


# City of Alpharetta Department of Public Safety

## 02-58 Trespassing Notices in Public Spaces

Distribution: All Police Personnel	Date Issued: July 18, 2024	Date Revised: N/A	Date Effective: July 18, 2024
Review Date: Annually			Authorized by: 

**PURPOSE:** To ensure that police department members do not violate the First Amendment rights of citizens to engage in protected speech in public spaces.

**POLICY:** It is the policy of the Alpharetta Department of Public Safety to respect and protect the First Amendment rights of members of the public to engage in protected speech in public spaces.

**DEFINITIONS:** **Trespass notice:** A notice, oral or written, that prohibits or warns someone from remaining on or returning to particular property.

**Traditional public forum:** A place that, by tradition or by law, has been devoted to assembly or debate. Traditional public fora include streets, parks, and public sidewalks.

**Designated or limited public forum:** A place that has been opened up, by the City of Alpharetta or another government actor, for the purpose of expressive activity by the public or a designated class of speakers. Designated public fora include, for example, but are not limited to, meetings open to public comment or meeting rooms open to public use.

**Time, place, and manner restrictions:** These restrictions define when, where, and how a speaker may present a message. For example, while it may be permissible to shout “Stop the war!” or “Support our troops!” at noon in a public park, law-enforcement officers may be able to prevent someone from shouting the same speech in front of a residence at 3:00 AM. Time, place, and manner restrictions must, however, be “reasonable,” which means they must be necessary to serve an important government interest. Valid time, place, and manner restrictions must not be based on the content or viewpoint of the speech.

### I. PROCEDURES (02-58-01)

- A. All trespass notices will be in writing. Oral trespass orders are not permitted and constitute a violation of this policy, unless providing a written order would pose a substantial risk of physical injury to the officer or other individuals.

- B.** Officers will not issue written trespass notices to members of the public barring them from traditional, designated, or limited public forums, such as public streets, sidewalks, parks, or the areas of government buildings open to the public.
- C.** This policy does not prohibit an officer from enforcing content- and viewpoint-neutral ordinances, regulations, or rules, including reasonable time, place, or manner regulations. These include, by way of example, limits on the hours of operation of a given space.

**II. ENFORCEMENT (02-58-02)**

- A.** Sustained violations of this policy will result in disciplinary actions up to and including termination of employment. The first violation will result in counseling or a written warning; subsequent violations will result in more serious discipline.

**III. REFERENCES (02-58-03)**

Directives:

GACPSAP:

CALEA: