



Person in Charge / Trespass Program

**CITY OF GRESHAM
Police Department
Chief Craig Junginger
Neighborhood Enforcement Team (NET)**

The City of Gresham offers multi-family apartments the opportunity to be involved in a Person in Charge / Trespass program. The partnership authorizes the Gresham Police Department to be the Person in Charge on a property for the purposes of excluding non-residents who pose a threat to other residents or otherwise violate the community rules of the property. Persons who are excluded and return to the property may be arrested for criminal trespass. The Person in Charge/ Trespass Program allows multi-family property owners (including their property managers) and the Gresham Police Department to work together to reduce criminal activities on private property.

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Property owners are known in the law as the Person in Charge of property and are authorized to exclude non-residents from the common areas of their property if certain conditions exist. The property owners can also delegate the Person in Charge status to the Gresham Police Department. As Person in Charge, and as long as the requirements of the program are met, the Gresham Police Department can issue Notices of Exclusion to non-residents who violate the rules of the property. If an excluded person returns to the property during the period of exclusion, the person may be arrested for criminal trespass.

The use of the Person in Charge / Trespass Program is a valuable tool for both the property owner and the police officers because it can prevent a non-resident from engaging in criminal conduct on the property. This makes the property safer and more enjoyable for the residents.

To initiate the program, the property owner or property owner's agent (property manager) must complete these steps:

Step 1: Lease Enabling Provision. Verify whether your lease with each tenant has a Lease Enabling Provision. If not, tenants (current and new) must sign a Lease Enabling Provision, a sample of which is provided with the Person in Charge Authorization.

A Lease Enabling Provision authorizes the owner or agent in charge of a premises to have control over all areas deemed common areas within the complex; i.e., laundry rooms, common courtyards, private sidewalks, etc. The assertion of control by the owner is to ensure the owner is the "person in charge" of these common areas and can exclude non-resident persons (who have been invited to the complex by a tenant) but who have violated the rules of the complex. In order to lawfully exclude a non-resident, the tenant must sign the Lease Enabling Provision Addendum. A private attorney should review any amendments or enabling provisions to the new lease/rental agreements.

Step 2: Trespass Agent. The property owner, or agent, needs to assign a Trespass Agent to be the point of contact for all exclusion and trespass issues. This assignment will consist of a formal document authorizing a particular person, on behalf of the owner, to act as the Trespass Agent. The Trespass Agent's responsibilities are as follows:

- Authorized to issue exclusion notices to non-residents who violate rules of conduct on property. A sample Notice of Exclusion for Property Owners is attached to the Person in Charge Authorization.
- Authorized to contact the Gresham Police Department about non-residents on the property and request person(s) be excluded.
- Maintain a file of all exclusion notices issued.
- Respond to any inquiries or requests for cooperation by the Gresham Police Department, including participating in any protests of Exclusion Notices issued by the Gresham Police Department and court appearances necessary to prosecute criminal trespass charges.
- Notify the Gresham Police Department any time an exclusion notice is withdrawn.

The property owner or agent is required to update the Gresham Police Department immediately when the Trespass Agent or contact information changes.

Step 3: Person in Charge Authorization. Complete the attached Person in Charge Authorization and return it to the Gresham Police Department, Attn: Neighborhood Enforcement Team (NET), 1333 N.W. Eastman Parkway, Gresham, OR 97030. .

Step 4: No Trespassing Signs. Post No Trespassing signs in prominent locations of your property. See example attached.

Step 5: Reporting a Trespasser. To request assistance with an exclusion or to report a trespasser, contact the non-emergency number at 503-823-3333 unless a quicker response is required, in which case dial 911.