



**Policy Number: 325 – Criminal Trespass and No Trespass Lists**

**Effective Date: August 3, 2020**

**Revision Date: August 3, 2020**

**Approved By: Denis Otterness, Chief of Police**

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### **325.1 PURPOSE**

This policy provides Montana State University Billings Police Department (Department) personnel guidelines for investigating complaints of Criminal Trespass, issuing No Trespass Notices, and maintaining a No Trespass list.

### **325.2 POLICY**

It is the policy of this Department to limit access to Montana State University Billings (University) property in accordance with Montana State University Bozeman policy [1200.00 Restricting Access to Campus Property](#). The University may prohibit, limit or otherwise restrict access to or use of buildings, facilities, or other property as necessary to provide for the orderly conduct of the University's daily operations.

### **325.3 OVERVIEW**

The University Chancellor, University police officers, or any University official designated by them, may restrict or deny any person's access to any Montana State University Billings property, building, or a portion thereof, if the person engages (or threatens to engage) in conduct that:

- a. Interferes with the orderly operation of University programs, buildings, or other facilities;
- b. Violates University regulations pertaining to the use of facilities;
- c. Creates reasonable apprehension of harm or injury to persons or property; and/or;
- d. Constitutes a criminal offense committed while on Montana State University Billings property.

### **325.4 CRIMINAL TRESPASS NOTICE**

Montana Code Annotated (MCA) § 45-6-203 defines the offense of Criminal Trespass as knowingly entering or remaining unlawfully in an occupied structure or upon the premises of another. The Department is responsible for investigating complaints of Criminal Trespass and issuing No Trespass Notices.

A database of current No Trespass Notices will be kept by the University Police Department.

### **325.5 PROCEDURES - LAW ENFORCEMENT PERSONNEL**

#### **325.5.1 Arrest Procedures**

When an arrest is made, whether a custodial arrest or Notice to Appear (N.T.A.) is issued, and a No Trespass Notice is issued in conjunction with the arrest, the officer shall complete a detailed report documenting the facts surrounding the arrest and issuance of the No Trespass Notice in the Department's Automated Records Management System (ARMS). A copy of the signed No Trespass Notice, along with all other required forms (i.e. N.T.A. or citation), shall be uploaded into the ARMS case file.

#### **325.5.2 Non-Arrest Procedures**

When there is no arrest involved during the issuance of a No Trespass Notice, the officer shall complete a detailed Computer Aided Dispatch (C.A.D.) entry documenting the facts surrounding the issuance of the No Trespass Notice in the Department's ARMS system. A copy of the signed No Trespass Notice shall be uploaded into the ARMS case file.

### **325.6 PROCEDURES - NON LAW ENFORCEMENT PERSONNEL**

When a No Trespass Notice is issued to an individual by anyone other than a University police officer a copy of the No Trespass Notice will be forwarded to the Department. Department personnel will confirm that all information on the form is complete and both the issuing University official, and the individual receiving the No Trespass Notice, acknowledge receipt.

This information will then be entered into ARMS by Department personnel following the procedures detailed under section 325.5.