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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Joe DeVries,
Assistant to the City
Administrator

SUBJECT: Informational Report and
Recommendation on Encampment
Management Policy and Program

DATE: April 22, 2019

City Administrator Approval

Date:

5/2/19

RECOMMENDATION

Staff Recommends That The City Council Receive This Informational Report And Recommendation On The City's Encampment Management Policy And Program.

EXECUTIVE SUMMARY

On April 11, 2019 the Rules committee, at the request of Council Member Bas asked the City Administrator to prepare an Informational Report and Recommendation, concerning the City's Encampment Management Policy and Program. Attached to the request was a memo with a list of questions to be answered in the report (**Attachment A**). This report will provide an overview of the Encampment Management Team and Policy and answers to questions raised by CM Bas from the departments.

BACKGROUND / LEGISLATIVE HISTORY

In April of 2017 Alameda County released its Homeless Point in Time Count, indicating a 40% increase in homeless people countywide and a 25% increase in the City of Oakland from the prior count in 2015. An informal work group was convened by the City Administrator to address issues rising from the increase in encampments and the need to better coordinate the City's response to them.

This group drafted an Encampment Management Policy "Policy" (**Attachment B**) because the City had not revised its Standard Operating Procedures (SOPs) since 2013 (**Attachment C**). The SOPs prescribe how the Public Works Department (OPW) conducts the closure of homeless encampments including a response from the Human Services Department, 72-hour postings, and a list of what OPW should remove, discard, or store for people. Recognizing that unsheltered homelessness was increasing in Oakland and the region, after drafting the Policy,

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the working group evolved into the City's Homeless Encampment Management Team (EMT) in the late spring of 2017.

Prior to the creation of the EMT and writing of the Policy, "Closure" and its accompanying SOP was the only procedure the City was using to address encampments. This was what one could call an *Encampment Closure Model* which is common in many cities. The SOP describes the process of closing an encampment, including a response from the Human Services Department (HSD), 72-hour postings, and a list of what OPW should remove, discard, or store for people. With the sudden increase in unsheltered homelessness that occurred between 2015 and 2017 and the accompanying shortage in affordable housing in the Bay Area, it became clear that a closure only approach was not sufficient and the City needed other interventions. Without readily available emergency shelter options or financial resources to add immediate shelter capacity, the City was faced with the fact that conditions in encampments were unsafe and unsanitary for those living in them in and around them. Applying a Harm Reduction approach, the City has attempted to reduce the harms associated with the existence of the encampment without *necessarily* closing encampments in all situations. This approach became the Encampment *Management Model*.

ANALYSIS AND POLICY ALTERNATIVES

EMT Overview (Questions 1-5)

- 1) *Which departments and individuals make up the EMT ("Team");*
- 2) *What are the Standard Operating Procedures for Closures and Clean Ups;*
- 3) *How does the City locate and track encampments;*
- 4) *What is the process for determining which encampment sites will be closed and how does the City apply the "Martin v. Boise" 9th Circuit Court Decision to encampment closures;*
- 5) *What is the process for determining the schedule (date and time) for site closures;*

The EMT includes staff from the following departments and outside agencies: The City Administrator's Office, Public Works, Human Services, Transportation, Police, Fire, Alameda County Vector Control, and the Mayor's Office. On occasion, representatives from BART, Caltrans, Alameda County's Homeless Response Team and other City Departments also participate.

The EMT meets every other Friday and uses the Policy which establishes four types of interventions that can be provided at encampments and criteria that are used in determining which intervention should be applied. The interventions include:

1. **Closure:** removing the encampment and using enforcement to prevent re-encampment.
2. **Cleaning:** temporarily moving an encampment so that health and hygiene issues can be addressed and allowing the encampment to return.
3. **Temporary Health and Safety Measures:** providing portable toilets, hand-washing stations, regular garbage service, and/or traffic barriers to protect the health and safety of those in the encampment.

4. **Debris pick-up:** regular scheduled removal of garbage and debris associated with or near the encampment.

The first two interventions listed above trigger the full use of the Standard Operating Procedure (SOP), the rest are guided by the Policy. The criteria that determines the level of intervention include: Health, Safety, Location, and Size. Within each of the criteria are several factors that the EMT weigh in its decision-making process.

Encampments are tracked through "Calls for Service" received by the Oakland Call Center (Oak311), and from complaints to or observations by City Staff. Priority locations are submitted to the team lead for addition to the meeting agenda and at each meeting the group schedules operations for three weeks in advance. The crews work Tuesday through Friday, with OPD support, with two days focusing primarily on garbage service and two days focused on more extensive clean-ups.

Closing an encampment is only undertaken after significant consideration and it is generally undertaken only after earlier interventions have failed to mitigate the health and safety risks. It requires additional outreach, can lead to a confrontational situation during the operation, and requires follow-up enforcement by OPD. Due to the displacement that occurs during a closure, staff factor in the net impact on the surrounding community. Since creation of the EMT and the implementation of the Policy that allows for varying degrees of intervention, the percentage of encampments slated for closure is relatively low. For example, in the most recent month of EMT work, the team conducted "Clean and Clears" at 34 sites, conducted weekly garbage removal at 56 sites, and conducted Closures at 7 sites, but even in the case of those closures, three were only partial closures where the footprint of the encampment needed to be reduced. This is typical when an encampment is being managed on one side of a street but encroaches onto the other side, requiring a closure to keep the sidewalk on one side accessible.

