

Policy Title:		Trespassing & Right to Bar Entry	
	OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER	Category	Security
		Administrative Policy #	100-ADM-Trespassing & Right to Bar Entry
		Revision #	N/A
		Review Frequency	As Needed – no less frequently than triennially
Administrative Division	Security and Integrity Division	Reviewed By	Chief Administrative Officer, General Counsel, Chief of Security & Integrity Division
BOWC Approval	3/15/2019	Last Reviewed/Update Date	3/15/2019
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1. LEGAL AUTHORITY

- 1.1. Sections 552 and 552c of the Michigan Penal Code, Act 328 of 1931, (MCL 750.552 and 750.552c) regulates trespassing upon lands or premises of another or upon key facilities.
- 1.2. Section 16 of the Michigan Code of Criminal Procedure (MCL 764.16) regulates arrest by a private person. A private person may make an arrest in the following situations:
 - (a) For a felony committed in the private person's presence.
 - (b) If the person to be arrested has committed a felony although not in the private person's presence.
 - (c) If the private person is summoned by a peace officer to assist the officer in making an arrest.
 - (d) If the private person is a merchant, an agent of a merchant, an employee of a merchant, or an independent contractor providing security for a merchant of a store and has reasonable cause to believe that the person to be arrested has violated section 356c or 356d of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.356c and 750.356d of the Michigan Compiled Laws, in that store, regardless of whether the violation was committed in the presence of the private person.
- 1.3 DWSD employees will endeavor at all times to contact the Detroit Police Department when an incident arises that may lead to detention or arrest. In those instances where time or circumstances do not provide an opportunity for the Detroit Police Department to arrive on the scene as first responder, this policy applies.

2. OBJECTIVES

- 2.1. To establish guidelines and internal controls for the DWSD Security and Integrity Division's handling of trespassing individuals.

3. PURPOSE

- 3.1. DWSD recognizes its duty to be a responsible steward of DWSD assets. The DWSD also desires to provide the public and DWSD staff at DWSD property, buildings and facilities, to the extent permitted by law, an environment free from unlawful and disruptive behavior and activities that interfere with DWSD and public business and activities.
- 3.2. DWSD believes for public safety reasons it is in the best interest of the public and DWSD staff, for DWSD to provide a trespass policy to exclude unlawful and disruptive activities and persons from DWSD property, buildings and facilities while complying with state and federal laws. This policy does not prohibit a person from exercising his or her First Amendment rights at any public forums or to conduct business with DWSD at a DWSD facility.

4. DEFINITIONS

“Authorized Employee” means the designees having authority to issue a trespass warning according to this policy. Authorized Employees include Security and Integrity Officers, DWSD Directors, Assistant Directors, and those serving in a management position.

“DWSD” stands for Detroit Water and Sewerage Department.

“DWSD Property” means DWSD-owned buildings and surrounding DWSD-owned property, including parking lots, garages, and other facilities.

“DWSD Security” means the DWSD Security and Integrity Division.

“Officer” means any person employed by the DWSD Security and Integrity Division.

“Trespass warning” means a verbal communication to a person that his or her presence or entry onto certain DWSD property is prohibited and the person must immediately leave such DWSD property.

5. SCOPE

- 5.1. This policy applies to all DWSD Security and Integrity Division Officers and staff.

6. RESPONSIBILITIES

- 6.1. All Authorized Employees are responsible for administration and oversight of this policy.

7. POLICY

7.1. Provide Notice to Trespassing Persons

- 7.1.1. DWSD’s policy is to provide notice to persons whose entry onto DWSD Property, or continued presence on DWSD Property, may be illegal, unreasonably disruptive or harmful to DWSD Property or to conducting DWSD business or to other person’s use or enjoyment of approved activities on DWSD Property, and to provide persons receiving a trespass warning with the opportunity for a prompt administrative review of the terms of the trespass warning.

7.2. Right to Deny Access

- 7.2.1. Authorized Employees have the right to deny access to any customer, contractor, or former and current employee who he/she believes may intend to enter DWSD properties to cause physical harm to persons or the premise or adversely disrupt business operations.

7.3. Delegation of Authority

- 7.3.1. Authorized Employees have authority to issue a trespass warning to any person whose conduct on DWSD Property violates this policy or constitutes a criminal offense. An Authorized Employee may request a DWSD Officer or City of Detroit Police Officer to enforce a criminal trespass warning or arrest to a person violating this policy if it is reasonably believed such conduct constitutes a criminal offense.
- 7.3.2. An Authorized Employee's authority under this policy expires upon the reassignment, employment separation, termination, or retirement, or upon revocation by the Director of DWSD at any time for any reason.
- 7.3.3. An Authorized Employee may request a DWSD Officer or City of Detroit Police Officer to issue an arrest for criminal trespass without a verbal warning if the person has engaged in conduct that is unreasonably disruptive or harmful to DWSD Property, to conducting DWSD business, or to another's reasonable use and enjoyment of approved activities on DWSD Property.

7.4. Reasonable and Necessary Accommodations

- 7.4.1. Management may take reasonable and necessary actions to accomplish the intent of this policy.

8. PROCEDURES

8.1. Verbal Warning

- 8.1.1. An Authorized Employee should:
 - a) Verbally warn the person his or her conduct is in violation of law, DWSD policy, rules or guidelines or interfering with another person's reasonable use and enjoyment of DWSD Property
 - b) Give the person a reasonable opportunity to cease violating the law, DWSD policy, rules or guidelines or interfering with another person's reasonable use and enjoyment of DWSD Property
 - c) Not escalate trespass warning actions against the person if the person promptly ceases the conduct at issue after receiving the verbal warning.

8.2. Contents of a Trespass Warning

- 8.2.1. A verbal trespass warning should include the following items:
 - a) **Reasons for Exclusions.** A statement of the reason the person is being notified or warned not to enter an area or to immediately depart from an area of explaining the conduct for the trespass warning.

- b) **Area of Exclusion.** The trespass warning should describe the area of building, including the building name and address that the person shall not enter, so that a reasonable person may understand the specific area to which the person may not return.
- c) **Duration of Exclusion.** A trespass warning should be for a specific time period based on the seriousness of the conduct. The specific time period a person may not return will be established by the Authorized Employee based on relevant factors including:
 - i. Conduct involving intentional damage to DWSD Property
 - ii. Conduct involving intentional injury or offensive contact with any person
 - iii. Conduct that is disruptive or harmful to DWSD business or another's reasonable use and enjoyment of approved activities on DWSD Property
- d) **Reentry Warning.** The trespass warning shall include notice that reentry may result in an arrest while such warning is in effect.
- e) **DWSD Security and Human Resources Records.** DWSD Security shall prepare reports related to trespass incidences. The reports should be sent by DWSD Security to the DWSD Human Resources Department if the incidence involves a current or former Employee. The report should contain the name of the individual (if known), the nature of the incident, the location, the date and time, and the resolution.

8.3. Trespass Warning Duration Guidelines

- 8.3.1. A trespass warning shall be in effect from the issue date until such time circumstances of trespass no longer apply.

8.4. Grounds for Escalating a Trespass Warning

- 8.4.1. An Authorized Employee may request a DWSD Officer or City of Detroit Police Officer to issue an arrest for criminal trespass with or without a verbal warning if the person has engaged in conduct that is unreasonably disruptive or harmful to DWSD Property, to conducting DWSD business, or to another's reasonable use and enjoyment of approved activities on DWSD Property.

8.5. Use of Force Continuum

- 8.5.1. DWSD's Use of Force Continuum Procedures also apply in trespassing situations and are incorporated herein by reference.