

***Please Note:** This is a working draft of Directive 0670.00 Trimet Enforcement. The PPB has not implemented any portion of this draft. Submit your comments using the “Provide Feedback Here” link located at the end of the directive.

A redline copy of the updated directive is included in this attachment.

0670.00 Trimet Enforcement

Second Universal Review: 6/1/23 – 07/1/23

Refer:

- ORS 164.245 Criminal Trespass II
- ORS 166.025 Disorderly Conduct
- ORS 166.116 Interfering With Public Transportation
- TriMet Code Chapter 28 Regulations Governing Conduct on District Property
- TriMet Code Chapter 29 Regulations Governing Proof of Fare Payment
- TriMet Code Chapter 30 Regulations Governing Parking Facilities
- TriMet Administrative Rules for the Issuance and Processing of Exclusions
- TriMet Administrative Rules for the Issuance and Processing of Interdiction Commands
- 0311.30 Off Duty Responsibility of Officers
- 0860.10 Traffic Citations and Arrests

Directive Specific Definitions:

- Transit Police Division (Transit Police): A division within the Multnomah County Sheriff’s Office under contract with TriMet to perform law enforcement duties for the TriMet system.
- TriMet System: The Portland metropolitan area transportation system which includes, but is not limited to, bus, train, train platform, and all property and equipment owned, leased or controlled by TriMet.

Policy:

1. Safe, efficient, and equitable public transit is important to the community, and this is reflected in the statutory authority provided to police officers to enforce TriMet Code. However, members should be mindful that they do not enforce fare violations, and that they should exercise discretion in enforcement of TriMet rules, unless specifically called on by TriMet personnel.

Procedures:

1. Authority.
 - 1.1. TriMet Ordinance 28.20(c) provides all peace officers of the State of Oregon the authority to issue citations, as provided by Oregon law, to any person who violates any provision of TriMet Code 28.15. Violations of TriMet ordinances are infractions and therefore subject only to citation issuance.
 - 1.2. TriMet fare inspectors are not members of a criminal justice agency. Therefore, members will not provide them with LEDS information.
2. Member Responsibilities.

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- 2.1. Fare evasion:
 - 2.1.1. Fare evasion in and of itself is not a crime. Members will not participate in the identification of an individual for not showing fare when requested by a TriMet member or contract security staff. Members will not assist in the identification of an individual for the purpose of citation, or TriMet Exclusion, for not showing fare when requested by a TriMet member, or contract security staff.
 - 2.1.2. Members are prohibited from the use of any LEDS database for the purpose of:
 - 2.1.2.1. Obtaining information on an individual for the sole purpose of investigating violation of Fare.
 - 2.1.2.2. Obtaining information on an individual for the sole purpose of issuing a TriMet Exclusion based on violation of Fare.
- 1.1. Issuance of Citations: Members may issue citations for violations of Trimet Code using a Z-Cite.
- 1.2. Exclusions: Any sworn member may exclude persons who violate any provision of the TriMet code or state statute as it relates to TriMet. Members deciding to exclude a violator from the TriMet system will:
 - 1.2.1. Complete a TriMet Notice of Exclusion form.
 - 1.2.2. Issue the excluded person his/her copy of the exclusion form, and a copy of Exhibit D.
 - 1.2.3. Complete and sign the affidavit portion of the form (if additional police reports are written make note of that fact on the affidavit).
 - 1.2.4. Fax a copy of the front of the Notice of Exclusion, and a copy of the affidavit to the TriMet Exclusion Administrator within 48 hours. The fax number is printed on the bottom of the Notice of Exclusion.
 - 1.2.5. Forward all original reports and forms through normal channels to the Records Division (Records). Note: The length of the exclusion will be based upon the conduct of the person being excluded. Each exclusion has the TriMet code violation and length of the exclusion printed on the front of the form. All exclusions will be subject to an automatic stay of ten business days, following the date of issuance.
- 1.3. Interfering with Public Transportation based on Current Exclusion: A Person may be arrested for Interfering with Public Transportation, ORS 166.116 if the person intentionally or knowingly enters or remains on TriMet property and an exclusion is verified to be current through the TriMet system. To determine if the person is excluded at the time of contact, members can contact TriMet dispatch on their radio channel or by phone. The phone number is available in the Problem Solving Resource Guide. Persons who are found to be presently excluded from the system may be charged with Interfering with Public Transportation if:

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- 1.3.1. They have not had the exclusion period rescinded by the TriMet Hearings Officer.
 - 1.3.2. They have not been granted a variance to allow for school or occupational travel. If a variance has been granted the excluded person is required to have a letter on his/her person indicating the terms of the variance (Interfering with Public Transportation replaces Criminal Trespass in the Second Degree for situations on public transportation property).
- 1.4. Persons may be arrested for Interfering With Public Transportation if they:
- 1.4.1. Interfere with the provision or use of public transportation services by interfering with the movement of, or access to, public transit vehicles.
 - 1.4.2. While in or on a public transportation vehicle or public transit station, engage in disorderly conduct as defined in ORS 166.025 Disorderly Conduct.
 - 1.4.3. Subjects a public transportation passenger, employee, agent, security officer, or transit police officer to offensive physical contact.
- 1.5. Members using TriMet’s services while off duty, will exercise discretion in the event circumstances arise which require police action. Any off-duty police action will be evaluated under Directive 0311.30 Off Duty Responsibility of Officers.

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0670.00 TRIMET ENFORCEMENT Trimet Enforcement

Refer:

- ORS 164.245 Criminal Trespass II
- ORS 166.025 Disorderly Conduct
- ORS 166.116 Interfering With Public Transportation
- TriMet Code Chapter 28 Regulations Governing Conduct on District Property
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- TriMet Administrative Rules for the Issuance and Processing of Interdiction Commands

POLICY (670.00)

~~All members will take appropriate action when summoned to the TriMet system on reported criminal, civil, or order maintenance situations. Additionally, members using TriMet's services will exercise discretion in the event circumstances arise which require police action.~~

PROCEDURES (670.00)

- 0311.30 Off Duty Responsibility of Officers
- 0860.10 Traffic Citations and Arrests

Directive Specific Definitions:

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- TriMet System: The Portland metropolitan area transportation system which includes, but is not limited to, bus, train, train platform, and all property and equipment owned, leased or controlled by TriMet.

Policy:

1. Safe, efficient, and equitable public transit is important to the community, and this is reflected in the statutory authority provided to police officers to enforce TriMet Code. However, members should be mindful that they do not enforce fare violations, and that they should exercise discretion in enforcement of TriMet rules, unless specifically called on by TriMet personnel.

Procedures:

1. Authority ~~(670.00)~~.
 - 1.1. TriMet Ordinance 28.20(c) provides all peace officers of the State of Oregon the authority to issue citations, as provided by Oregon law, to any person who violates any provision of TriMet Code 28.15. Violations of TriMet ordinances are infractions and therefore subject only to citation issuance.

1.2. TriMet fare inspectors are not members of a criminal justice agency. Therefore, members will not provide them with LEDS information.

2. ~~Sworn~~ Member Responsibilities ~~(670.00)~~.

~~a. Issuance of Citations: Persons who are charged with violating TriMet codes commit an infraction and will be cited into the Circuit Court of venue through the issuance of a Z-cite (See DIR 870.20 for cite definitions.).~~

~~2.1. b. Fare evasion:~~

~~2.1.1. Fare evasion in and of itself is not a crime. Members will not participate in the identification of an individual for not showing fare when requested by a TriMet member or contract security staff. Members will not assist in the identification of an individual for the purpose of citation, or TriMet Exclusion, for not showing fare when requested by a TriMet member, or contract security staff.~~

~~2.1.2. Members are prohibited from the use of any LEDS database for the purpose of:~~

