wide paved areas that extend from the building façade to the curb, the area that constitutes public right-of-way vs private property varies by corridor, and even by location along a corridor. In these situations, here are a couple of rules of thumb:
  1. Outdoor dining areas are on your private property
  2. The area immediately adjacent to your building facade will generally be your private property.
- If you look carefully, you may also see brass property line markers that have been embedded into the sidewalk, about the size of a silver dollar. These delineate your property line.