

PSF-3.04 - Illegal Camping - Notification & Enforcement, Property & Referral Procedures

ILLEGAL CAMPING - NOTIFICATION AND ENFORCEMENT, PROPERTY AND REFERRAL PROCEDURES

Administrative Rules Adopted by Police Bureau Pursuant to Rule-Making Authority

ARB-PSF-3.04

Section 1- Policy

The Bureau, in compliance with local and state law, will ensure the fair, courteous and equal treatment of all people when handling illegal campers.

Section 2 - Procedure

Directive Specific Definitions

Established campsite refers to locations where a camp structure exists on public property.

Campsite refers to those locations where 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.

Camp structures are huts, lean-tos or tents used for shelter. Bridges, overpasses or highway embankments do not by themselves constitute camp structures.

Camp cleanup refers to any organized, prearranged operation by the Bureau to remove illegal campers, camps or camp structures from an established campsite.

Personal property is any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individuals from the campsite.

24-Hour Notice Posting

Members will ensure an established campsite is posted 24 hours prior to cleanup.

Additionally, members will not cite persons for violation of the camping law for an established campsite, within 200 feet of the 24-hour posting, for a period of two hours prior and two hours after the posting. Persons who were not present when the established campsite was posted, will be given at least two hours notice to move. If possible a verbal notification will be made prior to conducting a cleanup of an established campsite. After the 24 hour posting period has concluded citations may be issued

without prior verbal notification.

Bridges, overpasses, or highway embankments do not, by themselves, constitute camp structures. However, if there is no immediate threat to public safety nor any criminal acts occurring, the 24-hour posting should occur.

Any 24-hour notice posted for removal of an established campsite will be written in both English and Spanish.

Any time a member posts a 24-hour notice, the member will notify the City Homeless Services Coordinator. The following information will be provided:

- a. Location of the posting
- b. Date and time of the posting
- c. Estimated number of campers
- d. Name and phone number of the reporting member

The name and phone number of the current City Homeless Services Coordinator is listed in the Problem Solving Resource Guide.

Outreach

The City Homeless Services Coordinator may contact available outreach programs that could supply members with information on available shelter space for displaced persons prior to the cleanup, and may visit established campsites to try and convince the campers to move to shelters. Additionally, outreach people may be present during cleanups. They may:

- a. Assess campers' needs and collect demographic data
- b. Identify shelter and housing options for campers, when available
- c. Inform campers regarding their legal rights
- d. Observe cleanup operations

For direct contact of outreach or other referral needs, see the Problem Solving Resource Guide.

Exceptions to 24-Hour Notice

- a. Private Property: There is no requirement for a 24 hour notice on private property. Camping on

private property is subject to trespass. Railroad property to which the general public does not have access will be considered private property.

b. **Illegal Activities:** When there is reasonable suspicion that illegal activities other than camping are occurring, no 24-hour notice is necessary.

c. **State Property:** If a cleanup is to occur on a State of Oregon right-of-way, State of Oregon notice and retention procedures must be followed (see OAR Chapter 734, Division 35, Highway Division).

d. **Emergency:** In the event of exceptional emergency, such as possible site contamination by hazardous materials, or when there is other immediate danger to human life or safety, the 24 hour notice will be waived.

Evidence

a. **Arrest Situations:** Items such as sleeping bags or bedding, which are going to be used as evidence of the crime of illegal camping, shall be listed on an evidence receipt. If a camera is readily available so the evidence can be photographed at the scene, the evidence should be released to the owner. If a camera is unavailable, or the illegal camper is to be taken into custody, the evidence will be dealt with pursuant to Evidence and Property Procedure, DIR 660.10.

b. **Incomplete Camping Investigations:** Item(s) taken as evidence during an investigation of illegal camping where no person has yet been arrested, will be listed on an evidence receipt, placed in plastic bag(s) and stored at Stanton Yard, where it will be held for at least thirty (30) days. Property that is to be stored at Stanton Yard shall be tagged with a completed Stanton Yard Property Receipt indicating the date and location from which it was removed, and any other identifying information.

Non-Evidentiary Property

a. **Abandoned Non-Valuables:** If campers are present, they should be encouraged to clean the site themselves in order to reduce the Bureau's need to provide trucks and other necessary equipment. In any event, discarded clothing and blankets, cardboard bedding, trash, etc., can be bagged and deposited in a proper disposal area. Members are encouraged to locate dumpsites within their precincts where members of the community may offer their facilities in a partnership venture. The Maintenance Bureau may be contacted to handle bulk property found during major cleanups. Their personnel will follow Maintenance Bureau procedures during the cleanup process.

b. **Personal Property:** For the purposes of this directive personal property means any item that is reasonable recognizable as belonging to a person and that has apparent utility. These items of personal property will be stored for a minimum of thirty (30) days. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.

Section 3- References

ORS 164.245 Criminal Trespass II

ORS 203.079 Required Elements of Local Government Policies on Camping by Homeless

OAR Chapter 734, Division 35 Highway Division

City Code 14.08.250 Camping Prohibited in Certain Places

DIR 660.10 Evidence and Property Procedure

HISTORY

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