~~2.1.2.1. Obtaining information on an individual for the sole purpose of investigating violation of Fare.~~

~~2.1.2.2. Obtaining information on an individual for the sole purpose of issuing a TriMet Exclusion based on violation of Fare.~~

1.1. Issuance of Citations: Members may issue citations for violations of Trimet Code using a Z-Cite.

~~1.1.2.~~ Exclusions: Any sworn member may exclude persons who violate any provision of the TriMet code or state statute as it relates to TriMet. Members deciding to exclude a violator from the TriMet system will:

~~1.1.1.2.1.~~ ~~1.~~ Complete a TriMet Notice of Exclusion form.

~~1.1.2.1.2.2.~~ ~~2.~~ Issue the excluded person his/her copy of the exclusion form, and a copy of Exhibit D.

~~1.1.3.1.2.3.~~ ~~3.~~ Complete and sign the affidavit portion of the form (if additional police reports are written make note of that fact on the affidavit).

~~1.1.4.1.2.4.~~ ~~4.~~ Fax a copy of the front of the Notice of Exclusion, and a copy of the affidavit to the TriMet Exclusion Administrator within 48 hours. The fax number is printed on the bottom of the Notice of Exclusion.

~~1.1.5.1.2.5.~~ ~~5.~~ Forward all original reports and forms through normal channels to the Records Division (Records). Note: The length of the exclusion will be based upon the conduct of the person being excluded. Each exclusion has the TriMet code violation and length of the exclusion printed on the front of the form. All exclusions will be subject to an automatic stay of ten business days, following the date of issuance.

~~e.~~

Interfering with Public Transportation based on Current Exclusion: A Person may be arrested for Interfering with Public Transportation, ORS

~~1.2.1.3.~~ 166.116 if the person intentionally or knowingly enters or remains on TriMet property and an exclusion is verified to be current through the TriMet system. To

determine if the person is excluded at the time of contact, members can contact TriMet dispatch on their radio channel or by phone. The phone number is available in the Problem Solving Resource Guide. Persons who are found to be presently excluded from the system may be charged with Interfering with Public Transportation if:

~~1.2.1.1.3.1. 1.~~—They have not had the exclusion period rescinded by the TriMet Hearings Officer.

~~1.2.2.1.3.2. 2.~~—They have not been granted a variance to allow for school or occupational travel. If a variance has been granted the excluded person is required to have a letter on his/her person indicating the terms of the variance (Interfering with Public Transportation replaces Criminal Trespass in the Second Degree for situations on public transportation property).

~~d.~~

~~1.3.1.4. Persons may be arrested for Interfering With Public Transportation if they:~~

~~1.3.1.1.4.1. 1.~~—Interfere with the provision or use of public transportation services by interfering with the movement of, or access to, public transit vehicles.

~~1.3.2.1.4.2. 2.~~—While in or on a public transportation vehicle or public transit station, engage in disorderly conduct as defined in ORS 166.025 Disorderly Conduct.

~~1.3.3.1.4.3. 3.~~—Subjects a public transportation passenger, employee, agent, security officer, or transit police officer to offensive physical contact.

~~e. Records Division Responsibilities: Upon receipt of reports related to the TriMet systems, Records will:~~

~~1. Forward all copies of the Notice of Exclusion form to the Transit Police in exclusion cases where no other reports are written.~~

~~2. When additional police reports are written, the Notice of Exclusion form will receive the same case number as the police reports. Copies of all reports and the original TriMet forms will be forwarded to the Transit Police.~~

~~f. Transit Police Responsibilities: The Transit Police will forward appropriate copies to TriMet for entry into their computer system. TriMet will then print and distribute a weekly exclusion list to all Operations Branch RU's.~~

1.5. Members using TriMet's services while off duty, will exercise discretion in the event circumstances arise which require police action. Any off-duty police action will be evaluated under Directive 0311.30 Off Duty Responsibility of Officers.

#1

COMPLETE

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Q1

Please provide feedback for this directive

Test

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **PDT**