Closures are performed to alleviate serious and significant problems that are occurring at a particular encampment, for example, the encampments that were closed on 29th and 30th Streets in West Oakland, were blocking both sides of the sidewalk under the freeway in a residential neighborhood. The blockage hindered school walking routes and neighborhood access to grocery stores and other commercial areas. The most significant closures in the past two years have been closely associated with the opening of a Community Cabin Site nearby that offers emergency shelter to individuals who were previously camping in the closure zone. Because this method offers emergency shelter for an existing encamped group, it has been the most successful model to date in ensuring that an area remains clear of encampments. However, the City does not have resources or available property to offer Community Cabins at each encampment closure. In these cases, the City offer alternative emergency shelter to those seeking assistance. Some closures must occur immediately in the interest of public health and safety. Dangerous situations where there have been fires, violence, or other significant calls for service, instances where a traffic lane is blocked, or access to a public service is being impacted (such as a health clinic or school) is impeded, require immediate attention. In those situations, the City does not dictate where people go, but it closes the area where the hazard exists.

Martin v Boise and other recent court activity

The recent Martin v. Boise case has been cited in recent legal challenges to the City of Oakland's procedures on the grounds that the City is violating people's Eighth Amendment Rights. In Martin, the Ninth Circuit notes that the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one's status or being. Boise was found to be violating people's Eighth Amendment protection because the City had a pair of ordinances that "criminalize[d] the simple act of sleeping outside on public property" anywhere in the City of Boise, the Ninth Circuit explained that, "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.

A significant distinction in the Boise v. Martin case quoted below references cities rights to regulate what occurs in public and on its property:

"Naturally, our holding does not cover individuals who do have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free, but who choose not to use it. Nor do we suggest that a jurisdiction with insufficient shelter can never criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. So, too, might an ordinance barring the obstruction of public rights of way or the erection of certain structures."

The City of Oakland does not cite people for sleeping in public or for establishing encampments in general. The City does use its authority to designate areas where encampments are prohibited due to the factors stated above and in the Policy. The role of the Oakland Police Department (OPD) regarding encampments is not to "criminalize" unsheltered persons, it is to ensure a safe work zone for OPW crews to conduct clean-up efforts.

The second claim in recent legal challenges is that the City is violating people's Fourteenth Amendment right to due process by (potentially) seizing and destroying their personal property during encampment closures and clean-ups. The City's Standard Operating Procedure and Policy have been reviewed carefully by two federal judges and in both cases the judges ruled in the City's favor because the procedures give people ample notification of cleanings and closures and include provisions to store certain belongings that have value. The two recent Orders Denying Injunction by the Courts and affirming the City's procedures are **(Attachments C and D)**.

Human Services' Focus (Questions 6 and 7)

- 6) *What is the process for providing notice and outreach in advance of an encampment closure;*
- 7) *What are the options for shelter provided to individuals living in these encampments;*

Posting Process

The Human Services Department (HSD), Community Housing Services Division (CHS) holds the process for providing notification and outreach in advance of an encampment closure. CHS staff informs Operation Dignity of scheduled closures with as much lead time as is possible; commonly one to two weeks as determined via the schedule that is developed by the Encampment Management Team (EMT).

CHS provides the outreach team with details of a closure plan including the exact areas of the closure zone, the day-of operations plan (which area will be addressed first, etc.), and any other pertinent information (e.g., the operation will take place over two days, one side of street is being closed, porta-potties are being removed/delivered, etc.). Operation Dignity visits the identified encampment site on multiple occasions (exact number of times is dependent on the lead time, size of encampment, etc.) and at different times of day, in order to make every attempt to contact all encampment residents, to inform them of the upcoming closure and engage in outreach activities. Ideally the City would like to separate outreach and noticing functions.

The goal for providing 'Advanced Outreach' is twofold; timely notification to encampment residents and to provide resources and information to reduce the stress that may be experienced before the closure, with ample time to self-relocate, make connections to alternative resources (shelter, etc.) and services. Outreach activities include but are not limited to: connecting individuals with resources such as Harm Reduction supplies (food, hygiene kits, blankets, etc.), making referrals to emergency shelter beds if available, facilitating reunification with friends and family, completing, connecting individuals to appropriate referrals (e.g., Veterans to VA services), and re-connecting individuals to any previously existing service providers such as mental health case managers, and medical health providers. One of the most critical components to the outreach effort is to perform Coordinated Entry Assessments which are required under the U. S. Department of Housing and Urban Development (HUD). Coordinated Entry is a standardized system by which individuals and families experiencing a housing crisis can be assessed and prioritized for appropriate housing-related services. The primary goal is to create a simple way for a community to effectively match the most intensive resources to the people with the highest needs.

Notification of closure is a structured process that has three key elements:

- 1) Posting of the notice, a minimum of 72-hour notification (true of all posting types). Closure postings are printed on Bright Pink paper to make them distinguishable from other posting types (Clean and Clear – yellow, Debris Removal – green). The pertinent information on the postings includes date the posting was placed, the date of the closure operations, and the contact numbers to call with questions.
- 2) Postings are placed in multiple visible locations at the area of closure and include any additional descriptive photos such as areas of closure.
- 3) Document the posting of the notices with photographs and site features/ summary. The photographs of the posted areas and site features are shared with CHS, Public

Works, OPD, and any other relevant departments/providers. Site features include the following basic points:

- a. Size of the site (footprint)
- b. Number of tents/structures/vehicles
- c. Number of people
- d. Level of outreach engagement
- e. Outreach notes – aggressive dogs? Syringes? Etc.

