



CITY OF PORTLAND, OREGON



Bureau of Police

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Executive Summary Directive 0835.20, Managing Public Spaces

Introduction

The Portland Police Bureau began its review of Directive 0835.20, Managing Public Spaces (formerly, “Established Campsites on Public Property”), in 2018. After managing delays related to the Covid-19 pandemic and staffing changes, the Bureau re-started its review, with the objective of clearly defining the role of Bureau members during campsite cleanups and ensuring Bureau practices in line with the law and Portland City Code.

The Bureau posted the directive for public comment on multiple occasions between August 2019 and March 2022. During the review, the Bureau redeveloped the directive through the lens of the Independent Police Review’s July 2019 policy review and recent legislative changes.

Public Comments

The Bureau received few comments over the course of the universal review and public comment periods for the directive. In general, commenters largely focused on the need for clearly defined roles and terms to ensure that the entities involved in camp cleanups have a sound understanding of what is required and permissible under the law and they treat individuals experiencing homelessness with dignity and respect. Below, the Bureau also highlights a few other comments and recommendations.

Several commenters proposed changes to the directive definitions, asserting that revisions were necessary to clarify meaning and offer examples of what is described. In an effort to avoid the possibility of Bureau member misinterpretation and to ensure consistency with the law, the Bureau typically uses statutory or city code-defined definitions, when available. For example, the Oregon Legislature passed, now enrolled, House Bill during the 2021 legislative session. The statutory revision included definition of “personal property,” which the Bureau adopted in the policy. The Bureau will continue to assess the need for further clarification and, if necessary, develop training or additional guidance to address issues of misinterpretation or misapplication, should any arise after the Bureau implements the directive.

Additionally, a commenter suggested that the Bureau’s use of the term “homeless” in the directive is inappropriate. Similar to its approach to defining key terms in policy, the Bureau uses language that

is consistent with language established by law or code, when necessary. With the exception of references to governing statutes and the city program that is responsible for managing coordinated camp cleanup activities, as well as the use of language included in the revised statute, the Bureau recognizes the global shift in language, which is primarily focused in reducing stigmatization and demonization of impacted individuals. As a result and in response to the public comment, outside of the previously mentioned references, the Bureau revised the policy to use the term “individuals experiencing homelessness.” Furthermore, the Bureau replaced the term “unlawful,” as recommended by a commenter who suggested that the term was negative or disapproving.

A commenter called on the Bureau to allow for more flexibility with regard to allowing a person more time to gather their belongings prior to an emergency abatement. The policy directs members to provide a “reasonable amount of time.” Although previous versions of the policy allowed a specified amount of time, given the nature of emergency abatements, the Bureau modified the requirement to allow for more discretion, which includes the possibility of more flexibility. However, emergency abatements are intended to address an immediate risk posed to the public. It is for this reason that the law allows for exceptions to notification requirements. The Bureau’s expectation is that members will allow enough time for a person to remove their personal property, while not compromising the safety of the person or other members of the public and addressing the immediacy of the risk posed.

Finally, a few commenters spoke to the potential removal of a person’s medication during a camp clean-up. The required notification aims to allow a person enough time to collect their belongings, to include medication, prior to the clean-up. State law establishes a procedure that requires the entity performing the clean-up to store all unclaimed personal property or property that was not removed prior to the clean up and inform the person of the process for locating their property. By law, the entity may only immediately dispose of items that have no apparent utility or that are in an insanitary condition. This should not include items that are reasonably recognized as medication; rather, medication that a person does not remove prior to the clean up would be stored along with their personal property, as set forth in the revised state law.

Revised Bureau Policy

The revised directive makes clear that the primary function of the Bureau during camp clean-ups is to support and provide security to the entities conducting the clean-up. The updated policy also uses language that is consistent with state law and City Code language, and ensures the Bureau’s practices are consistent with recent legislative changes.

The Bureau welcomes further feedback on this policy during its next review.

This directive goes into effect on August 4, 2022. Published on July 5, 2022.

0835.20, Managing Public Spaces (formerly, “Established Campsites on Public Property”)

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 195.500, Policy for Removal of Homeless Individuals Camping on Public Property
- ORS 195.505, Elements of Camp Removal Policies; Unclaimed Personal Property; Notice
- ORS 195.510, Sites Not Subject to ORS 195.500 to 195.510
- Portland City Code, 1.01.140, Violations – Penalty
- Portland City Code 3.15.060.C.6, Office of Chief Administrator Officer
- Portland City Code, 3. 20.110, Duties of Police Force
- 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
- Portland City Code 29.20.010-030, Property Nuisances
- City of Portland City Charter 2-105(a)(44)
- City of Portland, Campsite Cleanup Contracts
- DIR 0640.02, Photography and Digital Imaging
- DIR 0660.10, Property and Evidence Procedures
- Portland Police Bureau/Impact Reduction Program Abatement Protocol (PPB intranet)
- [City of Portland Homelessness/Urban Camping Impact Reduction Program Campsite Removal and Property Storage Policy](#)

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* interpreted and clarified 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 established 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 state law and this directive.
- **Homelessness and Urban Camping Impact Reduction Program (“Impact Reduction Program”):** A division of the Office of Management and Finance that is responsible for coordinated camp clean-up activities and has 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 personal property, as defined below, which members should treat as “found property,” as defined in Directive 0660.10, Property and Evidence Procedures.
- **Personal Property:** Any item that can reasonably be identified as belonging to an individual and that has apparent value or 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 working in a support role during 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 camping in violation of City code.
2. PPB recognizes that the City of Portland (“City”) and State of Oregon set a standardized process to govern the clean-up of public property being used for the purpose of shelter and/or temporary residence in a manner that violates applicable City code 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 Impact Reduction Program [IRP]), shall interact with individuals experiencing homelessness with compassion and understanding. This means customizing humane strategies to address each individual person and situation, complete with referrals to social services to those in need of assistance, and respect for property rights.

