

Frequently Asked Questions:

Does participating in the TLC Program mean that my property receives extra patrol?

No. Your signed consent authorized officers to take trespass enforcement action on your behalf. The police department must first be notified of the situation by a neighbor or concerned citizen, for example, in order to respond to the scene.

What happens if you arrest someone based on my signed letter?

In some cases, officers are able to resolve trespass complaints without arresting the involved subject. However, there are situations where the officer has no choice but to cite or arrest an alleged offender. In those instances, you will be expected to participate in any resulting legal action.

What happens if I change my mind or sell my property?

If the status of your property changes in any way, you must notify the police department as soon as possible and arrange for your trespass letter of consent to be updated or removed from our files.

How do I renew my TLC?

The TLC expires one year from the first day of the month in which the authorization was granted. It is the property owner's responsibility to submit a renewal application. Applications are available at the Independence Police Department or online at www.ci.independence.or.us/police.

What else do I need to do?

In addition to your consent letter, your property *must* be posted with signs stating "No Trespass" and include a reference to Oregon Revised Statute "ORS 164.245." Do not add any other verbiage to the sign.



Oregon Revised Statute – ORS 164.245 Criminal Trespass in the 2nd Degree

1. A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully in a motor vehicle or in or upon premises.
2. Criminal trespass in the second degree is a Class C misdemeanor.

ORS 164.245 DEFINITIONS As used in ORS 164.245:

- A **Enter or remain unlawfully means:**
1. To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public **and** when the entrant is not otherwise licensed or privileged to do so;
 2. To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge;
 3. To enter premises that are open to the public after being lawfully directed not to enter the premises; or
 4. To enter or remain in a motor vehicle when the entrant is not authorized to do so.
- B **Premises** include any building and any real property, whether privately or publicly owned.

INDEPENDENCE POLICE DEPARTMENT

555 S. Main St.

Independence, OR 97351

Phone: 503-838-1214

INDEPENDENCE
POLICE DEPARTMENT

TRESPASS LETTER OF CONSENT PROGRAM



PROTECT YOUR PROPERTY

What is a Trespass Letter of Consent?

A Trespass Letter of Consent (TLC) is a document which allows a police officer to take trespass enforcement action on your behalf without first contacting you.

Police officers do not normally have the authority to go onto a private property, which is not open to the public, and remove individuals or request they leave the property. The consent or authority of the property owner or manager is needed.

If an officer observes someone on private property when the business is closed or a problem is reported by someone who does not have the authority to sign a trespass complaint, the police department must first contact the person who is legally responsible for the property before taking any arrest action.

A TLC gives Independence Police Officers permission to act on behalf of the property owner or manager in trespass situations, even if immediate contact with the property owner is not possible.

Indicate which of the following statements describes your property to determine if it qualifies for a TLC:

COMMERCIAL PROPERTY:

- Owner and occupant of a commercial property
- Non-occupant owner of a commercial property and acts as property manager
- Owner of a vacant commercial property
- Commercial property manager or person responsible for the property
- Person responsible for a property under construction (Note: The property must have an assigned street address)

RESIDENTIAL PROPERTY:

- Owner of a vacant property
- Person responsible for a property under construction. (Note: The property must have an assigned street address)

MULTI-FAMILY HOUSING PROPERTY:

Multi-family housing properties **do not qualify** for this program.

If you have circumstances not addressed above, contact the Independence Police Department at 503-838-1214.

If any of the above descriptions applies to your property, you may qualify for a TLC. Complete the application, provide an ink or certified digital signature, and return in person or by mail to the following:

Independence Police Department
555 S. Main St.
Independence, OR 97351

Once your application is received it will be reviewed by staff. If upon review of the application, your property does not qualify or additional information is needed, you will be contacted by telephone. Be aware it may take up to two weeks to process your application. You will be notified by telephone upon application acceptance.

REMEMBER:

- ONLY ONE ADDRESS PER TLC AMPLICATION -
- SCAN OR FACSIMILE COPIES **NOT ACCEPTED** BY THE COURT -

TRESPASS LETTER OF CONSENT APPLICATION

FOR OFFICE USE ONLY		
EXPIRATION DATE-MO/YR	STREET ADDRESS	PERMIT NO.
DATE ENTERED	ENTERED BY	

INITIAL APPLICATION	RENEWAL APPLICATION		
PROPERTY NAME	PROPERTY NAME		
PROPERTY ADDRESS	PROPERTY ADDRESS INDEPENDENCE, OR 97351		
BUSINESS PHONE	AFTER HOURS PHONE		
APPLICANT NAME	DATE OF BIRTH		
MAILING ADDRESS, IF DIFFERENT THAN ABOVE	CITY	ZIP	
HOME PHONE	BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS

INITIAL APPLICATION	RENEWAL APPLICATION		
OWNER NAME	OWNER NAME		
PROPERTY ADDRESS	PROPERTY ADDRESS INDEPENDENCE, OR 97351		
BUSINESS PHONE	AFTER HOURS PHONE		
MAILING ADDRESS, IF DIFFERENT THAN ABOVE	CITY	ZIP	
HOME PHONE	BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS

By affixing my signature to this document I am identifying myself as the responsible party for the property listed above and do hereby designate each and every police officer employed by the City of Independence as my agent and representative for the purpose of enforcing ORS 164.245 of the Oregon Revised Statutes.

I further understand and agree that as the responsible party for the property, I will:

- Appear in a court of law for any proceedings related to the enforcement of this TLC.
- Notify any other occupants or tenants of my participation in the TLC program.
- Immediately notify the police department of any changes to property status.

Unless revoked by the City of Independence, this authorization shall continue in force for one year from the first day of the month in which the authorization was granted. (e.g., an application approved on October 15 will expire October 1 of the following year.)

APPLICANT SIGNATURE: _____ DATE: _____

SECONDARY CONTACT FOR APPLICANT – REQUIRED

SECONDARY CONTACT	DATE OF BIRTH	
HOME PHONE	BUSINESS PHONE	CELL PHONE