

TriMet Administrative Rules

Issuance and Processing of Interdiction Commands

January 14, 2008

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 all peace officers, including those assigned to TriMet’s Transit Police Division, and personnel within TriMet’s Operations division that are responsible for enforcement-related activities, including fare inspectors and field supervisors, or any person authorized in writing by the TriMet General Manager.

1) Authority for Interdiction Commands

TriMet has the authority to undertake actions that are necessary to ensure that the order and security of the transit system, including the authority to: a) request the immediate departure of any person whose conduct poses a safety, security or other threat to individuals on District property or to the system as a whole; and, b) request the immediate departure of persons or group of persons engaged in conduct that interferes with the safety, security, or order of the District Transit System in violation of the TriMet Code.

No person may be issued an Interdiction Command for any conduct that constitutes expressive conduct protected by the Oregon and U.S. Constitutions.

2) Scope and Length of Interdiction Commands

The scope of the Interdiction Command shall be determined by the issuing agent within the following parameters. The maximum length of the directive contained in the Interdiction Command is six (6) hours. The geographical coverage of the Interdiction Command is solely limited by the property boundaries subject to the ownership or control of TriMet.

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
- Direct that such person avoid re-entry in or upon a defined location(s), route(s) or vehicle(s) for the period of time specified on the Interdiction Command.

3) 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 or routes, that the subject person must avoid; b) the length of the Interdiction Command, which shall not exceed six (6) 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.

4) **Enforcement Requirements**

a) Interdiction Command Form

The Interdiction Command simply directs an individual to depart a TriMet location or vehicle may be by oral command. Where the Interdiction Command consists of an exclusion to reentry, the Interdiction Command shall be substantially in the form of Exhibit A or, if exigent circumstances warrant, by oral command that substantially informs the person receiving the directive of the information contained in 3), above.

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 enforcement officer 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 enforcement officer 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 a vulnerable individual from a location or vehicle, and thus precludes the individual's transportation to a residential or service destination, the enforcement officer 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.

d) Effect of Receipt of an Interdiction Command

An Interdiction Command shall be effective upon personal service or by oral command 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 and who is found upon TriMet property is present without lawful authority. 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 164.245).

e) Review and Monitoring of Interdiction Commands

Copies of all Interdiction Commands, including documentation of all oral commands resulting in the arrest of the individual or the issuance of a citation for violation of law to the individual, shall be provided to TriMet within forty-eight (48) hours of issuance. The Executive Director of

Operations, or designee, 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 August 25, 2006.

Interdiction Command

Last Name	First Name
Middle Initial	Date of Birth

On this _____ day of _____ 20_____,
 at _____, am/pm, your conduct has been determined to pose a safety,
 security or other threat to individuals on TriMet property or the system
 as a whole; or you engaged in conduct that interferes with the safety,
 security or order of the District Transit System in violation of TriMet
 Code Chapter 28 and TriMet's authorizing Administrative Rule.

Pursuant to TriMet Code, you are ordered to immediately depart TriMet
 property and you may not return to TriMet property located at:

MAX Line _____ MAX Platform _____

Bus Route _____ Vehicle _____

Kiosk _____ Station _____

Other TriMet property _____

FOR _____ HOURS.

This command takes effect IMMEDIATELY and is in addition to any other
 exclusion, citation, or criminal charge you received.

**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 ARE SUBJECT TO ARREST AND CRIMINAL PROSECUTION.**

Issuer's Notes: _____

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