3. In accordance with a binding intergovernmental agreement, PPB shall work with City partners to support the City's efforts to address established camping on inter-governmentally-owned property located within Portland jurisdiction.
4. PPB shall endeavor to secure the health and welfare of any member assigned to clear camps. Members shall use 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 support of coordinated camp clean-ups shall be approved by and at the direction of a supervisor, unless received through a call for service via BOEC.
 - 1.1.1. If a member is dispatched to a call for service to support a Coordinated Camp Cleanup, they shall notify a supervisor. If a supervisor does not approve the member supporting a coordinated clean-up, they shall contact IRP to notify them of the Bureau's 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 referral information; and
 - 1.2.3. Notify IRP by email (reportpdx@portlandoregon.gov) to provide the location.

1.3. Types of Camp Clean-Ups.

1.3.1. **Coordinated Camp Clean-Ups.**

- 1.3.1.1. Coordinated camp cleanups are initiated and managed by IRP; however, members may be asked to assist the agents or City-contracted vendors performing the clean-up.
- 1.3.1.2. When a member acts in support of a City-ordered coordinated camp clean-up, the member shall:
 - 1.3.1.2.1. Follow the guidelines set forth in the City of Portland Homelessness/Urban Camping Impact Reduction Program Campsite Removal and Property Storage Policy
 - 1.3.1.2.2. Provide security for the public personnel or agents conducting the clean-up;
 - 1.3.1.2.3. Remain on scene until:
 - 1.3.1.2.3.1. The clean-up is completed;
 - 1.3.1.2.3.2. The member is released by the requesting public personnel or agent; or
 - 1.3.1.2.3.3. Other priority police matter arises.
 - 1.3.1.2.4. Attempt to identify individuals present at the camp or campsite;
 - 1.3.1.2.5. Attempt to provide information for services in the area; and
 - 1.3.1.2.6. Write a General Offense (GO) report in accordance with the reporting requirements set forth in this directive.

1.3.1.3. Concerning the removal of personal property:

- 1.3.1.3.1. If the member removes personal property such as weapons, drug paraphernalia, and items which appear to either be stolen or evidence of a crime, or takes possession of these items from the vendor, they shall follow Directive 0660.10, Property and Evidence Procedures, with regard to the disposition of the personal property and property receipts.

1.3.2. Emergency Abatements.

- 1.3.2.1. Land-owning City bureaus or designees are required to post appropriate written notice (i.e., 72 hours and in English and Spanish) of a coordinated camp clean-up prior to the clean-up effort, unless one of the following exemptions to the requirement exists:

1.3.2.1.1. When there are grounds for members to reasonably believe that illegal activities other than camping, to include the violation of City Charter and/or state law, are occurring at an established camping site;

1.3.2.1.2. In the event of an exceptional emergency at an established camping site, including, but not limited to possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety.

1.3.2.1.3. If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice may be posted at least 24 hours before removing homeless individuals from the camping site.

- 1.3.2.2. 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:

1.3.2.2.1. Location and description of the camp (size, hazards, number of people, etc.); and

1.3.2.2.2. The reason why the camp or campsite needs an emergency abatement.

1.3.2.2.3. If the supervisor denies an emergency abatement, the member may notify IRP of their observations of the camp or campsite via the appropriate email address. If notifying IRP, the member shall provide the following information:

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

1.3.2.2.3.2. Photographs, if possible; and

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

- 1.3.2.2.4. If the supervisor approves an emergency abatement, the member shall:

1.3.2.2.4.1. Contact the city-contracted vendor per the joint PPB/IRP Abatement Protocol

1.3.2.2.4.2. Take before and after photographs in accordance to Directive 0640.02, Photography and Digital Imaging;

- 1.3.2.2.4.3. Remain on scene and provide added security for public personnel or agents during the property removal until the clean-up is completed;
- 1.3.2.2.4.4. If individuals experiencing homelessness are present:
 - 1.3.2.2.4.4.1. Attempt to identify them;
 - 1.3.2.2.4.4.2. Provide information on area services; and
 - 1.3.2.2.4.4.3. Provide a reasonable amount of time for them to remove their personal property from the area.
- 1.3.2.2.4.5. Post a Property Abatement Notice;
- 1.3.2.2.4.6. Write a GO; and
- 1.3.2.2.4.7. Concerning the removal of personal property:
 - 1.3.2.2.4.7.1. If the member removes personal property such as weapons, drug paraphernalia, and items which appear to either be stolen or evidence of a crime, they shall follow Directive 0660.10, Property and Evidence Procedures, with regard to the disposition of the personal property and property receipts; or
 - 1.3.2.2.4.7.2. If the public personnel or agent removes personal property, the member shall include the company name in their GO.

1.3.3. Summary Abatement.

1.3.3.1. 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, agents, or city-contracted vendors to have the property removed either immediately, or at a later date. If the summary abatement is to occur outside of traditional business hours, the member shall seek supervisor approval prior to contacting the appropriate public personnel, agent, or city-contracted vendor. It is the member's responsibility to handle insanitary property and personal property in the following distinct manners:

- 1.3.3.1.1. If the nuisance property consists solely of insanitary property, the member may notify the appropriate public personnel, agent, or city-contracted vendor for removal. In this situation, no GO is necessary; or
- 1.3.3.1.2. If the nuisance property consists of personal property, they shall act in accordance with Directive 0660.10, Property and Evidence Procedures, with regard to the disposition of the personal property and property receipts.
 - 1.3.3.1.2.1 If the property is such that it is unfeasible to transport or store at the PPB Property Room, the member may make arrangements with previously vetted city contracted vendors for storage so long as proper notification to the PPB Property Room and the member's RU command are made.

2. Reporting Requirements.

- 2.1. When a member is present at a coordinated camp clean-up or conducts an emergency 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.
- 2.2. If personal property is removed, reporting should be in accordance with Directive 0660.10, Property and Evidence Procedures,
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 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 IRP via the appropriate email.
 - 3.6. A supervisor may contact IRP to coordinate a precinct mission to address camps or campsites. When requesting a precinct mission, the supervisor should give IRP a minimum of 72 hours’ notice. The supervisor shall provide IRP 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.

