

**THE UNIVERSITY OF MICHIGAN
DEPARTMENT OF PUBLIC SAFETY**

POLICY AND PROCEDURAL ORDER

SUBJECT 5.55 Trespass		
CALEA REF. None	EFFECTIVE DATE 12/12/00	REVISED DATE 6/29/09
APPROVED BY Chief Kenneth Magee		

I. PURPOSE

The purpose of this policy is to establish warning and enforcement guidelines for use of the Michigan Trespass Statute.

II. POLICY

For the protection of the University community and property and to reduce disruption of University's activities and functions, it is sometimes necessary to prohibit individuals as described below in III.B.1. from entering upon property owned or leased by the University of Michigan, by issuing a trespass warning.

III. PROCEDURES

A. Authorization

1. The Director of DPS as provided by the President of the University, has the authorization to delegate officers to act as agents of the University for the purpose of the trespass act.
2. This authority shall be granted in writing.

B. Trespass Warning

1. Officers may use their discretion to issue a trespass warning if an individual:
 - a. Committed a crime while on campus or is suspected of committing crimes against persons or property;
 - b. Refuses or fails to comply with established University rules;
 - c. Disrupts the operations and lawful functions of the University; or
 - d. Demonstrates a risk of physical harm or injury to others or property.
2. When an officer determines that a trespass warning is warranted, the officer shall read the trespass warning to the individual, and issue a trespass warning form to the individual, inserting the appropriate location, date, time and officer's name.
3. Because of their requirements to be on campus, unless extenuating circumstances exist (i.e., poses an immediate threat to the safety of others), University students, faculty and staff members should not be issued the trespass warning. Alternatives to the warning may include but are not limited to:
 - a. Criminal prosecution for other crimes (e.g., entering without breaking, stalking)
 - b. The Student Code of Conduct
 - c. Other University disciplinary action
4. The issuance of the warning does not preclude the officer from taking other law enforcement action.
5. Trespass warnings shall remain in effect in perpetuity unless rescinded by the Director. An individual may, upon request, have his/her trespass warning reevaluated on an annual basis.

C. Trespass Warning Violation

1. If in the presence of a police officer, the individual is provided with the trespass warning and refuses to depart, the individual may be arrested by the police officer for violation of the trespass act.
2. If an individual who has previously been issued a trespass warning enters upon University-owned or leased property, the subject has violated the trespass statute. After obtaining adequate information, a written trespass General Incident Report shall be generated.
3. Generally, an arrest warrant will be sought after the third warning is issued. However, at the officer's discretion, the officer may make a custodial arrest before the warrant is issued if the trespasser's continued presence may cause further difficulty or there is uncertainty regarding the trespasser's identity

4. The presence of any individual previously issued a trespass warning, who is treated at any University medical care facility, is considered as being authorized during the treatment period and will not be prosecuted.

5. The officer will also complete a Field Interview Card.

D. Trespass Appeals

1. All individuals issued a trespass warning have the right to appeal the warning in its entirety or in part and shall be informed of that right when the warning is issued.
2. Trespass warning appeals will be heard by the Chief. Individuals wishing to make an appeal shall be directed to make an appointment with the Chief at his/her convenience.
3. Generally, appeals after second or subsequent violations of the Trespass Act will not be granted.

E. Trespass Warning Form

1. Officers authorized as agents of the University will issue Trespass Warning Forms as needed.
2. Refusal to stay long enough to hear the warning or refusal to accept the issued form shall be documented in the field interview entry and an incident report will be generated. Such refusal may negate consideration for appeal.
3. Copies of all trespass notices issued shall be forwarded to the Records Unit.