

The Tucson Police Department maintains a Trespass Letter of Consent file to assist property owners in the handling of those discovered on their property without consent or permission.

This pamphlet provides general information about such trespass letters to inform property owners of the benefits to submitting a trespass letter of their own.

There is no single solution to crime. Programs such as this address potential crimes proactively. This unified effort works towards maintaining the safest communities possible.

What is a Trespass Letter of Consent?

A Trespass Letter of Consent is a document that allows a police officer to take enforcement action for trespassing on your behalf without first contacting you. Police officers do not normally have the authority to go onto private property that is not open to the public, and remove individuals or ask them to leave without the consent or authority of the property owner. If an officer observes someone on private property when the business is closed, or a problem is reported by someone who does not have the authority to sign a trespass complaint, the police department must contact the person who is legally responsible for the property before taking action to remove the person. A Trespass Letter of Consent gives Tucson Police Officers permission to act on behalf of the property owner or manager in trespass situations. Officers who observe trespassers on private property can address the problem immediately, rather than having to wait to contact the property owner or manager, if one can be located, or take no action at all.

What happens if you arrest someone based on my signed letter?

In some cases, officers are able to resolve trespass complaints without arresting anyone. However, there are situations where the officer has no choice, but to cite or arrest an offender. In those instances, you will be expected to be available for any resulting court action.

What is the law regarding trespass?

Generally, a person commits the offense of Trespass if the person enters or remains unlawfully in or upon premises when such premises is not open to the public; or the person fails to leave premises that are open to the public after being lawfully directed to do so by the property owner or manager. Refer to the A.R.S. Definition and Statutes on this brochure.

How do I put a letter on file?

A Trespass Letter may be submitted on line at: <http://www.tucsonaz.gov/police/crime-prevention/property-owners>. Alternatively, a Trespass Letter may be mailed to the Tucson Police Department. The letter should include the following: Property Address & description, Owner's Name & DOB, Contact Information, e-mail contact, alternate contact information as above, and any other pertinent information.

What else do I need to do?

In addition to your consent letter, your property should be posted with signs containing the following verbiage: 'No Trespassing' per ARS 13-1502. These signs should not include any language specific to loitering.

What happens next?

Should an officer respond to your property, the trespass file is available electronically for officers to determine if there is a current letter on file and take appropriate action.

What happens if I change my mind or sell my property?

If the status of your property changes in any way, we ask that you notify us as soon as possible and arrange for your trespass letter to be updated or removed from our files.

Tucson Police Department
270 S. Stone Ave.
Tucson, AZ 85701

Thank you for your interest in the TLC program.
For additional information, please contact
Your Community Resource Officer in your
respective Division.

Tucson Police Department



*Protect Your Property
with a
Trespass Letter of
Consent*

*"Quality Policing Through
Partnerships"*

Arizona Revised Statute – ARS 13-1501 Definitions

13-1501. Definitions

In this chapter, unless the context otherwise requires:

1. "Critical public service facility" means:

(a) A structure or fenced yard that is posted with signage indicating it is a felony to trespass or signage indicating high voltage or high pressure and is used by a rail, bus, air or other mass transit provider, a public or private utility, any municipal corporation, city, town or other political subdivision that is organized under state law and that generates, transmits, distributes or otherwise provides natural gas, liquefied petroleum gas, electricity or a combustible substance for a delivery system that is not a retail-only facility, a telecommunications carrier or telephone company, a municipal provider as defined in section 45-561, a law enforcement agency, a public or private fire department or an emergency medical service provider.

(b) A structure or fenced yard or any equipment or apparatus that is posted with signage indicating it is a felony to trespass or signage indicating high voltage or high pressure and is used to manufacture, extract, transport, distribute or store gas, including natural gas or liquefied petroleum gas, oil, electricity, water or hazardous materials, unless it is a retail-only facility.

