

TriMet Administrative Rules

Issuance and Processing of Interdiction Commands

August 25, 2006

The following Administrative Rules (“Rules”) shall govern the issuance and processing of Interdiction Commands by TriMet agents.

For the purposes of these Rules, an “agent” authorized to issue Interdiction Commands shall include “peace officers” as defined in TriMet Code (TMC) Section 28.10(N), TriMet fare inspectors and TriMet field supervisors, provided however, that any agent must complete training approved by the Commander of the Transit Police Division or the Manager, TriMet field operations, on the issuance and processing of Interdiction Commands.

1) Authority for Interdiction Commands

TriMet has the authority to undertake actions that are necessary to ensure that the District Transit System is capable of maintaining order and security, including the authority to:

- a) request the immediate departure of any person whose conduct poses a safety threat to individuals on District property or to the District Transit System as a whole, as such conduct is defined as a violation and classification as a safety threat in these Rules and to
- b) request the immediate departure of a persons or group of persons engaged in conduct that disrupts the order and security of the District Transit System, as such conduct is defined as a violation and classified as a disruption to security and order by these Rules.

2) Circumstances and Incidents Justifying the Issuance of an Interdiction Command

An agent of the District may issue an Interdiction Command to any person upon the property of the District, as is necessary to preserve safety, security and order upon the District Transit System. An Interdiction Command must be based on three separate findings by the issuing officer, including:

- a) A finding, based on credible and sufficient evidence, that an Interdiction Command is necessitated by an immediate risk to either District Transit System security/order or the physical safety of a District employee, contractor or passenger; and
- b) A finding that the directive contained in the Interdiction Command will mitigate the risk to District Transit System security/order or the physical safety of a District employee, contractor or passenger; and

- c) A finding that an eligible provision of the TriMet Code has been violated. Eligible provisions are limited to the following.
 - i) The conduct of a person interferes with the safety and security of the District Transit System, or part thereof. Conduct that interferes with the safety and security of the District Transit System includes:
 - (a) Weapons.
 - (b) Criminal Activity; but only including an act which is punishable as a felony, or involving controlled substances, or which has resulted in physical damage to District property, or any criminal act defined under Oregon Statutes Chapter 166, "Offenses Against Public Order; Firearms and Other Weapons").
 - (c) Hazardous or Toxic Materials or Substances
 - (d) Explosive Materials or Device
 - (e) Abandonment of Packages
 - (f) Discharge or Detonation of a Weapon
 - (g) Interference with Emergency Response
 - ii) The conduct of a person is reasonably suspected as presenting a risk of future physical injury to a District employee, contractor, or passenger. Conduct that may generate reasonable suspicion of a risk of future physical injury to another includes:
 - (a) Harassment and Intimidation
 - (b) Criminal Activity, but only including:
 - a. All "Offenses Against Persons" as defined in O.R.S. Chapter 163; and
 - b. Any other criminal violation that has resulted in physical harm to another person.
 - (c) Threats

No person may be issued an Interdiction Command solely for a violation of the TriMet Code or criminal statute, unless such action also qualifies for an Interdiction Command as detailed above. Further, no person may be issued an Interdiction Command for any conduct that constitutes expressive conduct protected by the Oregon and U.S. Constitutions.

3) **Scope and Length of Interdiction Commands**

The scope of the Interdiction Command shall be determined by the issuing agent but shall be no broader than is necessary to mitigate the risk necessitating the Interdiction Command. The maximum length of the directive contained in the Interdiction Command is four (4) hours. The geographical coverage of the Interdiction Command is solely limited by the property boundaries subject to the ownership or control of TriMet, however, the geographical scope of the Interdiction Command will generally be confined

to the location in which the act occurred that prompted the issuance of the Interdiction Command. For the purpose of these Rules, the location of the act is the transit center, platform, shelter, vehicle, parking lot, or other portion of TriMet property in which the act(s) occurred, so long as such location is reasonably capable of description.

An Interdiction Command may direct the following, subject to the limitations on scope discussed above:

- Direct that an individual depart a TriMet location or vehicle and avoid reentry upon or in such defined location or vehicle for the period of time specified on the Interdiction Command.
- Direct that an individual avoid contact or communication with a TriMet employee, contractor or passenger, for the period of time and at such locations as are specified on the Interdiction Command.