History:

- **Established:** 9/2001
- **Revision History:** 2003, 2008, 20015
- **Effective:** 8/4/2022
- **Next Review:** 8/4/2024

Directive 8350835.20, Managing Public Spaces Established Campsites on Public Property

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 195.500, Policy for Removal of Homeless Individuals Camping on Public Property
- ORS 195.505, Elements of Camp Removal Policies; Unclaimed Personal Property; Notice
- ~~ORS § 203.081, sites not subject~~195.510, Sites Not Subject to ORS § 203.077195.500 to 203.081195.510
- Portland City Code, 1.01.140, Violations – Penalty
- Portland City Code 3.15.060.C.6, Office of Chief Administrator Officer
- Portland City Code, 3. 20.110, Duties of Police Force
- 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
- Portland City Code 29.20.010-030, Property Nuisances
- City of Portland City Charter 2-105(a)(44)
- City of Portland, Campsite Cleanup ~~Contract~~Contracts
- DIR 0640.02, Photography and Digital Imaging
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- Portland Police Bureau/Impact Reduction Program Abatement Protocol (PPB intranet)
- City of Portland Homelessness/Urban Camping Impact Reduction Program Campsite Removal and Property Storage Policy

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 interpreted and clarified 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 Cleanup: An organized, pre-arranged operation initiated by a land-owning, ~~City Bureau~~ city-bureau or designee possessing lawful authority to order the removal of trespassers and ~~unlawful camp sites~~ established 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 state law and this directive.
- Homelessness and Urban Camping Impact Reduction Program (“Impact Reduction Program”): A division of the Office of Management and Finance that is responsible for coordinated camp clean-up activities and has 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 ~~apparently~~ 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 personal property, as defined below, which members should treat as “found property,” as defined in Directive 0660.10, Property and Evidence Procedures.
- Personal Property: ~~Property~~ Any item that can reasonably ~~recognizable~~ be identified as belonging to ~~a person~~ an individual and ~~which~~ that has apparent value or 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 ~~Portland Police Bureau’s role as peacekeepers in of the Portland Police Bureau (PPB) as working in a support role during~~ 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 in violation of City code.
2. ~~The Portland Police Bureau PPB~~ recognizes that the City of Portland ~~maintains (“City”) and State of Oregon set~~ 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 in a manner that violates applicable City code 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 Impact Reduction Program [IRP]), shall~~ interact with individuals experiencing ~~houselessness~~ homelessness with compassion and understanding. This means customizing humane strategies to address each individual ~~unlawful camping instance~~ person and situation, complete with referrals to social services to those in need of assistance, and respect for property rights.

3. ~~Similarly, and in~~ In accordance with a binding intergovernmental agreement, ~~the Portland Police Bureau will~~ PPB shall work with ~~other levels of government~~ City partners to support the City's efforts to address ~~unlawful~~ established camping on ~~intergovernmentally~~ inter-governmentally-owned property located within Portland jurisdiction.
4. ~~The Portland Police Bureau will undertake effort~~ PPB shall endeavor to secure the health and welfare of any member assigned to clear camps. Members ~~will rely upon~~ shall use personal protective equipment to manage any potential for exposure to hazardous and infectious materials and inform ~~his or her~~ their supervisor of any exposure or injury sustained.

Procedure:

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

~~1. Police~~ Member Responsibilities.

~~1.1. All~~ 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.~~

~~After balancing the demands of police work, the Police Bureau may provide support on shorter notice of coordinated camp clean-ups~~

~~1.1.1.2. Emergency matters shall be routed through 911, to ensure the most effective approved by 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 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.~~
 - ~~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 in the direction of a supervisor, 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 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”.*~~~~~~
- 1.1. Referral information and current contact numbers for social received through a call for service agencies capable of providing assistance to those in need of shelter via BOEC.
 - ~~1.2.3.4.2. Address and phone contact information of the location where the collected property will be maintained.~~
 - ~~1.2.3.4.3. 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.~~
 - ~~1.2.3.4.4. 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 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:~~

~~1.1.1. If a member is dispatched to a call for service to support a Coordinated Camp Cleanup, they shall notify a supervisor. If a supervisor does not approve the member supporting a coordinated clean-up, they shall contact IRP to notify them of the Bureau's 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 referral information; and

1.2.3. Notify IRP by email (reportpdx@portlandoregon.gov) to provide the location.

1.3. Types of Camp Clean-Ups.

1.3.1. Coordinated Camp Clean-Ups.

1.3.1.1. Coordinated camp cleanups are initiated and managed by IRP; however, members may be asked to assist the agents or City-contracted vendors performing the clean-up.

1.3.1.2. When a member acts in support of a City-ordered coordinated camp clean-up, the member shall:

1.3.1.2.1. Follow the guidelines set forth in the City of Portland Homelessness/Urban Camping Impact Reduction Program Campsite Removal and Property Storage Policy

1.3.1.2.2. Provide security for the public personnel or agents conducting the clean-up;

1.3.1.2.3. Remain on scene until:

1.3.1.2.3.1. The clean-up is completed;

1.3.1.2.3.2. The member is released by the requesting public personnel or agent; or

1.3.1.2.3.3. Other priority police matter arises.

1.3.1.2.4. Attempt to identify individuals present at the camp or campsite;

1.3.1.2.5. Attempt to provide information for services in the area; and

1.3.1.2.6. Write a General Offense (GO) report in accordance with the reporting requirements set forth in this directive.

1.3.1.3. Concerning the removal of personal property:

1.3.1.3.1. If the member removes personal property such as weapons, drug paraphernalia, and items which appear to either be stolen or evidence of a crime, or takes possession of these items from the vendor, they shall follow Directive 0660.10, Property and Evidence Procedures, with regard to the disposition of the personal property and property receipts.

1.3.2. Emergency Abatements.

1.3.2.1. Land-owning City bureaus or designees are required to post appropriate written notice (i.e., 72 hours and in English and Spanish) of a coordinated camp clean-up prior to the clean-up effort, unless one of the following exemptions to the requirement exists:

1.3.2.1.1. When there are grounds for members to reasonably believe that illegal activities other than camping, to include the violation of City Charter and/or state law, are occurring at an established camping site;

1.3.2.1.2. In the event of an exceptional emergency at an established camping site, including, but not limited to possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety.

