

PSF-3.02 - Exclusions from City of Portland Properties

EXCLUSIONS FROM CITY OF PORTLAND PROPERTIES

Administrative Rules Adopted by Police Bureau Pursuant to Rule-Making Authority

ARB-PSF-3.02

Section 1- Procedure

Parks and Landmarks

City Code 20.12.265 provides that sworn Bureau members and employees or agents of the Parks Bureau have authority to exclude from city parks and certain landmarks those persons who violate Park Bureau rules and regulations, city ordinances and state statutes. Park exclusions are for a period of 30 days.

Portland Police Bureau Facility Exclusions

City Code 5.36.115 provides that the commissioner in charge may designate a person in charge of City property. The person in charge for Bureau facilities is the Chief of Police. The City Code further provides that the administrator of each City bureau will identify persons in charge for their facilities of responsibility. All sworn members have been designated as persons in charge of Bureau property and are authorized to effect arrests for trespass within lobby areas of police facilities and exclude persons from all Bureau property.

Persons who violate any of the Rules of Conduct for Portland Police Bureau Property while in or upon premises of the Bureau may be immediately ejected from the premises and excluded from all Bureau properties for a period of 180 days.

Rules of Conduct for Portland Police Bureau Property

- a. No person shall violate any Federal, State, or City of Portland law.
- b. No person shall enter or remain on Portland Police Bureau property for purposes other than to conduct legitimate business with the Bureau or one of its tenants.
- c. No person shall enter or attempt to enter any secure portion of any Portland Police Bureau property that is not open to members of the general public, without authorization from the Bureau.
- d. No person shall deface, damage, or destroy Portland Police Bureau property.
- e. No person shall engage in conduct that degrades the appearance of Portland Police Bureau property, including but not limited to, depositing trash, spitting, urinating, or defecating upon the property.

f. No person shall engage in conduct that disrupts or interferes with the normal operations of the Portland Police Bureau or its tenants, or engage in conduct that disturbs employees or customers of the Bureau or its tenants, including but not limited to, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior.

g. No person shall engage in conduct that subjects or may subject employees or customers of the Portland Police Bureau or its tenants to annoyance or alarm, including but not limited to, conduct that involves the use of abusive or threatening language or gestures.

h. No person shall use Portland Police Bureau property or facilities for the purpose of housing or camping, including but not limited to, placing objects such as vehicles, bicycles, backpacks, carts, or other items in a manner that interferes with free passage.

i. No person shall refuse to obey any reasonable direction of a Portland Police Bureau employee.

City of Portland Parking Garage Exclusions

City Ordinance 175372 designates the following as persons in charge:

a. Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau.

b. Any person providing security services in any City parking garage pursuant to any contract with the City or with any person, firm, or corporation managing City parking garages on the City's behalf.

c. Any person specifically designated in writing as a Parking Garage Officer by the Commissioner or the (bureau) Director.

Persons who violate any of the Rules of Conduct for City parking garages while in or upon City garage property may be immediately ejected from the premises and excluded from all City parking garages for a period of 180 days. The Rules of Conduct will be posted in all City parking garages. Garage addresses are listed on the Notice of Exclusion form.

Rules of Conduct for City of Portland Parking Garages

a. No person shall violate federal, state, or city law.

b. No person shall enter or remain for any purpose other than to park or retrieve a motor vehicle or do business with a City parking garage retail tenant.

c. No person shall possess any weapon or any similar instrument that can be used to inflict injury upon a person or damage to property, except to the extent permitted by Oregon law.