Shelter Options

The City of Oakland has various shelter options for individuals experiencing homelessness. Crossroads shelter, operated by East Oakland Community Project (EOCP), is located at 7505 International Blvd. Crossroads is a full-service shelter with capacity for up-to 145 individual men and women, and 5 families. Shelter services include overnight beds, storage, showers, meals, case management, employment support, substance use support and referrals, General Education Development (GED) tutoring, medical and other public benefit enrollment, mobile health care, and anxiety support groups. During the Winter Season between mid-November to mid-April Crossroads shelter expands capacity with an additional 10-beds for individual adult men and women. The City of Oakland may 'hold' beds at Crossroads for a period of time leading up to and through a closure operation.

The City of Oakland also operates a West Oakland shelter at Saint Vincent de Paul (SVdP) located at 675 23rd St. SVdP has previously operated as a Winter Shelter during the inclement weather season, mid-November through mid-April. During Fiscal Year (FY) 2018/19, the SVdP shelter shifted to a year-round shelter serving up to 100 individual men and women. The SVdP shelter services include a case manager available to shelter participants to work on medical and other public benefit enrollment, connection to health care, re-connect folks to existing providers and complete assessment for HMIS. In addition, the shelter provides morning and evening snacks, limited storage, and community building activities.

St. Mary's Center operates a winter shelter for individuals 55 + years from the beginning of December through April each year. The City of Oakland funds a portion of the 25 beds that are available, and includes meals, case management, storage, and support groups of various types including financial literacy and public benefit enrollment. In total, there are 457 year round shelter beds in Oakland and the City funds all of part of 255 of them, with the additional 202 supported through other entities.

In some cases, Community Cabin programs are available (118 available now with 120 more opening soon) for encampment residents whose locations are identified for closure. The City has determined that the community cabin model is the best option when closing a large encampment as it provides opportunity for individuals to move as a whole community group into a setting near their current encampment that is safe, secure, and provides a high level of service. When a large encampment is closed, outreach workers and City staff create a by-name list of those who are living in the geographic boundary. If persons are offered a unit at the

Cabin site that is associated with an encampment closure but are not able to move in at the time of closure they are also offered other available shelter beds and are added to the Community Cabin "interest" list. Every effort is made to locate them when space in the cabins later becomes available. There are also a total of 582 Transitional Housing beds in Oakland and the City funds 320 of them.

A recent example of closure operations where increased outreach and a variety of shelter options were offered is the Lakeside Park closures in mid-February 2019. In this instance, the Outreach teams were alerted to the exact closure dates on January 29, 2019, but had been asked to increase outreach to the area two weeks earlier on January 15, which allowed for a month of intensive outreach before closure. In the weeks of the closure operations, individuals living in Lakeside Park were offered emergency shelter at SVdP, opportunity to move into the Lake Merritt Community Cabins (LMCC) or Northgate Community Cabin (NCC) program, or move to The Holland (per identified vulnerability). Seventeen (17) individuals were assisted with emergency shelter including three moving into the Holland, two into the NCC, and twelve into the LMCC. No persons accepted a bed at SVdP at that time even though 20 beds were available.

The total number of shelter/ Transitional/Cabin beds in Oakland are insufficient to serve the total unsheltered population of Oakland. In addition to the shortage of beds, barriers such as not accepting pets, lack of storage, and location are some of the challenges individuals site as reasons for not accepting shelter referrals. However, the City works diligently to ensure that some number of emergency beds are set aside for encampment closures. In addition, CHS staff and outreach staff provide support on the day of a closure by providing bags, water, and gloves, as well as physical help and transportation to shelter.

Public Works Operational Focus (Questions 8-10)

- 8) *How does the Team handle the belongings of the individuals living in these encampments;*
- 9) *If an individual is not at their encampment site when it is closed, how does the Team handle this individual's belongings;*
- 10) *After an encampment closure, how are individuals able to recover their belongings;*

As stated above, all Encampment Closures and Clean and Clears are preceded by a 72-hour notice that is posted conspicuously at the site and photographed for documentation purposes. During the 72 hours, occupants have the opportunity to remove their belongings and vacate the encampment site prior to the scheduled clean up. However, many people do not collect and pack their belongings before work crews arrive, therefore the practice is to have OPD staff arrive 30-60 minutes in advance of the work crews to encourage people to begin packing their belongings. If they have not completed when the crews arrive, the workers typically begin with simple garbage removal at the site while people finish packing.

Staff take photographs of the encampment site prior to the cleanup. If belongings are left behind and no one is present, staff collects, bags, and labels personal belongings left at the site based on the list provided in the SOP. Items that are considered trash or are unsafe for storage such as food or food wrappers, soiled items or used personal hygiene items are disposed of.

A "Notice of Collected Property" (NOCP) is posted where the original "Notice to Vacate" was previously posted. The NOCP contains the OPW Call Center telephone number and affords the occupants an opportunity to contact the Call Center and arrange to retrieve their belongings. The collected belongings are stored at an OPW facility for at least ninety (90) days to give the occupants adequate time to recover their possessions.

Human Services' Focus (Questions 12-16)

12) *What are the City's plans for hiring unsheltered residents to assist with sanitation efforts;*

13) *What is the name of the service provider(s) contracting with the city to work with individuals living in these encampments;*

14) *How is the service provider(s) evaluated, and is there a process for providing feedback on the services they are providing;*

15) *What are the minimum criteria for selecting the service provider(s) and staff that are doing outreach to individuals living in these encampments, for example, are they required to undergo training or have relationships with the community in which they are doing outreach;*

16) *How is the service provider(s) connecting homeless individuals with county services and other social safety net resources;*

Employment Opportunities for the Unsheltered

Currently HSD has a grant agreement with Downtown Streets Team to work with unsheltered residents around Lake Merritt on sanitation/beautification projects. In this program model, unsheltered residents receive gift cards in return for volunteering on sanitation/beautification projects. Participants also receive job focused services such as resume writing and assistance with placement into paid employment. The funding for this program ends on June 30, 2019. Thus far, 30 individuals have participated in the program and 3 have obtained regular paid employment.

