



Trespassing

Section: 2.460
Effective Date: August 16, 2010
Amended: January 15, 2021

2.460 Trespassing

2.460.02 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. Officers of the University of Baltimore Police Department, being members of the University of Maryland Police Force, as established in ED 13-601, are empowered and authorized to enforce provisions of ED 26-102, CR 6-409, and applicable case law regarding trespassing.

2.460.04 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.*

2.460.06 Trespassing at a Public Agency

- A. In order to enforce trespassing provisions of CR 6-409 at a public agency after regular business 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 Notice of Trespass notices 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 Notice of Trespass notices for trespassing at a public agency during regular business 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. Notice of Trespass can be issued to any person who violates provisions of this statute, regardless of university affiliation.

2.460.08 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.

2.460.10 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 a **Notice of Trespass** to those persons who:
 - a. Have no affiliation and have no lawful business to pursue; or
 - b. Disrupts or disturbs the normal educational functions of the institution.
 - 2. Officers will not issue **Notice of Trespass** to those persons who provide evidence of qualification to conduct their activities or are otherwise engaging in lawful, constitutionally protected activities.
 - 3. A **Notice of Trespass** bars persons from returning to university property in violation of the scope of their **Notice**
 - a. **Notices of Trespass** will be marked to take effect immediately or delayed for 10 days from dates of issuance.
 - b. **Notices of Trespass** can also be held in abeyance pending hearing dates when persons denied access request administrative hearings within the 10-day delay period.
 - 4. All **Notices of Trespass** must be in writing and personally delivered. (Trespass notices from the Office of Student Support and Dean of Students can be sent by certified mail, return receipt requested.).
 - 5. **Notices of Trespass** forbid persons from entering onto any UB property regularly patrolled by the University of Baltimore Police in order to protect and safeguard the entire university community.
 - 6. Students who have been suspended or expelled may be issued a **Notice of Trespass** consistent with the Code of Student Conduct. These denials are through the Office of Student Support and Dean of Students and may affect specified durations or until rescinded in accordance with the Code of Student Conduct

- 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.”

2.460.12 Photographing Trespassers

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. Photographs are to be entered into the Incident report prepared for all persons advised of trespassing and a file for easy access maintained in the Communications Desk area.

2.460.14 Reporting Requirements

- A. Police Communication Officers are responsible for ensuring a CC number is initiated for all incidents in which a **Notice of Trespass** is issued.
- B. Duties and responsibilities of officers include, but are not limited to:
 - 1. Completing reports detailing the circumstances surrounding the issuance of all **Notices of Trespass**;
 - 2. Separating and distributing **Notices of Trespass**; and
 - 3. Attending any Trespass appeal hearings as required.
- C. Shift supervisor/OIC’s are responsible for ensuring:
 - 1. That **Trespass Notice** information has been accurately entered into Report Exec; and
 - 2. At least one year’s accumulation of issued **Trespass Notices** are maintained in the Communications Trespass file.

2.460.16 Completing a Notice of Trespass

- A. Officers will ensure they utilize current forms, complete forms with required information, and distribute copies accordingly.
- B. The forms are used to issue Trespass Warnings.
- C. Only one use per form is allowed.
- D. Trespassers will be requested to sign in receipt of the forms, but cannot be compelled to do so. Should a trespasser refuse to sign the form, issuing officers will write “Refused to Sign” in the Recipient’s Signature box, issue the forms, and ensure refusal information is included in related Trespass reports.

D. The forms have two copies.

1. White, original copies will be submitted the Police Communications Officer for retention in the **Notice of Trespass** file retained at the desk. Add copy as an attachment to Report Exec.
2. Yellow copies will be given to advisees.

2.460.18 Notice of Trespass Warning

A. Officers use the below verbiage when Notice of Trespass or Denials.

My name is Officer_____. I represent the University of Baltimore.

The University does not want you to remain on its property and, therefore, you are ordered to leave at once. If you remain on or return to this property, you will be considered a trespasser and subject to arrest. Please leave now.

Do you understand this information?

2.460.46 Trespass Warning On Return Or Failure To Leave

- A. In instances when one refuses to leave, returns or at a later date is found on campus (within one year), officers should use the below verbiage.
- B. In the event the person refuse to leave, the officer is to take the person into custody and charge them appropriately.

You have remained on University property after being ordered to leave.

You are trespassing on the property of the University of Baltimore. If you do not leave at once you will be arrested and charged with trespassing under Education Article, 26-102 (a).

(On return, are subject to immediate arrest.)