



Deschutes County Administrative Policy No. GA-23
Effective Date: January 11, 2023

Removal of Unsafe Encampments Located on County-owned Property

I. INTRODUCTION

- a. Deschutes County recognizes that people experiencing homelessness need a place to sleep, shelter themselves, and store belongings. The County is committed to the safety and security of all people in the County that access County-owned property including people experiencing homelessness, adjacent property owners, and the general public, while protecting County-owned property from environmental threats, destruction, and unsafe and dangerous conditions.
- b. This policy outlines the process to remove an encampment located on County-owned property when an imminent or immediate threat to public health and/or safety has been identified. This may include but is not limited to Personal Property that poses a threat, fire, increased public health vectors, and/or illegal activities such as known illicit drug use, stolen property or violence.

II. PURPOSE

- a. In accordance with Oregon Revised Statute (ORS) 195.500 through 195.530, Deschutes County developed this policy to:
 1. Recognize the social nature of the problem of homeless individuals camping on public property;
 2. Ensure the most humane treatment of “homeless individuals” when removing Personal Property from encampments on County-owned property that constitutes an imminent or immediate threat to public health and/or safety.

III. DEFINITIONS

- a. For the purpose of this policy, the following definitions apply.
 1. “Established campsite or encampment” means a location on County-owned property where one or more tents, awnings, lean-tos, sleeping or bedding materials, cooking implements or materials, or other items or structures have been erected, constructed, or placed including vehicles and recreational vehicles, and that appear to be used for human habitation, including but not limited to sleeping, preparing cooking or warming fires, storing personal belongings, and urinating or defecating.
 2. “Garbage” means items voluntarily left on County-owned property for collection by a third party, or otherwise abandoned by its apparent owner, and items not reasonably recognizable as belonging to individuals and which have no apparent utility or are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination.

3. "Notice or Notices" means any type of notice described herein that provides an encampment specific information about an issue identified by the County and specific to remedy the issue by warning or removal of the encampment; see Example 3.
4. "Personal Property" means any item that is reasonably recognized as belonging to an individual and that has apparent utility. This may include camping equipment, bicycles, books, photographs, personal documents such as identification and social security cards, clothing, etc.
5. "Posting Notices" means law enforcement officials posting a written notice, in English and Spanish, at all entrances to the camping site to the extent that the entrances can reasonably be identified, pursuant to ORS 195.505.
6. "Removal of Personal Property" means the method the County will use to remove the encampment by use of contractors, county staff, community service or other resources as determined.
7. "Unsafe Campsite" means a segment or portion of a County-owned property that the Property Manager, County Administrator or public safety officials has determined is being used as an established campsite consisting of one (1) or more tents, structures, vehicles, or other items used for human habitation, that has been determined poses a threat to public health and/or safety to other encampments and the general public.

IV. OVERVIEW

- a. When the Deschutes County Property Manager (PM), County Administrator or public safety officials within the County, identifies an issue at an encampment that poses an imminent or immediate threat to public health and/or safety, including but not limited to fire, public health vectors, threat of fire or illegal activities, the County at its sole discretion, may take steps to 1) remedy the issue before removing the encampment, and/or 2) proceed with removing the encampment as outlined in this policy.
- b. When an issue is identified at an encampment, the PM will provide notification (Notification 1) to the County Administrator, County Counsel, Coordinated Houseless Response Office, Board of County Commissioners and other County departments and/or partner agencies as appropriate, of the intent to issue a notice to the encampment. The Notification 1 will be sent in the form of an email and will include the issue, the type of intended notice, and the location of the encampment with a map of the approximate area.
- c. Prior to issuing notice to an encampment, an Inter-Agency Land Management Notification (see attached for Notification 2 example) will be emailed to partner agencies and relevant community services providers. Notification 2 will be forwarded via email to the County Administrator, County Counsel, the Coordinated Houseless Response Office, Risk Management, Sheriff's Office designee and to the Board of County Commissioners. Notice may also be sent to adjacent and nearby property owners.