In January 2019, HSD issued an Request for Qualifications (RFQ) seeking qualified providers to operate a work readiness employment program for current and formerly homeless people. Required elements included:

- a. Recruitment of people who are unhoused or living in emergency shelter/TH programs;
- b. Extremely low barrier with a focus on individuals' behaviors and ability to participate in the program rather than screening people out due to substance use or mental health issues
- c. Focus on development of basic work skills through participation in entry level work such as litter abatement or management of encampment port-a-potties

- d. Provide associated services such as employment focused case management, workshops, and individual counseling to assist participants in developing basic job readiness skills, resumes, etc.
- e. Assist participants with connections to mainstream employers
- f. Pay participants legal minimum wage or higher

Several providers applied under this section of the RFQ and were found to be minimally qualified to perform this scope of work. There is no funding currently available for this type of project. However, a project that hires unsheltered individuals for sanitation work/job training may be funded in the future as additional funding becomes available.

Contracted Service Providers

Street Based Outreach services are provided by two Grantees; Operation Dignity (OD) which operates in the Downtown and West Oakland areas, and Roots Community Health Center (Roots) operating in East Oakland. In addition, the City provides funding for Street Based Housing Navigation (Housing focused case management) services which are provided by Bay Area Community Services (BACS), Operation Dignity (OD), Abode, and Lifelong Medical. Specifically, for unsheltered families, the Family Front Door (FFD) program – operated by East Oakland Community Project (EOCP) and Building Futures for Women and Children (BFWC) are also available to meet families at encampments and provide services. There are other outreach providers who visit encampments for street based health and harm reduction including Health Care for the Homeless, providing street based medical care and the HIV Education Prevention and Planning of Alameda County (HEPPAC) that conducts needle exchange, both funded through the County. There are also many informal groups, faith based or private individuals who visit encampments regularly to provide food and personal items, however, there is no single point of contact to track these individual efforts.

Evaluation and Feedback

Service Providers report their program data and outcomes to the City on a quarterly basis. Reports include general demographic information as well as progress towards meeting deliverables as well as annual cumulative data reports. Each Grantee has scope specific outcomes, with some common metrics across all agencies such as exits to permanent housing, number of persons served, income obtained or maintained, etc. Specific to this area of focus - Encampment Management - data and evaluation points include number of postings completed, number of sites visited, and harm reduction units of service provided. For example, Operation Dignity is contracted to distribute a total of at least 1200 units of harm reduction supplies per month including blankets, rain ponchos, sandwiches, hygiene kits and other items as available. In the first quarter of FY2018-19 Operation Dignity distributed a total of 7,852 units of Harm Reduction supplies and in the second quarter distributed a total of 9,696 units of harm reduction supplies, far exceeding their contracted goal. In the first six months of FY2018-19 OD completed 77 Coordinated Entry assessments for clients and 21 one of these clients are completely "document ready" for housing, meaning they have all of the documents needed to pursue any housing opportunities such as ID, birth certificates, chronic homelessness

verifications, proof of disability if any, proof of income, etc. Getting these documents is an important step, but the current list of people who are "document ready" for housing far exceeds the amount of affordable housing available. Another outreach data point is the number of Outreach Encounters (duplicated individuals) achieved monthly. Roots reported the following number of Outreach Encounters for the second quarter of the FY2018-19: October 2018; 631, November 2018; 657, and December 2018; 669.

Feedback on Services occurs within each agency when they conduct internal client satisfaction assessments. Agencies have different mechanisms for this process; EOCP uses a standardized survey when clients exit the program. Data received by the City of Oakland as part of the Grantee contract, is reviewed by staff who address shortfalls, complaints, and successes. In addition, the Community Housing staff are regularly communicating with agency staff, meeting collaboratively, and working to improve service provision. For example, the Family Front Door (FFD) providers and City staff meet every other week, and the Community Cabins program site staff meet with city staff at least monthly. If issues are brought to CHS' attention in the interim, CHS contacts site staff to gather more information and determine appropriate next steps.

Selection Criteria and Training

CHS providers are usually selected through a formal Request for Proposals (RFP) or RFQ process. Key elements that are part of the scoring and subsequent selection process include service provision, ability to work collaboratively, and oversight/fiscal capacity, these are four examples of qualifications the City seeks in providers:

- Agency can demonstrate a history of effective collaborations with a range of partners.
- The agency has a track record of successful service provision to homeless individuals and families including performance on any past contracts with the City of Oakland.
- Agency demonstrates that proposed scope of work will address (or advance) issues of race and equity.
- Budget is reasonable and cost effective and costs proposed are eligible and clearly justified.

Trainings vary across agencies and are specific to the scope of their work and most grantee budgets provide some level of ongoing professional development for agency staff. Specific to Homeless Services the following trainings are commonly attended by staff and agency leadership: Trauma Informed Care, De-escalation Techniques, Motivational Interviewing, Benefits Enrollment, Cultural Competency, Harm Reduction, and Blood Born Pathogens. Alameda County has recently been offering a series of trainings for street outreach providers that City providers also attend.

