

*Please note: This is a working draft of Directive 835.20. This is proposed language and the Bureau has not implemented any changes to the current directive at this time.

835.20, Managing Public Spaces

2nd Universal Review: 11/1/19 – 12/1/19 (redline markup view)

Refer:

- Lavan v. City of Los Angeles, 693 F.3d 1022 (9th Cir. 2012)
- Martin v. City of Boise, 920 F.3d 584 (9th Cir. 2019)
- Settlement Agreement in Anderson et. al. v. City of Portland, August 2012
- ORS § 203.077, local governments to develop humane policy for removal of homeless camps from public property
- ORS § 203.079, required elements of local government policies on camping by homeless
- ORS § 203.081, sites not subject to ORS § 203.077 to 203.081
- Portland City Code, Title 20 Parks and Recreation, Chapter 20.12, Prohibited Conduct
- Portland City Code, 14A.50.020, Camping Prohibited on Public Property and Public Rights of Way
- Portland City Code, 14A.50.030, Sidewalk Use
- Portland City Code, 14A.50.050, Erecting Permanent or Temporary Structures on Public Property or Public Rights of Way
- City of Portland, Campsite Cleanup Contracts
- DIR 640.02, Photography and Digital Imaging
- DIR 660.10, Property and Evidence Procedures

Definitions

- **Camp or campsite:** As defined in Portland City Code, any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof. The Settlement Agreement in *Anderson et. al. v. City of Portland* amended the definition to include a camp structure such as a hut, lean-to, tent, or other temporary structure such as carts and/or personal property. The Bureau further interprets the terms to include a location where, for the purpose of maintaining or establishing a temporary place to live, any combination of the following is placed: 1) any bedding materials immediately arranged for sleeping use; 2) any stove or fire; or 3) any structure such as a hut, lean-to, tent or other improvised temporary structure using carts and/or other personal property as part of the framework of the structure.
- **Coordinated Camp Clean-up:** An organized, pre-arranged operation initiated by land-owning, city-bureau or designee possessing lawful authority to order the removal of trespassers and unlawful campsites from their property after written notice has been posted.
- **Emergency Abatement:** Initiated by the Portland Police Bureau or the land-owning, city-bureau or designee, the removal of property from a public place or public right of way, where the conditions of the campsite warrant an exception to the posting requirements, as noted in Policy statement three of this directive.
- **Homelessness/Urban Camping Impact Reduction Program:** A division of the Office of Management and Finance that is responsible for coordinated camp clean-up efforts and has

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the authority to act on behalf of the land-owning city bureaus and any Oregon Department of Transportation property within the City of Portland.

- **Insanitary Property:** Items that have no apparent utility or are in an insanitary condition, meaning items are contaminated or are unclean enough to endanger health.
- **Nuisance Property:** Anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic, or that creates such insanitary conditions so as to warrant an abatement, unless specifically authorized by permit or ordinance to do otherwise. This does not include “found property” as defined in Directive 660.10, Property and Evidence Procedures.
- **Personal Property:** Property reasonably recognizable as belonging to a person and which has apparent utility. This excludes insanitary property.
- **Summary Abatement:** Initiated by the Portland Police Bureau, the removal of nuisance property from a public place or public right of way, where the property does not constitute a camp or campsite.

Policy:

1. This Directive clarifies the role of the Portland Police Bureau (PPB) as peacekeepers in established campsite clean-ups on public property. PPB, in compliance with the Bureau’s service mission, public expectation, and the law, shall recognize the inherent dignity of all persons by ensuring the fair, courteous, and equal treatment of all people in addressing unlawful camping.
2. PPB recognizes that the City of Portland maintains a standardized process to govern the clean-up of public property being used unlawfully for the purpose of shelter and/or temporary residence and the disposition of property confiscated within those camps. Specifically, PPB, in support of City Bureaus having authority over City of Portland property and their agents (i.e., the Homelessness / Urban Camping Impact Reduction Program [HUCIRP]), shall interact with individuals experiencing homelessness with compassion and understanding. This means customizing humane strategies to each individual unlawful camping instance, complete with referrals to social services to those in need of assistance, and respect for property rights.
3. Land-owning, city-bureaus or designees are required to post appropriate written notice of a coordinated camp clean-up prior to the clean-up effort, unless one of the following exemptions to this posting requirement exists: a) for PPB performing law enforcement activities in response to credible information about illegal activities (e.g., stolen property, drugs and paraphernalia, biohazards, etc.), to include violation of City Charter and/or Oregon Revised Statutes; b) in the event of an emergency, such as possible contamination by hazardous materials, or when there is an immediate danger to human life, safety, or property; or c) if only insanitary property or biohazard waste is going to be removed (i.e., no removal of personal property). Prior to the camp clean-up, PPB and its local partners shall engage in outreach efforts and provide social service information to those individuals impacted by the clean-up.

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4. Similarly, and in accordance with a binding intergovernmental agreement, PPB shall work with other levels of government to address unlawful camping on inter-governmentally-owned property located within Portland jurisdiction.
5. PPB shall endeavor to secure the health and welfare of any member assigned to clear camps. Members will rely upon personal protective equipment to manage any potential for exposure to hazardous and infectious materials and inform their supervisor of any exposure or injury sustained.

