


**Department of Public Safety
Police Division
Policies and Procedures**

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| <u>Title</u> Criminal Trespassing | <u>SOP Number</u> 9.1.800 |
| Approval Signature  | |
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| Reviewed/Revised by | Pages 3 |
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Criminal Trespassing

I. Purpose

The purpose of this policy is to provide direction to Division personnel in responding to potential criminal trespass violations.

II. Policy

The University of Cincinnati (UC) is a public institution, and generally open to the public, including the green spaces in-between the buildings on campuses. The University of Cincinnati does have the authority to restrict the use and access to individual buildings and facilities on its property by persons, purposes, modes, hours, or use.

III. Definitions

Reasonable Suspicion: A particularized and objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity; the degree of suspicion of criminal activity that justifies an investigative detention but not an arrest. It can be based on an officer's observations, training and experience, or information received from credible outside sources.

Probable Cause: When facts and circumstances within an officer's knowledge are sufficient to warrant a prudent person, or one of reasonable caution, to believe that the suspect has committed, is committing, or is about to commit an offense.

IV. Procedure

A. University of Cincinnati Property

1. A list of [UC properties, access restrictions, and hours of operation](#) is maintained by the Department of Public Safety Access Control Unit. This list will be used as a general guide for access restrictions and hours of operation. In addition to this list, officers should utilize information and facts obtained at the scene to determine if a criminal trespass violation has occurred.

B. Suspected Criminal Trespass response

1. When an officer observes or responds to a call where there is reasonable suspicion that a person is violating a UC property access restriction, the officer will inform the individual of the suspected violation and attempt to verify or dispel the suspected violation.

C. Verified Criminal Trespass Violation

1. If the officer has probable cause to believe that the person is trespassing and the person has no contact history with UCPD, the officer will generally inform the person of the violation and tell the person to leave UC property. The officer may also issue a [criminal trespass warning](#). If the person refuses to leave, the person may be arrested for criminal trespass.
2. If the officer has probable cause to believe that the person is trespassing and

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the person has previously been issued a criminal trespass warning or arrested for criminal trespass on UC property, the person may be arrested for criminal trespass.

- D. All trespass investigations shall be recorded on Body Worn Camera, and, when applicable, In-Vehicle Recording System cameras.
- E. Officers shall complete an offense report and contact card for any verified criminal trespass violation.
- F. If a person is cited or arrested for an offense other than criminal trespass on UC property and the citing/arresting officer has probable cause to believe that the person is/was trespassing, the officer will issue a criminal trespass warning to that person. If the person has previously been issued a criminal trespass warning, the officer may add criminal trespass to the list of charges against the person.
- G. If a person repeatedly trespasses on UC property, upon conviction for a trespass offense, the Department of Public Safety may request that a stay-away order be a condition of the person's probation. In addition, the Office of General Counsel may request a restraining order through the Court of Common Pleas for persons who repeatedly commit trespass offenses on UC property.
- H. A criminal trespass warning issued by the Police Division can only be rescinded by the Chief of Police, in writing.

References

UCPD Form 2 Criminal Trespass Warning