2. "Enter or remain unlawfully" means an act of a person who enters or remains on premises when the person's intent for so entering or remaining is not licensed, authorized or otherwise privileged except when the entry is to commit theft of merchandise displayed for sale during normal business hours, when the premises are open to the public and when the person does not enter any unauthorized areas of the premises.

3. "Entry" means the intrusion of any part of any instrument or any part of a person's body inside the external boundaries of a structure or unit of real property.

4. "Fenced commercial yard" means a unit of real property that is surrounded completely by fences, walls, buildings or similar barriers, or any combination of fences, walls, buildings or similar barriers, and that is zoned for business operations or where livestock, produce or other commercial items are located.

5. "Fenced residential yard" means a unit of real property that immediately surrounds or is adjacent to a residential structure and that is enclosed by a fence, wall, building or similar barrier or any combination of fences, walls, buildings or similar barriers.

Arizona Revised Statute – ARS 13-1501 Trespassing

13-1502. Criminal trespass in the third degree; classification

A. A person commits criminal trespass in the third degree by:

1. Knowingly entering or remaining unlawfully on any real property after a reasonable request to leave by a law enforcement officer, the owner or any other person having lawful control over such property, or reasonable notice prohibiting entry.

2. Knowingly entering or remaining unlawfully on the right-of-way for tracks, or the storage or switching yards or rolling stock of a railroad company.

B. Pursuant to subsection A, paragraph 1 of this section, a request to leave by a law enforcement officer acting at the request of the owner of the property or any other person having lawful control over the property has the same legal effect as a request made by the property owner or other person having lawful control of the property.

C. Criminal trespass in the third degree is a class 3 misdemeanor.

13-1503. Criminal trespass in the second degree; classification

A. A person commits criminal trespass in the second degree by knowingly entering or remaining unlawfully in or on any nonresidential structure or in any fenced commercial yard.

B. Criminal trespass in the second degree is a class 2 misdemeanor.

13-1504. Criminal trespass in the first degree; classification

A. A person commits criminal trespass in the first degree by knowingly:

1. Entering or remaining unlawfully in or on a residential structure.

2. Entering or remaining unlawfully in a fenced residential yard.

3. Entering any residential yard and, without lawful authority, looking into the residential structure thereon in reckless disregard of infringing on the inhabitant's right of privacy.

4. Entering unlawfully on real property that is subject to a valid mineral claim or lease with the intent to hold, work, take or explore for minerals on the claim or lease.

5. Entering or remaining unlawfully on the property of another and burning, defacing, mutilating or otherwise desecrating a religious symbol or other religious property of another without the express permission of the owner of the property.

6. Entering or remaining unlawfully in or on a critical public service facility.

B. Criminal trespass in the first degree under subsection A, paragraph 1, 5 or 6 is a class 6 felony. Criminal trespass in the first degree under subsection A, paragraph 2, 3 or 4 is a class 1 misdemeanor.

6. "Fenced yard" means a unit of real property that is surrounded by fences, walls, buildings or similar barriers or any combination of fences, walls, buildings or similar barriers.

7. "In the course of committing" means any acts that are performed by an intruder from the moment of entry to and including flight from the scene of a crime.

8. "Manipulation key" means a key, device or instrument, other than a key that is designed to operate a specific lock, that can be variably positioned and manipulated in a vehicle keyway to operate a lock or cylinder, including a wiggle key, jiggle key or rocker key.

9. "Master key" means a key that operates all the keyed locks or cylinders in a similar type or group of locks.

10. "Nonresidential structure" means any structure other than a residential structure and includes a retail establishment.

11. "Residential structure" means any structure, movable or immovable, permanent or temporary, that is adapted for both human residence and lodging whether occupied or not.

12. "Structure" means any vending machine or any building, object, vehicle, railroad car or place with sides and a floor that is separately securable from any other structure attached to it and that is used for lodging, business, transportation, recreation or storage.

13. "Vending machine" means a machine that dispenses merchandise or service through the means of currency, coin, token, credit card or other nonpersonal means of accepting payment for merchandise or service received.