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From: Crass, David P. <dcrass@cob.org>
Sent: Friday, February 26, 2021 2:39 PM
To: Grunhurd, Scott L.
Cc: Leighton, Joseph E.
Subject: Camp Clean-Ups
Attachments: property return.docx; Camp Clean-up Procedures - 10-22-2020.pdf; clarification questions about resuming camp clean-ups.docx; Impacts of ceasing clean-up activities.docx; Memo Regarding Camp Clean-up Practices and Procedures.docx; BPD Camp Clean-up Procedures Intro Memo 9-22-20.docx

Deputy Chief Grunhurd,

This a rough break down of the camp clean-up process. Let me know if you have further questions.

Camp Clean-ups

Timeline to bring you up to speed:

We paused traditional Camp Clean-ups in March of 2020 due to COVID. After six weeks, camp sizes grew, numerous complaints were received and several environmental, operational and safety concerns were identified. Specifically, fire hazards to structures from the Fire Marshal. In mid-April, camp clean-ups were resumed with additional COVID procedures in place. Due to multiple questions, complaints and criticism, the clean-up procedures were written out to help people have a better understanding of how they were done, and the changes made due to COVID. These procedures were confused with policy and often misinterpreted by those opposed to clean-up. They classified these as "Sweeps" in line with ACLU literature and stance on clean-ups. BPD views "Sweeps" as indiscriminate with no notification given and all property removed and destroyed. BPD follows legal guidance regarding required notification and property retention and storage. The final clean-up procedure document was released on October 22nd. This resulted in several Council meetings and continued criticism.

We began experience more defiance and push back from campers and some refusal to leave the locations.

The last occupied camp clean-up conducted by BPD was done on Wednesday, October 14th.

The following week it was announced that shelter capacity at Base Camp was full. I heard talk around the City and amongst some Department Heads that continuing camp clean-ups would violate the Boise 9th Circuit Court ruling. Speaking with City legal, I was told that they felt this was an improper interpretation of the Boise ruling and did not apply to Bellingham because Boise had criminalized all camping activities at all locations within the City.

I was directed by Chief Doll to suspend occupied camp clean-up activities in the week of October 19th.

I asked Chief Doll for clarification on how we would resume clean-ups, who makes the decision to resume (Mayor, Chief, Legal, Group decision?), when would this occur (Shelter Capacity available, for how long is it needed to resume?) What happens if environmental, health, safety or operational emergencies occur, and a clean-up is needed. How will this be done, how to enforce with COVID restrictions. No answers were given at that time.

The following message was placed on the City of Bellingham homeless camp reporting pages:

Thank you for contacting the Bellingham Police Department regarding encampments in the city limits. Based on recent court rulings, legal requirements and COVID restrictions, occupied camp and vehicle clean-ups have been suspended for the time being. (posted 11/19/2020)

The Bellingham Police Department will continue to monitor camps reported online and will resume camp clean-ups when legally allowed to do so. Please continue to report camps online, using the link below, to assist in monitoring and prioritization. Thank you for your understanding during this difficult time.

I followed up with DC Simon seeking clarification in December. She advised that she was looking into it and would get back to me. She said that it was being explored at the Department Head, Mayor, City Council level. No specific clarification was given.

Unoccupied camp locations were still identified and cleaned of trash. If any occupants were present, the clean-up crew was moved to the next identified unoccupied location. No tagging or notifications were required for these areas. These unoccupied clean-ups of trash and debris only continued weekly until Wednesday, January 27th.

At that time, the City contracted clean-up crew's contract expired and no BPD clean-ups were scheduled.

On Thursday, January 28th, the City cleared and cleaned Camp 210 at City Hall. This was not a BPD clean-up activity. Public works tagged the location with notifications to vacate. Police provided security with a nearby quick reaction team. Encampment Clean-up Coordinator Vizcarra provided Public Works with the legal requirements for retaining and storing property. Vizcarra was available as a resource if needed but did not collect any property from Camp 210. The Police provided security while Public Works cleaned the area. Vizcarra met with Public Works after the clean-up and attempted to inventory the collected property. Vizcarra arranged for the property to be transported to BPD and stored on sight. Vizcarra then managed the return of property through owners and with the help of community volunteers. Approximately ¾ of the property collected has been returned to date.