Procedure:

1. Member Responsibilities.

- 1.1. All Bureau clean-ups shall be approved by and at the direction of a supervisor. If a supervisor does not approve a clean-up, they shall contact the Homelessness/Urban Camping Impact Reduction Program (HUCIRP) to notify them of their decision.
- 1.2. If a member identifies a camp or campsite while on patrol or responds to a call for service regarding a camp or campsite, the member may:
 - 1.2.1. Evaluate the site to determine if an emergency abatement is necessary;
 - 1.2.2. If an emergency abatement is not required, attempt to provide social service information; and
 - 1.2.3. Notify HUCIRP by email to provide the location.

1.3. Types of Camp Clean-Ups.

- 1.3.1. Coordinated Camp Clean-up: When a member is directed by a supervisor to assist with a coordinated camp clean-up, the member shall:
 - 1.3.1.1. Provide added security for the public personnel or agents conducting the clean-up;
 - 1.3.1.2. Remain on scene until:
 - 1.3.1.3. The clean-up is completed;
 - 1.3.1.4. The member is released by the requesting public personnel or agent; or
 - 1.3.1.5. Other priority police matter arises.
 - 1.3.1.6. Attempt to identify individuals present at the camp or campsite;
 - 1.3.1.7. Attempt to provide information for services in the area; and
 - 1.3.1.8. Write a General Offense (GO) report in accordance with the reporting requirements set forth in this directive.
- 1.3.2. Emergency Abatement: When a member intends to immediately address a camp or campsite and an exemption to the posting requirement exists, the member shall notify their supervisor of the following, unless it is their primary assignment for the day:
 - 1.3.2.1. Location and description of the camp (size, hazards, number of people, etc.); and
 - 1.3.2.2. The reason why the camp or campsite needs an emergency abatement.
 - 1.3.2.3. If the supervisor denies an emergency abatement, the member may notify HUCIRP of their observations of the camp or campsite via the appropriate

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email address. If notifying HUCIRP, the member shall provide the following information:

- 1.3.2.3.1. Location and description of the camp (e.g., size, hazards, number of people, presence of needles, proximity to schools, etc.);
- 1.3.2.3.2. Photographs, if possible; and
- 1.3.2.3.3. What actions the member is requesting (e.g., immediate posting, post when possible, updating information, etc.).
- 1.3.2.4. If the supervisor approves an emergency abatement, the member shall:
 - 1.3.2.4.1. Take before and after photographs in accordance to Directive 640.02, Photography and Digital Imaging;
 - 1.3.2.4.2. Remain on scene and provide added security for public personnel or agents during the property removal until the clean-up is completed;
 - 1.3.2.4.3. If individuals experiencing homelessness are present:
 - 1.3.2.4.3.1. Attempt to identify them;
 - 1.3.2.4.3.2. Provide information on area services; and
 - 1.3.2.4.3.3. Provide a reasonable amount of time for them to remove their personal property from the area.
 - 1.3.2.4.4. Post a Property Abatement Notice;
 - 1.3.2.4.5. Write a GO;
 - 1.3.2.4.6. Ensure insanitary property is removed by the public personnel or agent; and
 - 1.3.2.4.7. Concerning the removal of personal property:
 - 1.3.2.4.7.1. If the member removes personal property, they shall follow Directive 660.10, Property and Evidence Procedures, with regard to the disposition of the personal property and property receipts; or
 - 1.3.2.4.7.2. If the public personnel or agent removes personal property, the member shall include the company name in their GO.
- 1.3.3. Summary Abatement: If the property does not constitute a camp or campsite, the member may summarily abate the nuisance property by removing the property themselves or coordinating with public personnel or agents to have the property removed either immediately, or at a later date. If the abatement is to occur outside of traditional business hours, the member shall seek supervisor approval prior to contacting the appropriate public personnel or agent. It is the member's responsibility to handle insanitary property and personal property in the following distinct manners:
 - 1.3.3.1. If the nuisance property consists solely of insanitary property, the member may notify the appropriate public personnel or agent for removal. In this situation, no GO is necessary; or
 - 1.3.3.2. If the nuisance property consists of personal property, they shall:
 - 1.3.3.2.1. Remain on scene until the abatement has been completed;
 - 1.3.3.2.2. Take before and after photographs in accordance to Directive 640.02, Photography and Digital Imaging;
 - 1.3.3.2.3. Ensure insanitary property is removed by the appropriate public personnel or agent;
 - 1.3.3.2.4. Concerning the removal of personal property:

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- 1.3.3.2.4.1. If the member removes personal property, they shall follow Directive 660.10, Property and Evidence Procedures, with regard to the disposition of the personal property and property receipts.
- 1.3.3.2.4.2. If the public personnel or agent removes personal property, the member shall include the company name in their GO.

1.3.3.2.5. Write a GO.

2. Reporting Requirements.

- 2.1. When a member is present at a coordinated camp clean-up or conducts an emergency or summary abatement, the member shall write a GO that includes the following information:
 - 2.1.1. Attempts to identify individuals experiencing homelessness who are present;
 - 2.1.2. Attempts to provide information for services in the area;
 - 2.1.3. Offense code “T721” (Livability Improvement Project) to document their efforts; and
 - 2.1.4. Company name of the public personnel or agent removing personal property or insanitary property.

