

GENERAL ORDER

PORT WASHINGTON POLICE DEPARTMENT

SUBJECT:	TRESPASS TO DWELLING	NUMBER:	1.7.3.1
		ISSUED:	3/29/16
SCOPE:	All Sworn Members	EFFECTIVE:	3/29/16
DISTRIBUTION:	General Orders Manual	<input type="checkbox"/> RESCINDS	
		<input type="checkbox"/> AMENDS	
REFERENCE:	175.403, 943.14	WILEAG 5 th Edition Standard(s): 1.7.4.2, 1.7.5	

INDEX AS: Trespass to Dwelling

PURPOSE: The purpose of this General Order is to establish procedures for members of the Port Washington Police Department regarding the investigation of complaints alleging a violation of trespass to dwelling.

This Order consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. PROCEDURES

I. DEFINITIONS

- A. **§ 943.14 - Criminal trespass to dwellings:** *Whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, is guilty of a Class A misdemeanor.*
- B. **§ 943.13(1e) (ar) - Dwelling unit:** *A structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.*

II. POLICY

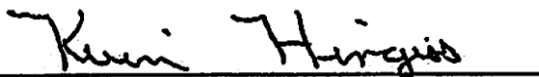
- A. Pursuant to § 175.403, it shall be the policy of the Port Washington Police Department, should an Officer develop probable cause to arrest a subject for a violation of § 943.14, at a minimum, the officer shall remove the subject from the dwelling.
- B. In most instances, an arrest should be made if probable cause exists. Arrest may take the form of a criminal referral to the District Attorney's Office or a physical arrest. However, arrest is not mandatory.

- C. If the suspect has a leased, month to month, or week-to week, tenant relationship with the complainant, there is no probable cause to believe a criminal trespass violation has occurred.

III. PROCEDURES

- A. All cases of alleged criminal trespass to a dwelling shall be thoroughly investigated.
- B. If the alleged criminal trespass to dwelling complaint involves a pending eviction, which is a civil process, it is the responsibility of the Ozaukee County Sheriff's Department to serve or execute the eviction. If/when deemed necessary, the Sheriff's Department may request an Officer(s) to assist their Deputy with an eviction.
- C. Officers shall make reasonable efforts to exercise professional communication skills to influence subject cooperation prior to forcibly removing a subject from a dwelling.
- D. If the complainant is not present, then trespass is to be under circumstances that tend to create or provoke a breach of the peace.
- E. If an Officer has probable cause to arrest a subject for a violation of § 943.14, the subject shall be removed from the dwelling, and may be subject to a criminal referral or physical arrest, based upon the totality of the circumstances.
- F. In all cases, investigations will be documented in a Department incident report. This General Order cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

APPROVED:



Chief Kevin Hingiss

DATE:

1/16/19

Revised 1/16/19