

October 8, 2009

To: Special Events Committee, Affected City Bureaus, External Stakeholders (including Event Organizers, Neighborhood Associations, Local Venues)

From: Jennifer McFarland, Contractor, Special Events Program Review, City of Portland Revenue Bureau

Re: Clarification of the Special Events Program Free Speech Event Policy

On October 6, 2009, the Revenue Bureau Special Events Program issued a document describing the proposed changes to the program. The bureau has received a few calls and emails from concerned citizens regarding any changes to the right to assembly policy within the program. The purpose of this email is to provide policy clarifications.

Current and Proposed Policy

Currently, the Revenue Bureau's Special Events Program assists planned, moving public assembly events (i.e., marches, processions) that will occur in the streets or sidewalks. The program appreciates notifications from citizens who wish to express their constitutionally guaranteed rights to expression, as notification helps to ensure that both the freedom of expression and the freedom of mobility are protected.

When an event is in the street, because the street is an area not typically occupied by pedestrians, it is necessary for city bureaus to assist with the safe passage of pedestrians in the street to protect citizens from vehicles that usually occupy the roadway. It is for these street events in particular that notification is necessary not only for public safety but also because it is against the law to block or interfere with a public roadway.

When an event is an unplanned, spontaneous event, notification may not be an option. If a spontaneous event – of any kind and of any size – takes to the sidewalks, pickets in front of a building, or speaks in a public park, and obeys traffic laws, then it is likely that the event will be safe for both participants and the public.

When an unplanned, spontaneous event moves to the streets, it is likely that the police will ask the event to move to the sidewalks and obey traffic laws to ensure the safety of participants and to protect the rights of expression and mobility. The event will not be discontinued, and traffic will be free to move. In the past, there have been spontaneous public assembly events that have grown quickly and spilled into the streets. When this occurs, the City accommodates the event, while ensuring public safety.

It is important to note that all decisions about response to spontaneous or other free speech events or demonstrations are not made by the Special Events Program. These decisions are made by the Police Bureau as required to protect public safety. The only role for the Special Events Program is, when requested by free speech event organizers, facilitation of Police support for the free

speech event and possible street closure.

Under the new policy, none of these provisions will change. Any group, with any message, with any number of people, in any area of town will continue to freely assemble. The Special Events Program will continue to assist with planned free speech events on city streets or sidewalks to ensure the safety of participants and non-participants alike. It may not have been clear in the earlier documents that proposed program changes and new guidelines will not change for free speech events. This is to clarify that the new policy does indeed preserve free speech events—prohibiting cost recovery and welcoming continued notification.

Jennifer McFarland
Special Events Program Review
Revenue Bureau
Jennifer.McFarland@ci.portland.or.us
503-823-2593