3. Supervisor Responsibilities.

- 3.1. When a supervisor is determining whether or not to provide police resources for a summary abatement, emergency abatement, or upon receipt of a request for a police presence at a camp or campsite for a coordinated camp clean-up, they should consider the following:
 - 3.1.1. Available resources;
 - 3.1.2. Time of day;
 - 3.1.3. Demands for police work; and
 - 3.1.4. Urgency to abate the camp or campsite, or nuisance property.
- 3.2. If the supervisor declines to provide police resources for a coordinated cleanup, they shall contact to the complainant to inform them of the declination.
- 3.3. If the supervisor determines that police presence is necessary at a coordinated camp clean-up, the supervisor shall direct a member to respond to the camp or campsite.
- 3.4. If the supervisor determines that an emergency or summary abatement is necessary, the supervisor shall coordinate with appropriate public personnel or agents to conduct the abatement.
- 3.5. If the supervisor determines that an emergency abatement is not necessary, or practical, at the time, the supervisor may direct the member to contact HUCIRP via the appropriate email.
- 3.6. A supervisor may contact HUCIRP to coordinate a precinct mission to address camps or campsites. When requesting a precinct mission, the supervisor should give HUCIRP a minimum of 72 hours’ notice. The supervisor shall provide HUCIRP with:
 - 3.6.1. Detailed information on boundaries of the mission area;

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3.6.2. Date/time of the mission; and

3.6.3. Approximate number of camps or campsites.

Provide feedback [here](#).

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Directive 835.20, ~~Established Campsites on~~Managing Public Property–Spaces
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- City of Portland, Campsite Cleanup ~~Contract~~Contracts
- DIR 640.02, Photography and Digital Imaging
- DIR 660.10, Property and Evidence Procedures

Definitions:

- Camp or Campsite: A location where, for the purpose of maintaining or establishing a temporary place to live, any of the following is placed: ~~campsite: As defined in Portland City Code, any place where~~ any bedding, sleeping bag, or other sleeping matter~~;~~, or any stove or fire~~; and/~~ is placed, established, or ~~any~~maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof. The Settlement Agreement in *Anderson et. al. v. City of Portland* amended the definition to include a camp structure such as a hut, lean-to, tent, or other temporary structure such as carts and/or personal property. The Bureau further interprets the terms to include a location where, for the purpose of maintaining or establishing a temporary place to live, any combination of the following is placed: 1) any bedding materials immediately arranged for sleeping use; 2) any stove or fire; or 3) any structure such as a hut, lean-to, tent or other improvised temporary structure using carts and/or other personal property as part of the framework of the structure.
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- Personal Property: Property reasonably recognizable as belonging to a person and which has apparent utility. This excludes insanitary property.
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Policy:

1. This Directive clarifies the ~~Portland Police Bureau’s role~~ of the Portland Police Bureau (PPB) as peacekeepers in established campsite ~~cleanup~~clean-ups on public property. ~~The Portland Police Bureau~~PPB, in compliance with the Bureau’s service mission, public expectation, and the law, ~~will~~shall recognize the inherent dignity of all persons by ensuring the fair, courteous, and equal treatment of all people in addressing unlawful camping.
 2. ~~The Portland Police Bureau~~PPB recognizes that the City of Portland maintains a standardized process to govern the ~~cleanup~~clean-up of ~~City-owned~~public property being used unlawfully for the purpose of shelter and/or temporary residence and the disposition of property confiscated within those camps. Specifically, ~~the Police Bureau~~PPB, in support of City Bureaus having authority over City of Portland property and their agents, ~~will~~ (i.e., the Homelessness / Urban Camping Impact Reduction Program [HUCIRP]), shall interact with individuals experiencing ~~houselessness~~homelessness with compassion and understanding. This means customizing humane strategies to each individual unlawful camping instance, complete with referrals to social services to those in need of assistance, and respect for property rights.
- ~~1. Similarly, and in accordance with a binding intergovernmental agreement, the Portland Police Bureau will work with other levels of government to address unlawful camping on intergovernmentally owned property located within Portland jurisdiction.~~
- ~~2. The Portland Police Bureau will undertake effort to secure the health and welfare of any member assigned to clear camps. Members will rely upon personal protective equipment to~~

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~~manage any potential for exposure to hazardous and infectious materials and inform his or her supervisor of any exposure or injury sustained.~~

~~Land-owning, city-bureaus or~~

~~Procedure:~~

~~1. Established Campsite Cleanup on City Property:~~

~~1.1. Police Bureau Supervisor Responsibilities:~~

~~1.1.1. Supervisors or their designees will be responsive to land-owning, City Bureaus contacting the Police Bureau for assistance with camp cleanups.~~

~~1.1.1.1. Supervisors may request land-owning, City Bureaus provide the Police Bureau with three (3) days/seventy-two (72) hours' notice in advance of camp cleanup.~~

~~1.1.1.2.1.1.1. After balancing the demands of police work, the Police Bureau may provide support on shorter notice.~~

~~1.1.1.3. Emergency matters shall be routed through 911, to ensure the most effective and immediate police response.~~

~~1.1.2. Upon receipt of notice, Supervisors will designate a member(s) to work with land-owning, City Bureaus to conduct a security evaluation and coordinate an appropriate peacekeeping response. Possible responses include, but are not limited required to, the following:~~

~~1.1.2.1. Provide added security for public personnel or agents while they post notices at camp sites based on a specific and articulable threat or concern.~~

~~1.1.2.2. Evaluate and take control of potential crime scenes.~~

~~1.1.2.3. Provide added security for public personnel or agents during camp cleanup, including arrest of law violators.~~

~~1.2. City of Portland Campsite Cleanup Procedure:~~

~~1.2.1. Portland Police Bureau members must inquire about the following procedural steps (Sections 1.2.2, 1.2.9.) when assigned to work with land-owning, City Bureaus requesting Police Bureau assistance with camp cleanups.~~

