

UNAUTHORIZED ENCAMPMENT RESPONSE PROCEDURES

I. Introduction

The City of Seattle owns and operates various City real property, including property under the jurisdiction of the Seattle Parks and Recreation Department ("Parks"), Seattle Public Utilities ("SPU"), Seattle Department of Transportation ("SDOT"), Seattle City Light ("SCL"), Fleets and Facilities Department ("FFD"), Department of Neighborhoods("DON"), Office of Housing ("OH"), and Seattle Center. This property is made available or accessed in a variety of ways to support the quality of life of Seattle residents. However, the following conduct on various City properties threatens public safety and health and interferes with the public's ability to use public property for its intended purposes:

1. The unauthorized entry on certain City property that is closed to the public or is open to the public only during certain operating hours or only for certain limited purposes;
2. Erecting unauthorized structures, tents, or other shelters; and
3. Unauthorized camping, which includes erecting unauthorized structures noted in point #2 or assembling camping equipment, in order to unlawfully remain in an area that is not open to the public or is open to the public only during certain operating hours or for certain limited purposes.

These uses cause the following problems:

1. Unsanitary hygiene conditions, including the accumulation of garbage, human and animal feces, and other hazardous materials that threaten the health and safety of campers, other members of the public, and City employees;
2. Unsanitary hygiene conditions, including the accumulation of garbage, human and animal feces, and other hazardous materials that increase the presence of rodents and other vermin;
3. Criminal activity, including incidents of violent crime and felony drug trafficking, that threaten the health and safety of campers, other members of the public, and City employees;
4. The presence of used hypodermic needles that threaten the health and safety of campers, other members of the public, and City employees;
5. The presence of unlawful weapons and other contraband that threaten the health and safety of campers, other members of the public, and City employees;
6. Destruction or vandalism of public property;
7. Damage to trees, plants, and other vegetation;

8. Fires that threaten the health and safety of campers, other members of the public, and City employees, and that have damaged public infrastructure and improvements, including overpasses and public rights of way;

9. A public perception that it is unsafe to enter certain public properties, thereby discouraging the public uses for which the property is intended and maintained;

10. Structures, garbage accumulation, camping equipment and other obstructions that interfere with the intended uses of the property or with maintenance, repair, or improvements to the property, thereby discouraging the public uses for which the property is intended and maintained.

The City has the responsibility to protect the health and safety of the general public and individual community members and to enforce City laws. The City has been removing unauthorized encampments from public property for more than 15 years. While some of the removals have been in response to complaints from community members, other actions have been part of routine City property maintenance.

II. Purpose

While all unauthorized entry and unauthorized camping is prohibited on City property, City departments shall follow these procedures and respond to unauthorized encampments in a consistent, coordinated and compassionate fashion. These procedures provide guidance for departments on how to provide notice and outreach to persons displaced from these encampments while addressing the public safety and health concerns of the community and enforcing appropriate laws. These procedures shall be followed by all City of Seattle employees who carry out removal of unauthorized encampments.

Unauthorized camping means erection of a tent or other shelter, or to assemble camping equipment and personal property on public and private property that to a reasonable person indicates a person has remained or intends to remain on the property overnight without proper permits or when the property is not open to the public. Camping equipment includes but is not limited to tarps, blankets, sleeping bags, cooking equipment, and other items commonly associated with remaining overnight.

An unauthorized encampment means three (3) or more unauthorized structures in an identifiable area which appear to be being used for unauthorized camping. An identifiable area includes areas where the structures are in sight of each other and/or areas where each of the structures is located within approximately 300 feet of another structure. A structure is anything constructed or erected on or under the ground, or any improvement built up or composed of parts joined together in some definite manner. Structures include, but are not limited to, buildings, lean-tos, tents, awnings, and tarps. For purposes of these procedures, a "structure" does not include bridges, overpasses, park equipment, or other publicly-owned or maintained structures.

Although these procedures apply only to City-owned property, the City will ask other public and private property owners to follow this policy and comply with all applicable laws.