V. NOTICES

- a. In the event an issue(s) has been identified at an encampment and the issue(s) poses an immediate or imminent threat or danger to the encampment, adjacent encampments, adjacent property, or the environment, the County at its sole discretion, may issue the encampment an Emergency or 72-Hour Notice as provided by ORS 195.505. Under certain circumstances, a notice providing a different allotted time may be issued.
- b. The Notice will include the following and will be provided in English and Spanish (see attached example Notification 3):
 1. Date of Notice
 2. Type of Notice, e.g. Emergency , 72-Hour, or other
 3. A description of the issue(s) identified
 4. Request for the encampment to remove all Personal Property from the area by date noted
 5. The process the County will use to remove Personal Property if all Personal Property is not removed by the deadline
- c. The Property Manager will provide law enforcement a copy of the Notice for posting and distributing at the encampment.
- d. Law enforcement will date the Notice before posting and will provide the Property Manager with a "return of service."
- e. The Notice must be posted at all entrances to the encampment site to the extent that the entrances can reasonably be identified, pursuant to ORS 195.505.
- f. At the expiration of the Notice period, but no later than twenty (20) days from the Notice expiration date and if Personal Property is still present at the encampment, the County will remove all Personal Property from the encampment with use of contractors, county staff, community service or other resources as determined.
- g. If the posted Notice is not present at the encampment on the date Personal Property is removed, copies of the original notice must be reposted at that time.

VI. REMOVAL AND STORAGE OF PERSONAL PROPERTY

- a. Upon the expiration of an Emergency, 72-hour or other specified timeframe Notice was posted, the County at its sole discretion may proceed with removing Personal Property from the encampment's general vicinity.
- b. Personal Property within the general vicinity that was identified when the Notice was posted and provided to the encampment that has been relocated during the Notice period, may be removed by the County or its designee if it appears to be within 200 feet of the posted Notice.
- c. At the time the Personal Property is scheduled to be removed, the following must occur prior to removing any Personal Property from the area.
 1. Photos must be taken showing the general condition of the encampment area before items are removed, including the major Personal Property items in the area including but not limited to bicycles, camping equipment, etc.
 - i. Photos and other documentation should be kept at least two (2) years after the removal of the encampment.

- d. County staff, contractors or others as determined by the County, shall make a reasonable effort to engage owners of Personal Property to determine what items are viable and when possible preserve that property for storage as described below. Personal Property that is considered viable should be placed on a tarp or other barrier and photos should be taken of the item(s).
 1. Items should be arranged so that they are distinguishable from one another in the photos.
 2. Bulky items such as blankets or clothing believed to be from the same tent or encampment may be piled on the tarp/barrier rather than spread out individually for the photos.
 3. Large items such as a bicycle, tent, or furniture may be photographed without placing on a tarp/barrier.
 4. Crews are not required to open boxes, bags or other containers to display items and contents.
 5. Non-bulky Items are placed in plastic bags and labeled for transport and storage.
 6. Bulky items are labeled for transport and storage.
 7. Labels must include:
 - i. Date of removal of Personal Property
 - ii. Approximate location
 - iii. Any names provided at the time the Personal Property is sorted, bagged and labeled.
 - iv. Expiration date of storage period, which will be no less than thirty (30) calendar days
- e. Items including but not limited to firearms and knives, drugs, drug paraphernalia and items that reasonably appear to be either stolen or evidence of a crime must be turned over to the appropriate law enforcement agency.
- f. Personal Property that is considered contaminated will be properly disposed of. This may include items that are wet from weather, urine or feces, fire or smoke damage, broken, or deemed inoperable or unsafe.
- g. Personal Property that is labeled will be stored in a weather proof environmental container at the sole discretion of the County. This may include a rented storage unit, storage container or another location as appropriate.
 1. Personal Property will be stored within a reasonable distance from where the Personal Property was removed and will be made available by appointment during regular business hours.
- h. Cards similar to the size of a business card will be provided to those who had Personal Property removed. Cards may also be attached to Notices in the area.
- i. Cards must include:
 1. Date of removal
 2. Approximate location
 3. Location Personal Property will be stored

4. Contact information to claim Personal Property (Claimant Contact)
 5. Expiration date of storage period, which will be no less than thirty (30) calendar days
- j. Following the removal of Personal Property from an encampment, law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a respectful humane and just manner and to determine any recommended policy changes.

VII. CLAIMING AND DISPOSAL OF PERSONAL PROPERTY

- a. Any person claiming ownership of Personal Property removed from an encampment must contact the Claimant Contact during regular offices hours to make an appointment to arrange a time to recover Personal Property within thirty (30) days of the removal of the Personal Property.
 1. Any claimant who recovers Personal Property, will be required to sign a release form.
- b. Unclaimed Personal Property may be disposed either by discarding or donation after the expiration of the 30-day period.
 1. If the expiration of the thirty (30) day period falls on a weekend or holiday, the storage period will be extended to at least the next business day.

Approved by the Deschutes County Board of Commissioners January 11, 2023.

Nick Lelack
County Administrator