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# Trespass Enforcement Mistakes Under PC 602 and Vehicle Code 22658

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Guards enforcing trespass under Penal Code 602 or ordering tows under Vehicle Code 22658 most often run into trouble by acting without proper prior authorization, posted signage, or documentation, not by misunderstanding the underlying law. The safer default in ambiguous situations is to document thoroughly and involve property management or police rather than act unilaterally.

## Where trespass enforcement goes wrong

Penal Code section 602 covers various forms of trespass, and enforcing it properly generally requires either a clear property right to exclude, proper prior notice such as posted signage, or specific authorization from an owner or manager to act on their behalf.

A common mistake is a guard personally deciding someone is trespassing and taking action without confirming current authorization from the property owner or manager, particularly in situations involving shared or ambiguous property lines, invited guests, or former tenants and employees.

Vehicle Code section 22658 governs private property towing and has its own specific requirements, including proper signage and, in most cases, authorization from the property owner or an authorized agent before a tow is ordered.

## Enforcement mistakes and safer alternatives

| Common mistake                                                                  | Why it creates risk                                                                                                               | Safer documentation-first approach                                                               |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Ordering a tow without current signage or written authorization                 | Vehicle Code 22658 has specific procedural requirements that, if unmet, can expose the property and provider to claims            | Confirm signage and written authorization are current before contacting a tow company            |
| Personally deciding someone is trespassing without checking authorization lists | Removing an invited guest or someone with a legitimate reason to be present creates false imprisonment or trespass-claim exposure | Check with property management or a current access list before acting                            |
| Escalating verbally instead of documenting and calling police                   | Confrontations can turn into use-of-force or defamation exposure                                                                  | Note the person, time, and behavior, and let police make the trespass determination when unclear |

| Common mistake                         | Why it creates risk                                                        | Safer documentation-first approach                                      |
|----------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------|
| No signage or inconsistent enforcement | Selective or unposted enforcement undermines the legal basis for exclusion | Keep signage current and enforce consistently across similar situations |

## Documentation habits that reduce exposure

- Photograph posted no-trespassing and towing signage periodically to show it was current on the date of an incident
- Keep a written log of who is authorized to approve tows or trespass removals for each property
- Record the specific facts observed, including time, description, and behavior, rather than conclusions like 'was trespassing'
- When in doubt about authorization or status, contact property management or police rather than acting alone

## Research and education only

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## Quick answers

### Can a security guard order a tow on their own authority?

Generally no; Vehicle Code 22658 requires proper signage and, typically, authorization from the property owner or an authorized agent.

### What should a guard do if it's unclear whether someone is trespassing?

Document the observed facts and involve property management or police rather than making a unilateral determination.

### Does posted signage matter for trespass enforcement?

Yes, current and visible signage is often central to establishing that entry was properly restricted.

### What is the biggest documentation gap in these disputes?

Failing to show signage was current and authorization was in place at the time of the specific incident.

## Primary sources — read the official text

|                        |                                    |                                                                                                                                                                                             |
|------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Penal Code Section 602 | California Legislative Information | <a href="https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&amp;sectionNum=602">https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&amp;sectionNum=602</a> |
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|-----------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Vehicle Code Section 22658  | California Legislative Information | <a href="https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&amp;sectionNum=22658">https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&amp;sectionNum=22658</a> |
| Penal Code Section 602.1    | California Legislative Information | <a href="https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&amp;sectionNum=602.1">https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&amp;sectionNum=602.1</a> |
| California Courts Self-Help | Judicial Council of California     | <a href="https://www.courts.ca.gov/selfhelp.htm">https://www.courts.ca.gov/selfhelp.htm</a>                                                                                                                             |

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