1.3.2.1.3. If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice may be posted at least 24 hours before removing homeless individuals from the camping site.

1.3.2.2. 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:

~~1.2.4.1. 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 and description of the camp (size, hazards, 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.~~

~~1.2.5. Notice Exceptions: Written twenty four (24) hour notice is not required for circumstances including, but not limited to, the following:~~

~~1.1.1.1.1.3.2.2.1. For Portland Police performing law enforcement activities in response to credible information about illegal activities (e.g. stolen property, drugs and paraphernalia, biohazards, people, etc.); and~~

~~1.2.5.1. 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.~~

~~1.2.5.2. 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. ——— 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. ——— 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:
 - ~~1.2.6.1.4. Per ORS § 203.079, property that is in an insanitary condition, meaning is contaminated, may be hazardous (e.g. syringes, soiled, body fluids, vermin infestation), could affect the safety and/or health of workers, or adversely affect other stored property.~~
 - ~~1.2.6.1.5. Property that is clearly abandoned and items that have no apparent utility.~~
 - ~~1.2.6.1.6. Property that has been specifically relinquished by the owner.~~
 - ~~1.2.6.1.7. The land owning, City Bureau designee responsible for the camp cleanup should ensure property that is disposed of pursuant to one of the exceptions above is photographed, the reason for the exception documented, and the documentation retained.~~~~

~~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.~~
- ~~1.2.9. Recordkeeping and Retention: Land-owning, City Bureaus are required to be responsible for documenting and retaining records of the following information for five (5) years following the date of the final campsite cleanup, including:—~~
- ~~1.2.9.1.1. Posting notices and dates;~~
 - ~~1.2.9.1.2. Social service contacts;~~
 - ~~1.3.2.2.2. The reason why the camp or campsite needs an emergency abatement.~~
 - ~~1.3.2.2.3. If the supervisor denies an emergency abatement, the member may notify IRP of their observations of the camp or campsite via the appropriate email address. If notifying IRP, the member shall provide the following information:~~
 - ~~1.3.2.2.3.1. Location and description of the camp (e.g., size, hazards, number of people, presence of needles, proximity to schools, etc.);~~
 - ~~1.1.1.1.1.1.3.2.2.3.2. Photographs of camps; , if possible; and~~
 - ~~1.3.2.2.3.3. CollectedWhat actions the member is requesting (e.g., immediate posting, post when possible, updating information, etc.).~~
 - ~~1.3.2.2.4. If the supervisor approves an emergency abatement, the member shall:~~
 - ~~1.3.2.2.4.1. Contact the city-contracted vendor per the joint PPB/IRP Abatement Protocol~~
 - ~~1.3.2.2.4.2. Take before and after photographs in accordance to Directive 0640.02, Photography and Digital Imaging;~~
 - ~~1.3.2.2.4.3. Remain on scene and provide added security for public personnel or agents during the property removal until the clean-up is completed;~~
 - ~~1.3.2.2.4.4. If individuals experiencing homelessness are present:~~
 - ~~1.3.2.2.4.4.1. Attempt to identify them;~~
 - ~~1.3.2.2.4.4.2. Provide information on area services; and~~
 - ~~1.3.2.2.4.4.3. Provide a reasonable amount of time for them to remove their personal property from the area.~~
 - ~~1.3.2.2.4.5. Post a Property Abatement Notice;~~
 - ~~1.3.2.2.4.6. Write a GO; and~~
 - ~~1.3.2.2.4.7. Concerning the removal of personal property:~~
 - ~~1.3.2.2.4.7.1. If the member removes personal property such as weapons, drug paraphernalia, and items which appear to either be stolen or evidence of a crime, they shall follow Directive 0660.10, Property and Evidence Procedures, with regard to the disposition of the personal property and property receipts; or~~

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

1.3.3. Summary Abatement.

1.3.3.1. 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, agents, or city-contracted vendors to have the property removed either immediately, or at a later date. If the summary abatement is to occur outside of traditional business hours, the member shall seek supervisor approval prior to contacting the appropriate public personnel, agent, or city-contracted vendor. It is the member's responsibility to handle insanitary property and personal property in the following distinct manners:

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

1.3.3.1.2. If the nuisance property consists of personal property, they shall act in accordance with Directive 0660.10, Property and Evidence Procedures, with regard to the disposition of the personal property and property receipts.

1.3.3.1.2.1 If the property is such that it is unfeasible to transport or store at the PPB Property Room, the member may make arrangements with previously vetted city contracted vendors for storage so long as proper notification to the PPB Property Room and the member's RU command are made.

2. Reporting Requirements.

2.1. When a member is present at a coordinated camp clean-up or conducts an emergency 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

~~1.1.2.2.1.4.~~ Company name of the public personnel or agent removing personal property ~~inventory; or insanitary property.~~
Reason

~~1.2.2.2.~~ If personal property ~~was disposed;~~ is removed, reporting should be in accordance with Directive 0660.10, Property and Evidence Procedures,

~~1.2.9.1.3. Release of returned property.~~

History:

- ~~• Originating Directive Effective: 09/06/01~~
 - ~~• First Revision Effective: 09/05/03~~
 - ~~• Second Revision Effective: 10/01/08~~
 - ~~• Third Revision Effective: 08/14/15~~
- Next Review

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 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 IRP via the appropriate email.