Connection to County and Other Services

CHS grantees work together to serve individuals in the best way possible, leveraging and sharing resources across agencies and municipalities. Outreach providers refer clients to

county social services for General Assistance (GA), CalWorks, and CalFresh benefits, to legal assistance for SSI applications, and to county health care clinics for health services. In addition, outreach providers regularly participate in the following collaboratives: Coordinated Entry case conferencing and operations meetings, monthly Outreach Provider meetings run by the County, Homestretch Trainings (Homestretch is the county's process of matching homeless individuals to permanent supportive housing), and Oakland Path to Rehousing Initiative (OPRI) Collaborative meetings. In addition, Roots, has in house trained staff to enroll people in Cal-Fresh and MediCal. At Operation Dignity, staff are highly trained in how to secure Social Security cards for their clients so that they can access public benefits.

Role of OPD:

17) What is the role of OPD (Oakland Police Department) at encampment closures

OPD responds to locations of predetermined closures to create a safe work zone for Public Works employees, to close off city streets if applicable, and maintain public safety for all. In response to union requests from staff members concerning safety at work sites and the safety of the encamped, OPD participates in all Closures, Clean and Clears, and participates in the weekly garbage service effort as well.

18) How can community members access information and engage in assisting in these efforts?

Currently the City's most frequently accessed tab on its Homepage is the website that was created to answer questions about homelessness (www.Oaklandhomelessresponse.com) Among other things, this site provides a list of all of the service providers that assist the homeless with links to contact them for volunteer opportunities and financial support. It also provides data produced by and links to www.Everyonehome.org the County's website that also has extensive information about ways to help.

Fire Hazards and other significant safety concerns:

Oakland Fire Department (OFD) Encampment Fire Concerns

OFD commonly receives calls for service at encampments related to fires for warming or illegal cooking fires. The department also receives Medical Response calls resulting from a medical condition, assault, or impairment (drugs, alcohol).

Overall Safety Concerns from OFD's perspective include:

- Large amounts of combustible and hazardous materials throughout the encampments including tents, furniture, wood, and propane tanks.
- Encampments in streets and overcrowding sidewalks impact OFD response to other emergencies throughout the City
- Tightly enclosed areas create a high potential of fire spread
- No visible routes for entrance into encampments or safe path of egress in an emergency
- Feces throughout, which increases health risk to those living in encampments and first responders
- Illegal electrical tapping with extension cords that cross active roadways. No overload protection for electrical draws creating potential for encountering live electricity.
- Prevalence of arson (for both retaliation and fraud)

- Fire hazard from cars used for storage or sleeping
- Fire in portable toilet facilities
- Encampments Locations: next to homes, businesses, under freeways or BART tracks

Department of Transportation (DOT) Concerns:

The DOT maintains the City's network of street lights and traffic signals. As noted in the OFD list of concerns, illegal wire taps into the lighting network can cause serious safety concerns including electrocution to the individual performing the illegal tap or to others in the encampment that encounter live, exposed wires. Additionally, damage to the wires in the system often shuts down the lighting circuits creating neighborhood blocks of darkness and disruption to traffic signals both of which lead to dangerous road conditions. The illegal wiring also leads to fires, tripping hazards and vandalism. Having to replace wires, curb box lids and handhole covers for the poles has become an increased burden on the department's budget and dangerous working conditions for employees who attempt to remove illegal taps and restore the City's equipment and encounter unsheltered individuals who wish to preserve their illegal power source.

Another issue for electricians is not knowing where the illegally run cords lead to as it is not safe to enter into those areas. If they fix the circuit and turn it on they cannot be sure someone on the other end of the illegal extension will not get shocked or electrocuted since they cannot always see where someone may have tapped into the system. Additionally, staff are seeing an increasing number of motor homes which draws a significantly greater amount power.

FISCAL IMPACT

This is an informational report and therefore has no fiscal impact however the costs associated with the Encampment Management Team's work are significant and summarized below (note this is not a complete accounting of the costs associated with the work):

One OPW Crew is dedicated four days per week to the EMT and when OPD staffing available, an additional crew is currently available two days a week (half time). The OPD Crew total cost is approximately \$1 million annually. When 1.5 crews are operating, that cost goes up to \$1.5 million. With this number of crews, it is not possible to remove the garbage at every encampment on a monthly basis so the EMT Prioritizes large encampments with more frequent service. In addition to the regular crew costs, OPW also maintains a contract for the clean-up of hazardous material associated with encampments including human waste and discarded hypodermic needles. The cost of that service in 2018 totaled \$143,000.

CHS total costs for outreach in FY 19-20 is projected to be \$844,715. This funds 8 FTE street outreach staff contracted through Operation Dignity and Roots and 1 FTE City staff. Additional staff support to the outreach efforts for HSD include .25 FTE for a Program Analyst at \$45,000.

OPD has two FTE Officers committed to the EMT and the current fully burdened cost for the two positions is \$391,105. In FY19-20 cost is estimated at \$438,983. In FY20-21 cost is estimated at \$479,710. Additionally, OPD will provide officer support through Overtime as needed during

larger operations or to cover two OPW crews. Approximately \$96,000 in CDBG funds has also been provided for OPD to assist with EMT efforts.

PUBLIC OUTREACH / INTEREST

This report did not require public outreach other than the posting of this report on the website. However, there is significant public interest in the City's response to homelessness and therefore, staff representing the work frequently meet with community groups, advocacy organizations, and the general public to provide public education on an ongoing basis.

COORDINATION

The EMT is a coordination across multiple departments including HSD, OPW, OPD, OFD, and with input from City Council Offices, the Mayor's Office, and the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: The purpose of this report is to provide information about various ways the City is attempting to address the management of homeless encampments which have a direct impact on economic development in the areas where encampments are most prominent.