BPD has not been actively tagging camp locations to avoid inflaming the situation or making it strictly a Police action. This was a deliberate action to allow City leadership and affected Departments like Parks and Public works to negotiate without Police involvement.

In the first week of February, I was directed by Chief Simon to work with Public Works to tag notifications at the new encampment at Frank Geri field. Patrol Officers were assigned to accompany Public Works as the notification signs were installed with a notice to vacate date of February 5th. No clean-up occurred.

Shortly after, Claudia Vizcarra shared an email from Parks Director Oliver to tag the parking lot of Sunset Pond with notifications. I discussed this with Chief Simon and was directed to plan for the parking lot to be tagged.

On February 10th, Sgt Leighton, two OT patrol Officers and Vizcarra posted notifications at Sunset Pond parking lot at the request of the Parks Department. This was the first time BPD had tagged an occupied camp location since October of 2020. This tagging elicited inquires and criticism from activist and media. No clean-up occurred. After tagging Sunset Pond, Chief Simon asked that the COB website messages be updated. The messages were changed to the following:

Thank you for contacting the Bellingham Police Department regarding encampments in the city limits. Based on recent court rulings, legal requirements and COVID restrictions, camp and vehicle clean-ups have been suspended for the time being. (posted 11/19/2020)

The Bellingham Police Department will continue to monitor camps reported online and will resume camp clean-ups when legally allowed to do so. Please continue to report camps online, using the link below, to assist in monitoring and prioritization. Thank you for your understanding during this difficult time.

Vizcarra has continued to monitor and observe existing camp locations throughout the City. Numerous complaints have been received since camp clean-ups were paused. Private property camp clean-ups have not been addressed since the pause.

Needs to resume clean-up activities:

Notifications:

Based on the current political climate, I feel increased security is needed for tagging notifications. Traditionally Vizcarra was accompanied by two OT Patrol Officers to tag a location. Based on the size, known occupants and on a case by case basis, I would recommend four to six Officers for tagging at this time. These Officers are hired from Patrol on OT and time is needed to plan to get enough Officers to safely tag. Two weeks lead time is preferred to plan a tagging. One week would be manageable if needed but might have to be supplemented with on duty Patrol Officers who may be called for 911 calls. The Outreach Division does not have readily available uniformed Officers to assist with clean-up activities. Notifications can be as short as 24 hours or as much as a week. These time limits were determined as a best practice through City Legal.

Clean-up:

BPD is currently in the process of selecting a new clean-up crew. It is expected that the new crew will be available sometime in April. There may be a delay depending on what type of orientation or instruction is required to get them up and running.

Until the new crew is available, any clean-ups will need to be conducted by Public Works. Vizcarra is not capable of cleaning and retaining property by herself. The crew generally collects any legally required retained property or personal belongings. Vizcarra may step in and collect items that she can obviously see. These items are impounded at BPD and Vizcarra manages their required storage and return if possible, for 60 days. The Patrol Officers often assist with the impound of retained property. Most property is retained for much longer than the required 60 days.

Enforcement:

With COVID restrictions and legal interpretations of vehicle residential status and eviction issues, it is difficult to take any enforcement action should occupants refuse to vacate a camp location. Arrangements will need to be considered to lift booking restrictions at the Whatcom County Jail or possibly book into SCORE if needed. Any force required to make an arrest will most likely be a result of a misdemeanor like trespassing or disorderly conduct. Avoiding this is challenging. Vehicles used as a residence or with a handicapped placard cannot currently be towed in the City. Sgt Scanlon is working with Legal to come up with some solutions. If protestors are involved a much larger Police presence is required to move them along. This is hard to sustain and other locations are vulnerable for occupation during these removals.

All involved City Departments need to be aware of clean-up activities and have a unified response and plan in place before hand to avoid potential challenges, criticisms and logistic problems.

I have attached several other documents related to clean-up activity which may be helpful. Let me know if you need anything else or have more questions. I realize this is a lot, but wanted to provide you the references if you need to look deeper.

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