



Indiana University Police Department

Trespass Warning and Arrests

| | | | |
|--------------------------|--------------|-------------------------|-----------|
| Issue Date: | 2/21/2018 | Effective Date: | 5/11/2020 |
| Review Date: | 5/11/2021 | Number of Pages: | 5 |
| Rescinds: | None | | |
| IACLEA Standards: | 2.2.2; 2.2.3 | | |

I. Purpose

To provide direction to Department personnel for the enforcement of trespass laws on the properties owned or controlled by Indiana University (IU).

II. General Order

The Indiana University Police Department (IUPD) strives to maintain a safe academic environment and workplace. Officers will appropriately regulate areas open and accessible to the public (building lobbies, open spaces on campus), as well as appropriately restrict areas of the campus that are not open to the public (private offices, research labs, residence halls). To accomplish this, the use of trespass warnings and arrests may be employed.

III. Trespass Warnings

A. Issuing a trespass warning or making a trespass arrest is a serious step only to be taken to protect University property and/or members of its community.

1. A trespass arrest will be made in accordance with Indiana Statute (IC 35-43-2-2) in the situations outlined below in section III.B and III.C¹.
2. IUPD recognizes that other University departments have policies in effect which govern the behavior of those present in their department or using their facilities. If another University department banned a person from using their facilities, IUPD will assist them in enforcing that ban and will issue a written trespass warning as appropriate.
 - a. IUPD will request that any information surrounding the ban be provided to IUPD in writing.
 - b. The Office of Student Conduct may issue an administrative trespass for University property.

B. Situations in which a trespass warning may be issued include, but are not limited to when:

1. An individual’s actions are deemed to be harmful or disruptive to the University or its community.

¹ IACLEA 2.2.2 – Procedures – Arrest with/without a Warrant



Trespass Warning and Arrests

| | | | |
|--------------------------|--------------|-------------------------|-----------|
| Issue Date: | 2/21/2018 | Effective Date: | 5/11/2020 |
| Review Date: | 5/11/2021 | Number of Pages: | 5 |
| Rescinds: | None | | |
| IACLEA Standards: | 2.2.2; 2.2.3 | | |

2. An individual’s actions are harmful, disruptive, and/or contrary to the University’s policies, rules or regulations.
 3. An individual is present in an area not open to the public, without proper authorization, or in a public building after the building is closed.
 4. A non-affiliated individual is found in an area not open to the public, but the area is not marked with signs or access is not properly restricted.
 5. The individual’s actions are contrary to Indiana law.
 6. Any other situation where an individual’s actions pose a public safety issue.
- C. Examples of disruptive behavior include, but are not limited to:
1. blocking the entrances to campus buildings.
 2. disrupting vehicular or pedestrian traffic.
 3. Making noise or engaging in behavior that disturbs the operation of the University; and/or
 4. Unauthorized entry into campus residence halls or apartments.

IV. Length of Trespass Warnings

- A. IUPD has discretion on the length of the trespass warning on University property upon careful evaluation of the totality of the circumstances.
1. The advisory length of an individual’s trespass warning will be one calendar year. A one-year advisement is suggested in situations when:
 - a. The individual has never received a trespass warning from IUPD before; or
 - b. The actions leading to the individual’s trespass warning were not contrary to Indiana law.
 2. A longer trespass warning may be issued up to five years in length in situations, including but not limited to, when:
 - a. An individual violates an existing trespass warning.
 - b. An individual has been issued a trespass warning by IUPD before.



Indiana University Police Department

Trespass Warning and Arrests

| | | | |
|--------------------------|--------------|-------------------------|-----------|
| Issue Date: | 2/21/2018 | Effective Date: | 5/11/2020 |
| Review Date: | 5/11/2021 | Number of Pages: | 5 |
| Rescinds: | None | | |
| IACLEA Standards: | 2.2.2; 2.2.3 | | |

- c. An individual committed a violent crime against another person while on University property; or
 - d. There is an articulable reason a longer warning is appropriate in the interest of public safety.
3. An IUPD supervisor must approve any trespass warning longer than one year and has the final issuing authority (subject to appeal) on the length of all trespass warnings in light of the totality of the circumstances.

