



City of Brookings

Police Department

*898 Elk Drive Brookings, OR 97415
Phone (541) 469-3118 Fax (541) 412-0253*

*Chief Kelby McCrae
propertywatch@brookings.or.us*

PROPERTY WATCH

PROGRAM OVERVIEW

WHAT IS PROPERTY WATCH?

Property Watch is a program that the Brookings Police Department started in 2020 and is designed to assist owners of commercial properties, businesses, and apartment complexes curb unwanted activity that occurs after business hours or when the owner (or manager) cannot be contacted. Without authority granted by the person responsible for the property/business, the police are often not able to take action on non-criminal issues that occur on private property. Some examples would be non-residents/customers hanging out on property, skateboarding, non-customer vehicles in the parking lot, etc.

The Property Watch Program allows the person responsible for the property to partner with the police and authorizes the police to act on their behalf when they are not there. This program is based on similar successful programs used by Astoria Police, Beaverton Police, Coos Bay Police, Pendleton Police, and Salem Police.

The legal foundation is a signed agreement that provides the authority for police to contact people that are on private property (that are members of Property Watch) and ask them to leave the property. The goal is to have the police legally able to assist in helping keep your property safe when you are not there. There is no cost to you to be part of this program. It is renewed yearly and you can withdraw from the program at any time.



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LIMITS OF THE PROPERTY WATCH PROGRAM

If you sign up to be a member of this program, please be aware that Brookings Police Officers:

1. Cannot provide legal advice to you.
2. Cannot evict people for you, nor make that decision for you.
3. Cannot tow vehicles off your private parking lot unless it is related to a police investigation or incident.
4. Cannot take the place of private security.

ARE YOU INTERESTED?

The Property Watch Program is only for commercial properties, businesses, and apartment complexes in the City of Brookings. This program is not for single residential houses.

If your property or business is outside the city limits of Brookings, I encourage you to take this information to the law enforcement agency that serves you and see if they would be interested in partnering with you to start such a program.

The Property Watch agreement can be reviewed by going to the Brookings Police Department webpage at:

<https://www.brookings.or.us/134/Police-Services>

If you would like to sign up for Property Watch, then read the agreement, fill out and sign the agreement, and return all pages to the Brookings Police Department. When your application is accepted, you will be notified and provided with a sign to place in your business window so that the public, as well as the Police Department personnel, can see it.

QUESTIONS?

If you have questions about the Property Watch Program you may contact Community Resource Officer Ray Branion at 541-469-3118 Ext. 2410 or propertywatch@brookings.or.us

CRITERIA FOR EXCLUSION FROM THESE PREMISES

A person may be directed to leave and not return to these premises if, while on these premises, the person does or is suspected of, any of the following:

- **Makes unreasonable noise.**
- **Engages in fighting or in violent, tumultuous or threatening behavior.**
- **Is reasonably suspected of violating any Oregon Revised Statutes (ORS) or City of Brookings Municipal Codes.**
- **Remains for more than twenty (20) minutes on the premises for reasons not related to the operation of the business.**
- **Violates any applicable curfew laws or ordinances.**
- **Unlawfully consumes or possesses alcohol or a controlled substance.**
- **Littering.**
- **Skateboarding, bicycling, etc.**
- **Damages, defaces, or destroys any property belonging to these premises, its employees or its customers.**
- **Drives a vehicle in a careless or reckless manner.**
- **Unlawfully possess a firearm.**
- **Obstructs vehicular or pedestrian traffic.**

PERSON IN CHARGE

DATE

LOCATION

PHONE

A person who fails to leave these premises after being directed to do so by a Police Officer, or other person in charge, or who has already been excluded from the property, but returns before the exclusion has ended, is subject to arrest and prosecution for Criminal Trespass under ORS 164.245. The remedies contained in this notice are in addition to and not in lieu of all other remedies the parties may have.