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

3.6.1. Detailed information on boundaries of the mission area;

3.6.2. Date: 08/14/17/time of the mission; and

• Review By: Operations Branch

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

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
dan handelman and other members of
Portland Copwatch

*1- The other two that weren't listed were 631.35 Press/Media Relations
and 1110.00 Personal Appearance (due August 31). The other eight are:

650.00 Search, Seizures and Inventory: last posted 5/18
(PCW comments from 5/18 can be found at
<http://portland.indymedia.org/en/2018/05/435947.shtml>)

630.60 Vehicle Disposition: last posted 3/18
(PCW made comments based on CRC's 2007 Tow Policy report:
http://www.pjw.info/copwatch/CRC_Tow_Policy_Report0907.pdf)

210.21 Leaves from Service: last posted 11/17
(PCW made minimal comments about types of leaves allowed)

414.00 Pregnancy: last posted 11/17
(PCW did not comment on this policy; notably, this Directive
is in the pre-2014 format meaning no changes were made)

410.00 Injuries/Occupational Illness/Disabilities/LOS: last posted 11/17
(PCW did not comment on this policy)

415.00 Return to Work Policy: last posted 3/17
(PCW did not comment on this policy)

210.70 Secondary Employment: last posted 1/17
(PCW's comments focused on the "Ross Dress For Less Rule":
"The contracted work must be a policing function that provides a benefit to

Directive 835.20 Feedback

The contracted work must be a policing function that provides a benefit to the public, and is not focused solely on the interests of the business.")

210.20 Milk Expression: last posted 1/16
(PCW did not comment on this policy)

With regard to
631.35 Press/Media Relations, which was last posted in 2/15
PCW made a number of comments asking to clarify the policy.

*2- and other entities (called "vendors" in the IPR report on houselessness) such as Rapid Response Bioclean

*3- We believe that the City's agreement with the Oregon Department of Transportation now universally requires a minimum of 48 hours notice before a sweep.

Q2 Contact Information (optional)

Name	Portland Copwatch
Email Address	copwatch@portlandcopwatch.org

The following item has been submitted to the TrackIT system

Category: Contact Us
Date Created: 08/17/2019 12:08 AM
Date Received:
Contact: Michelle R DeShazer
PortlandOnline User

Contact Type: Website
Subject: Directive 835.20 Established Campsites on Public Property
Message: 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.

Michelle DeShazer

msdeshaz@comcast.net

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.

#1

COMPLETE

Collector: WebLink1(Web Link)
Started: Friday, November 01, 2019 8:03:55 AM
Last Modified: Friday, November 01, 2019 8:04:04 AM
Time Spent: 00:00:09

Page 1

Q1 Please provide feedback for this directive

hi

Q2 Contact Information (optional)

Respondent skipped this question

#2

COMPLETE

Collector: WebLink1(Web Link)
Started: Saturday, November 09, 2019 2:00:12 PM
Last Modified: Saturday, November 09, 2019 2:01:15 PM
Time Spent: 00:01:03

Page 1

Q1 Please provide feedback for this directive

It would be helpful to define "GO" as used in this directive.

Q2 Contact Information (optional)

Name	Peter Parks
Email Address	peterparks@oxidized.org

#3

COMPLETE

Collector: WebLink1(WebLink)
Started: Sunday, November 10, 2019 10:10:23 AM
Last Modified: Sunday, November 10, 2019 10:23:29 AM
Time Spent: 00:13:05

Page 1

Q1 Please provide feedback for this directive

Policy Statement 3: I believe you mean "...to include violation of City Code and/or Oregon Revised Statutes..." instead of "City Charter".

1.3.1.3 and 1.3.1.4 and 1.3.1.5 should be renumbered to be 1.3.1.2.1 and 1.3.1.2.2 and 1.3.1.2.3 since they are subsections of 1.3.1.2

With respect to 1.3.1.7, I thought that the social service agencies that partner with HUCIRP provided social service and other information in the 48 hours between posting and cleaning a camp. If this is the case, I suggest deleting this section since it is redundant to a function already performed by better qualified people.

For section 1.3.3, it would be good to better define "traditional business hours." If you mean 9am to 5pm, then say that. If you mean some other time window, say that. Perhaps sunrise to sunset is appropriate?

Q2 Contact Information (optional)

Respondent skipped this question

#4

COMPLETE

Collector: WebLink1(Web Link)
Started: Thursday, November 14, 2019 11:52:51 AM
Last Modified: Thursday, November 14, 2019 11:54:39 AM
Time Spent: 00:01:47

Page 1

Q1 Please provide feedback for this directive

things I find annoying "PPB and its local partners" implies that the PPB is not "local" and makes them sound like an outside force.

I would wonder what percentage of the time they use the Emergency Abatement clause vs a normal posting?

Insanitary property needs a better definition that includes things that are NOT insanitary property vs those that are. a blanket for instance, or a wet book may be insanitary to someone who lives in a house, but may be not for someone who is homeless.

"1.3.1.6. Attempt to identify individuals present at the camp or campsite;" - is akin to a stop and frisk. It forces police contact based on location or class.

"1.3.1.7. Attempt to provide information for services in the area; and" - might "offer" be a better word than "attempt"?

"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.);" - while homeless I did not need/use needles for my diabetes, but if I did... my camp would get a "checkmark"

1.3.2.3.2. Photographs, if possible; and - (I think this is of the campsite, not the people) . it may be unwise to take pictures of people's stuff?

"1.3.2.4.3.1. Attempt to identify them; 1.3.2.4.3.2. Provide information on area services; and" (same as above, also the same phrases in other locations)... "attempt to identify them" also seems... are they going to check for a tracker or ankle band like a lion or bird?

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. - hard to get your property back with no ID, lots of homeless people do not have ID.

Q2 Contact Information (optional)

Name	Patrick Nolen
Email Address	patrick.l.nolen@gmail.com
Phone Number	

#5

COMPLETE

Collector: WebLink1(Web Link)
Started: Wednesday, November 27, 2019 5:53:11 PM
Last Modified: Wednesday, November 27, 2019 5:53:51 PM
Time Spent: 00:00:39

Page 1

Q1 Please provide feedback for this directive

Comments on Houseless Sweeps Directive, November 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 the "Managing Public Spaces" Directive posted for review in early November at <https://www.portlandoregon.gov/police/article/746183>. This Directive, number 835.20, was previously titled "Established Campsites on Public Property." Since the substance of the policy seems aimed at people living on the streets, and not how Portland Police patrol parks, and the major actions contemplated involve throwing out people's belongings, the new title seems more like a whitewash than an improvement. That is why we titled our analysis "Comments on Houseless Sweeps Directive." We also can't help but note the irony of this policy coming under review during Thanksgiving.

