

## **2.460 TRESPASSING**

### **2.460.10 General Provisions**

- A. Statutes pertaining to various types of trespassing and school security matters include, but are not limited to:
  - 1. CR 6-402/CR 6-403 - Wanton trespass upon land or vessel;
  - 2. CR 6-409 - Refusing to leave public buildings or grounds upon request;
  - 3. ED 26-101 - Disturbing activities at school or college; molesting or threatening students;
  - 4. ED 26-102 - Trespassing on the grounds of a public institution of elementary, secondary, or higher education.
- B. The USM Chancellor has designated in writing members of the University of Maryland Police Force, as established in ED 13-601, to enforce the provisions of ED 26-102, CR 6-409, and applicable case law.

### **2.460.12 Wanton Trespass, Etc.**

- A. Consistent with the provisions of CR 6-402, CR 6-403, and CR 6-404, in order to charge persons for:
  - 1. Trespassing on posted property, the facts must show the areas in question were marked conspicuously with signs that can be easily seen;
  - 2. Operating off-road vehicles on State property, the facts must show that suspects must have reasonably known the property belonged to the State.
  - 3. "Peeping Tom" trespass, the facts must show that it would be possible to see into the location. Other "Peeping Tom" statutes are contained in CR 3-902, *et. seq.*
- B. See also **2.416 Criminal, Civil, & Juvenile Citations**.

### **2.460.15 Trespassing at a Public Agency**

- A. In order to enforce provisions of CR 6-409 and issue Advisements of trespass for trespassing at a public agency after hours, officers must:
  - 1. Show the acts took place during hours when the place was closed to the public and violators had no lawful business to conduct; and
  - 2. Ensure violators are given reasonable and prudent notice to cease specified activities prior to enforcement actions being taken.
- B. Officers will not issue Advisements of Trespass to those persons who provide evidence of qualification to conduct their activities or are otherwise engaging in lawful, constitutionally protected activities.
- C. In order to enforce provisions of CR 6-409 and issue Advisements of trespass for trespassing at a public agency during hours, officers must:
  - 1. Show the acts took place during regular business hours, that violators had no lawful business to conduct, or the acts were disruptive or disturbing to regular activities; and
  - 2. Ensure violators are given reasonable and prudent notice to cease specified activities prior to enforcement actions being taken.
- D. Advisements of Trespass can be issued to any person who violates provisions of this statute, regardless of university affiliation.

### **2.460.17 Disturbing School Activities; Molesting or Threatening**

- A. Consistent with the provisions of ED 26-101, it is illegal to:
  - 1. Willfully disturb or otherwise willfully prevent the orderly conduct of university activities;
  - 2. Molest or threaten with bodily harm students, employees, etc. on or near school property, on school vehicles, or at school sponsored activities; or
  - 3. Threaten school employees at their homes when threats arise out of the scope of employees' employment.
- B. In addition to the penalties of ED 26-101, institutional governing

boards may seek injunctive relief against specific activities that violate ED 26-101 through appropriate circuit courts.

### **2.460.20 Trespassing on School Grounds**

- A. Officers may issue Denials of Access consistent with ED 26-102(a). Violators may be charged with "School: Trespass on Ground."
- 1. Officers may issue Denials of Access to those persons who:
  - a. Have no affiliation and have no lawful business to pursue; and
  - b. Disrupts or disturbs the normal educational functions of the institution; or
  - c. Individuals are charged with any crime against person or crime of violence; or
  - d. Individuals violate previously issued, written denials that are still in effect; or
  - e. After evaluating incident severity and quality of supporting evidence, officers reasonably believe individuals may repeat or persist in illegal activities or courses of conduct, or otherwise present an imminent threat to the safety and security of persons or property.
- 2. Officers will not issue Denials of Access to those persons who provide evidence of qualification to conduct their activities or are otherwise engaging in lawful, constitutionally protected activities.
- 3. Denials of Access bar persons from returning to university property in violation of the scope of their Denials.
  - a. Denials will be marked to take effect immediately.
- 4. Denials of Access must be in writing and personally delivered or sent by certified mail, return receipt requested.
- 5. Complete Denials of Access forbid persons from entering on-to all USM property regularly patrolled by the University of Maryland Police, College Park in order to protect and safeguard the entire university community.
  - a. Complete Denials of Access may be issued only to persons with no university affiliation.
  - b. Officers will make all Complete Denials of Access effective immediately.
- 6. Partial Denials of Access forbid persons from entering onto specified USM property, and/or under specified conditions, regularly patrolled areas by the University of Maryland Police, College Park.
  - a. Partial Denials of Access may be issued to anyone, regardless of university affiliation.
  - b. Officers must obtain approval of supervisory or administrative ranked officers in order to issue partial denials to university students, staff, or faculty.
  - c. Partial Denials of Access must be location and/or activity specific to safeguard certain university activities from disruption and/or the use of specified facilities for their intended purposes.
    - (1) Students who have been suspended or expelled may be issued Denials of Access consistent with the Code of Student Conduct. These denials are in effect only for specified durations or until rescinded in accordance with the Code of Student Conduct. Exceptions may be authorized by the Trespass Liaison Officer or university official initiating suspension / expulsion related access denials.
    - (2) Staff and faculty members who have been suspended may be issued partial denials as terms or conditions of their suspensions.
  - d. Officers will make all partial Denials of Access effective immediately.
- B. Officers may order persons to leave institutional grounds consistent with ED 26-102. Violators may be charged with "School Trespass / Refuse to Leave Building."

