

## Frequently Asked Questions: Retail Property Trespassing Problems

**Q: I manage a retail store and have unwanted people on my property during business hours. I have told the trespassers that they are not welcome on my property – can I file a Trespass Authorization Letter, and if not, what can I do?**

**A:** The Trespass Authorization letter can only be used for properties “not open to the general public” so during business hours Penal Code Section 602(o) does not apply. Once the business is closed and is posted as closed, however, the letter can be used.

**Q: What can I do about people causing a disturbance or interfering with my business?**

**A:** If an unwanted person is causing a disturbance and is interfering with your business, he or she may be violating Penal Code Section 602.1(a). If a person is violating Section 602.1(a), a police officer may issue that person a misdemeanor citation (ticket). Specifically, Section 602.1(a) states: **“Any person who intentionally interferes with any lawful business or occupation carried on by the owner or agent of a business establishment open to the public, by obstructing or intimidating those attempting to carry on business, or their customers, and who refuses to leave the premises of the business establishment after being requested to leave by the owner or the owner's agent, or by a peace officer acting at the request of the owner or owner's agent, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine.”** (Penal Code Section 602.1 does not apply to union or free speech activities.)

If you are a store owner or manager who is having a problem with a trespasser **who is interfering with your business during business hours by obstructing or intimidating customers**, ask the person to leave the premises. Tell the person you are going to call the police if the person does not leave. If the person still refuses to leave the premises, you can call the police non-emergency number (619-691-5151) for assistance.

**Q: What can I do if there is a specific person who continually causes problems at my property?**

**A:** The Trespass Authorization Letter is not designed for use against a specific party – it is intended to be enforced against any and every trespassing person.

Regardless, you should document all the problems this person is causing at your property as it could be helpful in a criminal or civil lawsuit.

You may also consider filing a civil restraining order against the person if he or she is harassing or threatening you. Please see this link for information regarding this process: [San Diego Superior Court](#)

**Q: I still have questions - who should I contact?**

**A:** Please contact [Angela Gaines](#).