

EASTERN MICHIGAN UNIVERSITY POLICE DEPARTMENT POLICY AND PROCEDURAL ORDER

SUBJECT: SPECIAL ORDER TRESPASSING				FOIA YES X NO
EFFECTIVE DATE: JUNE 16, 2009	PAGE NUMBER: 1 OF 3	NEW X AMENDED	REFERENCE NUMBER: 13.1.3	CANCELS REVIEWED/NO CHANGE
ISSUED BY: EXECUTIVE DIRECTOR OF PUBLIC SAFETY CHIEF GREGORY O'DELL			RESPONSIBLE FOR REVIEW & UPDATE: ACCREDITATION MANAGER	

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 Eastern Michigan University, by issuing a trespass warning.

III. PROCEDURES:

A. Authorization:

1. The Executive Director of EMU Police Department 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 Trespass warnings shall remain in effect for one (1) year unless rescinded by the Executive Director.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 Michigan 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 & Incident Report shall be generated. However, at the officer's discretion, the officer may make a custodial arrest if the trespasser's continued presence may cause further difficulty or there is uncertainty regarding the trespasser's identity.
3. Generally, an arrest warrant will be sought on any subsequent return to University property once a warning has been issued.
4. The presence of any individual previously issued a trespass warning, who is treated at the Snow Health Care facility, is considered as being authorized during the treatment period and will not be prosecuted.

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 Executive Director or his/her designee. Individuals wishing to make an appeal shall be directed to make an appointment at the convenience of the EMU Police Department designee that will hear the appeal.

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 Notices as needed.
2. Refusal to stay long enough to hear the warning or refusal to accept the issued form shall be documented in the incident report. Such refusal may negate consideration for appeal.
3. Copies of all trespass notices issued shall be forwarded to the Records Clerk.
4. A current listing of all subjects that have been trespassed from Eastern Michigan University property will be kept at the EMU Communications Center. Officers can reference this listing for repeat violators and take the appropriate action.
5. The Michigan Trespass Statute warning form will remain in effect for a period of one (1) year.