It looks as if the last time this policy went up for review, for a 15 day period in August, PCW was one of only two persons/groups making comments. This reflects not only the problem of the Bureau putting such important policies out with a relatively short timeline, but also its inadequate community engagement. With dozens of organizations and hundreds of community members dealing with the issue of houselessness, there should have been far more input into the review. PCW continues to encourage the Bureau to allow 30 days or more to review Directives, especially to accommodate advisory bodies' schedules when they often meet only once every one to two months. In fact, the Portland Committee for Community Engaged Policing (PCCEP) discussed this Directive at a subcommittee meeting in November but did not have time to present their suggestions to their entire group.

We repeat again what we wrote in 2018 and in August: "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."

We also still believe the Bureau should 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.

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

835.20 "Managing Public Spaces"

We will start by acknowledging that the Bureau inserted a reference to the Idaho court case which gives more rights to people living on the streets. However, it's not clear that the rest of the Directive reflects those rights.

Language matters: Along with the inappropriate new title (as noted above), the Bureau also is proposing to strike the one use of the word "houseless" from the Directive, in Policy Section 2, and replace it with "homeless." This underscores that the City doesn't seem to believe people can be residents of Portland even if they don't have a physical house. Other offending language is in the police code for camp sweeps: "T721- Livability Improvement Project" (2.1.3). Whose livability? Certainly not the people whose resting place and belongings are uprooted. Throughout (starting with the Definitions), the Bureau refers to "camp clean-up efforts" when really the policy is about sweeps.

Generally speaking, the Directive has undergone a major rewrite reflecting the City's stated policy of minimizing police involvement in sweeps, even though our contacts with houseless individuals and service agencies indicate there are almost always PPB officers involved in sweeps. That said, the City has essentially privatized camp sweeps by delegating the physical "clean up" activities to the Rapid Response Bioclean, Clean and Safe and other groups (the players seem to change fairly quickly).

As we wrote in August: "There is an ongoing concern that the City has turned over site cleanups to private security, and [those groups don't] have to follow the guidelines of [the 2012] Anderson [settlement.]. 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."

The rewrite guts the specifics outlined in that Agreement such as the exact required timeframe to post a sweep. This used to be 24 hours (old Section 1.2.3.1) but as we understand it is now 48 hours under the Bureau's intergovernmental agreement to conduct sweeps on Oregon Department of Transportation property. Directions about the posting of 24-hour notices in the old Directive are all gone. Policy Section 3 now says that there must be "appropriate written notice" with no

Directive 835.20 Feedback

time frame listed at all. There must be more specific guidelines in a policy of this importance.

Our previous comments noted that PPB was responsible to be sure the rules were being followed around posting notice, giving receipts for property and not discarding items of value. It is not clear in the new Directive whose responsibility this is. There are guidelines for Supervisors to approve sweeps-- including a new kind of sweep of property not at a recognized campsite known as a "Summary Abatement."

More broadly, the sweeps seem to be complaint driven, pointing to the Office of Management and Finance's Homelessness/Urban Camping Impact Reduction Program (Definitions and Policy Section 2). Supervisory responsibilities include informing complainants when a request for "cleanup" has been declined (3.2).

In August, we wrote: "The policy should make it easy for people with no money or means of transportation to retrieve their property." Update: The entire section about retrieving property (1.2.7) has been cut. Although officers are required to give property receipts in instances where they conduct an "Emergency Abatement" (1.3.2) or "Summary Abatement" (1.3.3),* there is no indication that the private entities have to give such receipts for those kinds of sweeps or for "coordinated camp cleanups" (1.3.1). Officers are only required to note the "company name" in their "General Offense Report" (1.3.2.4.7.2 and 1.3.3.2.4.2).

However, in the case where a "Summary Abatement" only involves "insanitary property" the officer doesn't even have to write a report, only to contact someone else to remove the item or items. Imagine if the police came into your house and said "you know, this bed that's covered in dog hair is just disgusting," had someone throw it away, and didn't leave you a notice about it.

The rest of our comments are updates of what we wrote in August, which the Bureau mostly ignored.

--We asked the Bureau to clarify the meaning of "personal property," a term which comes from the Anderson agreement's definition of a campsite. The Bureau's Definition says this means whether items have "apparent utility," but doesn't differentiate among something as minor as a newspaper, something with more personal meaning such as photographs, or even the question of pets-- which the law treats as property but which have no "apparent utility." We wrote: "Officers should be wary of disposing of sleeping bags, medications, identification and other valuables rather than being allowed to decide items are [of no use]."

--Despite officers supposedly only being on site as support for other agencies conducting sweeps (1.3.1.1), they need to be aware that their mere presence puts fear into people who are camping.

--Repeat concern: language that used to be in the Tow Policy (630.60 Vehicle Disposition), based on recommendations by the Citizen Review Committee, asked 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.

--Another language issue (raised in August): The word "unlawful" is used 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." Update: we thank the Bureau for removing the reference to "law violators" from the Directive. (old Section 1.1.2.3).

--The last version of the Directive gave one hour for a person to clean up their site (old Sections 1.2.2.3 and 1.2.5.3), rather than two hours in a prior version, and PCW called for a longer base time and more flexibility. Update: the new version only calls for the police to allow "a reasonable amount of time" (1.3.2.4.3.3).

--Previous comment: 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).

--Previous comment: It's 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.

Here are comments we have been making since 2014 which have not been addressed:

--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

After the Oregonian's report and the Independent Police Review's follow up about the large number of arrests by police being of houseless persons, we would hope the Bureau would move toward a more compassionate and enlightened way to approach people living on the streets. Instead, it seems that the language and policies are set up to remove people's ability to file formal complaints about people acting on the City's behalf, continue to disparage people who choose to-- or have few choices other than to-- sleep in public spaces. We worry that the loud voices of vigilante neighbors are being heard above the voices of community members who are being harmed by private citizens, unaccountable companies, and our local police.

The PCCEP was able to mention the review of this policy at their November full Committee meeting as something that was of concern to its members, but as noted above did not have time to collectively comment. Portland Copwatch once again asks that the Bureau make meaningful changes to this policy, improve community engagement and expand the public feedback process.

