

Ban and Bar

The Omaha Police Department will assist property owners in removing disruptive or criminal individuals from their property. In some circumstances, property owners have repeated problems with the same individuals. This interferes with the property owner's right to enjoy the property or conduct business on that property.

Using existing criminal trespass laws, the Police Department will make arrests of trespassers who return to the property. To prove trespass, it is sometimes necessary to issue a ban and bar notice to specific individuals. This proves that the individuals had notice that they could not return to the property, and provides documentation as to who witnessed the ban and bar issued.

Documentation Process

We recommend that you use this ban and bar power sparingly, focusing on individuals who are repeat troublemakers. (In the documentation process, the words "property owner" may also be read as "agent of the property owner" or "property manager.")

If you wish to ban a person from your properties, the Police Department will assist you in the following ways:

1. The Police Department will stand by and keep the peace while you issue a ban and bar letter to a specific individual. If that person is trespassing on your property, the Police Department will assist you in identifying that person so that he or she can be banned. The Police Department has no legal standing to issue the Ban for you.
2. The Police Department will arrest trespassers who return to your property. This can be accomplished either by direct physical arrest, or else the police officer will help you through the warrant process.
3. The first part of the process is called the "**Notice of Ban and Bar**" (attached), which is a letter issued to the subjects by the property owner, advising them that they are not to enter specific property. The specific property is detailed in the letter so there is no doubt as to the location.
4. The second part of the Ban and Bar Process is called the "**Report on the Issuance of Ban and Bar Letter**" (attached). This part describes the circumstances under which the subject was banned. It states a specific violation, who was present and witnessed the ban and bar (the officers and their serial numbers), who the owner was that issued the ban and bar (proving authority to issue a criminal trespass notice), and the date and time. It is the responsibility of the property owner to maintain copies of the ban and bar forms and to provide those copies to the Police Department if the trespasser should return at a later time.
5. Should the subjects return to the property from which they have been banned and barred, they can be arrested on this property by a police officer. The officer would be responsible for preparing a crime report and for obtaining copies of the ban and bar documents.
6. If the subject has left the property and the owner wishes to prosecute by obtaining a warrant, the officer will make a crime report. It is then the responsibility of the property owner to get a warrant for the offender. The officer will provide instruction on that process.

If you have any questions, please call:
Omaha Police Business Watch Office (402) 444-6518

Notice of Trespass (Ban & Bar Letter)

To: _____
(Trespasser's Name)

This property: _____
is restricted. It is solely for the use of persons authorized by _____

You are not so authorized.

You are directed to leave this property. Furthermore, you are banned from the premises and barred from returning or attempting to return in the future except with the express written permission of the owner. If you fail to comply with any of these demands, you will be prosecuted as a trespasser.

Date the Ban & Bar expires (optional): _____

By: _____

Printed Name: _____

Title: _____

I HANDED A COPY OF THIS NOTICE TO THE ABOVE NAMED PERSON ON THE

_____ Day of _____, 20____ at _____ o'clock ____ .M.

(Signature)

I am in receipt of the above notice:

(Name)

(Address)

One copy goes to the trespasser. Keep a copy for your files.

Report on the Issuance of Ban and Bar Letter

The undersigned gave a Ban and Bar Letter to _____
as follows:

1. Name of property: _____
2. Description of property or street address: _____
3. Today's date & time: _____
4. Ending date (optional): _____
5. Reason(s) for the Ban and Bar Letter:

6. Reason the trespasser gave for being on the property, if any:

7. Did the trespasser sign a copy of the Ban and Bar Letter? Yes No
8. Name(s) and serial number(s) of police officer(s) present:

9. Was a police report made? Yes No If yes, what is the RB#: _____
10. Names and addresses of other witnesses present (if any):

11. Physical description of trespasser:
Date of birth: _____ Height: _____ Weight: _____
Sex: _____ Eyes: _____ Hair: _____
Physical identifiers: _____ Street name and/or alias:

12. Address given by trespasser (if any): _____

Attach a photo if possible. Keep a copy of the Ban and Bar Letter and this report readily available. The

Police Department will not keep these reports on file.

Signature of Person Making Report