



POLICY STATEMENT

Trespass

SU Policy Number: 404-150.0

ORIGINATING OFFICE

Department of Public Safety

PURPOSE

To explain the procedures to be used to enforce “trespass after notice” at Shippensburg University (SU) and SU properties.

SCOPE

To identify the properties and boundaries of Shippensburg University and to identify when a person has committed an act of trespassing.

OBJECTIVE

To identify the circumstances when a trespass notice can be issued

DEFINITIONS

THE AUTHORITY - Shippensburg University.

UNAUTHORIZED PERSON - Any individual who:

1. Has been given a written notice prohibiting that individual from returning to Shippensburg University. NOTE: Written Trespass notices may be issued to juveniles or adults as permitted by this order.
2. UNAUTHORIZED PERSON’S LOG (THE TRESPASS LOG) - The roster, maintained on a computer by the Authority, which contains the identities of unauthorized persons who have been barred from Shippensburg University as well as additional information required by the Policy.
3. NO TRESPASS NOTICE (the Notice) - the official written notification, provided to an Unauthorized Person, which bars that individual from Shippensburg University. The Notice may be either hand delivered by an officer or mailed to the Unauthorized Person as outlined in this order.
4. Defiant trespasser --
 - a. A person that commits an offense if, knowing that they are not licensed or privileged to do so, they enter or remain in any place as to which notice against trespass is given by:

- i. actual communication to the actor;
 - ii. a posted notice, placed in a manner prescribed by law or reasonably likely to come to the attention of intruders;
 - iii. fencing or other enclosure manifestly designed to exclude intruders;
 - iv. notices posted in a manner prescribed by law or reasonably likely to come to the person's attention at each entrance of school grounds that visitors are prohibited without authorization from a designated school, center or program official; or
 - v. an actual communication to the actor to leave school grounds as communicated by a school, center or program official, employee or agent or a law enforcement officer.
- b. Except as provided in paragraph (1)(v), an offense under this subsection constitutes a misdemeanor of the third degree if the offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person. An offense under paragraph (1)(v) constitutes a misdemeanor of the first degree. Otherwise it is a summary offense.

POLICY

A person may not remain on, enter or cross over the private property of another after having been duly notified by the owner or the owner's agent not to do so. For the purpose of this policy, Shippensburg University police officers are authorized agents of Shippensburg University.

LEGAL AUTHORITY: The Pennsylvania Criminal Law, Pennsylvania Statutes Title 18 Pa.C.S.A. Crimes and Offenses § 3503. Criminal trespass (trespass after notice) is paraphrased, in part:

1. A person may not remain on, enter or cross over the private property of another after having been duly notified by the owner or the owner's agent not to do so.
2. This also applies to property of Shippensburg University if an authorized agent of Shippensburg University gives the required notice.

PROCEDURES

SU Police Officers will complete and issue a No Trespass Notice under the circumstances described in Section 2 of this Order. SU Police Officers will:

1. Complete a No Trespass Notice using the preprinted form, and include the subject's full name, address, date of birth, telephone number and known aliases (if any) on the Notice;
2. Issue a copy of the completed Notice directly to the subject of the Notice; and,
3. Ensure the remaining copy of the Notice is delivered to the issuing officer's supervisor by the end of the shift for review/approval and subsequent scanned into the digital file.
4. In the event the subject served is a juvenile, notify the parents/guardian of the juvenile and note that fact in the Incident Report
5. In the event exigent circumstances preclude personal service of a Notice to the arrestee at the time of interaction, the handling officer will:

- a. Complete an Incident Report detailing the facts of the incident including the location where the incident occurred and the reason why a Notice was not served at the time; and,
- b. Submit the Incident Report to their supervisor by the end of the shift for review/approval.
- c. Serve the trespass notice at the defendants last known address or, if applicable, serve the notice at the defendant's court appearance on the offense for which the defendant was issued the trespass notice.

Section 2 ACTIONS TRIGGERING ISSUANCE OF A NO-TRESPASS NOTICE:

1. Police officers are authorized to and will issue no-trespass notices under the following circumstance:
 - a. A person is arrested and charged with a crime that occurred on Shippensburg University property or within the area shown on the Trespass Maps located on the back of the trespass notice.
 - b. A person is stopped and detained by an officer who has reasonable, articulable suspicion to believe that the person has committed, is committing, or is about to commit a crime on Shippensburg University property; or
 - c. The officer is responding to a complaint or call for service from an identified resident of a Shippensburg University who has identified or described a person as having no legitimate business on Shippensburg University property. A notice will be issued only if the officer is able to locate and identify the person and the person is unable to provide a legitimate reason for their presence on Shippensburg University property. The complainant will be identified in an Incident Report, which will be completed for the call for service.
2. Shippensburg University personnel are authorized to issue no-trespass notices under additional circumstances:
 - a. Remaining without apparent legal purpose or intent in yards, common areas, parking lots, playgrounds or other property belonging to Shippensburg University
 - b. Consuming alcoholic beverages;
3. A person is obstructing or interfering with Shippensburg University staff in the performance of their duties, to include being verbally abusive;
 - a. A person has been warned by any Shippensburg University agent not to trespass on the property or by any Shippensburg University staff member not to trespass at a specific Shippensburg University dorm, or building due to activities determined to interfere with the right to peaceful enjoyment of premises by students, staff and faculty or the maintenance of the community in a decent, safe, and sanitary condition; or
 - b. If a Shippensburg University police officer observes a person under circumstances described in Section 2 and the officer is able to identify the person, the officer will

complete an Incident Report identifying the person and the circumstances. The report will be forwarded through the chain of command for review.

ARREST OF AN INDIVIDUAL FOR A TRESPASS VIOLATION AT Shippensburg University:

1. Officers may rely, in good faith, upon the existence of a person's name on the computerized Trespass Log available to the dispatcher in determining whether there is probable cause to believe that the individual is in violation of Pennsylvania Statutes Title 18 Pa.C.S.A. An Unauthorized Person who enters any Shippensburg University property from which he/she is prohibited,
2. However, in the event that the arresting officer discovers and verifies that an individual charged with violation of Pennsylvania Statutes Title 18 Pa.C.S.A was not an Unauthorized Person and, therefore not in violation of The Pennsylvania Criminal Law, Pennsylvania Statutes Title 18 Pa.C.S.A. Crimes and Offenses § 3503, at the time of the arrest, the officer will notify the Office of the State's Attorney of the fact either immediately or on the next business day. The officer will submit a follow-up report to the original Incident Report
3. Explaining the circumstances surrounding the discovery of this fact and include the name of the individual in the State's Attorney's Office who was notified by the end of that shift. Upon receipt of this report the Supervisor, will forward a copy of the follow up report to the Lieutenant, who will ensure a copy is forwarded to the Chief of Police for action.
4. Officers who have issued a no-trespass notice under Section 2. may order the person involved to immediately leave the Shippensburg University property, unless the person is in the company of a student or staff. If the person refuses to comply, the officer may consider this notice when determining whether there is probable cause to immediately arrest the person for a violation of the The Pennsylvania Criminal Law, Pennsylvania Statutes Title 18 Pa.C.S.A. Crimes and Offenses § 3503.

REMOVAL OF AN UNAUTHORIZED PERSON FROM THE LOG: The Authority has in place procedures for the removal of individuals from the Trespass Log. Citizens with inquiries concerning the removal of Unauthorized Persons, etc. from the Trespass Log will be directed to the Authority for information.

MODIFICATION OF THE LOG: The Chief of Police of Shippensburg University may modify the Trespass Log under certain conditions to allow an Unauthorized Person to enter a specific Shippensburg University properties or to visit a student resident. The Trespass Log may be modified so as either to permit an Unauthorized Person:

1. access to a specifically-named residence hall or building in general; or,
2. to visit a specific location on Shippensburg University property.

GEOGRAPHICAL BOUNDARIES FOR POLICY ENFORCEMENT:

1. Arrests for violation of The Pennsylvania Criminal Law, Pennsylvania Statutes Title 18 Pa.C.S.A. Crimes and Offenses § 3503(trespass after notice) as it pertains to Shippensburg University will only occur on Shippensburg University property as defined in this Order.

2. An officer who arrests an individual for a crime which occurred WITHIN THESE BORDERS will issue a trespass notice to the individual at the time of the violation.
3. The boundaries are depicted on maps that have been placed on the back of the trespass notice. Copies have also been posted at various locations on campus.

Section 4 Exemptions to this order;

All enrolled Shippensburg University students are exempted from this order unless they are charged with a criminal offense.

Section 5 Appeals

Any person who receives a trespass notice may appeal this notice at any time. Appeals should be made electronically to the Chief of Police.

Section 6 Training

All sworn personnel are required to attend both an initial training session as well as periodic in-service or roll call training sessions explaining the Policy and enforcement procedures. The Lieutenant will be responsible for scheduling, coordinating, conducting, and documenting attendance at these training sessions. Copies of the training roster will be forwarded to the Chief of Police

RECISSION

APPROVALS

Executive Management Team; 2/26/2020

FILENAME:

404-150.0 Trespass

DATE:

2/26/2020

DISTRIBUTION:

Public