- d. No person shall use City parking garages for the purpose of housing or camping, including but not limited to, sleeping, bathing, cooking, or use as a restroom.
- e. No person shall deface, damage, or destroy City parking garages.
- f. Unless authorized by the City of Portland, no person shall post or place on cars any handbills, flyers, or posters of any kind within City parking garages.
- g. No person shall engage in sexual conduct as defined by ORS 167.060 (10).
- h. Other than at City of Portland authorized events, no person shall possess an open container of alcohol or consume alcoholic beverages.
- i. Other than at City of Portland authorized events, no person shall play or use amplified or audio equipment at a level that disturbs others.
- j. Other than at City of Portland authorized events, no person shall participate in parties, “rave” parties, or other similar gatherings.
- k. No person shall use City parking garages and/or their structures and fixtures, including but not limited to, walls, railings, banisters, stairs, or ventilation fixtures, in ways they were not intended to be used, including but not limited to, sitting, standing, lying kneeling, skating, or skateboarding.
- l. No person shall smoke or carry any lighted smoking instrument while in the elevator or any enclosed portion of City parking garages.
- m. No person shall engage in conduct that disrupts or interferes with normal operations of City parking garages or any tenant of a City parking garage, or that disturbs employees or patrons of City parking garages, including but not limited to, conduct that involves the use of abusive or threatening language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior.
- n. No person shall interfere with free passage of patron or employees of City parking garages, including but not limited to, placing objects such as bicycles, backpacks, carts or other items in a manner that interferes with free passage.
- o. No person shall refuse to obey any reasonable direction of a Parking Garage Officer.

Member Responsibilities

Members excluding persons from city parks or properties will process such cases in one of the

following manners, depending upon the circumstances involved.

a. Issuance of an Exclusion Only

1. Notify a supervisor responsible for the involved facility (e.g. Central Precinct) when PPB facilities are involved.
2. Complete a “Notice of Exclusion From City of Portland Parks or Properties” form.
3. Serve the excluded person his/her copy of the form.
4. Document the facts of the exclusion on the back of the “Issuing Person’s Notes” copy of the form.
5. Sign the affidavit section on the back of the “Issuing Person’s Notes” copy of the form.
6. Submit the remaining copies of the form through normal report channels to the Records Division (Records).

b. Issuance of an Exclusion in Conjunction with an Arrest for an Offense

1. Notify a supervisor responsible for the involved facility (e.g. Central Precinct) when PPB facilities are involved.
2. Complete a “Notice of Exclusion From City of Portland Parks or Properties” form.
3. Serve the excluded person his/her copy of the form.
4. Complete a Custody Report.
5. Complete an Investigation Report if the offense involved a crime against a person or property.
6. Detail the facts of the case on either the Custody or Investigation Report.
7. Note on the back of the “Issuing Person’s Notes” copy of the form that the narrative is on the Custody or Investigation Report.
8. Issue a CILC or book the subject at MCDC.

9. Submit all reports and remaining copies of the form through the normal report channels to Records.

c. Authority To Arrest: A person violating the Exclusion Notice may be charged with Criminal Trespass II provided the excluded person:

1. Has not had the suspension period rescinded or shortened by the City Code Hearings Officer.
2. Has not received any temporary waiver from the commissioner of the bureau responsible for the involved property.

To determine if a person has been excluded from a particular park or property, and to ascertain if the person has been granted a waiver or rescind of the time requirement, members must check the person's PPDS file.

Records Division Responsibilities

When receiving exclusion reports, Records will:

- a. Assign a number to the case, record that number on the exclusion form, as well as other reports submitted, and attach the original copy of the Notice of Exclusion to the Custody or Investigation Report.
- b. Enter the exclusion information into the excluded person's PPDS record.
- c. Distribute copies to the precincts as per normal procedures.
- d. Send a copy of any Investigation or Custody Report and the "Hearing's Officer" copy of the Notice of Exclusion to the Code Hearings Officer upon request.

Section 2- References

ORS 167.060 (10) Definitions – Sexual Conduct

ORS 164.245 Criminal Trespass in the second degree

City Code 5.36.115 Designation of "Persons In Charge" for Purposes of Excluding Person From City Property

City Code 20.12.265 Trespass

City Ord. 175372 (D) Exclusions From City Parking Garages

DIR 830.00 Arrest Without Warrant

DIR 835.10 Temporary Park Closures

Notice of Exclusion From City of Portland Parks or Properties Form (Operations Branch)

HISTORY

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