



BANNING AND TRESPASSING POLICY

Purpose

It is the policy of the Cumberland Housing Group to ensure the safety, security and welfare of all legitimate residents and staff on all Cumberland Housing Group properties. The purpose of this policy is to describe the actions to be taken to ban, arrest/or prosecute individuals who cannot legally claim residence or entitlement to the Cumberland Housing Group properties or who do not have legitimate reasons and/or permission for access to housing premises.

Applicability

This policy is applicable to law enforcement, security patrol personnel, the Cumberland Housing Group staff and other individuals authorized to control activities on Cumberland Housing properties.

Offenses Considered for No Trespass Action

In order to ban individuals from the Cumberland Housing Group properties, the following offenses are to be considered when issuing the No Trespass Letter:

1. Persons arrested for drug or criminal activity on the Cumberland Housing Group properties;
2. Non-residents arrested for drug or criminal activity, on or off the Cumberland Housing Group properties and give a Cumberland Housing Group address;
3. Assault on a Cumberland Housing Group Employee;
4. Numerous disturbances on Cumberland Housing Group Property;
5. Registered Sex Offenders;
6. Persons who pose a threat to the health and safety of Cumberland Housing Group Communities including but not limited to the following:
 - a. Suspected or actual criminal activity, including drug-trafficking, drug use and/or possession, damaging Cumberland Housing Group property;
 - b. Loitering in common areas or on other Cumberland Housing Group properties;
 - c. Acting as a lookout or facilitator for drug-related or any criminal activities;
 - d. Consumption of alcoholic beverages on Cumberland Housing Group properties;

- e. Obstructing or interfering with police or Cumberland Housing Group staff in the performance of their duties;
- f. Has a history of or is acting in a manner so as to disturb the safety and well-being of residents, staff, police and others.

These conditions apply to legitimate guests of residents as well, with the added condition that no guests who have been convicted for serious criminal or drug-related activities on Cumberland Housing Group properties in the past are permitted to be on any Cumberland Housing Group site, even as a legitimate guest of the resident.

Documentation Used To Make Determination

1. Information regarding CDS arrests and activities are received;
2. Court Documents that are requested or police reports received for persons arrested on the Cumberland Housing Group property or persons who incorrectly give an Cumberland Housing Group address;
3. Security computer reports are generated of the person and/or address involved in the CDS activity or other occurrence that is being investigated;
4. Resident files are reviewed and all supporting documentation obtained;
5. Printouts of Sex Offender Registry records;
6. Police Reports or Event Listings.

Procedure

1. If an Notice to Quit has been issued to a household where a non-resident was arrested for drug or criminal activity and gave a Cumberland Housing Group address, a part of the informal conference may include issuing the non-resident a No Trespass Letter.
2. If disturbances are occurring at a particular household, the person involved is advised of the problem and what actions they are to take. For domestic problems they are advised to go to the Commissioner's Office and file a complaint. The resident can issue a No Trespass Letter to the person who is the problem; get an ex-parte, or a Letter of No-Contact.
3. No Trespass letters issued by the Cumberland Housing Group are served by Cumberland Housing Group employees, a processing company, or a Cumberland Police Department Officer.
4. All letters are to be personally served. If the person receiving the letter refuses to sign, this should be documented for the file.
5. A listing of all persons served a No Trespass Letter is maintained and updated copies given to:

- a. Cumberland City Police;
 - b. 911 Communications Center;
 - c. Security Patrol Officers;
 - d. Applicable staff members;
 - e. Any agency requesting a copy;
 - f. Posted in each management office for public viewing.
6. A file is kept for each person placed on the No Trespass List and is maintained with all documentation for either court or inquiries.
 7. Each case is discussed and decided on a case by case basis.

No Trespass Letters

All persons banned from Cumberland Housing Group property will be given original copies of a letter banning them from specific or all properties. The letter will include:

1. the full name and address of the offender;
2. a description of the individual, including birth date, social security number, driver's license or other special identification;
3. the date, time and place that the person was encountered for the offense;
4. the development or location on which the incident occurred;
5. the reason(s) for issuing a No Trespass Letter;
6. the date the letter is given to the individual; and
7. the signature of the officer or staff person issuing the letter.

Trespass Enforcement

Individuals on the Cumberland Housing Group ban list can be arrested for trespassing on Cumberland Housing Group properties at any time if observed on the property while the ban is in effect. Arrests may be affected: 1) immediately by the police when observed on property; 2) via warrant if observed on property by personnel without arrest powers.

Procedure to be Removed from Banning List

A person receiving a No Trespass Letter banning them from the Cumberland Housing Group properties may request to be removed from the list through the following steps.

1. A period of twelve (12) months from the date that the No Trespass Letter was effective must have passed.

2. A request to be removed from the banning list must be submitted in writing to the Director of Property Management and stating why the person requesting to be removed from the list wants back on the Cumberland Housing Group property.
3. That person must agree to sign a release of information form allowing the Cumberland Housing Group to perform a criminal history background check. A criminal history background check will then be performed by the Cumberland Housing Group staff and the requesting person must meet the same requirements as that of a new applicant.
4. If the request is approved, the person will be allowed on Cumberland Housing Group property to visit friends or relatives and placed on probation for six months. After six months, if there have been no problems, the person can apply for housing or to be added to someone's lease.
5. If the person is involved in any incidents after being allowed back on Cumberland Housing Group properties, the person will be banned once again from Cumberland Housing Group properties.
6. If there are no further incidents after six months, the banning will be lifted. The Chief Executive Officer will make this decision after conferring with the Director of Property Management and the Security Patrol Supervisor.