

HENNEPIN COUNTY
MINNESOTA

Trespass

407

2022

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407.1 Purpose and Scope

This policy provides guidelines to security staff when excluding individuals from space owned and leased by Hennepin County. This policy covers only those trespass notices issued by a Security Officer, Security Supervisor, or Manager either employed by or contracted by Hennepin County.

Definitions

For the purposes of this policy, trespass occurs when a person:

- (a) refuses to depart from county property on demand of the County and after being issued a trespass notice; or
- (b) returns to county property after being told to leave the property and after being issued a trespass notice, if the person returns during the time that the trespass notice is in effect;

407.2 Policy

Persons who have acted in a disruptive, disorderly or threatening manner, refused to leave the property when requested to do so, or otherwise interfered with county services, may be excluded from the property for a specified period of time.

Trepasses will only be issued when necessary to keep Hennepin County properties safe for Hennepin County employees and the public and to ensure free, proper and lawful access to, egress from and proper use of county property by the public, and to protect the conduct of public business therein or thereon, free from interference, or disruption or the threat thereof. Security Officers will issue trespass notices as the last option available while maintaining a professional demeanor, informing the individual of the reason for issuing the trespass notice, and answering any questions. Security Officers will rely on Security Division training such as de-escalation, crisis intervention, cultural diversity, and implicit bias when engaging the public and, when possible, will do their best to make sure the individuals are able to properly access county services and are knowledgeable of County policies while in Hennepin County spaces.

It is the goal of this policy for the person to be able to return to the county property after the trespass notice has expired and for the conduct that resulted in the trespass notice not to happen again.

Anytime a Security Officer issues a trespass notice, the Security Officer will notify immediate Security Supervisor/or on call Security Supervisor after hours. Security Supervisor will notify Administrative Manager of all trespass notices issued for longer than 30 days period for general review.

Authority

Hennepin County Security, as the agent of the lawful possessor, has the authority to issue a trespass notice to an individual under Minnesota Statute §609.605.

Conduct

When Security Officers observe or receive a report involving inappropriate conduct Security Officers are to use de-escalation to speak to the person and inform them of the violation to make sure the individual understands and is able to stop the conduct before being issued a trespass notice. If the individual is a threat to the safety of Hennepin County employees and/or the public, the trespass notice will be issued immediately.

The scope of trespass notice

The trespass notice must be limited to the building where the conduct happened. A supervisor should be contacted if it appears necessary to expand the scope of the trespass notice to other county properties, and such determination will be reviewed by Administrative Management and the Hennepin County Attorney's Office.

407.3 Length of Trespass

The following guidelines will be used by Security Officer when issuing a trespass notice.

1 Day

Causing a minor disruption that affects business and other patrons. Persons in violation of the following will be informed of the use of space by the public in county facilities policy initially when approached. Trespass will be issued if the person continues the conduct after being informed.

- Eating food in areas that is not designated for food
 - The individual will be given options of areas that can have food
- Using language that is offensive about race or culture
- Failing to comply with the requirement to wear a face mask (when required by Hennepin County) that covers both mouth and nose and is secured to the head with ties or ear loops while in a county facility.
 - Security Officers will provide a face mask if one is needed. Security Officer will contact manager of the area to identify if accommodations can be done while meeting CDC guidelines.
- Items that are intentionally left unattended
 - Items should remain with owner, so property is not stolen
 - In the court facilities items cannot be hidden to avoid Weapons screening
 - Security Officers provide lost and found and will return property that was lost
- Children who are not under immediate care of an adult
 - For safety of the child, they should not be left unattended or not cared for
 - This does not include children who are lost
 - Security will work to help reunite children that are separated from guardians
- Sleeping
- Tobacco use

14 Day

Disrupting Hennepin County business to the extent that it causes others to be negatively affected. Persons in violation of the following will be informed of the use of space by the public in county facilities policy initially when approached. Trespass will only be issued if the person continues the conduct after being informed.

- Excessive noise that causes a disruption
- Personal grooming
 - When the possibility of blood, bodily fluids may pose a risk to the health and safety of others
- Non-compliant with staff
 - In a non-threatening manner but causes a disruption

30 Day

Conduct which causes significant disruption in county services and/or space by the public in county facilities policy violations.

- Viewing pornographic material
- Verbal altercation that causes a significant disruption of County services

90 Day

Conduct which causes a significant disruption in county services, physical altercations, and/or violations of city ordinance or state statute that could constitute a petty misdemeanor or misdemeanor.

- Illegal drug possession
 - Drug paraphernalia
- Possession and of alcohol
 - Unsealed and being consumed in public
- Physical altercation
 - Causing physical harm to others

180 Days

Conduct which causes a significant disruption in county services, threatening Hennepin County staff or others, and/or violations of city ordinance or state statute that could constitute a misdemeanor.

- Threatening staff or public
 - Including Security Officers
- Theft
 - Theft of Hennepin County Property and or property of employees or public
- Property damage
 - The value of property is more than \$500 but not more than \$1,000
- Illegal drug use
 - Medical attention will be provided by Security Officers in accordance with emergency Medical Responder training
 - Reporting a person who needs emergency care due to drug use will not be trespassed for drug use

365 Days

Engaging in indecent conduct which is or may be offensive to others, assaulting Hennepin County staff or others, violations of state statutes that could constitute a gross misdemeanor or felony, and/or repeated conduct that resulted in, or could have resulted in, prior trespass notices. Trespass notices for 365 days may also be issued when required by the trespass policy of the local jurisdiction for violation of a current trespass notice.

