

Trespassing Notice Procedures

(To be provided to citizens desiring to ban trespassers)

The following steps should be taken by property owners desiring to ban trespassers from their property. To ensure that the Sheriff's Office can affect an arrest and that the Commonwealth's Attorney can successfully prosecute, each step should be completed as specified.

- ▶ Use attached sample letter as a guide. Ensure that it is signed by the property owner. Apartment tenants can only ban trespassing within their unit, not the apartment grounds. (Banishment from the grounds must be done by the owner of the apartment complex.)
- ▶ Mail the letter to the individual you wish to notify. The letter must be sent by certified Mail, return receipt requested. The letter may be hand delivered by you if you choose to do so.
- ▶ Save your copy of the receipt showing post office delivery. This receipt will be used in court proceedings. A copy of the letter and the receipt should be provided to the Sheriff's Office.
- ▶ The Sheriff's Office will maintain a list of the individuals that have been notified about trespassing.
- ▶ If a person you have notified returns to your property, you should direct them to leave. If they fail to do so, you should call the Dispatch Center at 540-727-7900 to have a Deputy respond.
- ▶ If the person leaves prior to the Deputies arrival, you may still seek to have the individual arrested and prosecuted. To do so, you will be required to appear before a Special Magistrate to obtain a warrant. The warrant will be served by Sheriff's Office or sent to another jurisdiction for service if necessary.
- ▶ You will be required to appear in court on the day of trial to testify.
- ▶ Notices will be valid for a period of one year. Should you desire to keep the notice in effect, a new letter must be sent, receipt obtained and copies provided to the Sheriff's Office in accordance with the above procedure.

Sample Letter

To Be Delivered by Hand or Registered Mail

(Insert Date)

(Insert Name of Recipient)

(Insert Address of Recipient)

Dear (Insert Name of Recipient):

Pursuant to section 18.2-119 of the Virginia State Code, this is to notify you that you are not permitted to enter the premises of or upon the property of **(Insert your name)**, identified as **(Address)**, including parking lots, grassy areas and sidewalks under any circumstances.

In the future, if you return to the property of **(Insert your name)** as identified above, even if you are accompanied or invited by a guest or other resident, you may be subject to arrest and criminal prosecution for Trespassing.

Trespassing is a misdemeanor offense as specified in the Virginia Code and is punishable by up to twelve months in jail and a fine of not more that \$2500, either or both.

A copy of this notice will also be sent to the Culpeper County Sheriff's Office.

Sincerely,

(Insert your Signature)

Notice to Stay Away

Date: _____

Name of Recipient: _____

Address of Recipient: _____

Dear: _____

Pursuant to section 18.2-119 of the Virginia State Code, this is to notify you that you are not permitted to enter the premises of or upon the property of _____, identified as _____, including parking lots, grassy areas and sidewalks under any circumstances.

In the future, if you return to the property of _____ as identified above, even if you are accompanied or invited by a guest or other resident, you may be subject to arrest and criminal prosecution for Trespassing.

Trespassing is a misdemeanor offense as specified in the Virginia Code and is punishable by up to twelve months in jail and a fine of not more than \$2500.00, either or both.

A copy of this notice will also be sent to the Culpeper County Sheriff's Office.

Sincerely,

Again, do not return to the property of _____,

Located at, _____.