

12.113 RIGHT OF ENTRY STICKERS AND RIGHT OF ENTRY LETTERS

Reference:

Ohio Revised Code (ORC) 2911.21 – Criminal Trespass
 Procedure 12.111 – Police Interaction with Homeless Encampments
 Procedure 12.372 – Chronic Nuisance Premises

Purpose:

Comply with state law, and to establish Police Department procedure to enable police officers to enforce Criminal Trespassing laws on private property with the property owner's consent.

Procedure:

- A. Right of Entry (ROE) Stickers
 1. ROE stickers will be triangular in design, manufactured from reflective material, and standardized with the words: City of Cincinnati – R.O.E. Community Partner.
 - a. The ROE sticker informs officers that a Right of Entry Letter is on file.
 - b. The ROE sticker can serve to deter potential trespassers and minimize the threat of criminal damage due to the owner's partnership with the police.
 2. Displaying of ROE Stickers.
 - a. The stickers will be displayed prominently in a first floor window nearest the entry door and be visible from the street (no obstructions from trees, bushes, signs or other items).
- B. Right of Entry Letters
 1. Must be filed in the district where the property is located.
 2. Will be notarized.
 3. Will be renewed annually by the affected district's Neighborhood Liaison Officer.
 - a. Include contact information for the property owner/manager with an emergency or night phone number.
 4. Annual renewal or change in ownership requires a new, notarized Right of Entry Letter.

C. Right of Entry Database

1. Each district commander will designate an officer (i.e. Crime Analyst, Neighborhood Liaison Officer) to maintain an accessible spreadsheet with information concerning persons who have been warned about trespassing on a specific property. This information will include the address of the property, the date of the violation, name, race, sex, date of birth, social security number, and control number of the person who was warned and the name and badge number of the officer who issued the warning.
2. The designated officer(s) will maintain a spreadsheet in a folder on the shared drive of the computer, accessible as a "read only" file for district personnel.

D. Enforcement/Processing

1. While investigating a complaint of trespassing at a location with a Right of Entry Letter on file, officers will exhaust all measures of ensuring the subject in question has no legal reason to be on the property (i.e. visiting relatives, friends, working).
2. Officers will contact the district to determine if the person has been warned in the past.
3. For a first time offense complete a Form 314, Notice To Appear (NTA) when the subject has no legitimate reason to be on the property.
 - a. At the top of the NTA, check the "other block" and write "Warning." In the violation section, write: **"As an agent of the above premise, I hereby warn you not to return to this address without permission of the owner."**
 - b. Ensure the address of the property and officers' name is clearly legible.
 - c. Ensure the subject signs the NTA and provide the subject with the Defendants Copy.
4. Supervisors will review and forward a copy of the NTA to the officer responsible for maintaining the district spreadsheet. Entries will be updated daily to ensure accuracy.
5. The NTA will be filed at the district for use in future court action.
6. Subsequent criminal trespass violations require a physical arrest.
 - a. Include the owner/manager contact information on the Form 527, Arrest and Investigation Report for notification for court.
7. Officers will ensure the original NTA "warning " and a copy of the Right of Entry Letter for the specific address where the violation occurred is on hand during court proceedings.