



Department of State Police Superintendent's Memo

Effective Date: August 19, 2022	Number: 22-SM-03
Subject: No Trespass Orders	

Written "No Trespass" orders can be an effective tool when dealing with subjects who are causing persistent problems on various types of property both public and private. However, these orders can have significant legal and constitutional implications. To utilize this tool in an effective and legally enforceable manner, the following shall be adhered to regarding the use of "No Trespass" orders.

Members must always inquire as to whether a subject is in need of police services prior to requesting they leave any property owned and/or maintained by the Department of State Police.

Massachusetts State Police – Trespass Orders:

- Shall only be issued for Massachusetts State Police (MSP) facilities.
- Requests for written no trespass notices shall be made through channels to the Massachusetts State Police - Office of the Chief Legal Counsel (Legal). Legal will review the request and if warranted, draft the written no trespass order to be signed by the Superintendent or their designee.
- Service of a trespass order shall be made in hand or via certified mail with return receipt requested.

Service of other Agencies Trespass Orders:

- MSP personnel may "serve" no trespass orders that are drafted by other state agencies (Department of Conservation and Recreation, Department of Transportation, etc.), authorities (Massachusetts Port Authority, etc.) or municipalities. The drafting, retention, and administration of these no trespass orders issued by state agencies, authorities, or municipalities is the sole responsibility of those entities. A record of the service of these orders will be made via an incident report in the current record management system. A copy of the incident report detailing the service of the order will be sent to the issuing entity.
- Massachusetts State Police personnel shall **not** serve any trespass orders for private property owners.

Any current trespass orders that were drafted and issued by MSP members shall be sent through channels to the Office of the Chief Legal Counsel. These legacy orders will be reviewed, in consultation with the Department and any other relevant stakeholder, to determine if they should be extended or revoked. Extended orders will be redrafted consistent to this memorandum. Subjects of revoked legacy no trespass orders will be notified by the Office of the Chief Legal Counsel that those orders are no longer in effect.

OFFICIAL:

**Christopher S. Mason
Colonel/Superintendent**