Environmental: The work of the Encampment Management Team is intended to address the environmental degradation caused by homeless encampments due to unregulated conditions that cause garbage buildup, uncontrolled human waste, attract illegal dumping, and increase likelihood of vector control problems.

Social Equity: The programs described in this report are targeted to the most vulnerable and at-risk populations in the City and are focused on providing essential and basic human services, housing and support.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Receive This Informational Report And Recommendation On The City's Encampment Management Policy And Program.

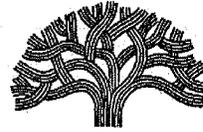
For questions regarding this report, please contact Joe DeVries, Assistant to the City Administrator at (510) 238-3083.

Respectfully submitted,



Joe DeVries
Assistant to the City Administrator

Attachment A: Memo from Council Member Bas
Attachment B: Encampment Management Policy
Attachment C: Standard Operating Procedures



Councilmember Nikki Fortunato Bas

CITY OF OAKLAND

CITY HALL, 1. FRANK OGAWA PLAZA, 2ND FLOOR, OAKLAND, CALIFORNIA 94612

Memorandum

DATE: April 11, 2019
TO: City Council and Members of the Public
FROM: Councilmember Nikki Fortunato Bas
SUBJECT: Informational Report and Recommendation on Encampment Management Policy and Program

Councilmember Bas recommends that the City Council approve a Report and Recommendation from the City Administrator on the Encampment Management Policy and Program due to the homelessness crisis emergency and multiple legal actions against the City, costing time and resources. The Report should address the following questions:

- 1) Which departments and individuals make up the Encampment Management Team (“Team”);
- 2) What are the Standard Operating Procedures for Encampment Closures and Clean Ups;
- 3) How does the City locate and track encampments, and please provide a current list;
- 4) What is the process for determining which encampment sites will be closed and how does the City apply the “Martin v. Boise” 9th Circuit Court Decision to encampment closures;
- 5) What is the process for determining the schedule (date and time) for site closures;
- 6) What is the process for providing notice and outreach in advance of an encampment closure;
- 7) What are the options for shelter provided to individuals living in these encampments;
- 8) How does the Team handle the belongings of the individuals living in these encampments;
- 9) If an individual is not at their encampment site when it is closed, how does the Team handle this individual’s belongings;
- 10) After an encampment closure, how are individuals able to recover their belongings;

Councilmember Nikki Fortunato Bas

Subject: Informational Report and Recommendation on Encampment Management Program

- 11) What is the process for deciding which encampment sites receive services such as Port O Potties, drinking water and trash removal, and what are the City's plans for servicing all sites;
- 12) What are the City's plans for hiring unsheltered residents to assist with sanitation efforts;
- 13) What is the name of the service provider(s) contracting with the city to work with individuals living in these encampments;
- 14) How is the service provider(s) evaluated, and is there a process for providing feedback on the services they are providing;
- 15) What are the minimum criteria for selecting the service provider(s) and staff that are doing outreach to individuals living in these encampments, for example, are they required to undergo training or have relationships with the community in which they are doing outreach;
- 16) How is the service provider(s) connecting homeless individuals with county services and other social safety net resources;
- 17) What is the role of OPD (police) at encampment closures; and
- 18) How can community members access information and engage in assisting in these efforts?

For questions regarding this informational request and action, please contact Miya Saika Chen, Chief of Staff, Office of Councilmember Nikki Fortunato Bas, at 510-238-7246.

Respectfully Submitted,



Nikki Fortunato Bas
Councilmember, District 2

Prepared by:
Miya Saika Chen, Chief of Staff
Office of Councilmember
Nikki Fortunato Bas

City of Oakland - Encampment Management Policy

The purpose of this policy is to provide increased clarity and coordination around all aspects of managing encampments in Oakland. This policy addresses which encampments are closed, cleaned or provided with health and safety interventions as resources are available, and the reason for the selected approach, including which City departments are involved in the process. The streets are not a safe and healthy place for people to live. This policy is one part of the City's larger strategy to address homelessness in Oakland and only addresses the physical management of homeless encampments. Other City and County policies address the needs of specific populations and how those populations are connected to services and housing.

The following guiding principles have informed the development of this policy:

- Ensuring adequate housing of all types, including permanent supportive and deeply affordable housing, is the solution to homelessness.
- Low barrier pathways to permanent housing are the best solution to addressing encampments
- There are many reasons that people may sleep and live in encampment settings, including a sense of community and safety
- There are many reasons that other community members may have concerns about encampments within their communities, including concerns related to health, sanitation, and safety
- The City must balance the interests of unsheltered residents with the rights of other community residents.

Interventions in Response to Encampments

There are currently four active interventions that the City may take in regards to an encampment. Alternatively, the City could take no action. The active interventions include:

1. Closure- removing the encampment and using enforcement to prevent re-encampment
2. Cleaning- temporarily moving an encampment so that the location can be cleaned to resolve health and hygiene issues and then allowing the encampment residents to return
3. Temporary Health and Safety Measures – providing services to address the immediate health and safety needs of persons at an encampment and surrounding neighbors such as barriers to protect campers from traffic, portable toilets and wash stations, regular garbage pick up
4. Debris pick-up – scheduled collection of debris associated or near encampment

Criteria

The following four sets of criteria (safety, health, location, size) will be applied when deciding if, and when, any of the actions listed above are warranted.

