

NORTH WILKESBORO HOUSING AUTHORITY

Trespass List Procedure And Appeals Process

PURPOSE:

To provide a methodology for placing individuals on the North Wilkesboro Housing Authority (NWA) Trespass List and to provide for an appeals process for individuals who wish to have their names removed from this list.

AUTHORIZED AGENTS:

The NWA (Executive Staff) Housing Authority, NWA Community Police Officer(s), and the North Wilkesboro Police Department.

GENERAL INFORMATION:

The NWA has an agreement with the North Wilkesboro Police Department, by which the North Wilkesboro Police Department officers have authority from NWA to act on its behalf to notify individuals not to trespass on its property if these individuals have been determined to pose a threat to the health, safety, and general welfare of the residents that NWA serves. Individuals so notified are advised that they may be subject to arrest for trespassing if they do not adhere to the notice not to trespass. The following criteria are established to ensure a uniform approach to violations arising from a trespass notice.

TRESPASS LIST PROCEDURES:

The process for notifying individuals not to return to NWA property:

1. Individuals who have committed crimes or other acts which constitute a threat to the health, safety, or general welfare of the residents of NWA communities are identified by the Community Police Officer(s) and NWA management staff, principally NWA Executive Director. Such individuals are issued a verbal or written notice not to trespass on NWA property in the future. Commonly referred to as a trespass notice. This notice will be issued by the Executive Director.
2. When a trespass notice is issued to nonresidents, the notice will be mailed to the last known address and Notification of Banned Person letter is sent to the resident the nonresident was visiting. Notices are given verbally by

the Community Police Officer(s), North Wilkesboro Police Department Officers, and NWA management staff.

3. Housing Management will inform all new move-ins of the trespass list. The new resident will be given a copy of the Trespass List during their orientation. If a banned person is later found on the property visiting a resident then the resident will be sent the notification of Banned Person letter and a copy placed in their file.
4. In the instances in which a Trespass notice is issued to former residents who have been evicted, the NWA staff and the Community Police Officer(s) will work jointly to serve a formal written notice. The trespass notice served on former residents will primarily be because of their participation in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of NWA public housing premises by other residents or employees of NWA, or because of their involvement in any drug-related criminal activity on or off such premises.
5. All NWA representatives who have authority to serve trespass notices must advise all individuals so served that they have the right to appeal such notice after six months. Individuals should be advised to contact the Office of the Housing Manager, 101 Hickory Street, to file such an appeal.
6. After an individual has been advised not to trespass on NWA property they will document the name, race, sex, DOB, date, time, and reason why an individual was told not to enter onto NWA property. The Community Police Officer(s) will document this information on a NWA Incident Form. This Incident Report will also be coded with the appropriate codes.

The Community Police Officer(s) will forward, within 48 hours, a copy of the documenting NWA Incident report (attachment 1) to the NWA Housing Manager. The NWA Housing Manager will forward the NWA incident reports along with any comments on each to the Executive Director. The Incident Reports will be reviewed along with the comments from the Housing Manager. After review, if it is determined from the incident reports that an individual needs to be removed from the Trespass list, the Executive Director will follow the trespass appeals committee review as outlined in this procedure.

The Community Police Officer will submit to the Executive Director, by the last Friday of each month, the incident reports which document the names of subjects prohibited from NWA property. The Executive Director will have these names added to the trespass list. After adding the names, the Executive Director will forward to the community Police Officer(s), North Wilkesboro Police Department, Resident Advisory Council Chairman, and the Drug Elimination Coordinator a copy of the updated Trespass List. It will be the responsibility of the Drug Elimination Coordinator to distribute copies of the list.

APPEALS PROCESS

GENERAL INFORMATION:

The NWA and North Wilkesboro Police Department recognizes that circumstances may change for individuals that could warrant the person being able to return to NWA property. The NWA and the North Wilkesboro Police Department encourage individuals proving themselves worthy of having their names removed from the Trespass List to appeal, after a six-month period.

The Process for being removed from the Trespass List:

1. Residents who wish to have a person removed from the Trespass List may do so by filing an application (attachment 2) with NWA at 101 Hickory Street in the office of the Housing Manager. This process is applicable for any resident who wants to remove a person who is on the trespass List for at least six months. In doing so, the resident/applicant must provide a criminal history records check with their application. If applicable, a report from a Probation or Parole officer must also be submitted.
2. A panel consisting of the Executive Director, Housing Manager, Resident Advisory Council Chairman, and the Community Police Officer(s), will meet to review all such applications as needed.
3. The panel will review applications on a case-by-case basis. It shall be the authority of the panel to interview applicants in person. The resident requesting the applicant be removed from the Trespass List must be present at the meeting. For those individuals who have been arrested and convicted of a crime, after they have completed their Probationary, Parole or Community service periods and have had clear record for the following listed periods, they may be considered by the panel for removal from the trespass List.

Drugs – Possession

Misdemeanor----- 1 year

Felony----- Indefinitely

Drugs – Intent to Sell

Misdemeanor----- 1 year

Felony----- Indefinitely

Murder – Completion of Parole Period-----

2 years beyond
Completion date

Assault

Misdemeanor----- 1 year

Felony-----	3 years
Trespassing – Injury to Property-----	1 year
Larceny-----	1 year
Breaking and Entering-----	1 year

For individuals who have been placed on the Trespass List for reasons not resulting from an arrest or conviction, those individuals may have a review of their status at a six-month period after the Ban commenced if a resident makes application for the appeal.

4. The panel will render a written decision on all applications as needed and forward that decision to each resident/ applicant. A central file will be maintained by the Housing Manager. The decision of the panel is final.
5. If an application results in an individual’s name being approved for removal from the Trespass List, it shall be the responsibility of the NWA to ensure that the individual’s name is physically removed from this list.

NORTH WILKESBORO HOUSING AUTHORITY

Application Request To Be Removed From Trespass List

Please Type or print.

Name: _____

Nickname: _____

Address: _____

Probation Officer: _____

Telephone: _____

Date of Birth: _____

Race/Sex: _____/_____

Resident Requesting Removal of Trespass:

Name: _____

Address: _____

Social Security #: _____

Date Notified not to Trespass: _____

By Whom _____

NWHA Community in which Trespass Notice issued: _____

Reason Notified not to Trespass: _____

The applicant/resident should provide in the space below a written statement as to the reasons he/she should be removed from the Trespass List. Additional pages may be added if necessary. Probation/Parole reports as well as criminal history reports for each applicant must be attached.

APPLICATION ONLY – NOT APPROVAL

NORTH WILKESBORO HOUSING AUTHORITY

INCIDENT REPORT

The following person has []/has not [] been notified verbally that they are not to enter onto one or more of the properties owned and/or managed by the North Wilkesboro Housing Authority.

Date: _____

Time: _____

Name: _____

Nickname: _____

Address: _____

Telephone: _____

Date of Birth: _____

Race/Sex: _____/_____

Reason for Action: _____
