

## **710.00 – Neighborhood Livability and HOPE Intervention on Public**

### **Property Refer:**

- Lavan v. City of Los Angeles, 693 F.3d 1022 (9th Cir. 2012)
- Settlement Agreement in Anderson et. al. v. City of Portland, August 2012
- ORS § 203.077, local governments to develop humane policy for removal of homeless camps from public property
- ORS § 203.079, required elements of local government policies on camping by homeless
- ORS § 203.081, sites not subject to ORS § 203.077 to 203.081
- Multnomah County Code, Chapter 15.650-15.655, Disposition of Unclaimed Property
- Multnomah County Resolution 08-168, Removal of Individuals from Established Campsites on Public Property

### **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: 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.
- Livability Improvement Clean-up: An organized, pre-arranged operation initiated by a land owner or on public land where the Multnomah County Sheriff's Office has the authority to enforce Multnomah County Code.
- Personal Property: Property reasonably recognizable as belonging to a person and which has apparent utility, as opposed to property that is abandoned, relinquished, has no apparent utility, or is in an unsanitary condition, meaning items are contaminated or are unclean enough to endanger health or adversely affect stored property.

### **Policy:**

1. This Policy clarifies the role of Multnomah County Sheriff's Office (MCSO) in achieving neighborhood livability at the intersection of public spaces and complex social issues such as homelessness, mental health and addiction. Generally, our role is to address many crime and disorder problems from a human services and public health perspective. As a public safety Agency, we bring essential capabilities to a coordinated effort: engagement, peacekeeping, understanding and when necessary, enforcement.
2. The Sheriff's Office collaborates with the Joint Office of Homeless Services, Portland Police Bureau, Gresham Police Department, and a myriad of social service providers to increase livability. By pooling our resources and coordinating our effort, we become capable of making a significant difference in our community.
3. MCSO strives to reduce tensions around livability by maintaining an intergovernmental and standardized, empathetic and compassionate, complaint-driven process, which governs livability improvement clean-ups and the disposition of individual property. The process considers factors such as jurisdiction, number of people, complaint history, public safety and health concerns before coming up with a strategy that is clearly communicated to increase cooperation and positive social behavior.
4. Law enforcement units such as MCSO's Homeless Outreach and Programs Engagement (HOPE) Team, may consistently bring a peacekeeping response to neighborhood and business complaints through this

process, which emphasizes the treatment of all people with dignity and respect, engaging individuals in need and matching people to available and appropriate human services.

5. MCSO supervisors, or their designee, will be responsive to complaints, routing emergency matters through 911, providing peacekeeping services, managing crime scenes and/or evidence as necessary, and balancing overall demands on law enforcement work.
6. MCSO will undertake effort to secure the health and welfare of any member assigned to neighborhood livability assignments. Members will rely upon personal protective equipment to manage any potential for exposure to hazardous and infectious materials and inform his or her supervisor of any exposure or injury sustained.

**Procedure:**

1. Livability Compliant-Driven Response:
  - 1.1. Upon receipt of a complaint MCSO supervisors, or their designee, will structure and coordinate an appropriate livability response, to include notice to individuals, coordination with intergovernmental partners, property handling, re-contact, report writing and records retention, and evaluation.
  - 1.2. Notice to Impacted Individuals: Unless there is a significant public safety or public health concern(s), twenty-four (24) hour, written notice will be posted. Posted notices will be:
    - 1.2.1. Photographed with site documentation
    - 1.2.2. Displayed in plain view or in a conspicuous location
    - 1.2.3. Informative, notifying individuals on site that they are maintaining an unlawful camp and further contain the following information:
      - 1.2.3.1. Notice that the campsite will undergo a livability improvement clean-up no less than twenty-four (24) hours after and within seven (7) days of the date and time the site is posted. Clean-up may take place at any time within the seven (7) day period.
      - 1.2.3.2. Referral information and current contact information for JOIN. HOPE team members shall also facilitate connecting individuals in need to services as appropriate.
      - 1.2.3.3. Indicate the location where personal property can be retrieved if property was removed from the site for storage, and that it must be retrieved within thirty (30) days.
      - 1.2.3.4. Be written in English and Spanish.
      - 1.2.3.5. Warn that individuals remaining at the campsite twenty-four (24) hours after notice is posted may be subject to removal, citation or arrest.
  - 1.3. Coordination with Intergovernmental Partners:
    - 1.3.1. MCSO members posting notice to individuals shall also notify JOIN (website: <http://www.joinpdx.org>; email: [police@joinpdx.org](mailto:police@joinpdx.org); telephone: 1-800-276-0729 or 503-232-2031) and other applicable intergovernmental partners (e.g. PPB, GPD) at the time of posting.
      - 1.3.1.1. Partners will be informed of the date, time, location where the notice has been posted, persons notified, and their needs, the estimated number of campers, and the designee with authority to order the property vacated.
    - 1.3.2. Whenever possible, notice and coordination of clean-ups shall occur during daylight hours.
    - 1.3.3. Before action may be taken, adequate time (usually one (1) hour) must be provided to individuals that are present at the time the camp is to be cleaned to collect and remove their personal property.

#### 1.4. Property Handling:

- 1.4.1. Property that is attributable to a crime (e.g. weapons, drug paraphernalia, items that appear stolen, etc.) shall be processed and investigated by members according to MCSO policies and procedures.
- 1.4.2. Property that is not "Personal Property" may be immediately discarded. Members should contact the MCSO Corrections Work Crew Sergeant and MCSO Logistics Manager to arrange for the items to be discarded.
- 1.4.3. Prior to ending the livability improvement clean-up, personal property must be photographed and inventoried. Inventory must include itemized information such as: camp location, date of written notice of camp clean-up posting, date of actual camp clean-up, and description of personal property.
- 1.4.4. Personal property may then be transported for storage to the Troutdale Police Community Center. Personal property will be stored for a minimum of thirty (30) days during which it will be reasonably available to any individual claiming ownership.
- 1.4.5. Any personal property that remains unclaimed for thirty (30) days may be disposed of in accordance with the provisions of the County Code, Chapter 15.650-15.655, Disposition of Unclaimed Property.

#### 1.5. Re-contact:

- 1.5.1. Members shall not issue a citation if the individuals involved in a previous livability improvement clean-up are located further than 200 feet from the previous site upon re-contact by members after 24 hours has elapsed. The goal of neighborhood livability is engagement, voluntary compliance, connection to services, and when necessary, enforcement.
- 1.5.2. Members should exercise diligence in maintaining areas once a livability improvement clean-up is finalized.

#### 1.6. Report Writing and Records Retention:

- 1.6.1. The Sheriff's Office is responsible for documenting the following information in an appropriate police report and retaining records following the date of the final livability improvement clean-up:
  - 1.6.1.1. Posting notices and dates,
  - 1.6.1.2. Social service contacts,
  - 1.6.1.3. Photographs of sites,
  - 1.6.1.4. Collected personal property inventory,
  - 1.6.1.5. Reason personal property was disposed,
  - 1.6.1.6. Release of returned property.

#### 1.7. Evaluation:

- 1.7.1. MCSO and its intergovernmental partners periodically will evaluate the outcomes of livability improvement clean-up efforts and discuss whether the interventions and diversions that evolve are humane, just and reasonable before determining if any policy changes are necessary.

#### **History:**

- Originating Policy Effective: 12/13/17
- Next Review Date: 12/13/19
- Review By: Law Enforcement