


'No trespassing' sign may not stop officers from entering yard

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Richard Piatt

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WEST VALLEY CITY — The fatal shooting of a dog in a backyard last month prompted a Salt Lake County man to create and sell “no trespassing” signs, but legal experts say those signs may not stop officers from entering someone’s yard.

West Valley resident Chuck Roberts said he realizes his sign addresses a current hot-button issue in Salt Lake City — the death of Geist, a 110-pound, 2-year-old Weimaraner shot by a police officer June 18.

He also said it shows how strongly people feel about their pets, property rights and the safety of the state's police officers.

Roberts, who is in the sign-making business, created the small sign to hang near the entrance of private property. The sign reads: "No trespassing. Dog on premises. Notice to law enforcement: Resident does not consent to searches. In case of emergency, please recruit assistance from local animal control personnel." Then it has a place for the resident to list their phone number.

"I figured if I could make a sign that I could hang up in my yard, then the dog would be safe, the law enforcement officer would be safe, and my Fourth Amendment rights would be intact," Roberts said.

But University of Utah law professor Paul Cassell said police officers are trained on such issues and already know they can't go onto private property without a good reason.

"Law enforcement officers generally know they cannot go into someone's fenced yard," Cassell said. "It's only in very, very rare circumstances — in an emergency or exigent circumstance — that requires immediate action."

On June 18, police were looking for a missing 3-year-old in the area of 2500 South and 1500 East. An officer entered Sean Kendall's backyard and was confronted by Geist. Kendall was not home at the time. Geist was shot and killed.

It fits the criteria for what legal scholars call "an exigent circumstance" — imminent danger or threat that would override property rights.

In that type of situation, a sign won't mean a thing, Cassell said.

"A sign isn't relevant in exigent circumstances," he said. "In the case of a missing child, police may be limited to go on private property. And of course, whether this was one of those limited circumstances is a matter that's under investigation."

In the meantime, the demand for Roberts' signs keeps growing. He's selling the signs for \$6.99. Due to an overwhelming demand, current processing time is five to 10 business days, according to his website, protectmypooch.com.

"With all the emotions involved, I figured there was a common-sense solution to it all," Roberts said. "This is my idea, and I've gotten pretty good response from it."

Contributing: Viviane Vo-Duc

Email: rpiatt@deseretnews.com