~~1.2.2. Designee: A land-owning, City Bureau designee has been identified with authority to determine that a camp is unlawful and is responsible for the following comprehensive, program management action items:~~

~~1.2.2.1. Post notice for campers that the camp is to be cleaned.~~

~~1.2.2.2. Notify and coordinate with appropriate parties (e.g. staff, vendor, social services).~~

~~1.2.2.3. Provide adequate time (usually one (1) hour) for campers that are present at the time the camp is to be cleaned to collect and remove their belongings.~~

~~1.2.2.4. Photograph the camp site at the beginning and end of the cleanup.~~

~~1.2.2.5. Inventory, photograph, bag, and protect from the elements personal property collected during cleanup.~~

~~1.2.2.6. Retain collected personal property in a secure location for at least thirty (30) days, or until claimed by its owner, whichever comes first.~~

~~1.2.2.7. Ensure that workers who enter the camps have been informed of potential hazards, have been provided with and trained about the use of protective equipment, tools, and techniques, so as to protect their health and safety.~~

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- ~~1.2.2.8. Dispose of trash and contaminated personal property in an appropriate manner.~~
- ~~1.2.2.9. Clean contaminated land in an appropriate manner.~~
- ~~1.2.2.10. Display prominently at the campsite information about the retrieval of personal property that has been removed and kept in storage, in accordance with notice requirements.~~

- ~~1.2.3. Notice: Written notice must be posted and documented by the land owning, City Bureaus in accordance with the following requirements:~~
 - ~~1.2.3.1. Post twenty four (24) hour written notice of a coordinated camp clean-up prior to the clean-up effort, unless an exception is applicable. Posted notices will be documented as proof thereof, in the event posted notices are subsequently taken down by unauthorized persons prior to camp cleanups.~~
 - ~~1.2.3.2. Notices will be displayed in a prominent location, so as to be visible to persons occupying the site.~~
 - ~~1.2.3.3. Notices will inform persons occupying the site that they are maintaining an unlawful camp.~~
 - ~~1.2.3.4. Notices will contain one of the following information:~~
 - ~~1.2.3.4.1. *“This campsite will be cleared no less than twenty four (24) hours after and within seven (7) days of [the date and time the site is posted for cleanup]. Cleanup may take place at any time within the seven day period”.*~~
 - ~~1.2.3.4.2. Referral information and current contact numbers for social service agencies capable of providing assistance to those in need of shelter.~~
 - ~~1.2.3.4.3. Address and phone contact information of the location where the collected property will be maintained.~~
 - ~~1.2.3.4.4. Inform the personal property owner that any property collected as a result of the camp cleanup will be disposed of after thirty (30) days from date and time of notice.~~
 - ~~1.2.3.4.5. Be written in English and Spanish.~~
 - ~~1.2.3.5. Whenever possible, notice and the implementation of cleanups shall occur during daylight hours.~~

- ~~1.2.4. Social Services: At the time of exemptions to this posting a twenty four (24) hour notice, the land owning City Bureau shall notify JOIN (website: <http://www.joinpdx.org>; email: police@joinpdx.org; telephone: 1-800-276-0729), or other service providers as applicable, of the posted clean up and provide the following information:~~
 - ~~1.2.4.1. Location of camp where the twenty four (24) hour cleanup notice has been posted.~~
 - ~~1.2.4.2. Date and time of the twenty four (24) hour cleanup notice posting.~~
 - ~~1.2.4.3. Estimated number of campers at the campsite to be cleaned.~~
 - ~~1.2.4.4. Identify the reporting Bureau and provide the name and contact information for the designee with authority to order the property vacated.~~

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- ~~1.2.5. Notice Exceptions: Written twenty-four (24) hour notice is not required for circumstances including, but not limited to, the following:~~
- ~~1.2.5.1. For Portland Police requirement exists: a) for PPB performing law enforcement activities in response to credible information about illegal activities (e.g., stolen property, drugs and paraphernalia, biohazards, etc.);~~
3. ~~It), to include violation of City Charter and/or Oregon Revised Statutes; b) in the event of an emergency, such as possible contamination by hazardous materials, or when there is an immediate danger to human life, safety, or property; or c) if only insanitary property or biohazard waste is going to be removed (i.e., no removal of personal property). Prior to the camp clean-up, PPB and its local partners shall engage in outreach efforts and provide social service information to those individuals impacted by the clean-up.~~
4. Similarly, and in accordance with a binding intergovernmental agreement, PPB shall work with other levels of government to address unlawful camping on inter-governmentally-owned property located within Portland jurisdiction.
5. PPB shall endeavor to secure the health and welfare of any member assigned to clear camps. Members will rely upon personal protective equipment to manage any potential for exposure to hazardous and infectious materials and inform their supervisor of any exposure or injury sustained.

