



Thurston County Sheriff's Office  
Request to Remove Trespasser(s)  
Citizen Instruction Sheet

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**You are advised that the following information is intended to provide guidance to determine whether you will be able to utilize changes to RCW's 9A.53 and 4.24, which upon receipt of a declaration signed under penalty of perjury declaring the truth of all of the required elements give a deputy the authority to:**

- Remove the occupant(s) from the premises, with or without arresting the occupant(s).
- Order the occupant(s) to remain off the premises or be subject to arrest for criminal trespass.
- Only a deputy having probable cause to believe that a person is guilty of criminal trespass under RCW 9A.52.070, Criminal Trespass 1<sup>st</sup> degree for knowingly entering or remaining unlawfully in a building considered residential real property, as defined in RCW 61.24.005, has the authority and discretion to make an arrest or exclude anyone under penalty of criminal trespass.
- While a deputy can take into account a declaration from the property owner signed under penalty of perjury containing all of the required elements and in the form prescribed in the act, the deputy must provide the occupant(s) on the premises with a reasonable opportunity to secure and present any credible evidence showing that the occupant(s) are tenant(s), legal occupant(s), or the guest(s) or invite(es) of tenant(s) or legal occupant(s).

**If you have any questions about your rights under the amended statutes, please consult an attorney.**

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**In order for the Thurston County Sheriff's Office to assist you in utilizing the law change ALL of the following must be true:**

- 1) You are the owner or authorized representative of the owner of the residential real property: Property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit. (RCW 61.24.005).
- 2) The occupant(s) have entered or remained unlawfully on the premises.
- 3) The occupant(s) were not authorized to enter or remain.
- 4) The occupant(s) are not tenant(s) and have not been tenant(s), or homeowner(s) who have been of title, within the last twelve months on the property.
- 5) The owner demanded that the occupant(s) vacate the premises but they haven't.
- 6) The premises were not abandoned when the occupant(s) entered.
- 7) The premises were not open to the public.
- 8) The owner knows that the occupants can sue if the owner makes false statements.
- 9) The owner understands the requirements in the landlord tenant law against taking or detaining an occupant(s) personal property or removing or excluding occupant(s) from a dwelling without a court order.
- 10) The owner agrees to indemnify and hold harmless law enforcement for any action or omission law enforcement takes in good faith.



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## Important Considerations:

The premises in question must be either a single family residence, a residential condominium, or a residential cooperative unit as defined in RCW 61.24.005 in order for this act to apply.

You will be required to complete the Thurston County Sheriff's Office Request to Remove Trespasser(s) Declaration Form.

A declarant of premises who falsely swears on the declaration form may be guilty of false swearing under RCW 9A.72.040 or of making a false or misleading statement to a public servant under RCW 9A.76.175, both of which are gross misdemeanors.

The deputy must provide the occupant(s) on the premises with a reasonable opportunity to secure and present any credible evidence showing that the occupant(s) are tenant(s), legal occupant(s), or the guest(s) or invite(es) of tenant(s) or legal occupant(s).

Only after evaluating all of the information provided and determining that there is probable cause to believe that the occupant(s) are guilty of Criminal Trespass 1st degree under RCW 9A.52.070, for knowingly entering and remaining unlawfully in a building considered residential real property as defined in RCW 61.24.005 does the deputy have the authority and discretion to make an arrest or exclude anyone under penalty of criminal trespass.

## What Next:

Go to [www.co.thurston.wa.us/sheriff](http://www.co.thurston.wa.us/sheriff) and print and complete the Thurston County Sheriff's Office Request to Remove Trespasser(s) Declaration Form.

**Do not** sign and date the form until the deputy is present.

Call Non-Emergency Dispatch at (360) 704-2740 and request to speak with a deputy.

When a deputy calls you, explain that you are requesting the assistance in removing unauthorized occupant(s) from residential real property and that you have completed the Thurston County Request to Remove Trespasser(s) Declaration Form.

The deputy will meet you, conduct an investigation to determine if the occupant(s) can be legally removed from your property under this process.

