

Accreditation Standards: N/A Revisions: 08/97; 07/04; 02/15; 09/16; 04/19 References: FSS 810.09, FSS 810.08	University of Florida Police Department  Department Standards Directive	Responsibility: Patrol Pages: 05 Attachments: None
TITLE: TRESPASS		

4016 Trespass

4016.1 Purpose. The purpose of the directive is to establish policy and guidelines for issuing trespass warnings, investigation of persons trespassed after warning, and student trespasses.

4016.2 Discussion. As a public institution of higher education, University of Florida Police Department (UFPD) maintains the responsibility to ensure the safety of the University campus. Issuing trespass warnings to individuals who may pose a safety threat to the University community helps UFPD to fulfill this responsibility. If a trespass warning is violated, UFPD sworn officers have the authority to arrest that individual, in accordance with FSS 810.08 (structure and conveyance) and FSS 810.09 (property other than structure or conveyance).

4016.3 Policy. The University of Florida Police Department will enforce the Florida Statutes regarding the trespass of individuals when it is prudent to do so in order to protect persons and property of the University community. Trespass warnings can be issued to individuals who may or may not have an affiliation with the University of Florida, including students, and who may pose a threat to the University community; which includes, but is not limited to, those individuals who have no lawful purpose for being on campus, are acting in a suspicious manner, or other circumstance(s) which warrant the issuance of a trespass warning in accordance with this directive.

4016.4 Procedure.

A. Trespass Warning / Arrest.

1. The following guidelines will be used when the UFPD receives a complaint or an officer initiates contact with an individual(s) regarding his or her presence in any building, room, grounds or conveyance on University of Florida properties.
2. Upon arrival, the officer(s) shall determine the circumstances surrounding the complaint;
 - a. Determine if the individual(s) has been advised by someone in a position of authority to leave. Obtain the name of the person who advised the individual to leave, the time and date of when the individual was advised to leave, and document all other relevant information in the incident report.

- b.** Determine if the individual(s) is in violation of or refusing to comply with University of Florida rules, regulations, or policies that are intended to protect the health, safety, and property of the campus community, including but not limited to disruption of the operations of the University.
 - c.** Determine if the individual(s) has engaged in conduct (or reported and documented conducted) that presents a safety concern that the individual may cause injury to persons or property on campus.
 - d.** Officers shall advise the individual(s) of the trespass laws and boundaries of the location he/she is being trespassed from. If the individual is being trespassed from the University of Florida campus, officers shall tell the individual that he/she is trespassed from all University of Florida properties, buildings, grounds and conveyances and provide detailed descriptions of those locations. The individual shall then be given a copy of the University of Florida Police Department Notification of Trespass Warning form and review each aspect of the form to include the location of actual trespass, the duration of the trespass, and the trespass review process. The individual(s) shall then be told to leave the area as expeditiously as possible and/or escorted as necessary.
- (1)** Trespass warnings on the University of Florida generally expire after three (3) years. However, a new trespass warning may be issued at the end of this period at the discretion of the UFPD if extenuating circumstances exist whereby the subject continues to be a threat to the University of Florida community.
 - (2)** Occasional special condition requests are granted for trespassed individual(s) to come onto the campus for verifiable official University of Florida business only. The trespassed individual will also be advised that the trespass warning does not preclude them from receiving emergent or scheduled medical care, or assisting immediate family members should they require it, at the University of Florida Health Shands Hospital located on the University of Florida campus. The trespassed individual shall be advised however that they must notify the department by calling the Dispatch Center (352.392.1111) when and where they will be coming onto campus for official business. The trespassed individual shall also call the Dispatch Center when they leave campus as well.
 - (3)** If the trespassed individual becomes a student of the University of Florida while the trespass is still active, he/she must make a request to the Chief of Police to have his/her trespass reviewed for lifting or modification. The trespassed individual must also be advised that the decision to either lift or modify the trespass warning is an independent decision made by the Chief of Police and the trespassed individual's acceptance to the University of Florida and attendance in class does not constitute a lifting of the trespass warning. Those individuals found attending the University of Florida classes on school properties while still actively trespassed are subject to arrest as originally indicated in their trespass warning.

