

## **CITY OF PORTLAND UNIFIED POLICY FOR UNLAWFUL CAMP POSTING, CLEANUP AND PROPERTY HANDLING**

**Background:** The City of Portland entered into a settlement agreement related to cleanup of unlawful campsites on City-owned property to resolve a federal lawsuit that focused on the procedures used by the Portland Police Bureau. Anderson et al. vs. City of Portland et al. CV-01447-AA. Subsequent to the 2012 settlement, PPB determined that it will no longer assume responsibility for camp clean-ups. As a result, each property-owning bureau where such camps may occur is responsible to ensure that camps are cleaned-up in accord with the terms of the settlement agreement and other legal requirements.

**Purpose:** The City of Portland seeks to provide a standardized procedure governing the cleanup of public property being used unlawfully for the purpose of shelter and/or temporary residence and for the disposition of property discovered within those camps.

**Scope:** This policy will address unlawful campsites on City property and the disposition of items found at those sites. Abandoned or lost property and illegal dumpsites are addressed by individual bureau procedures.

### **References:**

Relevant Statutes and Authority:

- ORS 203.077 to 203.081
- Portland City Code Chapter 14 Public Order 14A.50.020--Camping Prohibited on Public Property and Public Rights of Way, 14A.50.030--Sidewalk Obstructions, and 14A.40.050--Erecting Permanent or Temporary Structures on Public Property or Public Rights of Way
- Portland City Code Chapter 20 Parks and Recreation 20.12--Prohibited Conduct
- Portland Police Bureau Directive 660.10—Evidence and Property Procedure
- Portland Police Bureau Directive 825.20—Posting/Cleanup of Established Campsites
- Settlement Agreement in Anderson et al v. City of Portland, August 2012
- Lavan v. City of Los Angeles, 693 F.3d 1022 (9<sup>th</sup> Cir. 2012)

### **1. POLICY:**

- 1.1** Each of the bureaus having authority over City of Portland property must ensure humane treatment of homeless individuals and respect for property rights.
- 1.2** Every effort should be made to secure the health and welfare of any employee assigned to clear camps and to utilize properly trained personnel with adequate equipment to manage the potential for exposure to hazardous and infectious materials. (*See Section: \_\_\_\_\_*)

**1.3** In cases where an established campsite is within a crime scene or Portland Police personnel seizes property for reasons outside the scope of the camp cleanup, then standard property and evidence control procedures (Portland Police Policy and Procedure 660.10) will be followed.

**1.4** When possible, campsite cleanups will occur during daylight hours.

**2. DEFINITIONS:**

**2.1 Campsite:** A location where, for the purpose of maintaining or establishing a temporary place to live, any of the following is placed: any bedding, sleeping bag, or other sleeping matter; any stove or fire; and/or any structure such as a hut, lean-to, tent, or other temporary structure such as carts and/or personal property,

**2.2 Camp Cleanup:** A camp cleanup is any organized, prearranged operation initiated by the governmental agency/bureau that has lawful authority to order the removal of trespassers and illegal camp sites from their property.

**2.3 Personal Property:** Property reasonably recognizable as belonging to a person and which has apparent use.

**2.4 Abandoned Property:** Property for which an owner has given up all rights and possessory interests. Unattended property on public property is not abandoned if the owner intends to retrieve it.

**2.5 Illegal Dumpsite**

**3. CITY BUREAU RESPONSIBILITY:** ORS 203.077 requires that municipalities/local governments develop and implement a policy that ensures the most humane treatment for the removal of homeless individuals from campsites on public property.

**3.1 Portland Police Bureau** delegates its responsibilities for camp removal notice under ORS 203.079(1)(a) to city bureaus with lawful authority over the public property where the camp exists.

**3.1.1** Upon request, Police will:

- Provide security for bureau personnel while posting of sites.
- Evaluate and take control of potential crime scenes.
- Provide security during camp cleanup.
- Trespass individuals identified by the bureau personnel responsible for cleanup.

**3.1.2** Security for cleanup of an established campsite is coordinated through each precinct's Neighborhood Response Team

**3.2 City bureaus** with legal authority for public property upon which a camp is established are responsible for ensuring that these policies regarding notice and property handling are implemented and followed. Bureaus decide if and when to initiate camp clean-up.