Directive 835.20 Feedback

Thank you again for the opportunity to comment
dan handelman and other members of
Portland Copwatch

*- the specific sections about property receipts are 1.3.2.4.7.1 and 1.3.3.2.4.1.

Q2 Contact Information (optional)

Name

Portland Copwatch

Email Address

copwatch@portlandcopwatch.org

From: noreply@portlandoregon.gov
To: [Directives, Police Bureau](#)
Subject: City of Portland TrackIT Submission: Item 1729222 - Directives Feedback
Date: Friday, November 22, 2019 11:56:57 AM

The following item has been submitted to the TrackIT system

TrackIT Item: 1729222

Category: Directives Feedback
Date Created: 11/22/2019 11:56 AM
Date Received:
Contact: None
Contact Type: Website
Directive Number (xxx.xx):: 835.20
Feedback:: Please let folks keep at least their IDs, medications and other things that allow people to live their lives. I would argue the tent is one of those, but we can agree to disagree on that. Stop making the lives of house less folks harder.

Your Contact Information (Optional)::

From: noreply@portlandoregon.gov
To: [Directives, Police Bureau](#)
Subject: City of Portland TrackIT Submission: Item 1729285 - Directives Feedback
Date: Friday, November 22, 2019 12:51:37 PM

The following item has been submitted to the TrackIT system

TrackIT Item: 1729285

Category: Directives Feedback
Date Created: 11/22/2019 12:51 PM
Date Received:
Contact: None
Contact Type: Website
Directive Number (xxx.xx):: 835.20

Feedback:: Please treat people without houses as humans! Give them time, space, dignity, and respect.

Please do not sweep up their identification, VA paperwork, medications, or any other belongings.

Sweeps are not the answer to a housing crisis, an opioid crisis, or a mental health crisis.

Please keep our houseless citizens safe in their camps.

Your Contact Information (Optional)::

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, March 15, 2022 12:29:25 PM
Last Modified: Tuesday, March 15, 2022 12:32:10 PM
Time Spent: 00:02:45

Page 1

Q1

Please provide feedback for this directive

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

The above section was copy and pasted. Under 2.1, the sentence appears to be missing something.. perhaps it should read "When a member is present at a coordinated camp clean-up or conducts an emergency ABATEMENT the member shall write a GO that includes the following information"

As it is written "conducts an emergency or the member shall write a GO..." does not make any sense.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Anonymous**

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, March 15, 2022 7:04:12 PM
Last Modified: Tuesday, March 15, 2022 7:06:39 PM
Time Spent: 00:02:27

Page 1

Q1

Please provide feedback for this directive

Fully support any procedural changes that focus on cleaning up our great city and removing the dangerous and filthy tent camps along our roads and neighborhoods. I support homeless campus, but they shouldn't be allowed to camp wherever and turn the area in to a trash dump.

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, March 16, 2022 1:53:08 PM
Last Modified: Wednesday, March 16, 2022 1:54:29 PM
Time Spent: 00:01:20

Page 1

Q1

Please provide feedback for this directive

Regarding:

Page 2

Policy: 1. This Directive clarifies the role of the Portland Police Bureau (PPB) as working in a support role during 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.

Question: If members of camp/homeless encampments were polled - would they report fair, courteous and equal treatment of all people by PPB? While this statement is idealistic, I'd like to see some kind of civilian oversight or potentially a prior member of the homeless community to oversee supposed "fair, courteous, and equal treatment" due to so much implicit bias and historically violent behavior toward homeless humans and families - specifically people of color, women and children.

Page 4

1.3.1.2.8. Write a General Offense (GO) report in accordance with the reporting requirements set forth in this directive

Question: What is involved in a GO report? Is a fine and/or ticket included in this? Homelessness is a symptom of a larger systemic problem. What point is a fine and/or a ticket, other than to further penalize humans already being moved and/or asked to move from their current living/sleeping area?

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Katrina Eerkes - Community Member**

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, March 16, 2022 2:31:44 PM
Last Modified: Wednesday, March 16, 2022 2:33:08 PM
Time Spent: 00:01:24

Page 1

Q1

Please provide feedback for this directive

This is a high liability area of the City generally and for several reasons. This directive should not be enacted until training on how to comply with it is approved and ready in LMS.

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, March 21, 2022 8:42:40 PM
Last Modified: Tuesday, March 22, 2022 10:34:07 AM
Time Spent: 13:51:27

Page 1

Q1

Please provide feedback for this directive

I appreciate that the PPB are willing to assist and protect worker who are sent out to clean up insanitary or illegal campsites. Evictions be a dangerous process whether it happens at a traditional dwelling or at a camping site. I do think it would be helpful if this directive gave officers more specific guidance pertaining to their responsibility to "Attempt to identify individuals present at the camp or campsite."

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Lian Brooks**

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, April 07, 2022 2:35:09 PM
Last Modified: Thursday, April 07, 2022 2:36:35 PM
Time Spent: 00:01:26

Page 1

Q1

Please provide feedback for this directive

Section 2.1 appears to be missing a word or two between "conducts an emergency" and "or the member shall write."

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Jackson Oldham**

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, April 13, 2022 7:59:54 PM
Last Modified: Wednesday, April 13, 2022 8:00:10 PM
Time Spent: 00:00:16

Page 1

Q1

Please provide feedback for this directive

Comments on Houseless Sweeps ("Managing Public Spaces") Directive, April 2022

To Chief Lovell, Capt. Parman, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are comments from Portland Copwatch (PCW) on the "Managing Public Spaces" Directive posted for review in mid-March 2022 (at <http://www.portlandoregon.gov/police/59757>). This policy has undergone major revisions because most sweeps of houseless camps (let's be honest, this policy is not generally managing public spaces, it's focused on encampments) are no longer initiated or carried out by Portland Police. This brings up a much larger issue for the City to deal with-- it's hard enough to hold police accountable for misdeeds, holding private contractors like Clean and Safe and Rapid Response Bioclean to standards the City was forced to adopt through legal decisions is astronomically more difficult.