- (4) The trespass may be limited to certain areas, buildings or activities, i.e. skateboarding, roller-blading, etc. rather than the entire campus, depending on the circumstances of each case.
- (5) If the trespassed individual(s) still refuses to leave, officers shall advise the individual that he/she is in violation of the law and must leave or be arrested.
- e. Officers shall arrest any individual who after being warned still refuses to leave. Officers should document on the arrest affidavit the number of warnings the individual was issued or received prior to being arrested.
- f. All trespass warnings shall be entered into the Trespass Warning module. If an officer completes a trespass warning and there is no other criminal act involved in the incident, officers will only need to document the incident in the Trespass Warning Module. If an officer investigates a case that involves a trespass warning and any other criminal incident that occurred in UFPD jurisdiction, the officer shall write an incident report AND complete the information in the trespass module. If the individual is being arrested however for the offense of trespass after warning, Officers shall designate the report as a 22T (Trespass Report) and complete the accompanying arrest affidavit.
- g. If the individual is issued a trespass warning, Officers shall ask the individual(s) to submit to a photograph which will be used as part of the documentation of the trespass warning.
 - (1) The individual warned for trespass however has the right to refuse to have his/her photograph taken. If the individual refuses to have his/her photograph taken, Officers should not consider that refusal as being non-compliant with officer instructions.
 - (2) If the individual is arrested, one photograph shall be taken of the individual. The photograph will be uploaded into Master Index.

B. Student Suspension/Trespass Warning Notices. The University official designated as responsible for reviewing Student Conduct Code violations has the authority to discipline by suspension and make a recommendation of trespass to UFPD. As part of the student conduct process, the student is issued a formal letter notifying them of the sanctions. UFPD receives a copy of the letter containing a statement saying; "The University Police Department will be asked to place a trespass warning on you and arrest you if this warning is violated." The University of Florida Police Department will have sworn officers make a reasonable effort to contact the student(s) identified in the student conduct code violation letters and issue said trespass warning if warranted. A UFPD supervisor, in his or her sole discretion, will determine whether to issue a trespass warning.

C. Student Trespass Warning Letters. Upon making contact with the student, the officer shall issue him/her a trespass warning from the University campus. The following additional actions shall be taken:

1. Enter the information into the Trespass Warning module. If an officer completes a trespass warning and there is no other criminal act involved in the incident, officers will only need to document the incident in the Trespass Warning Module. If an officer investigates a case that involves a trespass warning and any other criminal incident that occurred in our jurisdiction, the officer shall write an incident report AND complete the information in the trespass module. If the individual is being arrested however for the offense of trespass after warning, Officers shall designate the report as a 22T (Trespass Report) and complete the accompanying arrest affidavit.
2. This report shall include all limitations listed in the letter from the Office of Student Conduct and Conflict Resolution and attach it to the incident report.
3. Attach the letter from the Office of Student Conduct and Conflict Resolution to the report or Master Index if only the Trespass Warning module is completed.
4. If the student cannot be contacted before the conclusion of their shift, the officer shall return the letter to their supervisor to be passed along to the oncoming shift supervisor to complete.
5. Forward the letter from the Office of Student Conduct and Conflict Resolution with the incident report to the Records Section.

4016.5 Glossary.

FSS 810.08 Trespass in structure or conveyance – Whoever, without being authorized, licensed or invited, willfully enters or remains in any structure or conveyance, or having been authorized, licensed or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so, commits the offense of trespass in a structure or conveyance.

FSS 810.09 Trespass on property other than structure or conveyance – A person who, without being authorized, licensed or invited, willfully enters upon or remains in any property other than a structure or conveyance as to which notice against entering or remaining is given, either by actual communication to the offender; if the property is unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass, commits the offense of trespass on property other than a structure or conveyance.

FSS 810.095 Trespass on school property with firearm or other weapon prohibited – A person who is trespassing upon school property who brings onto or possess on such school property any weapon or firearm.

Reasonable suspicion – Suspicion that is more than a hunch and must be based on articulated circumstances, but is less than the probable cause necessary to affect an arrest. Reasonable suspicion, coupled with the officer's experience, may justify a belief that the person to be stopped has committed, is committing, or is about to commit a crime.

Student Conduct Code – Regulations enacted governing conduct and behavior of students at the University of Florida.

DGP 05/95 Filed: Student Trespass Warnings 4016

Approved: _____
Bart Knowles, Chief

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