1. Officers may issue orders to leave to those persons who:
    - a. Have no lawful business to pursue; or
    - b. Disrupts or disturbs the normal educational functions of the institution.
  2. Subjects must be given reasonable and prudent notice to leave prior to actions being taken.
  3. Orders to leave can be issued to any person who violates provisions of this statute, regardless of university affiliation.
  4. Officers will not issue orders to leave to those persons who provide evidence of qualification to conduct their activities or are otherwise engaging in lawful, constitutionally protected activities.
- C. Officers may charge persons who willfully damage or deface institutional buildings or grounds with "School: Trespass / Damage Property."

#### **2.460.30 Photographing Advisees**

Consistent with **2.326 Field and Pre-Arrest Photography**:

- A. Officers should take photographs of persons who are not able to positively identify themselves and are detained for the purposes of issuing Trespass/Denials;
- B. Officers may take photographs of persons who are able to positively identify themselves and are advised of trespass or denied access; and
- C. Agency employees will obtain trespass related photographs with the consent of advisees.

#### **2.460.35 Reporting Requirements**

- A. Communications personnel are responsible for ensuring a CCN is initiated for all incidents in which Advisements of Trespass / Denials of Access are issued.
- B. Records personnel are responsible for ensuring:
  1. That Trespass/Denial information has been accurately entered into the RMS; and
  2. At least one year's accumulation of issued Advisements of Trespass / Denials of Access are maintained in the Communications Trespass/Denial files.
- C. Duties and responsibilities of officers include, but are not limited to:
  1. Completing reports detailing the circumstances surrounding the issuance of all Advisements of Trespass / Denials of Access;
  2. Separating and distributing Trespass / Denial forms appropriately; and
  3. Attending Denial of Access appeal hearings as required.

#### **2.460.40 Completing & Distributing Trespass/Denial Forms**

- A. Officers will ensure they utilize current forms, complete forms with required information, and distribute copies accordingly.
- B. The forms are double purpose forms. Forms may be used to issue Advisements of Trespass or Denials of Access. Only one use per form is allowed.
- C. Advisees will be requested to sign in receipt of the forms, but cannot be compelled to do so. When advisees refuse to sign forms, issuing officers will write "Refused to Sign" in the Recipient's Signature box, issue the forms, and ensure refusal information is included in related incident reports.
- D. The forms have three copies.
  1. White, original copies will be submitted to the Records Unit.
  2. Yellow copies will be placed in the Patrol Trespass / Denial files.
  3. Pink copies will be given to advisees.

#### **2.460.45 Trespass Liaison Officer**

- A. The chief will designate an officer to serve in an ancillary capacity as the Trespass Liaison Officer.
- B. Duties and responsibilities of the Trespass Liaison Officer in-

clude, but are not limited to:

1. Serving as the agency liaison to the university administration for Denials of Access that are appealed by advisees;
2. Attempting to have hearings scheduled conveniently for officers to attend;
3. Obtaining copies of necessary reports and records;
4. Presenting cases during administrative hearings on behalf of the university;
5. Working with the university's hearing officer during the appeal process;
6. Notifying officers of hearing dates; and
7. Completing continuation reports and updating RMS information reflecting outcomes of appeal hearings.

#### **2.460.50 Administrative Appeals**

- A. Persons may appeal Denials of Access by addressing written hearing requests consistent with instructions on Trespass / Denial forms.
- B. The university administration appoints independent legal counsel to preside over administrative appeal hearings.