

Procedure

4.23

**EFFECTIVE
DATE
7-14-06**

Eugene Police Department



Park Use Restriction

4.23.1 PURPOSE AND SCOPE

This policy establishes procedures for park use restrictions which are authorized under Administrative Order 58-05-10-F, Park and Open Space Rule R-1.005(3).

PART I - Responsibilities and Procedures for All Personnel

- A. Generally
- B. Procedures
- C. Program manager
- D. Communications
- E. Records

4.23.2 GENERALLY

- a. The intent of the park use restriction is to encourage lawful use of the parks by excluding those who have violated laws or ordinances in a city park.
- b. Violations which impact the quality of life for park users (e.g., alcohol or drug offenses, violent behavior) should be cause for issuing a notice of restriction. Other offenses may be considered for issuing the restriction if the behavior is inconsistent with the intended use of the park. A restriction of park use may apply to a specific park, open space, or facility, or to all City parks, open spaces, and facilities, as determined by the officer issuing the notice.
- c. Nothing in the park use restriction rules shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitution. However, a person engaged in such protected activity who also commits acts that are not protected, and that violate applicable provisions of law, shall be subject to exclusion.

4.23.3 PROCEDURES

- a. A *Notice of Restriction of Use* can be issued when a subject is being cited or taken into custody for any felony, misdemeanor, or violation of park rules committed in a City park.

- b. Determine the appropriate length of restriction: 1 month for a first offense, 3 months for a second offense, or 1 year for a third offense within a 12-month period. Confirm the appropriate length of suspension based on information from the individual's AIRS record (either via Station 2 or an MDC.)
 1. Fill out the five-part *Notice of Restriction of Use* form. (If the person's primary language is Spanish, issue the notice in Spanish rather than English.)
 - Give the subject the pink copy.
 - Keep the gold copy for your records.
 - Attach the original and the remaining copies to your report.
 2. A person in violation of a park restriction can be charged with Criminal Trespass II (EC 4.807).

4.23.4 PROGRAM MANAGER

- a. Maintain a list of individuals who have been issued a *Notice of Restriction of Use* and send the information to the Director of Parks and Open Space Division or designee.
- b. Enter the current restrictions into the subject's AIRS record via a comment entry. Remove the entry from AIRS when it is no longer valid.
- c. Enter information regarding expired restrictions within a 12-month period into a subject's AIRS record via a comment entry. Delete the entry when the information is no longer valid.

4.23.5 COMMUNICATIONS

- a. When requested by an officer in the field, relay information from the AIRS comment field to ensure proper restriction duration.

4.23.6 RECORDS

- a. Place the yellow copy of the *Notice of Restriction of Use* with the report and route the original and all remaining copies to the Program Manager.