III. Intake and Follow-Up Procedures

A. CSB Intake

When any City of Seattle employee identifies an unauthorized encampment or receives a complaint from a community member, s/he shall complete the Customer Service Bureau's (CSB's) on-line intake form at <http://www.seattle.gov/customerservice/request.htm> (or call CSB at 684.2489), as soon as possible and no more than 24 hours later.

Upon receipt of the intake form, CSB will research who owns the property, and then refer the request for removal to the appropriate departments for follow-up as follows.

B. For City -Owned Property

If CSB determines the property is City-owned, CSB will send the request to remove the encampment to the responsible department, i.e. Parks, Seattle Public Utilities, Seattle City Light, Seattle Department of Transportation, Fleets and Facilities Department, Department of Neighborhoods, Office of Housing, or Seattle Center. A copy of the request shall also be sent to the Human Services Department and Seattle Police Department. The responsible department (the department that has jurisdiction over the property) will first confirm that the site meets the definition of an encampment, and, if so, shall comply with the procedures set forth in Section IV.

C. For Other Public Property

If CSB determines the property is owned by another public entity (e.g. State Department of Transportation, King County, Port of Seattle), CSB will notify representatives of the other public entity. Until the jurisdictions have formalized arrangements with their own law enforcement agencies, e.g. State Patrol, King County Sheriff, and Port Police, these jurisdictions may request Seattle Police Department (SPD) officers accompany their work crews to address public safety issues arising during encampment removals.

D. For Private Property

If CSB determines the property is privately owned, CSB will refer the encampment to the Department of Planning and Development (DPD) for enforcement action under applicable City ordinances. DPD will work with the affected property owner(s) to complete removal of the encampment consistent with applicable laws. DPD will report the encampment removal date to CSB when the private property owner has taken action.

E. For Jointly-Owned Property

If CSB determines the property with the encampment is owned by a City department and other parties (private or other public entities), CSB will refer the encampment to the responsible department. The responsible department shall coordinate with the other parties for the complete removal of the encampment consistent with applicable laws, rules and procedures, and report the encampment removal date to CSB.

IV. Removal of Unauthorized Encampments from City Property

- A. The responsible department shall take all reasonable steps to complete the removal and cleanup of the unauthorized encampment within twenty-one (21) days of notification by CSB of the need for such action.
- B. Each department will assign a point person responsible for encampment removal. This person will serve as CSB's point of contact and serve on the Unauthorized Encampment Workgroup. The Unauthorized Encampment Workgroup shall consist of the contact person from Parks, Seattle Public Utilities, Seattle City Light, Seattle Department of Transportation, Fleets and Facilities Department, Department of Neighborhoods, Office of Housing, and Seattle Center as well as representatives of the Human Services Department, the Customer Service Bureau, and the Seattle Police Department.
- C. The responsible department should inspect the area immediately to determine if it meets the definition of an encampment and, if it does meet the definition, assess the site's priority for removal under these procedures in consultation with the Unauthorized Encampment Workgroup. The responsible department shall document and maintain:
 - 1. The date of the initial inspection;
 - 2. Photos documenting the initial inspection;
 - 3. The number of structures identified during the inspection; and
 - 4. The number of individuals seen at the site during the inspection.
- D. Once the priority has been determined, the responsible department should schedule the removal of the encampment in coordination with the Human Services Department and other appropriate departments, such as the Department of Transportation to assist with road closure, the Department of Neighborhoods to assist with neighborhood communications, and the police department to assist with safety issues.
- E. The responsible department shall comply with MDAR No. 08-01 with respect to removal of personal property from encampments.