As for the name change, it seems to be a cosmetic/public relations modification to the old name, "Established Campsites on Public Property."

One basic question we have about this policy: Has the Bureau reached out to houseless people to seek their input on how they want to be policed? Wouldn't that fit the definition of "community engaged policing"?

As we wrote in 2018 and again in 2019 when we reviewed the previous iterations of this policy: "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. Our comments refer to the Procedure section unless otherwise noted.

DIRECTIVE 835.20 MANAGING PUBLIC SPACES (Previous comments November 2019)

Cruel and Unusual: The last version of this Directive was the first to include a reference to the Boise court case on the rights of houseless people. We asked that there be a discussion added to the Directive about those rights, particularly the Eighth Amendment rights against cruel and unusual punishment. There is still no discussion of this issue in the policy.

Value and Utility: The term "personal property" to identify a campsite comes from the Anderson agreement, a settlement the City has to abide by when sweeping houseless camps. The previous definition talked about whether an item has "apparent utility." The new Definition of Personal Property now includes the term "apparent value or utility." While a mild improvement, this still seems subjective; after all a newspaper has "apparent value or utility" but something with more personal meaning such as photographs, artwork and pets (which the law treats as property but which have no "apparent utility") still do not necessarily fit the definition.

--Related to this, the Definition of "Insanitary Property" only refers to items with no "apparent utility" but does not include the word "value." The Personal Property definition excludes insanitary property.

Confiscation Considerations: There are several references to "removal of property" (in Sections 1.3.1.3, 1.3.2.2.4.3&.7, 1.3.3.1 and in reporting requirements). We continue to urge the Bureau to refrain from disposing of sleeping bags, tents, and other valuables rather than being allowed to decide items are of value. The loss of these items can be devastating to people. We have heard of people having their medication (including insulin) and identification confiscated by Portland Police, which should be prohibited by this Directive.

0835.20 Directive Feedback (2UR - Repost)

Vehicles as Homes: We previously referred to language that used to be in the Tow Policy (630.60 Vehicle Disposition), which asked 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. While that issue is still not addressed, the Bureau has added the word "vehicle" to the Definition of "Camp," thus acknowledging people use vehicles as living spaces. More attention should be given to this issue to avoid the bureaucratic and financial hardships caused when a vehicle is towed.

Language Issues: As we noted in 2019, when the word "unlawful" is used to apply to certain actions (Policy 1 & 2), it seems pejorative. We continue to suggest using a phrase such as "actions in violation of City Code."

Adjusted Timelines (1): Prior to 2019, people were given two hours to clean up campsites; then that became one hour. The new version only calls for the police to allow "a reasonable amount of time" (1.3.2.4.4.3). A clearer and reasonably long time should be included to prevent subjective interpretation by officers. As we have noted before, people who are evicted from homes usually get at least 72 hours or 30 days to clear out.

Adjusted Timelines (2): PCW applauds that the timeline for posting prior to a "clean up" is now given as 72 hours, rather than the original 24, or even the 48 hours that was agreed upon with the Oregon Department of Transportation (1.3.2.1).

Who Supervises?: The City's Homelessness and Urban Camping Reduction Program is given responsibility for "coordinated clean-up activities" (Definitions). It's not clear if that means they are in charge of ensuring that if Portland Police are present they have to follow all the appropriate guidelines. Officers are allowed to initiate "Summary Abatements" (1.3.3) but only need to contact Bureau supervisors if it is "outside traditional business hours." Supervisors determine whether officers can conduct summary abatements, "emergency abatements" (1.3.2) or to be present at "coordinated camp cleanups" (Supervisor responsibilities in Section 3.1). There is no responsibility noted for them to ensure compliance with laws and legal agreements.

Let People Know How to Get Their Stuff: As we wrote in 2019, officers are required to give property receipts in instances where they conduct an Emergency Abatement or Summary Abatement, and for certain property taken during a "coordinated camp cleanup" (1.3.1.3). However, there is no indication that the private entities sweeping camps have to give such receipts. Officers are required to note the "company name" in their "General Offense Report" (1.3.2.2.4.7.2 and 2.1.4). Is this sufficient for a person to be able to find and retrieve their property?

No Notice for Some Property: In the case where a "Summary Abatement" only involves "insanitary property" the officer doesn't even have to write a report, only to contact someone else to remove the item or items (1.3.3.1.1). Imagine, we wrote earlier, if the police came into your house and said "you know, this bed that's covered in dog hair is just disgusting," had someone throw it away, and didn't leave you a notice about it.

What About Parks?: As noted above, this Directive is supposedly about "public spaces," but the word "park" only appears in one place: a reference to the City Code about Parks. Since camping in parks is part of the Anderson agreement (section 1d), we hope the Bureau will add specific direction for when camps are in parks.

Everyone's Health and Welfare Matter: As we wrote before, "It's 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."

Intimidation Factor: Officers are asked to "provide security for public personnel or agents conducting the clean-up" (1.3.1.2.1). We previously asked for the Directive to remind officers that their mere presence can provoke fear in people who are camping, so their presence to support private agencies should take that into account and have officers remain out of sight unless needed due to actual criminal activity. PCW is thankful to the Bureau for removing the phrase that security will be provided "based on a specific and articulable threat or concern." Criteria for a Supervisor to approve officer involvement are now with consideration of available resources (3.1.1), time of day (3.1.2), demands for police work (3.1.3, formerly 1.1.1.2), and urgency to abate the camp (3.1.4).

CONCLUSION

The data which show arrests made by the Portland Police are evidence that the houseless community is overpoliced. Portland Copwatch continues to encourage more restrictions put on officers-- and contractors who call officers in-- to limit how often they make people move along, give people citations, arrest them, and ransack houseless people's living areas. We continue to encourage the Bureau to give longer timelines for feedback on policies, to hold public meetings to discuss proposed changes, and to consider the needs of all human beings as equal, not just based on the concerns of those who own property or businesses.

Thank you as always for the opportunity to comment
dan handelman and other members of
Portland Copwatch

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Portland Copwatch**
