



Departmental Memorandum

Volume 26-03

To: All Uniformed Personnel

Zachary Bales, Interim Chief of Police

From: Captain of Administrative Services, Clayton Buchanan

Service of SPD 114 - Notice of Trespass

8/26/2026

The purpose of this memorandum is to provide officers guidance regarding the circumstances under which an officer may issue an SPD Form 114 (Notice of Trespass). SPD Form 114 is considered a "civil trespass warning" and therefore not criminal in nature.

Subject Off the Premises Upon Officers Arrival

- **No Detentions Solely to Serve SPD 114:** Serving an SPD 114 is a civil warning, not a crime. Officers cannot detain someone off premises just to serve an SPD 114 without independent legal cause (e.g., reasonable suspicion, probable cause, warrant, or consent).
- **Property Owner Requests Do Not Authorize Detention:** Even if a property owner or agent specifically asks an officer to issue an SPD 114, officers cannot detain a subject unless independent legal justification exists. Detaining someone solely to fulfill an owner's request to issue the SPD 114 is an unlawful detention and a Fourth Amendment violation.
- **Do Not Prolong Stops** (*Rodriguez v. United States* (2015) 575 U.S. 348): Officers must end a detention as soon as its original purpose is complete. Do not delay or extend a stop solely to prepare or issue an SPD 114.
- **Enforcing Prior Notices:** If a subject was previously served an SPD 114 for a property, officers may detain and take enforcement action for trespass if probable cause exists for a new violation, or if the property owner requests a private person's arrest based on the prior notice and recent violation.
- **Consensual Contacts Are Permitted:** Officers may approach a person off premises to speak with them or request to serve an SPD 114 on a consensual basis, provided the person understands they are free to decline or walk away, and officers do not use commands or physical authority to compel them to stay.

Subject On the Premises Upon Officers Arrival

- **Presence Alone Is Not Trespass:** Merely being on a property does not justify detention. Detaining someone on-site requires reasonable suspicion of a crime. Without it, contacts must remain strictly consensual.
- **Refusal to Leave Creates Probable Cause:** Refusing to leave after receiving proper notice in an officer's presence provides reasonable suspicion to detain and probable cause to cite or arrest for trespass.
- **Prior SPD 114 on File:** If an SPD 114 was previously served to the subject, officers may detain and take enforcement action if they observe the violation or if the property owner/agent requests a private person's arrest.

The Sacramento Police Department (SPD) is in the process of updating General Order 538.02 (Trespass Violations). The contents of this memorandum are effective immediately and shall expire upon the next publication of GO 538.02.

Please direct any questions regarding this memorandum to the Professional Standards Unit.