



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: June 5, 2023		Subject: City Civil Exclusion Policy	
		Staff Member: Amanda Guile-Hinman, City Attorney and Megan Adams, Law Clerk	
		Department: Legal	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Consider refinement of the City’s civil exclusion policy to allow City staff to administer progressive exclusion consequences based on an individual’s conduct. A draft civil exclusion policy is attached hereto as **Attachment 1**.

EXECUTIVE SUMMARY:

The City currently has two mechanisms to exclude individuals from City facilities when exhibiting certain inappropriate behavior in those facilities. However, the City lacks clear guidance for progressive discipline that is linked to the behavior exhibited. Unlike Wilsonville, many other cities, and particularly, public libraries, have progressive civil exclusion policies as a resource for individuals' disruptive behaviors. As a tangent to the City's recent Wilsonville Code update regarding camping for survival, City staff identified the need for a more comprehensive, nuanced, and uniform policy for civil exclusions from City facilities, particularly the library and parks and recreation buildings as well as parks.

This staff report reviews the current mechanisms the City may utilize to exclude individuals from City facilities. It next discusses the civil exclusion policies of other cities analyzed. Finally, this staff report provides an overview of the proposed civil exclusion policy that will, if approved, further refine the City's current mechanisms to exclude individuals.

I. Current Civil Exclusion Regulations

A. Wilsonville Code 10.540

Wilsonville Code (WC) 10.540 (as amended by Ordinance No. 879), is attached hereto as **Attachment 2**. The code provision states that a person may be excluded from city property for violating "any applicable provision of law or regulation in or on any City Property from that City Property...." WC 10.540(2). Generally, a warning must first be given, but then the civil exclusion is issued for the following time periods:

- First offense within a two-year period: 30-day exclusion
- Second offense within a two-year period: 90-day exclusion
- Third (or more) offense within a two year period: 180-day exclusion

There is no provision that allows for a shorter exclusion period than 30 days, and, while the provision covers "any applicable provision of law or regulation," it is unclear whether certain disruptive behaviors, such as continually making loud noises in the library or leaving personal items unattended, would be subject to the Code provision. Furthermore, the Code is, at best, unclear if an individual is only excluded from the one City facility where the disruptive behavior occurred or excluded from all City facilities. At times, staff encounter situations where an individual is disruptive in one City facility, told to leave, and then enters another City facility and continues to engage in the disruptive behavior.

B. Clackamas County Sheriff's Office Exclusion Program

Since the City contracts with the Clackamas County Sheriff's Office (CCSO), the City may also utilize CCSO's exclusion program. CCSO's exclusion program documents are attached hereto as **Attachment 3**. The CCSO exclusion program is a means to potentially charge individuals with criminal trespass when they engage in certain behaviors and refuse to leave a premises. While

the City has utilized this program, staff identified the need for intermediate steps that allow for shorter term exclusions and exclusions across all City facilities when an individual is engaging in disruptive behavior at multiple City facilities. City staff also seek authorization to enforce an exclusion policy without requiring a police response.

II. Other Cities' Civil Exclusion Policies

As part of this project, staff reviewed the civil exclusion policies of other cities and libraries. Attached hereto as **Attachment 4** is a comparison chart of those exclusion policies. Some of the key distinctions in other policies is the flexibility to impose short-term exclusions and to define conduct that, while not criminal, would represent significant disruption to other patrons and City employees.

III. Proposed Matrix for Civil Exclusions

Attached as **Attachment 1** is a proposed matrix to refine the City's civil exclusion policy. The shortest exclusion period is for the remainder of the day, and is for disruptive personal conduct and disruptive conduct regarding property such as leaving trash, inappropriate use of the public restrooms, and blocking access to facility services.

Criminal conduct, depending on the type of conduct, will result in either an immediate exclusion for the remainder of the day without warning or an immediate exclusion for seven (7) days without warning. This minimum exclusion does not preclude the ability to use longer exclusion timeframes in the Wilsonville Code or the CCSO program, but provides some flexibility for City employees to respond based on the nature of the conduct and the circumstances of the particular incident.

EXPECTED RESULTS:

Clearer guidance for City employees and patrons of City facilities regarding rules of conduct and consequences for violating such rules.

TIMELINE:

Staff recommends that this refined civil exclusion policy be implemented concurrent with the effective date of the City's new regulations governing camping for survival, which is July 1, 2023.

CURRENT YEAR BUDGET IMPACTS:

N/A

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Disruptions, particularly at the Library, Community Center, and City Parks, have demonstrated a need for clearer regulations and processes when individuals are engaging in the disruptive conduct.

ALTERNATIVES:

Continue to process civil exclusions through WC 10.540 and the CCSO policy.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Draft Civil Exclusion Policy
2. WC 10.540 (amended)
3. CCSO Civil Exclusion Program
4. Civil Exclusion Comparison Chart