

19. RESERVE SECURITY GUIDELINES

Introduction

This section is intended to provide general guidance on problems faced by managers until more specific advice can be obtained for a particular case or need.

Trespass

Trespass is probably the most common security problem encountered in the field. The nature of NRS sites and their function requires controlled access that is designed to limit interference with academic uses. This position is often difficult to explain to a trespasser who is demanding access to “public” property, and it requires a great deal of diplomacy. The fact that the University is a “public” institution does not mean that it is open to the public without restriction. The Regents control the reserve property, subject to such limitations as are appropriate or required, in accordance with reserve purposes.

Trespass to property is the unlawful interference with its possession. In some situations, it is a criminal offense; in others, a civil offense. There are, of course, many refinements. The definition of most general concern deals with trespass on “posted lands” and appears in subsection (k) of section 602 of the California Penal Code:

- (k) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands without the written permission of the owner of the land, the owner’s agent or of the person in lawful possession, and

1. Refusing or failing to leave the lands immediately upon being requested by the owner of the land, the owner's agent or by the person in lawful possession to leave the lands, or
2. Tearing down, mutilating or destroying any sign, signboard, or notice forbidding trespass or hunting on the lands, or
3. Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into the lands, or
4. Discharging any firearm.

Note that laws can be amended and thus, if you plan to rely upon this statute, it would be prudent to check the current language of this law. California laws can be found on the Internet at <http://www.leginfo.ca.gov/calaw.html>.

Police Services. The University of California Police is responsible for protecting property and providing for the peace, safety and security of persons and facilities on properties owned, controlled, or occupied by the University (Systemwide Police Policies and Procedures, Policy 3:1, revised 1/1/78). Note that University policies, which can be found on-line, also get updated from time to time. Therefore, you may want to refer to the most recent version of this or any other University policy.

In addition, the California Educational Code (section 92600) and section 830.2 of the California Penal Code authorizes the University Police to exercise peace officer authority "in or about other grounds or properties owned, operated, controlled or administered by The Regents of the University of California."

Of special importance to NRS reserves is the University's sharing of jurisdiction with local enforcement agencies. "The County Sheriff's Department has concurrent

jurisdiction on all campuses and upon all properties owned or controlled by the University located within the county. If the campus or property is located within a municipality, the city Police department has concurrent jurisdiction” (policy 4:3, revised 1/1/78, Systemwide Police Policies and Procedures). The details of this shared jurisdiction are spelled out in cooperative agreements between the University and the local jurisdiction. Due to the remote location of most NRS reserves, reliance on local Police is more likely than upon University Police.

It is recommended that the Campus NRS Chair, in consultation with the campus NRS Administrative Officer and Reserve Managers, discuss NRS needs with the Campus Police Chief and insert pages into this manual summarizing whatever agreements and plans are reached, including the text of cooperative agreements with local police authorities. A copy of any such agreements should be provided to the NRS Systemwide office.

What to Do in Case of Trespass

1. The cardinal rule is: Do not jeopardize your health and safety, or that of others. Avoid confronting belligerent persons or persons with weapons. In such cases, immediately inform the local sheriff or police department of the situation.

2. Doctrine of Constructive Notice.
 - a) These procedures should be systematically followed in order to reduce the incidence of trespass and hostile encounters, and to establish a pattern of reasonable conduct on our part in case of subsequent legal action.

All routes of entry should have signs. Standard 11-1/4" x 11-1/4" NRS signs are available in both plastic and aluminum from the NRS Systemwide office. If effectively placed, the trespasser will have to travel past a sign in order to enter the property. Signs at intervals of not less than three to the mile and at each road and trail entrance (Section 602 (k), California Penal Code) should secure all legal rights and provide adequate and constructive notice to those who enter a reserve without proper authorization. A file record (e.g., maps, photographs, or digital images of signs placed on the reserve) might be useful evidence in case of legal action.

- b) Identify yourself to the trespasser. In some instances, the campus police may wish to issue identification cards to reserve staff. Ask if the person has authorization to enter.

- c) Inform the person that s/he is on University property with restricted access and ask if s/he saw the signs upon entering. If the entry was via an unposted route, additional signs should be installed to control future trespass.

- d) Inform the person of the reserve's rules for use of the property. It would be useful to have a copy or handout that could be given to the person. Ask if the person has legitimate business with the reserve or has authorization to enter.

- e) Discretion now comes into play. You could offer to walk with them to an exit, show them around if the situation warrants, inform them of visiting hours, or take other reasonable and appropriate action. You should seek to resolve the situation in a spirit of good will, taking a reasonable position consistent with basic NRS objectives. Remember, when enforcing rules and regulations pertaining to the reserve, the resident manager/caretaker is acting as an agent of the University. If the trespasser becomes resistant or belligerent, do not use force or make physical contact to restrain or move the trespasser. Contact University security personnel or the sheriff.
- f) The final step is important. You should log the encounter into a log book established for this purpose. This information could be vital at a later date. For example, it would document repeat offenders and establish the facts in case of a claim by or against the University. You should record, if known (or estimate if uncertain), the date and time of trespass, the name of the trespasser, the method of trespass (on foot, by car, off-road vehicle, motorcycle, horse, etc.), the stated purpose of the trespass (hiking, hunting, fishing, picnicking, curiosity, etc.), the point of entry, and the damage caused, if any. Entries should be made as soon after the event as possible, while recollections are fresh.