Procedure:

1. Member Responsibilities.

- 1.1. All Bureau clean-ups shall be approved by and at the direction of a supervisor. If a supervisor does not approve a clean-up, they shall contact the Homelessness/Urban Camping Impact Reduction Program (HUCIRP) to notify them of their decision.
- 1.2. If a member identifies a camp or campsite while on patrol or responds to a call for service regarding a camp or campsite, the member may:
- 1.2.1. Evaluate the site to determine if an emergency abatement is necessary;
- 1.2.2. If an emergency abatement is not required, attempt to provide social service information; and
- 1.2.3. Notify HUCIRP by email to provide the location.
- 1.3. Types of Camp Clean-Ups.
- 1.3.1. Coordinated Camp Clean-up: When a member is directed by a supervisor to assist with a coordinated camp clean-up, the member shall:
- 1.3.1.1. Provide added security for the public personnel or agents conducting the clean-up;
- 1.3.1.2. Remain on scene until:
- 1.3.1.3. The clean-up is completed;
- 1.3.1.4. The member is released by the requesting public personnel or agent; or
- 1.3.1.5. Other priority police matter arises.
- 1.3.1.6. Attempt to identify individuals present at the camp or campsite;
- 1.3.1.7. Attempt to provide information for services in the area; and

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- 1.3.1.8. Write a General Offense (GO) report in accordance with the reporting requirements set forth in this directive.
- 1.3.2. Emergency Abatement: When a member intends to immediately address a camp or campsite and an exemption to the posting requirement exists, the member shall notify their supervisor of the following, unless it is their primary assignment for the day:
 - ~~1.2.5.2. Location and description of the camp (size, hazards, number of people, etc.); and If no property is going to be removed. In such cases a verbal warning with a reasonable time (generally up to one (1) hour) to relocate is sufficient.~~
 - ~~1.2.6. Property Handling (Prior To and During Cleanup): Prior to ending the camp cleanup effort, personal property that is reasonably recognizable as belonging to a person and that has apparent utility must be photographed, inventoried, and transported to a storage facility. Land-owning, City Bureaus shall establish a property handling procedure that includes the following provisions:~~
 - ~~1.2.6.1. All personal property removed from a camp must be photographed and listed on an itemized inventory that includes:~~
 - ~~1.2.6.1.1. Camp location, date of the written notice of camp cleanup posting, and the date of the actual camp cleanup;~~
 - ~~1.2.6.1.2. Description of each item of property, including the type of item, color, brand name (if known), and marks thereon identifying the owner.~~
 - ~~1.2.6.1.3. Containers, backpacks, and/or boxes containing personal property may be inventoried, sealed at the site, and taken to storage using a chain-of-custody protocol.~~
 - ~~1.2.6.2. When called to the scene, Portland Police Bureau members will identify and seize property attributable to a crime (e.g. weapons, drug paraphernalia, items that appear stolen, etc.), which will then be handled in accordance with the Bureau's established evidentiary policy and practice.~~
 - ~~1.2.6.3. After personal property or property attributable to a crime have been removed, photographs of the entire campsite shall be taken and retained to show what remaining items are being discarded at the end of the camp cleanup effort, thus deemed exempt from the above property requirements:~~
 - 1.3.2.1. Per ORS § 203.079, property that is in an insanitary condition, meaning is contaminated,
 - 1.3.2.2. The reason why the camp or campsite needs an emergency abatement.
 - ~~1.2.6.3.1. If the supervisor denies an emergency abatement, the member may be hazardous (e.g. syringes, soiled, body fluids, vermin infestation), could affect the safety and/or health notify HUCIRP of workers, or adversely affect other stored property.~~
 - ~~1.2.6.3.2. Property that is clearly abandoned and items that have no apparent utility.~~
 - ~~1.2.6.3.3. Property that has been specifically relinquished by the owner.~~
 - ~~1.2.6.3.4. The land-owning, City Bureau designee responsible for the camp cleanup should ensure property that is disposed their observations of pursuant to one of the exceptions above is photographed, the reason for the exception documented, and the documentation retained.~~

*Please note: This is a working draft of Directive 835.20. This is proposed language and the Bureau has not implemented any changes to the current directive at this time.

~~1.2.7. Collected Personal Property:~~

- ~~1.2.7.1. Land owning, City Bureaus are required to establish a secure location(s) to store collected personal property. In accordance with the initial notice posted, all property collected from a camp cleanup must be kept at the named secure location and protected from the elements for a period of thirty (30) days from the last date the actual cleanup activities occurred.~~
- ~~1.2.7.2. Land owning, City Bureaus are required to establish a process to allow owners to retrieve their property for at least thirty (30) days after the cleanup of a camp. The process will be safe for property owners and public personnel alike. The process may require individuals seeking the return of personal property to call in advance and make an appointment or to describe the camp location, approximate cleanup date, and the property in sufficient detail to reasonably assure ownership. The process will document the name, type of ID and/or photograph of the person requesting the return before releasing the property.~~
- ~~1.2.7.3. Land owning, City Bureaus are required to establish a procedure for disposal of unclaimed collected property after the time provided for the owners to retrieve their property.~~

~~1.2.8. Evaluation: The City is required to periodically evaluate the outcomes of cleanup efforts and discuss with involved parties whether the removals are occurring in a humane, just, and reasonable manner, before determining if any policy changes are necessary. The Police Bureau will participate in any review process.~~

~~1.1.1.1.3.2.3. Recordkeeping and Retention: Land owning, City Bureaus are required to be responsible for documenting and retaining records of the camp or campsite via the appropriate email address. If notifying HUCIRP, the member shall provide the following information for five (5) years following the date of the final campsite cleanup, including: —;~~

~~1.2.8.1.1. Posting notices and dates;~~

~~1.2.8.1.2. Social service contacts;~~

~~1.3.2.3.1. Location and description of the camp (e.g., size, hazards, number of people, presence of needles, proximity to schools, etc.);~~

