



Administrative Policies and Procedures

Policy Title:	Trespass and Malicious Use of Telecommunications Devices	Policy Number: 304
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Approval:	<i>Milton Dohoney Jr.</i>	Page 1 of 6

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1.0 Purpose

This policy is intended to establish procedures to ensure the safety of City employees and visitors at City facilities including those open to the public. This document details the process for trespassing individuals and defines malicious use of telecommunications devices and steps that employees and the City shall take should an incident occur that violates this policy.

2.0 Scope

- ☒ Full-time
- ☒ Part-time
- ☒ Temporary/Contract
- ☒ Salaried
- ☒ Union

3.0 Policy

The City of Ann Arbor is committed to protecting the safety and health of our employees, contractors, customers, visitors, and partners. This policy details processes for being able to exclude from City facilities or property, individuals whose behavior is dangerous, unsafe, illegal, or unreasonably disruptive to others. While the City is committed to maintaining a customer service friendly environment and open access to the public as much as is feasible, it is also true that City employees are not expected to endure abusive or disruptive behavior from members of the public and should not be made to feel unsafe while they are at work.

3.1 Trespass Procedures

- A. Many City facilities are partially open to the public. However, there are times when individuals may be legally barred from entering City facilities or property. This policy details a framework for which notification of trespass may be taken when a visitor's actions are deemed to be harmful or disruptive to individuals in the facility. In the event of an emergency or when any person is exhibiting behavior that makes them feel unsafe, or is physically or verbally threatened, individuals should contact 911 immediately and take actions to remove themselves and others from the threat of harm. Outside of an immediate emergency, the below section details situations and procedures for barring individuals from City facilities or property. This procedure may be utilized, when another policy or ordinance is not in place (ex. Parks and Recreation).

1. Behavior that is “dangerous” is behavior that creates an imminent and unreasonable risk of injury or harm to either persons or property. Examples of dangerous behavior include, but are limited to, any of the following:
 - Threatening another person or property by communicating either directly or indirectly to a person the intent to cause harm; or
 - Brandishing a weapon; or
 - Stalking
 - Swatting (making a false report of a serious emergency to bring many armed officers to a location)
2. Behavior that is “illegal” is behavior that is prohibited by the laws or city ordinances.
 - Assaulting/battering staff or other patrons; or
 - Sexual misconduct or harassment (e.g., indecent exposure, offensive touching, sexual acts).
 - Other illegal acts
3. Behavior that is “unreasonably disruptive to other users” is behavior that, in consideration of the nature, scope, use and purpose of the publicly owned property in question, unreasonably interferes with others’ use and enjoyment of publicly owned property. Examples of behavior that may unreasonably interfere with others’ use and enjoyment of publicly owned property include, but are not limited to, any of the following:
 - Selling or using alcohol or drugs; or
 - Use of unreasonably hostile or aggressive language or gestures; or
 - Behavior that harasses, annoys, disrupts, or disturbs the peace. This can include initiating contact with a city employee in an unreasonably repetitive manner. Please also see HR policy 2.12, Anti-Harassment.
 - Unreasonably interfering with the free passage of staff or visitors in or on public property; or
 - Behavior that is unreasonably inconsistent with the normal use for which the publicly owned property was designed and intended to be used (e.g., loitering, bathing, or washing clothes in a public bathroom or other area).
 - Unwelcome contact with city employees outside of work, such as visiting their residence, contacting employees via personal / private communication channels (personal email, home/personal phone, home mailing), or doxing (publishing private or identifying information about an individual with malicious intent).

B. During public meetings, the chair of the meeting has the authority to initiate the removal of individuals from a public meeting in accordance with the Michigan Open Meetings Act (Act 267 of 1976). A person must not be excluded from a public meeting except for a breach of the peace committed at the meeting. If a person is trespassed from a City facility or property, they may or may not be entitled to attend a public meeting depending on the nature and severity of the incident. When an individual is trespassed, the City Administrator, or designee has the authority to determine if the individual(s) may continue to attend public meetings, while remaining barred from entering City facilities or property for other purposes.