Safety

- Objective hazards to occupants of an encampment such as proximity to moving vehicles and steep slopes.
- Generating many calls for service to emergency responders, including Police response due to criminal activity
- Difficulty in extending emergency services to the site due to factors such as location or density of the encampment itself
- Fire hazards, including potential and actual fire activity

Health

- Excessive quantities of garbage, trash, or debris.
- Uncontrolled presence of needles, human waste, or other hazardous material.
- Vector hazards (e.g. rats)
- Other active health hazards to occupants or to the surrounding neighborhood

Location

- The proximity of the encampment to community resources including but not limited to schools, health centers, senior centers, etc.
- Preventing public access required by law, e.g. blocking a sidewalk
- Imminent work scheduled at the site for which the encampment will pose an obstruction
- Damage to environmentally critical areas
- Neighborhood impacts
- length of time the encampment has been present at a location.
- Damage to public infrastructure

Size

- The size of the encampment is having a disproportionate impact on its surrounding neighborhood
- The size of the encampment is creating unsafe conditions for the occupants

Process

1. Master List of Encampments: The Department of Public Works and the Department of Human Services will jointly maintain a master list of encampments considered for interventions in Oakland. The list will include information about the encampments relating to the four criteria above: safety, health, location, size.
2. Encampment Management Team: The City will create an Encampment Management Team (EMT) which will meet regularly to review/update the list and decide which encampments will be designated for closure, cleaning, health and safety interventions, or debris pickup in the following weeks based on available resources and capacity. This group will include staff from Public Works, Human Services, City Administrator's Office,

Oakland Police Department, Oakland Fire Department, and as needed, the City Attorney's Office.

3. **Street Outreach Assessments:** The work of the EMT will be significantly informed by the City's contracted Street Outreach providers who are continuously assessing encampments and their residents.

4. **Shelter/Housing Availability:** Prior to reaching any decision to close an encampment, the EMT will consider the availability of alternate safer locations or other housing or shelter opportunities for the occupants of that encampment. Should shelter or other housing be available, it will be communicated to the occupants by the City's contracted Street Outreach provider in advance of the closure. The availability of shelter will be a significant, but not dispositive, factor in determining whether to close an encampment.

Other Considerations: The criteria used for assessing an encampment must be flexible and may take into consideration criteria outside of those listed above. These circumstances may include:

- Development of a new, large encampment
- Change in circumstances of an existing encampment related to health, safety, location or size
- Ensuring equity in addressing encampments in the City
- Any circumstances not considered in the criteria such as sudden public health emergencies, emergency construction projects in encamped areas, state or other regulatory requirements or environmental challenges like flood danger



Public Works Agency
 Department of Facilities & Environment
 Keep Oakland Clean & Beautiful Division

Standard Operating Procedure

SUBJECT:	Policy for Removal of Homeless Encampments in the public right-of-way and on City owned property.
INTENT:	To remove homeless encampments from the public right-of-way, Parks and City Facilities.
RESPONSIBLE PERSON(S):	Frank Foster, Public Works Operations Manager Jim Ryugo, Building Services Manager
CRITICAL TIMING:	Year round
INVOLVED INDIVIDUALS:	Public Rights-of-Way: Dexter English and Robert Newman City Parks and Facilities: Brian Carthan PWA Call Center: Sabrina Jones OPD: As needed Community Housing Services: Susan Shelton and Mike Church
OBJECTIVES:	To Provide Public Health and Safety
REVIEW:	Review annually in October.

Background

In an effort to provide public health and safety to the community at large, homeless encampments must be removed from the public rights-of-way, parks, and City-owned property. The following guidelines must be followed to protect the constitutional rights of persons whose personal property remains at these locations.

Procedure PWA Call Center

1. When the PWA Call Center is uncertain about the jurisdiction of a homeless encampment site, the matter will be elevated to the Call Center Supervisor for resolution and a request will not be generated until jurisdiction is clear. Due to the limitations of the database system, this does not apply to website or SeeClickFix service requests.
2. When a homeless encampment is reported to the PWA Call Center and the jurisdiction is clear, a service request is generated and forwarded to the KOCB Public Works Supervisor II of the Illegal Dumping section or the Parks Supervisor II of the Park/Facilities section.
3. If the encampment is on quasi-public property (i.e., Caltrans, BART, Alameda County, EBMUD, AC Transit, OUSD, Railroad, EBRPD, Peralta, Port, etc.) the PWA Call Center will refer the complaint to the appropriate agency.

Standard Operating Procedure

Removal of Homeless Encampments

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Procedure KOCB Public Works Supervisor II / Parks Supervisor II