- F. The responsible department shall post the encampment site with written notice(s) a minimum of 72 hours before the encampment is removed. This notice will include CSB's telephone number. The responsible department shall document and maintain:
1. The date of the posting(s);
 2. Photos of the posting(s); and
 3. The number of individuals seen at the time of posting.
- G. When there is reasonable suspicion that a person in the encampment is engaged in a violent crime or a felony drug delivery, or is in possession of weapons in an encampment, no 72-hour minimum notice is necessary prior to the removal of personal property. In addition, the Human Services Department will not be expected to assist with outreach and social service referrals. An exception to the 72-hour notice also may be made in the event of significant health risks caused by waste, vectors, disease, hazardous materials, or other threats to human life or safety. The responsible City department, in consultation with SPD, Public Health Seattle and King County, and/or other agencies, is authorized to determine whether public safety and health issues exist and may waive the notice and outreach requirements.
- H. The responsible department may request that Seattle Police Department (SPD) officers accompany staff while posting notice at or during a cleanup of an encampment. The responsible department should provide a minimum of 48 hours notice to SPD to request their presence at the posting, outreach or cleanup.
- I. From the time the site is posted notifying occupants of a pending encampment removal until the day the encampment is removed, persons may enter an encampment to remove personal items and get information about available services and shelter without risk of receiving a notice of exclusion or being charged with criminal trespass. Such permission may be denied to persons who are the subject of an existing exclusion order. If the City property is closed to the public at certain times, the City may require such entry to occur during times the property is open to the public.
- J. The Human Services Department (HSD) will be responsible for arranging outreach, accompanied by police, prior to removal of the encampment. In addition to outreach, HSD will arrange, if needed, additional shelter beds. HSD shall document and maintain:
1. The dates of outreach;
 2. The number of individuals contacted;
 3. The type(s) of service(s) offered;
 4. The number of successful referrals, if known; and

5. Any other documents generated as part of the outreach process.
- K. Upon completion of the outreach process, HSD shall update CSB with the above information.
- L. The responsible department shall schedule the actual removal and may use a team of staff from its own department and/or other departments or a contracted service, such as the State Department of Corrections work crew. If the responsible department expects the clean-up to take more than one day, it should schedule the clean-up for multiple days. The responsible department shall document and maintain:
1. The date of the removal;
 2. The number of individuals present at the time of removal;
 3. The amount of garbage and debris disposed of;
 4. Photos of garbage and debris disposed of;
 5. An inventory of any personal property removed and placed in storage;
 6. Photos of the personal property removed and placed in storage;
 7. Photos of the posting stating where one can retrieve removed items;
 8. The location of the stored items; and
 9. Other documents generated as part of the removal process.
- M. Upon completion of the removal, the responsible department will update CSB with the above information.
- N. Personal property items that are not contaminated, illegal, or hazardous will be stored and labeled with the date collected, the location of the encampment, and the name(s) of the personal property owners if available.
1. The responsible department will take these items to an approved storage facility for 60 days. Unclaimed items may be disposed of after 60 days.
 2. When contact information is available for removed personal property items, the responsible department will notify the owner of the property's disposition.
 3. If the owner is not identified on an item, and the item has a reasonable value of \$100 or more, the responsible department shall publish notice in a

newspaper or on a City website stating the item has been removed, is being stored, and the manner for claiming the item.

- O. The responsible department shall revisit the site one week after the removal, and periodically thereafter, to make sure an encampment has not been re-established. The responsible department shall maintain any documents and photos of the re-inspection and will report the dates of the re-inspection and results to CSB.
- P. If encampments in the area persist, the responsible department will consider the site for routine cleanup. If three encampments are established in the same area within 60 days, then the responsible department will permanently post the site indicating personal property items may be removed without further notice.

V. Enforcement

A. Any violation of City laws or rules regarding unauthorized encampments or other applicable law may, depending on the particular circumstances of the case, result in any or all of the following:

- 1. Withdrawal of permission to enter or remain on the property;
- 2. Issuance of either a Parks Notice of Exclusion or a department's administrative notice of exclusion;
- 3. Issuance of a citation under applicable law;
- 4. Arrest under applicable law (for example, criminal trespass).

B. A person is subject to a citation or arrest for criminal trespass when he or she:

- 1. Enters or remains on City property when such areas are closed to the public or
- 2. Enters or remains in an area after having received a Notice of Exclusion from that area.