- Drug sale
- Repeated Issues
 - Person needs to have a prior trespass for the same issue of 30 days or higher
- ANY act that could constitute a FELONY

If trespass notice is violated the person will be informed and have an opportunity to leave. If requested Security Officers will provide a copy and will explain the notice. Another trespass notice will only be issued if the person refuses to leave after being informed they are in violation of the trespass notice and still refuse to leave.

407.4 Special Conditions

A trespass notice may be issued to a subject for conduct not witnessed by a Security Officer. After receiving a complaint from an employee, a trespass notice may be issued to the subject, provided the employee will file a report with Security and the person is positively identified.

Special conditions to return to trespassed space

In some cases, parties must return to a property to receive county services, attend court or scheduled meetings, or other activities that are only available at the location where they have been trespassed. Security Officers will ensure that a trespassed individual understands that they may return to the county property in this instance. Security Officers will provide Security Operations Center phone number (612-348-5111) to request an escort when needed to visit the site.

Officers should mark the conditions that apply to parties who fall under this category. When issuing the notice, this information should be explained to the party.

1. Receive county services available only at this location
2. Schedule appointments (this includes meetings, court appearances, etc.)
3. When escorted by security staff (not practical in all buildings; officers must provide a location or phone number for party to contact security)
4. Check in with security staff upon arrival in building at location (officers must provide a location or phone number for party to contact security)
5. Other (any other condition that may apply to the situation; must contain a detailed explanation)

Health and Safety Guidelines

Hennepin County will use the Centers for Disease Control and Prevention's (CDC) COVID-19 Community Levels tool to determine whether masks are required in county buildings. Additional masking requirements may apply in correctional, detention and healthcare settings. Signage posted in county buildings will direct visitors whether masks are required. Reasonable modifications may be made to this requirement on a case-by-case basis, upon request from an individual, and as required by applicable law, for example:

- The individual is two years old and under.
- The individual has a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face mask.
- The individual's religion or religious practices prevent them from wearing a face mask.

In addition, an individual may temporarily remove a face mask in certain circumstances, including:

- When testifying, speaking, or performing in a county facility, in situations or setting like a news conference, legal proceeding, County Board meeting, presentation, or lecture, provided that physical distancing is always maintained.
- When eating or drinking, provided that physical distancing is maintained between persons who are not members of the same party.
- When asked to remove a face mask to verify an identity for lawful purposes.
- While communicating with an individual who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face mask difficult, provided that physical distancing is maintained to the extent possible between persons who are not members of the same household.

Visitors should not be asked for proof or an explanation of their condition or disability.

407.7 Violation of Trespass Notice

A violation of a trespass notice occurs under any of the following circumstances:

1. Subject refuses to leave the premises after being issued a trespass notice
2. Subject intentionally returns to the property outside of any condition listed on the trespass notice
3. Subject returns to the property and refuses to leave after being warned and asked to leave the property

Requirements to make an arrest

In the event a subject violates a trespass notice, the following must exist to make an arrest:

1. Trespass notice must be violated (see list above)
2. Copy of current trespass notice must be available (either electronically or printed)
3. Person has an opportunity to leave

Warning in lieu of arrest

An officer will advise a person who currently has an active trespass notice that they may leave the premises prior to making an arrest. If the subject leaves after being advised, a case report should be completed documenting the violation.

407.8 Contesting/Rescinding a Trespass Notice

Any person who has been issued a trespass notice from Hennepin County Security may contest the trespass.

Appeal to Security Management

Written request must be received by the Hennepin County Management:

Hennepin County Government Center 300 South 6th Street

Mail Code: 228

Minneapolis, MN 55487

Security Management will review the facts of the case and issue a written decision within seven (7) business days of the receipt of the written request to contest the trespass notice. The Security Management may determine one of the following courses of action:

- Stand as Issued – no change will be made to the notice
- Rescinded – notice will be voided
- Terminated – notice will end on the date the manager issues decision
- Amended – notice length and/or restrictions are modified or changed

If the Security Management does not terminate or reduce trespass notice, the Security Management shall inform the person in writing that they may appeal the decision to the Hennepin County Facility Services Director by either:

- Submitting a written appeal, including any information that the person believes is in support of their appeal, or
- Submitting a written request for a hearing

The notice will provide contact information necessary for such further appeal.

Appeal to Department Director

The written appeal should include any information the subject believes is in support of their appeal.

If a hearing is requested, the Director will schedule a hearing within 15 business days of receipt of the written request for a hearing; the hearing will be conducted by the Director or his/her designee; the person will be entitled to present evidence and to hear evidence against him/her, but will not be entitled to subpoena witnesses or cross-examine witnesses; the person conducting the hearing will have the discretion to impose reasonable time limits on the presentation of evidence, reasonably limit the number of witnesses, and to make other decisions necessary to the orderly conduct of the hearing;

The hearing will not be recorded, and will not be open to the public except to the extent allowed by the person conducting the hearing in his/her sole discretion.

The Director will issue a written decision within 10 business days of receipt of a written appeal or within 10 business days after the hearing.

In both cases the decision will be final and binding.