1. The KOCB Public Supervisor II / Parks Supervisor II (Supervisor) will visit the site to verify that the encampment is on City-owned property or the public right-of-way.
2. If the encampment is on private property, the Supervisor will notify the PWA Call Center to forward the complaint to the appropriate agency.
3. If the encampment is on City of Oakland property or on the public right-of-way, the Supervisor will notify Operation Dignity at (510) 238-6590.
4. The Supervisor will create a work order and submit it to the appropriate crew for abatement of the homeless encampment after seventy-two (72) hours, or the next business day following the seventy-two (72) hour period.
5. PWA shall return to the site on the specified date to remove any belongings left at the encampment site, and request the assistance of the Oakland Police Department (OPD) if necessary.
6. City personnel shall not prevent occupants from retrieving their belongings before vacating the encampment site.
7. City personnel shall not confiscate or remove belongings from site when the occupant is present, absent a reasonable belief that the belongings are an immediate threat to public health and safety or are evidence of a crime or contraband.
8. PWA staff shall take photographs of the encampment site prior to the cleanup.
9. PWA staff shall immediately dispose of belongings that are considered to be clearly trash or are unsafe for storage, such as food or food wrappers, soiled items, or used personal hygiene items. See the list of examples of items that shall be immediately discarded attached hereto as Exhibit B.
10. PWA staff will collect, bag, and label personal belongings left at the site. A "Notice of Collected Property" will be posted where the original "Notice to Vacate" was previously posted, and will contain the PWA Call Center telephone number. See the sample notice attached hereto as Exhibit C.
11. PWA shall itemize the belongings collected and include the location, date, and time of collection on the itemization form.
12. The collected belongings will be stored at a PWA facility for at least ninety (90) days.
13. During the abatement process, if the Public Works crew notices hazardous materials or any other biohazards (such as blood, urine, human waste, etc.), they shall contact the PWA Call Center and report their findings. They are instructed to make the area safe when possible, and leave those items behind. The PWA Call Center will contact the Oakland Fire Department or Crime Scene Cleaners to remove hazardous materials.
14. Upon abatement of the encampment, the crew will fill in the proper information to complete the work order.
15. The Supervisor will review the completed work order, ensuring the correct data is entered, and close the work order.

Standard Operating Procedure

Removal of Homeless Encampments
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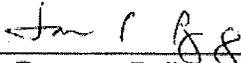
Procedure Operation Dignity

1. Operation Dignity will visit the site and attempt to contact the homeless person(s).
2. Operation Dignity will post the standard notice, in multiple visible locations at the area, to inform the person(s) (1) that it is unlawful to reside in the area, and (2) that their items will be removed after seventy-two (72) hours. See the sample notice attached hereto as Exhibit A.
3. Operation Dignity shall document the posting of the notices with photographs.
4. Operation Dignity will then notify Public Works within twenty-four (24) to forty-eight (48) hours that the area has been posted, and provide a copy of the posting to Public Works.
5. Prior to and during the cleanup, the OPD will verify that all occupants have left the encampment, or will have the remaining individuals leave.



Frank Foster – Operations Manager
Department of Facilities & Environment
Keep Oakland Clean & Beautiful Division
Contact: ffoster@oaklandnet.com
Or: [510] 434-5109

Date Issued: September 20, 2005
Date Re-Issued: October 21, 2009
Date Revised: December 13, 2010
Date Revised: February 26, 2013



Jim Ryugo – Building Services Manager
Department of Facilities & Environment
Park and Building Services Division
Contact: jryugo@oaklandnet.com
Or: [510] 615-5987

Attachments:
Exhibit A
Exhibit B
Exhibit C

NOTICE TO VACATE ILLEGAL ENCAMPMENT

DATE AND TIME OF POSTING: _____ LOCATION: _____

THE PUBLIC WORKS DEPARTMENT HAS DEEMED THIS SITE UNINHABITABLE AND ALL PERSONS ARE DIRECTED TO VACATE THIS SITE AND REMOVE ANY PERSONAL BELONGINGS.

PUBLIC WORKS DEPARTMENT WILL BE OUT TO CLEAN THIS SITE

ON: _____
DATE: _____

PUBLIC WORKS CREWS WILL ABATE ENCAMPMENT ON THE DATE SPECIFIED ABOVE, OR ON THE NEXT BUSINESS DAY. ANY PROPERTY LEFT AT THIS SITE AT THE TIME OF CLEANUP WILL BE REMOVED FROM THE SITE AND STORED BY PUBLIC WORKS. PROPERTY THAT IS UNSAFE OR HAZARDOUS TO STORE WILL BE IMMEDIATELY DISCARDED.

IF YOU HAVE ANY QUESTIONS AND/OR CONCERNS, PLEASE CALL OPERATION DIGNITY AT 510-844-0785.

SERVED BY: OPERATION DIGNITY

Guidelines for Property Identification

The Public Works Agency (PWA) will not search through piles or bags of items for valuables or personal property

Priority items to take to storage: *The following items are considered to have a good likelihood of being considered as valuable or personal property*

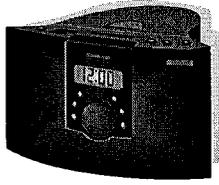
- ID/Social Security cards
- Medications*
- Photos/Photo Albums
- Tax/medical records
- Jewelry
- Eyeglasses
- Purses/backpacks/briefcases
- Suitcases
- Tents
- Phones
- Radios & Electronics
- Tools
- Stoves & Generators
- Bicycles

*All medications and controlled substances will be turned over to the OPD

Items that will not be taken to storage: *The following items are considered to be trash or are unsafe for storage*

- **Dirty or Soiled:** items that smell or are stained with urine, bodily waste, or mud
- **Perishable:** open food or personal products that will spoil or rot in storage
- **Contaminated:** items used for hygiene or other risk of biohazard (i.e. used toothbrushes, hairbrushes, washcloths and underwear)
- **Hazardous or Explosive:** items that could corrode or burn in storage (i.e. car batteries, gasoline cans, and propane tanks)
- **Broken or Disassembled:** items broken, damaged or stripped of parts (i.e. electronics stripped for copper, flat tires, torn up clothes)
- **Weapons:** weapons will be turned over to the OPD
- Food/beverage wrapper
- Tissue/paper napkins
- Open household product containers
- **Bedding/Sleeping Bag**
- Pots & Pans
- Books

NOTICE OF COLLECTED



PROPERTY



("NOCP")

Please take notice that property was collected at this location on

_____,' _____

by City of Oakland Public Works Agency. To reclaim your property, please contact the Public Works Call Center at (510) 615-5566. The property will be stored for ninety (90) days from this date

_____.