C. Procedure to Initiate a Trespass Notice

1. The Chief of the Ann Arbor Police department has authorization to delegate officers to follow procedures in accordance with MCL 750.552 and/or Ann Arbor City Ordinance 9:69.
2. If an individual(s) behavior is dangerous, illegal, or unreasonably disruptive, a supervisor or manager may use their discretion to contact AAPD or a municipal officer to request a trespass notice be issued to an individual(s) by a police officer.
3. In incidents where a person suspected of a crime is present, a crime is observed, reported, investigated by a police officer and deemed to be more than a customer service complaint, an officer may seek approval from his or her supervisor to issue a trespass notice.
4. If a police officer investigating a disturbance determines issuance of a trespass notice meets the MCL 750.552 and/or Ann Arbor City Ordinance 9:69 threshold, and there is no immediate threat is present, the officer will complete the appropriate police report documenting the incident and seek legal counsel from the City Attorney's office. If approved, and the person comes to the city facility, a trespass notice will be issued.
5. If an AAPD officer attempts to or issues a trespass notice to an individual(s), AAPD will inform the City Administrator and City Safety Manager along with a copy of the trespass notice, police report, and identifying information.
6. When a trespass notice is issued, if the individual(s) subject to the trespass notice refuses to leave, the individual(s) may be arrested by the officer for violation MCL 750.552 and/or Ann Arbor City Ordinance 9:69.
7. If an individual(s) who has previously been issued a trespass notice enters a facility subject to a valid trespass, the subject may be issued a citation, arrested and/or a summons will be sought.
8. Generally, trespassed individuals will be banned from entering a facility(s) for a period of one year, however the duration may be

increased or decreased depending on the nature of the incident as determined by the City Safety Manager or designee.

9. All individuals issued a trespass notice have the right to appeal the notice and will be informed of their ability to appeal when the trespass notice is issued. Appeals will be heard by the City Administrator's Office or designee. Persons appealing a trespass notice may send an appeal in writing to the City Administrator's Office, 301 E. Huron St., Ann Arbor, MI 48104, or email TrespassAppeal@a2gov.org. The appeal shall not be allowed to be made by returning to City Hall in person.

3.2 Malicious Use of Phone, Email or other Telecommunications Devices

- A. The City takes seriously conduct over a telecommunications device that could be considered malicious. Malicious use of a telecommunications device is covered by the State of Michigan under MCL 750.540e. City employees should not be subject to communications from person who intend to terrorize, frighten, intimidate, threaten, harass, molest, annoy or disturb the peace of another.

In the event of a telephone threat, employees should take the following actions.

1. Remain calm.
2. Obtain as much information about the caller as possible.
3. If your phone is equipped with caller identification, write down the number that is displayed on the screen. Record the call, if possible, through your computer, use the recording feature on your phone, or other means.
4. After the caller hangs up, immediately call 911. Give all available information.
5. Notify your supervisor and the Safety Unit.

If a threatening voicemail or email is received, do not delete the message. Call 911 immediately and share available information. Notify your supervisor and the Safety Unit. Refer to the city's emergency action plan for more information on emergency situations.

- B. Outside of an emergency, employees should not be subject to communications from others that could be considered malicious. Examples of this can include:

1. Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act during a conversation or message.

2. Failing to disengage from a conversation that had come to its conclusion, such as after an employee has repeatedly attempted to disengage.
 3. Repeatedly initiating a call without speaking and hanging up, or communicating in an unreasonably repetitive manner that causes interruption in another's ability to utilize a telecommunication device or annoys, harasses, or intimidates.
- C. Procedures: Should an employee receive a malicious communication, they should take the following steps.
1. Document the communication.
 - a. For phone calls, if the phone is equipped with caller ID, document the callers number. Keep documentation of the call, or if feasible, save and recordings of the call.
 - b. For emails or other electronic communications, do not delete or discard the communication.
 2. Report the communication to a supervisor and the Safety Unit. In the event of a threat or emergency, call 911.
 3. Do not continue to engage with the individual but continue to document any further communication received.
- D. Investigation: The employee, supervisor, Safety staff and others, as appropriate, will review the nature of the communication and determine a course of action, which could include any of the following.
- Issuance of warning letter to offender to cease malicious communications.
 - Referral to another department or agency, such as the Washtenaw County Community Mental Health department, if appropriate.
 - Seek support from Information Technology to block communications to the employee and re-route them for continued monitoring.
 - Contact AAPD to complete a police report.
 - Consult with the Attorneys Office on potential legal action as appropriate.

For employees who may have been subject to malicious communications, the city shall provide support to employees as appropriate, including access to the city's employee assistance program.