~~1.1.1.1.1.3.2.3.2. Photographs of camps; if possible; and~~

~~1.2.8.1.3. Collected personal property inventory;~~

~~1.3.2.3.3. Reason What actions the member is requesting (e.g., immediate posting, post when possible, updating information, etc.).~~

~~1.3.2.4. If the supervisor approves an emergency abatement, the member shall:~~

~~1.3.2.4.1. Take before and after photographs in accordance to Directive 640.02, Photography and Digital Imaging;~~

~~1.3.2.4.2. Remain on scene and provide added security for public personnel or agents during the property removal until the clean-up is completed;~~

~~1.3.2.4.3. If individuals experiencing homelessness are present:~~

~~1.3.2.4.3.1. Attempt to identify them;~~

~~1.3.2.4.3.2. Provide information on area services; and~~

*Please note: This is a working draft of Directive 835.20. This is proposed language and the Bureau has not implemented any changes to the current directive at this time.

~~1.1.1.1.1.1.1.3.2.4.3.3.~~ Provide a reasonable amount of time for them to remove their personal property was disposed; from the area.

~~1.2.8.1.4. Release of returned property.~~

1.3.2.4.4. Post a Property Abatement Notice;

1.3.2.4.5. Write a GO;

1.3.2.4.6. Ensure insanitary property is removed by the public personnel or agent; and

1.3.2.4.7. Concerning the removal of personal property:

1.3.2.4.7.1. If the member removes personal property, they shall follow Directive 660.10, Property and Evidence Procedures, with regard to the disposition of the personal property and property receipts; or

1.3.2.4.7.2. If the public personnel or agent removes personal property, the member shall include the company name in their GO.

1.3.3. Summary Abatement: If the property does not constitute a camp or campsite, the member may summarily abate the nuisance property by removing the property themselves or coordinating with public personnel or agents to have the property removed either immediately, or at a later date. If the abatement is to occur outside of traditional business hours, the member shall seek supervisor approval prior to contacting the appropriate public personnel or agent. It is the member's responsibility to handle insanitary property and personal property in the following distinct manners:

1.3.3.1. If the nuisance property consists solely of insanitary property, the member may notify the appropriate public personnel or agent for removal. In this situation, no GO is necessary; or

1.3.3.2. If the nuisance property consists of personal property, they shall:

1.3.3.2.1. Remain on scene until the abatement has been completed;

1.3.3.2.2. Take before and after photographs in accordance to Directive 640.02, Photography and Digital Imaging;

1.3.3.2.3. Ensure insanitary property is removed by the appropriate public personnel or agent;

1.3.3.2.4. Concerning the removal of personal property:

1.3.3.2.4.1. If the member removes personal property, they shall follow Directive 660.10, Property and Evidence Procedures, with regard to the disposition of the personal property and property receipts.

1.3.3.2.4.2. If the public personnel or agent removes personal property, the member shall include the company name in their GO.

1.3.3.2.5. Write a GO.

2. Reporting Requirements.

2.1. When a member is present at a coordinated camp clean-up or conducts an emergency or summary abatement, the member shall write a GO that includes the following information:

2.1.1. Attempts to identify individuals experiencing homelessness who are present;

2.1.2. Attempts to provide information for services in the area;

*Please note: This is a working draft of Directive 835.20. This is proposed language and the Bureau has not implemented any changes to the current directive at this time.

2.1.3. Offense code “T721” (Livability Improvement Project) to document their efforts; and

2.1.4. Company name of the public personnel or agent removing personal property or insanitary property.

3. Supervisor Responsibilities.

3.1. When a supervisor is determining whether or not to provide police resources for a summary abatement, emergency abatement, or upon receipt of a request for a police presence at a camp or campsite for a coordinated camp clean-up, they should consider the following:

3.1.1. Available resources;

3.1.2. Time of day;

3.1.3. Demands for police work; and

3.1.4. Urgency to abate the camp or campsite, or nuisance property.

3.2. If the supervisor declines to provide police resources for a coordinated cleanup, they shall contact to the complainant to inform them of the declination.

3.3. If the supervisor determines that police presence is necessary at a coordinated camp clean-up, the supervisor shall direct a member to respond to the camp or campsite.

3.4. If the supervisor determines that an emergency or summary abatement is necessary, the supervisor shall coordinate with appropriate public personnel or agents to conduct the abatement.

3.5. If the supervisor determines that an emergency abatement is not necessary, or practical, at the time, the supervisor may direct the member to contact HUCIRP via the appropriate email.

3.6. A supervisor may contact HUCIRP to coordinate a precinct mission to address camps or campsites. When requesting a precinct mission, the supervisor should give HUCIRP a minimum of 72 hours’ notice. The supervisor shall provide HUCIRP with:

3.6.1. Detailed information on boundaries of the mission area;

3.6.2. Date/time of the mission; and

3.6.3. Approximate number of camps or campsites.

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, August 15, 2019 4:58:01 PM
Last Modified: Thursday, August 15, 2019 4:58:41 PM
Time Spent: 00:00:39
IP Address:

Page 1

Q1 Please provide feedback for this directive

Comments on Camping and Arrest With Warrant Directives, August 2019

To Chief Outlaw, Capt. Parman, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board staff, US Dept. of Justice, Independent Police Review, Citizen Review Committee and the Portland Police Bureau:

Below are comments from Portland Copwatch (PCW) on two the Directives posted for review in early August 2019 (at <http://www.portlandoregon.gov/police/59757>). It should be noted that 12 Directives were posted but only eight were mentioned in the Bureau's bulk email. Two of the unlisted ones were pushed to the top of the stack for review after the IPR's audit of the PPB's policies on houselessness, and those are the two we are commenting on here.*-1

One reason we're not revisiting many of the old directives is that the timeline of 15 days to review so much material is seriously inadequate. PCW continues to believe all review periods should last a minimum of 30 days each time a Directive is posted for comment, with flexibility based on factors such as holidays and the complexity of each policy.