4) **Notice to the Individual Receiving an Interdiction Command**

The Interdiction Command shall provide fair and reasonable notice to a person receiving the directive contained in the Interdiction Command. This notice shall consist of a) the particular geographic location(s), vehicles, routes, or persons that the subject person must avoid; b) the length of the Interdiction Command, which shall not exceed 4 hours, and c) the consequences of violating the Interdiction Command, which shall include the penalties for a violation of the TriMet Code (warning, citation or exclusion) and/or criminal arrest for Criminal Trespass or Interference with Public Transportation.

5) **Enforcement Requirements**

a) **Interdiction Command Form**

The Interdiction Command shall be substantially in the form of Exhibit A.

b) **Exercise of Discretion**

Peace officers shall exercise their discretion in accordance with, and subject to the constraints of, their respective departments and the law. Nothing in these Rules shall be interpreted as an expansion or restriction of the authority of a peace officer as conferred by his or her employing jurisdiction.

c) **Treatment of Persons Vulnerable by Virtue of Age or Infirmary**

No agent may issue an Interdiction Command to an individual, who by virtue of young age (under the age of 13) or infirmity (physical or mental disability), will be left in a vulnerable state or position through compliance with the directive contained in the Interdiction Command, unless the agent has made arrangements to assist the individual in a manner which reasonably assures that risks occasioned through compliance with the Interdiction Command are reduced.

In the case of an Interdiction Command that ejects an individual from a location or vehicle, and thus precludes the individual's transportation to a residential or service destination, the agent can satisfy the requirements of this section by a) requiring that the individual board a vehicle to their destination and delay the effective time of the Interdiction Command; or b) arrange for alternative transportation for the ejected individual.

6) **Effect of Receipt of an Interdiction Command**

An Interdiction Command shall be effective upon personal service to the individual receiving the Interdiction Command, in accordance with the terms of the directive contained in the Interdiction Command. An individual failing to abide by the terms of the Interdiction Command that is found upon TriMet property is present without lawful authority, so long as the presence is intentional. Thus, the individual is subject for arrest and prosecution for the crime of Interfering with Public Transportation (ORS 166.116(a)) or Criminal Trespass in the second degree (ORS 162.245).

7) **Review and Monitoring of Interdiction Commands**

Copies of all Interdiction Commands shall be provided to TriMet within forty-eight (48) hours of issuance. The Executive Director of Operations shall periodically review the records of Interdiction Commands to ensure that the Commands are being issued in conformance with these Rules.

These Rules supersede and replace in their entirety the Administrative Rules pertaining to Interdiction Commands dated July 1, 2005.

Authorized By: Fred Hansen, moe
Fred Hansen
General Manager

Effective Date: August 25, 2006

EXHIBIT A



Interdiction Command

Last Name	First Name
Middle Initial	Date of Birth

On this _____ day of _____, 20_____, on or about _____ am/pm, you have been determined to (a) pose an immediate risk to system security or order, or (b) pose a risk to the physical safety of a District employee, contractor or passenger, and (c) have engaged in the violation of the TriMet Code designated below:

<input type="checkbox"/> Criminal Activity <i>-Any felony</i> <i>-Any crime resulting in property damage</i> <i>-Any crime under ORS Chapter 166 (Offenses Against Public Order)</i> <i>-Any crime under ORS Chapter 163 (Offenses Against Persons)</i> <i>-Any crime resulting in physical harm</i>	<input type="checkbox"/> Discharge/Detonation of a Weapon <input type="checkbox"/> Interference with Emergency Response <input type="checkbox"/> Abandonment of Packages <input type="checkbox"/> Hazardous or Toxic Materials/Substances
<input type="checkbox"/> Harassment and Intimidation	<input type="checkbox"/> Explosive Materials or Device
<input type="checkbox"/> Weapons	<input type="checkbox"/> Threats

And, in order to mitigate the risk you are hereby directed to:

Exit _____ (location, vehicle, route) and avoid reentry into this location, vehicle, or route for a period of _____ hours (maximum 4 hrs).

Avoid any contact or communication with _____ while on TriMet property for a period of _____ hours (maximum 4 hrs).

This Interdiction Command shall take effect immediately or:

IF YOU VIOLATE THIS INTERDICTION COMMAND WHILE UPON THE DISTRICT TRANSIT SYSTEM, YOU ARE WITHOUT LAWFUL AUTHORITY TO BE PRESENT UPON THE DISTRICT TRANSIT SYSTEM AND MAY BE ARRESTED AND SUBJECT TO CRIMINAL PROSECUTION.

Date Issued	Employee/Officer's Signature		
Print Name	Employee #/DPSST #	Agency	

WHITE - Customer
YELLOW - Issuing Officer
PINK - TriMet