V. Documentation of Warning

- A. IU Police Trespass Warning: Written notice of the trespass warning will be provided to the individual using IUPD form F2.2.2a *Trespass Warning*. This is a two-ply form, with one portion provided to the advisee and one retained by the Division.
 - 1. The individual will be requested to sign acknowledging receipt of the form but cannot be compelled to do so. When an individual refuse to sign the form, the issuing officer will write “*Refused to Sign*” in the signature space on the form and ensure refusal information is included in the *Division’s Record Management System (RMS)*.
- B. The officer will document the circumstances surrounding the issuance of the trespass warning including but not limited to the date of issue, date of expiration, identification of the issuing officer, any conditions, and specific location from which the subject is barred within the Division’s RMS. The report will also document all individuals present or identified as the complainant or witnesses.

VI. Trespass Arrests

- A. When an individual is found to have violated a properly issued trespass warning, they may be arrested² for Trespass at the officer’s discretion, after weighing all pertinent facts. There are other elements of the Indiana Trespass Statute that do not require a warning. Officers may refer to IC 35-43-2-2 for additional guidance.
- B. The officer will document the arrest following current Divisional arrest procedures.

² IACLEA 2.2.2 – Procedure – Arrest with/without a Warrant



Indiana University Police Department

Trespass Warning and Arrests

| | | | |
|--------------------------|--------------|-------------------------|-----------|
| Issue Date: | 2/21/2018 | Effective Date: | 5/11/2020 |
| Review Date: | 5/11/2021 | Number of Pages: | 5 |
| Rescinds: | None | | |
| IACLEA Standards: | 2.2.2; 2.2.3 | | |

- C. The officer will include in the report and probable cause all pertinent information including, but not limited to:
 - 1. Dates of previous trespass warnings.
 - 2. Identification of agents issuing the warning (to include contact information); and
 - 3. Any witnesses or complainants having known of the issuance of the warnings (to include contact information)
 - 4. Delivery method of original warning advisement (verbal, written, or both), and
 - 5. All relevant prior IUPD case numbers.
- D. If the individual is charged with a Felony Trespass charge, the officer will also include the following:
 - 1. Determination if the area is classified as a Scientific Research Facility as defined by IC 35-31.5-2-287; or a Key Facility as defined by IC 35-31.5-2-179 and identification of an individual who can attest to this fact for court purposes; and
 - 2. Any information on previous unrelated convictions concerning the same University property.

VII. Appeal Process

- A. The individual receiving the trespass warning may appeal the warning at any time by contacting IUPD. The appeal may be made in writing or in-person. If the individual receiving the trespass warning wants to appeal in-person, they must obtain advance permission to come onto campus from the Division’s administration.
 - 1. The trespass warning will remain in effect during the appeal process.
- B. The trespass appeal board will be comprised of two police administrative staff members.
 - 1. The individual appealing the trespass warning will be notified of the outcome, in writing if possible, within fifteen days of the appeal.



Indiana University Police Department

Trespass Warning and Arrests

| | | | |
|--------------------------|--------------|-------------------------|-----------|
| Issue Date: | 2/21/2018 | Effective Date: | 5/11/2020 |
| Review Date: | 5/11/2021 | Number of Pages: | 5 |
| Rescinds: | None | | |
| IACLEA Standards: | 2.2.2; 2.2.3 | | |

VIII. Related Information

Definition

Designated University Agent: An employee that has professional responsibility for someone else in employment, education and /or service.

Indiana University Police Department:

F2.2.2a *Trespass Warning and Arrests*

Indiana Code:

[IC 35-31.5-2-179](#) *Key Facility*

[IC 35-31.5-2-287](#) *Scientific Research Facility*

[IC 35-43-2-2](#) *Criminal Trespass*

Benjamin Hunter (05/10/2020)
Superintendent of Public Safety