Generally speaking, as we wrote in 2018: "Our suggestions on how to make improvements to these policies does not mean we agree with the underlying premises that allow police to, for instance, take houseless people's belongings when those people have nowhere else to go. As long as those underlying laws and policies are in place, we hope to make police aware of the possible harms that come with enforcing them, and find ways to mitigate that harm."

PCW continues to encourage the Bureau to add letters to the Definitions, Policy, Procedure and other Sections to avoid having multiple areas with the same numbers (ie, multiple items called "Section 1"), and return to its earlier practice of numbering each Definition, as is done in City Code and State law. Since Directive 840.00 has not yet been through the revision process, this would be a good place to start.

Our comments below refer to the Procedure section unless otherwise noted.

DIRECTIVE 835.20 POSTING/CLEANUP OF ESTABLISHED CAMPSITES
(previous comments October 2014 and September 2018)

We are intrigued that this policy was last updated in September 2018 and has a reference to a 2012 Ninth Circuit Court decision about houseless persons' rights, but not a reference to a case decided on September 4 last year regarding the rights of people on the streets in Idaho: D.C. No.1:09-cv-00540-REB. We asked the Bureau to include that decision as well as a discussion of Eighth Amendment rights, but that did not happen.

There have been no changes to this policy after the last release, so we repeat our concerns from that time:

Directive 835.20 Feedback

--While we applauded the inclusion of the language from the 2012 "Anderson agreement," we hope something can be done to clarify what is a double-edged sword. The agreement includes in the definition of a campsite the presence of "personal property." On the one hand, this gives dignity to a person's possessions, on the other it allows the police to declare someone in violation if they have a newspaper next to them on the sidewalk. We urge the Bureau, the City and the affected parties to draft clearer language so that people don't get swept ("cleaned up") simply for having belongings with them.

--One of our chief concerns is that officials can decide whether items are valuable only if they have "apparent utility," which leaves out photographs and other keepsakes... not to mention pets, which are often treated as property under the law but arguably have no "utility." Officers should be wary of disposing of sleeping bags, medications, identification and other valuables rather than being allowed to decide items are "property that is clearly abandoned and that have no apparent utility" (Section 1.2.6.3.2).

--There is an ongoing concern that the City has turned over site cleanups to private security, and that Downtown Clean and Safe*-2 doesn't even have to follow the guidelines of Anderson despite being funded through a city ordinance which allows special tax revenue collection for businesses. This PPB policy should address these issues as best as possible and City Council should make it clear that any actual or quasi-state actor seeking to take away houseless persons' possessions needs to follow the law and the agreement. Since the Directive gives the PPB responsibility to be sure the rules are being followed, an officer's name and contact should also be on the notices as with previous policy 1.5.4.

---As a side note, despite Officers supposedly only being on site as support for other agencies (including Park Rangers) conducting sweeps, they need to be aware that their mere presence puts fear into people who are camping.

--The policy, we noted and continue to assert, should make it easy for people with no money or means of transportation to retrieve their property.

--We also expressed concern about language that used to be in the Tow Policy (630.60 Vehicle Disposition), based on recommendations by the Citizen Review Committee, asking for autos to be able to be driven away by another person if the driver is arrested, and asking what valuables in a car should be noted on property receipts. That language does not appear to have been re-inserted, and might be considered here.

--The Bureau replaced the term "illegal camper" (as we suggested). However, they now use the word "unlawful" to apply to certain actions. This term still seems pejorative. We continue to suggest using a phrase such as "actions in violation of City Code." Similarly, in 1.1.2.3 people are referred to as "law violators" rather than "subjects" or "suspects." We believe the courts ultimately decide whether a person violated the law, not police officers.

--The current Directive gives one hour for a person to clean up their site (Sections 1.2.2.3 and 1.2.5.3), rather than two hours in a prior version. PCW called for a longer base time and more flexibility. Moreover, people who have homes get from 72 hours to 90 days to clear out when they are evicted.

--Directions about the posting of 24-hour notices used to say the notices should be posted "****at least**** 24 hours prior to cleanup" (previous section 1.1, ***emphasis ours***). We asked the Bureau to add similar language encouraging giving longer time frames.*-3

--It is not clear whether the procedures for State of Oregon cleanup are listed in the Directive (as per the Anderson agreement section 1c) to ensure Portland Police follow proper protocol. If that language is incorporated the reference should be explicit. It is also not clear whether the proper information about camping in parks is included (Anderson agreement section 1d).

--It is also not clear exactly what is meant about officers providing security for people posting notice "based on a specific and articulable threat or concern" (Section 1.1.2.1). Does that mean the campsite is getting the notice posted based on some kind of threat, or that the people posting the notice have received a threat? What kind of "specific concern" leads to police engagement? It's similarly confusing, and maybe even insulting, that officers are warned about ensuring their own health and welfare (Policy Section 4) but only talking about houseless people's "inherent dignity" (Policy 1) and interacting with them with "compassion and understanding" (Policy 2). These are good things to support, but houseless people's health and welfare should also be mentioned.

