



Criminal Trespass Procedure

Procedure Number: 315P

Responsible Office: Police

Forms: N/A

Effective Date: 09/10/2019

Date Last Reviewed: 02/21/2024

1. Purpose

Northern Virginia Community College Police Department sworn members, after considering the individual merits of each case, may forbid persons who are deemed to be harmful or disruptive to the college, or whose actions are contrary to law, from remaining on or returning to the college property.

2. Definitions

Administrative Ban: A directive or notice, sent by an authorized College official in writing by letter, e-mail or personally delivered, notifying an individual that they are prohibited from entering College property or some particular portion of it.

Authorized College Official: Those College officials who have been designated by this policy to issue or modify an administrative ban notice or to respond to the appeal of an administrative ban notice, including: AVP of Human Resources for employees; Deans of Students for students; AVP for Fair Practice/Title IX Coordinator; Directors of Campus Operations for visitors.

College Property: All buildings, facilities, and other property owned or controlled by the College, including but not limited to classrooms, administrative buildings, parking lots, athletics fields and facilities, and vehicles.

Sworn Member: Police Department employees appointed pursuant to Article 3 (§15.2-1609 et seq.) of Chapter 16 and Chapter 17 (§15.2-1700 et seq.) of Title 15.2, Chapter 17 (§23-232 et seq.) of Title 23, Chapter 2 (§29.1-200 et seq.) of Title 29.1, or Chapter 1 (§152-1 et seq.) of Title 52 Code of Virginia.

Trespass Notice: A notice issued by College police, notifying an individual that they are prohibited from entering College property or some particular portion of it; may also be issued when an individual has violated an administrative ban issued by an authorized College official.

3. Procedure

a. Trespass Orders Issued by the Police Department

- i. A Trespass Notice is to be issued to people whose conduct disrupts the peaceful and orderly functioning of the College. Such conduct is most often illegal, although there may be insufficient evidence to prove it beyond a reasonable doubt.

- ii. When a sworn member encounters a person who is disrupting the peaceful and orderly functioning of the college, they may arrest the person or issue a summons if there is probable cause to believe the person has committed a crime. If they determine that it is not appropriate to charge the person with a crime, they shall nevertheless warn the person that their conduct is unacceptable. If the person fails to discontinue the behavior or is observed again disrupting the college, the person may be banned from the college property. The sworn member shall request that Dispatch check the name of the person to determine whether or not the person has had previous contact with the department.
 - iii. The sworn member may issue the person a Notice Forbidding Trespass if they determine it is appropriate. Sworn members will examine each situation on its merits prior to making the decision to ban the individual. The Notice advises the person that their presence on the college property is no longer allowed and they must leave immediately. The Notice also advises that if the person returns, the person would be subject to immediate arrest. The Notice bars the person from all college properties or a tenant's leased property.
 - iv. The sworn member shall explain the Trespass Notice to the person and have the person sign the Notice acknowledging receipt. If the person refuses to sign, the officer shall write "Refused" in the signature block. The issuing officer shall explain to the person that they have a right to appeal being barred from the college to the Chief of Police. A photograph of the person should be taken so it can be attached to Trespass Notice. Appeal procedures are provided in the Notice. When a Trespass Notice is issued the sworn member shall notify their supervisor. The sworn member shall send the original Trespass Notice to Dispatch for it to be included in the Master Trespassing File. The sworn member shall document in a police report that a Trespass Notice has been issued and the expiration date of the Notice.
 - v. College Policy 304P section 2b authorizes sworn members to require that a student or employee whose behavior is disruptive to College operations or poses a significant risk of harm to the campus, leave for one business day. The sworn member will report the incident to the appropriate Authorized College Official to determine whether the issuance of a trespass notice or other action is necessary.
 - vi. If the person refuses to leave after being given a Trespass Notice, the person may be arrested and charged under VA Code §18.2-119.
- b. Enforcing Administrative Bans Issued by the College
- i. Sworn members should contact Dispatch to confirm the subject has been issued an Administrative Ban.
 - ii. Any student or employee who has been issued an Administrative Ban should (Shall) be escorted off of the property and the officer contacting the subject should (Shall) complete a Criminal Trespass notice. If the person refuses to leave after being given a Trespass Notice, the person may be arrested and charged under VA Code §18.2-119.
 - iii. The Office of Student Conduct or Human Resources Department should be notified that a Trespass Notice was issued to a person that had been previously administratively banned by the College

c. On Leased College Property

- i. When a sworn member responds to a call on the leased property regarding an individual that the tenant no longer wants on the premises, the sworn member will explain to the individual that they are no longer permitted on the leased property. Tenants on the college-owned or controlled property of NVCC may similarly designate the Police Department as the "person lawfully in charge". If the individual refuses to leave and a letter designating the police as the "person lawfully in charge" is on file with the Police Department, the police officer will confirm with the tenant that the individual's presence is no longer allowed. A sworn member may issue the individual a Trespass Notice. The sworn member will advise the person to leave or that the person may be arrested and charged under VA Code §18.2-119.

d. Appealing a Criminal Trespass Notice

- i. A person who has been issued a Trespass Notice by NVCC Police may appeal the trespass by submitting a written appeal to the Chief of Police, within ten (10) College business days of the date the trespass was issued. The written appeal must include the person's contact information, trespass notice information, date of issuance, the reason for being on College property that resulted in the trespass, and the person's future need to be on College property. The trespass remains in effect during the appeal.
- ii. Upon receipt of an appeal the Chief of Police, or their designee, shall review the circumstances which lead to the issuance of the Criminal Trespass Notice.
- iii. After conducting a review of the incident, the Chief of Police, or their designee, can keep the order in place, modify the notice, or rescind the notice. A written notice containing the decision made by the Chief of Police, or their designee, shall be mailed to the subject appealing the notice through certified mail. The appeal decision by the Chief of Police is final.

e. Record Keeping

- i. The Trespass Notice is a two-part form. The top page is sent to Dispatch and the second page is given to the person being barred.
- ii. When a Trespass Notice has been issued in person, the officer issuing the notice shall provide a copy of the notice to the subject. The original Trespass Notice and a photograph of the subject, if available, shall be sent to Dispatch.
- iii. Dispatch will enter the subject into the Computer Aided Dispatch system to show the subject has received a Criminal Trespass Notice.
- iv. Dispatch will record the information in the Trespass Log. A copy of the report should be included with the Trespass Notice.
- v. Trespass Notice records will be kept on file at Dispatch for the barring period. A designee will audit the Trespass Log to ensure all records are accurate and current. Once the barring period has terminated, the forms will be shredded and the Master Trespassing File will be updated. When Dispatch removes a subject from the Trespass Log an email will be



sent out to department personnel advising of the removal of the subject from the Trespass Log.