### **3.2.1** The City Bureau must:

- designate a responsible person or persons with authority to distinguish that such a camp is illegal and to request police remove uncooperative campers from the campsite during cleanup
- assure camps to be cleaned up are posted and that appropriate social services are notified in accordance with this procedure
- assure that campers present at the time the camp is to be cleaned are provided adequate time (usually one hour) to collect and remove their belongings
- assure the camp is photographed at the beginning and end of the clean-up
- assure that personal property collected during cleanup is inventoried, photographed, bagged, protected from the elements and secured for at least 30 days or until claimed by its owner, whichever comes first
- assure that workers who enter the camps have been informed of potential hazards and been provided with and trained about the use of protective equipment, tools and techniques to protect their health and safety
- assure that trash and contaminated personal property is disposed of appropriately
- assure that contaminated land is appropriately cleaned
- Assure that information on retrieval of personal property that has been removed and kept for storage is prominently displayed at the campsite in accord with notice requirements.

## **4. NOTICE AND POSTING REQUIREMENTS**

**4.1 Written Notice of Camp Cleanup:** A bureau in charge of property where a cleanup is going to occur must post 24-hour written notice, unless an exception described below in section 4.4 applies.

**4.1.1** It is recommended that bureaus retain proof that the required notice has been posted, as there have been reports that notices have been taken down by unauthorized persons prior to camp cleanups.

**4.1.2** Although the requirements of this policy apply only to campsites, advance notice can be required if personal property is going to be removed from public land even in the absence of an established camp. This may be accomplished through a standing “Lost and Found” policy.

**4.2 The Notice must:**

- 4.2.1 be visible to those occupying the site
- 4.2.2 notify those occupying the site that they are maintaining an illegal camp
- 4.2.3 Include the words *“This campsite will be cleared no less than 24 hours after and within seven (7) days of [the date and time the site is posted for cleanup]. Cleanup may take place at anytime within the seven-day period”*
- 4.2.4 provide referral information and current contact numbers for social service agencies that are capable of providing assistance to those in need of shelter contain the address and phone contact information where any collected property will be maintained
- 4.2.5 inform the property owner that any property retained as a result of the camp cleanup will be disposed of after 30 days from date and time of notice
- 4.2.6 be in English and Spanish
- 4.3 **Local Social Service Agency Notification:** At the time of posting a 24-notice the agency JOIN (<http://www.joinpdx.com/>) must be notified. Social Service Agency notice must include the following information:
  - 4.3.1 Location of Camp where a 24 Hour Cleanup Notice has been posted
  - 4.3.2 Date and time of the 24 Hour Cleanup Notice posting
  - 4.3.3 Estimated number of campers at the site to be cleaned
  - 4.3.4 The name of the reporting city bureau with the name and contact information for the person with authority to order the property vacated
- 4.4 **Exceptions to Notice Requirement:** Written 24-hour notice is not required:
  - 4.4.1 for Portland Police performing law enforcement activities in response to credible information about illegal activities
  - 4.4.2 in the event of an emergency such as possible contamination by hazardous materials or when there is an immediate danger to human life or safety
  - 4.4.3 if no property is going to be removed--in such cases a verbal warning with a reasonable time (generally up to one hour) to relocate is sufficient
- 5. **PROPERTY HANDLING PRIOR TO & DURING CLEANUP:** Prior to cleaning up rubbish and debris from a campsite, personal property that is reasonably recognizable as belonging to a person and that has apparent use must be photographed, inventoried and transported to a storage facility. Bureaus must establish a property handling procedure that includes the following provisions.
  - 5.1 **Photographs of Property Removed:** All personal property removed from a camp must be photographed.
  - 5.2 **Itemized Inventory: Personal** property removed from a camp must be listed on an itemized inventory that includes:



- 6.2 Return of Confiscated Personal Property.** Bureaus must establish protocol for return of confiscated property to ensure the safety of city personnel.
- 6.2.1** Bureaus may require that individuals seeking return of personal property call in advance and make an appointment.
  - 6.2.2** Bureaus may require the person requesting the return of confiscated property to describe camp location, approximate cleanup date and the property in sufficient detail to reasonably assure ownership
  - 6.2.3** Bureaus shall document the name, type of ID and/or photograph of person requesting return before releasing the property.
- 6.3 Disposal of Unclaimed Confiscated Property:** Bureaus must establish a procedure for disposal of unclaimed property after the time provided for the owners to retrieve their property

## **7. RECORD KEEPING AND RETENTION?**

- 7.1 Posting notices and dates
- 7.2 Social Service Contacts
- 7.3 Photographs of camps
- 7.4 Confiscated Personnel property inventory
- 7.5 Reason personal property was disposed of per **Appendix**
- 7.6 Release of returned property

### **Appendix**

#### **Established Campsite Cleanup: Health and Safety Best Practices**