Directive 835.20 Feedback

We also repeated these comments from 2014:

--We have heard anecdotes of people having their medication (including insulin) and identification confiscated by Portland Police, which should be prohibited by this Directive.

--The Directive should address what happens when notices are posted on weekends or holidays, when JOIN and other support agencies are closed.

CONCLUSION

Despite the Bureau's belief that their actions do not "criminalize homelessness," Portland Copwatch would like to see more restrictions put on officers-- and contractors who call officers in-- when they move, cite, arrest and ransack the living areas of houseless people. The Portland Committee for Community Engaged Policing (PCCEP) recently noted the community survey of Portlanders asking about Police behavior did not adequately ask for input from the houseless community. PCCEP last met on July 23 and next meets on August 27; these two policies were released for review on August 1 with a deadline to respond of August 16. Thus, as we have pointed out repeatedly, there is no way for them to give meaningful feedback to the Bureau. Please change the substance of these policies, and please change the feedback process if you truly believe in Community Engagement.

Thank you again for the opportunity to comment

Portland Copwatch

Q2 Contact Information (optional)

Name

Email Address

From:
To:
Subject: FW: City of Portland TrackIT Submission: Item 1668034 - Contact Us
Date: Saturday, August 17, 2019 11:54:59 AM

TrackIT Item: 1668034

Directive 835.20 Established Campsites on Public Property I am providing feedback for the 1st Universal Review on Directive 835.20 Established Campsites on Public Property. I attempted to use the online form for this purpose and the form would not accept information. I was directed to

this form via Facebook.

I request that this information be forwarded to the Portland Police Bureau and a confirmation email that the information has been received.

Thank you.

I have reviewed the above-referenced Directive. I am providing the following feedback and recommendations for your consideration.

Definition: 'Campsite Cleanup Contract' is not defined. It is not clear who contracts with who and for what reason, what service the contractor is expected to perform, and whether or not the contractor is expected to follow the procedures in this Directive.

I suggest that details as to who the City/Police Bureau contracts with, what the contract is for, and whether or not the contractor is required to follow the procedures be included in the Directive.

I'm assuming that 'agent' refers to someone that the City / Portland Police Bureau has contracted with to assist in cleanups. I suggest that "agent" be defined.

It would also be helpful to know, in the Directive, where a sample contract is available.

Definitions:

Define "abandoned" as this word is used in the Directive. The Merriam-Webster dictionary defines abandoned as: left without needed protection, care, or support.

The first item in the Policy section states: "This Directive clarifies the Portland Police Bureau's role as peacekeepers in established campsite cleanup on public property." It goes further with some descriptive language which might be a definition of "peacekeeper" but that is not clear. I suggest that "peacekeeper" be added to the definitions.

The definition of "Insanitary Property" should not include "items that have no apparent utility." Items in an insanitary condition, defined in the Merriam-Webster dictionary as items that are "unclean enough to endanger health: contaminated," can be items that have "clearly visible, understood or obvious uses."

Insanitary does not mean that an item has no use. I

suggest that "Items with no apparent utility" be removed from the "Insanitary Property" definition, and that a definition of "Apparent Utility" be added such as "Apparent Utility: clearly visible, understood or obvious use."

I suggest that the definition of "Personal Property" be broadened to include examples. Below is a suggested definition that I have seen elsewhere:

"Personal Property: Personal property means an item that: is reasonably recognizable as belonging to a person; has apparent utility in its present condition and circumstances; and is not hazardous.

Examples of personal property include but are not limited to identification such as birth certificates, Social Security cards, and State identification cards or Driver's License, personal papers, photographs and documents, tents, bicycles, radios and other electronic equipment, eyeglasses, prescription medications, crutches, walkers, wheelchairs and jewelry.

Personal property does not include building materials such as wood products, metal, pallets, or rigid plastic. The member will determine whether an item is personal property, and in cases when the status of an item cannot reasonably be determined in the member's judgment based on the totality of the circumstances, the staff member will treat the item as personal property under this Directive."

I've included medications and identification in this definition. This removal of these items is problematic in that these items can be, by their nature, needed on a daily basis. Removing these items may place the owners at risk of harm. A solution for retention of these items that allows for quick and easy retrieval by the owner is advisable.

Personal property may include a pet and whatever is used to care for the pet such as bedding and food. There may be a Directive that talks about animals that are confiscated. Whatever policy or Directive that is in place elsewhere should be referenced in this Directive or added if such policy is not in place elsewhere.

Policy:

ORS 203.077(1) is seen in the Refer section. This statute states that municipalities and counties shall:

"Develop a policy that recognizes the social nature of the problem of homeless individuals camping on public

property.”

Descriptive language acknowledging the “social nature of the problem” should be included. This might be accomplished through a description of homelessness that describes the contributing factors to homelessness.

Policy:

Item No. 2 states “This means customizing humane strategies to each individual unlawful camping instance, complete with referrals to social services to those in need of assistance, and respect for property rights.”

I find no detail in the Directive that describes how this is done other than a mention of coordination with a social service agency. I also find no mention of responding to medical needs at the time of the cleanup.

Item No. 4 states: The Portland Police Bureau will undertake effort to secure the health and welfare of any member assigned to clear camps. I think that ‘effort’ in the first sentence should end with an ‘s.’

I appreciate that Item No. 4 is specific to those who are involved in removing an established camp. The policy should also reflect this attitude toward the health and welfare of the people who reside in a camp.