

DAYTON POLICE DEPARTMENT  
GENERAL ORDER  
RIGHT OF ENTRY PROCEDURES

RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

REV. 8/13

**POLICY STATEMENT**

In an effort to work with the community to address quality of life issues, the Dayton Police Department has established a procedure to enable police officers to work with business and rental property and vacant lot owners to enforce Criminal Trespassing laws.

**I. RIGHT OF ENTRY (ROE) PROCEDURES****A. RIGHT OF ENTRY AGREEMENTS**

Every business and rental property owner that participates in the ROE Program will complete a Right of Entry Agreement.

1. ROE Agreements must be notarized.
2. ROE Agreements will remain in effect unless terminated in writing by the property owner.
3. A change in ownership requires a written termination letter from the previous owner and a new, notarized ROE Agreement.
4. All ROE Agreements will include contact information for the property owner and/or manager with an emergency number or an after hours phone number. It will be incumbent upon the owner to notify the appropriate division of any changes.
5. All ROE Agreements shall be filed and stored in the district in which the property is located. The designated officer(s) for each division will be responsible for updating ROE Agreements and maintaining their storage.

**B. RIGHT OF ENTRY STICKERS**

1. ROE stickers will be approximately 4" x 6", manufactured from a reflective material, and standardized with the words: "Right of Entry DPD" with the white DPD shield in the center and cautionary wording below. (See Appendix A)
  - a. The ROE sticker will serve to inform officers that a current Right of Entry Agreement is on file with the division, ROE status can be verified through Teletype.
  - b. The ROE sticker can serve to deter potential trespassers and minimize the threat of criminal activity due to the property owner's partnership with the department.
2. ROE stickers will be displayed prominently on every entry door and at least one sticker must be visible from the street. Additionally, when the property is a vacant lot, the ROE sticker must be displayed on a permanent sign. ROE stickers must be placed on the property with 48 hours of execution of the ROE agreement.
3. ROE stickers must be obtained from the division's designated officer(s).
4. Owners terminating their ROE agreement must remove the ROE stickers from their property with 48 hours of written notification of the termination. Division personnel will immediately update the records upon receipt.

**C. PROPERTY OWNER STIPULATIONS**

1. Property owners are required to complete the Right of Entry Agreements to authorize the Dayton Police Department to trespass and/or remove unauthorized persons from public/common areas.
2. Property owners must sign the ROE Agreement and acknowledge receipt of the "Right of Entry Program Information for Property Owners" sheet.



3. Property owners are required to maintain the ROE stickers on their respective properties and to replace missing or damaged ROE stickers and to remove them upon termination of the ROE agreement.

#### D. RIGHT OF ENTRY DATABASE

1. Each Patrol Operation Division Commander will designate an 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 following from the F-347 Dayton Police Department Field Report – Criminal Warning:
  - a. Address of the subject property,
  - b. Date of violation,
  - c. Name,
  - d. Race, Sex, Date of Birth and SSN,
  - e. Name and ID of officer who issued the warning.

The original copy of the Criminal Warning must be maintained at the division for a period of two (2) years from issuance for use in any future legal action.

2. The ROE spreadsheet will be maintained on the "P" drive as a read only document for access by departmental personnel and Teletype.

#### E. ENFORCEMENT AND PROCESSING

1. When investigating a complaint of trespassing at a location with a ROE Agreement on file, officers will ensure that the violator has no legal reason to be on the property (i.e. visiting relatives, friends, working, etc.). Officers must have a reasonable articulable suspicion that the violator is involved or has been involved in criminal trespass and/or other criminal behavior (Terry V. Ohio (1968), 392 U.S. 1).
2. ROE Agreements give officers authority in the following areas:
  - For occupied business establishments, officers are authorized to have access during non-business hours.
  - For rental properties, officers are authorized for non-tenants found in common areas.
  - For vacant lots, officers are authorized anytime.
3. Officers will contact Teletype to verify any previous warnings.
4. For a first time offense, officers will complete a hard copy Form F-347 Dayton Police Department Field Report - Criminal Warning (CW) when the violator has no legal reason to be on the property. Additionally, officers should document this information on the MDT.
  - a. In the Details of Contact section of the CW, write: **"As an agent of the above premises, I hereby warn you not to return to this address without written permission of the owner."**
  - b. Ensure that the address of the property and the officer's name(s) are clearly legible.
  - c. Ensure that the violator signs the CW and provide them with a copy. If the violator refuses to sign, indicate refusal and attach a digital photo to the CW for file.
  - d. The no trespassing period will remain in effect for a period of three (3) year unless the listed property owner/manager contacts the district to have a name removed.
4. Supervisors will review and forward the CW's to the officer responsible for maintaining the district spreadsheet. Entries will be updated daily to ensure accuracy.
5. If the owner/manager subsequently gives permission for a person trespassed, the owner/manager will be required to promptly notify the appropriate division in writing to have the name removed from the trespass list.
6. Subsequent criminal trespass violations will require that the violator be physically arrested.
  - For a warrantless arrest of a person for a subsequent criminal trespass, officers must have probable cause to arrest the person – the person's name being on the trespass list is probable cause.



- Order the owner/manager into the prosecutor's office at 0800 hours the next business day following the incident.
  - Include the owner/manager contact information in the D.I.B.R.S. report and indicate that an ROE agreement is on file.
7. Officers attending court on an ROE offense will produce the original F-347 and a copy of the ROE Agreement and ROE Property Owners Information Sheet for the specific address where the violation occurred.

Appendix A



**All City of Dayton  
Police Officers are  
authorized to advise any  
person to leave these premises.**

**Failure to leave the premises  
after being instructed may  
result in an arrest for trespass  
after being warned.**