

# Police Department

ROBERT A. BREEN  
CHIEF OF POLICE



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TOWN OF NEW CASTLE  
200 S. GREELEY AVE.  
CHAPPAQUA, NEW YORK 10514

May 2002

Old Farm Lake Community Association  
c/o Anker Management Corp.  
45 Knollwood Road  
Elmsford, New York 10523

Dear Sir or Madam:

For the past several years I have distributed the attached which explains the liability exposure posed to clubs, associations and the New Castle Police Department by after-hours trespassers, and also summarizes our trespass arrest policy. With the 2002 swim season soon approaching, I am writing to local clubs and homeowner associations asking them to consider filing a letter of trespasser arrest authorization with our department.

I request that you once again discuss this matter with your Board members and advise us of your decision. Thank you again for your cooperation in this matter of mutual concern.

Very truly yours,

A handwritten signature in black ink that reads "Robert A. Breen".

RAB:gs  
Attachment

ROBERT A. BREEN  
Chief of Police

After-hours trespassers pose a serious liability exposure to both your club and the New Castle Police Department. An example of your club's liability would be a trespassing youth drowning in your pool. An example of the police department's liability would be arresting a trespassing youth who ultimately had permission to be on club grounds after hours. A letter of trespasser arrest authorization to this department would considerably limit both liability exposures.

Arresting the youth of this community may sound harsh, but I assure you the process is not what one might imagine. An arrest for simple Trespass would involve the following: a youth (sixteen years of age or older) found trespassing on club grounds after hours would be transported to police headquarters and issued an appearance ticket. The youth would appear in Town Court on a specific date to answer to the charge of simple Trespass (a violation that does not invoke a permanent record for the violator). A police officer would transport a youth (under the age of sixteen) to their home or police headquarters depending on the location of the youth's parents. If the parents are not available, we might ask a friend of the family to take custody of the youth until the parents return home. Our Youth Officer would follow up with the parents. A youth involved in this process would get the message that the club will not tolerate such conduct.

At the present time, without authorization to arrest, we only take names and refer the matter to club authorities. If the club does not pursue the matter, the message is that trespassing after hours is "no big thing" and the conduct continues. The result might be the above described liability exposure for the club citing tacit approval of the conduct by not taking measures to correct the problem.

Either by routine checks or residents calling complaining about noise at a club, our patrols check the clubs during the late night hours. Many times it is club members or club staff claiming they have permission to be at the club. If it is the club's policy to allow after-hours activities by staff or members, knowledge of the policy is necessary. Either way, a letter informing us of the club's policy regarding the prosecution of trespassers would make the protection of club property less complicated.

Please discuss this matter with your Board members and let me know your decision. Thank you for your continued cooperation.