



Milwaukie Police Department EXCLUSION PROGRAM

The Milwaukie Police Department offers the Exclusion Program as a resource to private property owners, businesses, and publicly owned properties within the jurisdiction of City of Milwaukie's authority. It is designed to help us partner with the community in promoting safer more livable environments.

The Exclusion Program allows a property owner to authorize sworn officers of the Milwaukie Police Department to act on behalf of the private property owner, business, or public entity to enforce Oregon trespass laws as established and articulated in the Oregon Revised Statute. The program applies when a property owner or person in charge is not present at the time of an incident, or after hours. It also may apply when a person refuses to leave after being asked, or poses a threat to residents, staff, or others present. Any law enforcement action to enforce trespass laws is at the discretion of the responding law enforcement officer.

Where an Exclusion Program agreement has been entered between a property owner and the Milwaukie Police Department, and the property is a multi-family living situation (i.e.: apartments, group homes), Oregon landlord tenant laws may apply to any tenants and their guests lawfully on the property. For questions regarding landlord tenant laws, in Clackamas County please contact the Housing Rights and Resources Program at 503-650-5750.

Please direct any questions you may have regarding this program to Shannan Coyle at 503-786-7406

Agreement Responsibilities and Expectations

To ensure a successful outcome when using this program, the following responsibilities and expectations will be adhered to during the agreement term:

Milwaukie Police Department

- When an officer responds to a participating property and has reasonable suspicion to believe the person being contacted meets the criteria for exclusion, the officer is authorized to act on the property owner's behalf and direct the person to leave the premises.
- The officer may issue notice of exclusion from the property to each person in violation.
- The property owner or person in charge will be provided a notice of the exclusion.
- The Milwaukie Police Department will keep a record of the exclusion.
- The Milwaukie Police Department may arrest or issue a citation in lieu of arrest for any violators of the Exclusion.

Property Owner or Public Entity

- For residential communities, the property owner will provide notice to tenants that common areas are under the authority of the landlord.
- The property owner or person in charge will maintain a file or record of all persons excluded from the property and make the information available to employees or residents.



- The property owner or person in charge will notify the Milwaukie Police Department of the appeal requests made by excluded persons. The Milwaukie Police Department will be made aware of the outcome of said appeal within 48-hours of the ruling or negotiated results by phone, followed by a letter of confirmation. The letter should be mailed to the attention of the Milwaukie Police Department at 3200 SE Harrison St., Milwaukie, OR 97222.
- The property owner or person in charge will notify the Milwaukie Police Department of any exceptions granted and excluded person in writing.

Any non-resident of private property or person on business property or publicly owned property will be directed to leave and may be barred from returning to the premises under the following circumstances. Any person who fails to leave the property after being directed to do so, or returns after being given such direction, will be subject to arrest and prosecution for Criminal Trespass under ORS 164.245 or 164.255.

General Criteria for Exclusion from Properties

- Makes unreasonable noises;
- Engages in fighting or violent, tumultuous, or threatening behavior;
- Engages in activities which constitutes a criminal offense;
- Damages, defaces, or destroys property belonging to the property owner, business, or public;
- Litters on the property;
- Drives in a careless or reckless manner on the property;
- Consumes or possesses an open container of any alcoholic beverage or uses marijuana in the common areas;
- Violates the State Curfew Statute 419c.680;
- Camps, urinates, or otherwise remains on the property without a discernable legitimate purpose;
- The subject enters and/or remains on the property/premises and interferes with the rights, comfort, or conveniences of the owner, tenants, patrons, and/or guests.

Additionally, Specific to Publicly Owned Property, including Parks

- The subject is in and /or upon the property/premises when the publicly owned property is closed
- Violates any State law, County ordinance, or Motor Vehicle Code.

Additionally, Specific to Business Property

- The subject is in and/or upon the property/premises when the business located there is closed and the individual is not otherwise authorized to be on the property.