



POLICY & PROCEDURE

UW-GREEN BAY POLICE DEPARTMENT

SUBJECT:	Trespassing	SCOPE:	All Employees
CHAPTER:	6 Operations	NUMBER:	6.24.1
DISTRIBUTION:	Policy Manual	EFFECTIVE:	06/07/2016
APPROVED:	Tony Decker, Chief of Police	REVIEWED:	08/17/2017
REFERENCE:	§175.403, UWS Ch. 18.11(6),	REVISED:	05/01/2022,

I. PURPOSE

This is a mandatory policy under Wisconsin State Statute §175.403.

The purpose of this policy is to establish procedures for members of the University of Wisconsin Green Bay Police Department regarding the investigation of complaints alleging a violation of trespass to dwelling and/or property or the presence of prohibited persons.

II. POLICY

It is the policy of the University of Wisconsin Green Bay Police Department that if an officer has probable cause to support a violation of *Wis. Stats. §943.14*; minimally the subject shall be removed from the dwelling. In most instances an arrest should be made if probable cause exists through a criminal referral, or in circumstance with a significant breach of peace a physical arrest. Officer shall take similar reasonable action for those in violation of UWS Ch 18.

III. DEFINITIONS

- A. Chief Administrative Officer *is the Chancellor of the University of Wisconsin-Green Bay, or his/her designee*
- B. Criminal trespass to dwelling as defined in *Wis. Stat. §943.14 – Whosoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending create or provoke a breach of peace.*
- C. Dwelling unit as defined in *Wis. Stat. §943.13(1e)(a) – A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping*

place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

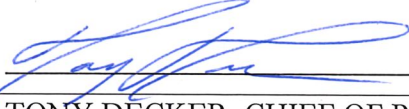
- D. Prohibited Person *is a person, as defined in UWS Ch 18.11(7)*
- E. University, *for the purposes of this this policy and referred statutes only, is the Chancellor, his/her designee, Dean of Students Office, and Office of Residential Education and Housing,*

IV. PROCEDURE

- A. All cases of alleged criminal trespass to dwelling or the presence of a prohibited person will be thoroughly investigated.
- B. In cases of eviction, officers should ensure the protocols associated with the University of Wisconsin, and University of Wisconsin-Green Bay Office of Residential Education and Housing have been
- C. Officers should make reasonable efforts to use professional communication skills to affect cooperation prior to forcibly removing a subject from a dwelling.
- D. Officer shall make reasonable efforts to determine if a prohibited notice was received by the prohibited persons while on scene, if practical, and to use that information with the totality of the circumstances to guide their enforcement decision.
- E. If an officer has probable cause to arrest a subject for a violation of *Wis. Stat. §943.14*, the subject is required to be removed from the dwelling, and may be subject to criminal referral or physical arrest, based upon the totality of circumstances.
- F. If an officer has probable cause a subject is in violation of *UWS Ch18.11(7)(a)* or *UWS Ch18.11(7)(e)*, the subject must leave the prohibited area. Based on the totality of the circumstances a non-custodial arrest(citation) may be issued with a custodial/physical arrest being reserved for significant breaches of safety, the peace, or if the subject refuses to leave the prohibited area.
 - 1. Repeated willful violations of *UWS Ch18.11(7)* can be considered as reasonable escalation to custodial arrest.
- G. If an officer has probable cause a subject is in violation of *UWS Ch18.11(7)(b)* the subject will be removed prohibited area by the officer and issued a citation. Based on the totality of the circumstances a custodial/physical arrest may be appropriate when a willful breach of this prohibition as it threatens of safety and peace of the prohibited area.
- H. If an officer has probable cause a subject is aware of the restriction and is in willful violation of *UWS Ch18.11(7)(a)* or *UWS Ch18.11(7)(e)*, the subject is

required to be removed from the prohibited area a citation shall be issued. A custodial/physical arrest being reserved for significant breaches of safety, the peace, or willful repeated offense in a short period of time.

- i. In all cases, investigation will be properly documented with a case report.



April 13, 2022

TONY DECKER, CHIEF OF POLICE

This policy shall become effective either immediately upon my signature or on the last date noted in the Revised Date field of page one. When a revision becomes effective, it shall be the standard and shall supersede all previous versions of the policy. Historical policies shall be maintained for no less than 7 years.