**Selected Key Elements in the Administrative Rule and Executive Order
Regarding Unauthorized Encampments on City Property**

	Elements	January Draft	Final
		Administrative Rule	Administrative Rule
1.	Departments involved	Parks, City Light, Public Utilities, Transportation, Fleets & Facilities; Neighborhoods, Seattle Center	Adds Office of Housing
2.	Definition of encampment	Includes all camping, meaning “to erect a tent or other shelter, or to assemble on City property camping equipment and personal property, that to a reasonable person evidences that a person has remained, or intends to remain, in an area overnight or when the area is closed to the public”	Focuses on three (3) or more unauthorized structures in an identifiable area which appear to be being used for unauthorized camping. An identifiable area includes areas where the structures are in sight of each other and/or areas where each of the structures is located within approximately 300 feet of another structure.
3.	Definition of personal property	Defines “Personal Property” to mean “an item that is: 1) reasonably recognizable as belonging to a person; 2) in its present condition has apparent utility; and 3) is not hazardous material.”	Adds examples: “Examples of personal property include, but are not limited to, tents, bicycles, radios or other electronic equipment, eyeglasses, prescription medications, photographs, jewelry, crutches, wheelchairs, and any items that reasonably appear to be of more than \$25 in value. Personal property does not include building materials such as wood products, metal, or rigid plastic.” Also requires that the “authorizing official should resolve a reasonable doubt as to whether an item is personal property in favor of deciding the item is personal property and treat it accordingly under these rules.”
4.	Advance Notice Requirement	Mandates that a written notice be posted in the area at least 48 hours before removing personal property from the area.	Changes: (1) Notice increased to a minimum of 72 hours before personal property removed from encampment.. (2) Provides for permanent posting for recurring encampments defined to mean” encampments observed in the area at least three times within any 60 day period.” (3) Provides for an occupant of an encampment to have reasonable opportunity to enter a posted area to in order to remove personal property (See 7.4.1.1).

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5.	Exception to Advance Notice Requirement	The provisions regarding notice apply only to items that are not subject to summary removal and disposal.	The Notice procedures do not apply to: (1) any items that are not personal property or are obstructions, or (2) to any encampment in which the authorizing official has reasonable suspicion that a person in the encampment is engaged in (a) a violent crime, (b) a felony drug delivery, or is in possession of weapons in the encampment.
6.	Storage of Personal Property	Mandates that personal items taken shall be stored; a notice informing individuals where they may claim removed personal property will shall be posted in the area; under certain circumstances, an attempt shall be made to contact owner; unclaimed items may be disposed of in 60 days.	No change
7.	Notice of Exclusion	The authorizing official of all City departments may issue an Administrative Notice of Exclusion and delegate to sworn SPD personnel the authority to enforce these notices and any other applicable written or posted rules.	No change
		Procedures	Executive Order
8.	Subject of the procedures	All unauthorized encampments.	No change
9.	Coordinator	Customer Service Bureau	No change
10.	Target for cleaning encampments	10 business days after notification by CSB States that the responsible department shall inspect the area immediately and proceed with removal procedures in coordination with other departments.	Change: 21 days after notification by CSB Adds: (1) Re-establishes the Unauthorized Encampment Workgroup, which consists of the contact person/liason from each department that owns City property, HSD, CSB, and SPD. (2) States that the responsible department shall inspect the area immediately and assess, in consultation with the Workgroup, the site's priority for removal.
11.	Outreach and Additional Shelter	The Human Services Department will be responsible for arranging outreach prior to removal of the encampment. It also will establish additional interim/overflow shelter beds, as necessary, for	No change

**Selected Key Elements in the Administrative Rule and Executive Order
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		occupants of unauthorized encampments.	
12.	Documentation	States that when an encampment has been removed from the property, the department will provide CSB with a report on the results, e.g. number of people assisted, the type of assistance provided and the amount of debris removed.	Adds and enhances documentation requirements for the following: <ul style="list-style-type: none"> - the initial inspection - at posting the 72-hour notice - for outreach process - for the results of the encampment removal
13.	Property Storage	States how personal items with identifying information and that are not contaminated, illegal, or hazardous will be labeled for storage and how the city will make an effort to contact owners. Also, storage is limited to 60 days.	Clarifies that the responsible department is responsible for not only labeling and storing the appropriate personal items, but also for attempting to contact owners. No change in storage limit.
14.	Preventing re-establishment of encampments	States that staff from the department will revisit the site in one week, and periodically, thereafter, to make sure an encampment has not been re-established. If major encampments in the area persist, the responsible department will consider the site for routine cleanup.	Adds provision for permanent posting in areas where there are recurring encampments as set forth in the administrative rule.