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AUTHORIZATION TO EXCLUDE PERSONS FROM PREMISES FOR EXCLUSION CRITERIA

Dear Chief McCrae,

I, _____, have lawful control of the following premises:

NAME OF BUSINESS

ADDRESS OF BUSINESS

PERSON IN CONTROL OF ABOVE-MENTIONED PREMISES

JOB TITLE OR NATURE OF AUTHORITY

SIGNATURE

DATE

ADDRESS

EMAIL

WORK PHONE

CELL PHONE

HOME PHONE

ALT. PHONE

I hereby authorize the Brookings Police Department and its officers to act as my agent for the purposes of excluding persons from these premises according to the criteria for exclusion enclosed with the program materials and for the reasonable suspicions that a person has violated *Oregon Revised Statutes (ORS)* or *City of Brookings Municipal Codes*. I further authorize the Brookings Police Department and its officers to act as my agent to enforce trespass laws against persons who unlawfully enter or remain upon the premises.

Unless you are otherwise directed by me, a person who is found to engage in conduct constituting grounds for exclusion according to the above described criteria shall be excluded from the premises for a period of one year. If the excluded person abides by the terms of the exclusion for one year, the exclusion shall be cleared.

My intent by this authorization is to empower police officers of the Brookings Police Department to become "person in charge" of the above-mentioned premises-to the extent contained in the criteria for exclusion-as the term is defined in *ORS 164.205(5)*. You hold this authority over the premises as my agent and will be acting in your capacity as peace officers.

I understand our relationship under this agreement is not intended by you, and should not be interpreted by me as an express or implied representation that I will receive any special service from the City of Brookings, the Brookings Police Department, employees of the City of Brookings, or its agents.

I also understand my participation in the arrangement is voluntary. I have the power to authorize the Brookings Police Department to act as my agent in the manner described and to also revoke this authority. You have encouraged me to use my own judgment to determine if this arrangement is right for my business. I have considered whether to discuss the program with my own legal advisor to help determine if this arrangement is suitable for my circumstances. I further understand that any police officer who takes action against a suspected violator of my criteria for exclusion will take such action based on the officer's own professional evaluation that there are sufficient grounds to support whatever action is taken.

I agree to release and/or waive any claim or action that I, my business, or anyone who may act on my behalf may have against the City of Brookings, its Council, Mayor, employees or agents for loss of life, bodily injury, damage to property or damage to reputation arising out of or occurring while the City, its Council, Mayor, employees or agents are operating under a reasonable belief that they are acting pursuant to the terms of this agreement.

Further, I agree to hold harmless, defend, and fully indemnify the City of Brookings, its Council, Mayor, employees or agents from a legal action brought by or on behalf of any person or persons excluded or any other person or organization who may take legal action as the result of an exclusion. I also hereby represent that I have the authority to make this representation for my business.

I have lawful control of the described premises by virtue of the fact that I am an owner of the premises or otherwise have lawful authority over them to the extent required to make this authorization.

The authorization granted herein is not intended to diminish my ability to control the above described premises. I remain a person in charge of the premises notwithstanding my delegation of authority to the Brookings Police Department or its officers. The authorization granted herein is not intended by me to limit my legal or equitable remedies if I choose to enforce my rights by other means against violators of the enclosed criteria for exclusion.

At any time, I wish to terminate the authorization granted by this agreement, I will notify the Brookings Police Department in writing and will remove any signage, or related materials, that indicate my participation in this program from my business. If ownership of the property changes during the length of this agreement, then I will notify the Brookings Police Department, in writing, about the change in ownership and the contact information for the new owner.

If at any time I wish to overturn an exclusion you may impose upon a person, I will notify the Brookings Police Department immediately of my decision. This is intended to reduce confusion over the person's exclusion status.

The authorization to exclude persons will begin upon entry of the agreement into Brookings Police Department's record management system. The agreement will be in effect from the date this agreement is signed until the end of the calendar year 2021 (December 31, 2021) unless cancelled by either party.

For trespass agreement to be valid, locations are required to be within the corporate city limits of Brookings.

ALTERNATIVE EMERGENCY CONTACT

NAME

ADDRESS OF BUSINESS

PERSON IN CHARGE OF ABOVE-MENTIONED PREMISES

JOB TITLE OR NATURE OF AUTHORITY

SIGNATURE (not required)

DATE

ADDRESS

EMAIL

WORK PHONE

CELL PHONE

HOME PHONE

ALT. PHONE