



GRAND RAPIDS POLICE TRAINING BULLETIN

June 9, 2017

Bulletin # 17-2

GOAL: Ensure proper enforcement of trespassing at business properties during business hours in light of the Michigan Court of Appeals opinion, *People v Maggit*.

OPEN BUSINESSES:

Trespassing during open business hours is to be treated as an unwanted person call.

- Business representative must call the non-emergency line and request the subject(s) be removed from the property.
- Subject(s) must be told to leave. A posted "no trespassing" sign does not provide sufficient notice.
- Officer with reasonable suspicion can stop subject(s) matching the description provided by the caller, complete a preliminary investigation regarding why they are there, and advise them that the business does not want subject(s) on the property any longer.
- Arrests can be made for failure to comply with initial request to leave or returning to property.

OFFICER EXPECTATIONS:

Officer shall:

- If incident results in arrest, touch base with caller / business representative to ensure ability to articulate the elements of trespassing and gather all available information regarding why the business representative wants the subject removed from the property.

Officer shall NOT:

- Use a no-trespass letter to effect an immediate arrest under any circumstances. This cannot happen at an open business, a closed business, an abandoned property, or a residence. Officers shall complete a preliminary investigation and ask the person to leave prior to making an arrest regardless of the "type of location" that has the no trespass letter.

REPORTS:

Comply with MOP 8-2(10c) Preliminary Investigations: "all reports must be complete, accurate and reflect in detail, the results of all efforts that are outlined in this procedure." Reports should articulate support for your actions. Details include: witnesses and complainant (e.g., owner, manager, clerk, other), observations justifying contact and actions, previous history of this address, history with suspect(s), etc.