



# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Camping on County-Owned or Other Public Property</b>	Effective Date: September 19, 2022	Policy Number: <b>5.43</b>
Accreditation Reference:	Review Date: September 19, 2025	Supercedes: May 19, 2017 Pages: 3
Attachments: • <a href="#">Trespassing Notice</a>	 L. Shane Nelson, Sheriff	

## I. PURPOSE

The purpose of this policy is to provide guidelines for deputies when dealing with the removal of homeless individuals camping on County-owned or other public property.

## II. POLICY

It is the policy of the Deschutes County Sheriff's Office to ensure the most humane treatment for removal of homeless individuals camping on County-owned or other public property.

ORS 195.500 requires local governments to develop policy for the removal of camps on public property.

## III. DEFINITIONS

*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.

*Personal Property* means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

## IV. PROCEDURES

### A. Posting of Notice

At least 72 hours before removing homeless individuals from an established camping site, Sheriff's Office deputies shall post a written notice, in English and Spanish, at all entrances to the camping site to the extent that the entrances can reasonably be identified. ORS 195.505 (3).

The written notice must state, at a minimum:

- (a) Where the unclaimed personal property will be stored
- (b) A phone number that individuals may call to find out where the property will be stored; or if a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

The 72-hour notice required shall not apply:

1. When there are grounds for a deputy to believe that illegal activities other than camping are occurring.
2. In the event of an exceptional emergency, such as possible site contaminated by hazardous materials, public health emergency or when there is immediate danger to human life or safety.
3. If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice can be posted at least 24 hours before removing homeless individuals from the camping site.
4. Camping on private property is subject to criminal trespass. Railroad property to which the general public has no access is considered private property.
5. When camping occurs on State-owned property. The information will be referred to the Oregon State Police. Applicable State of Oregon notice and retention procedures must be followed. Contact the Oregon Department of Transportation for assistance relating to the clean-up and posting of State-owned property (local telephone 541-388-6180). Reference material can be found under OAR 734-035-0010, 734-035-0020, 734-035-0030, 734-035-0040.

## **B. Notification to Social Service Agencies**

When notice is posted, Sheriff's Office deputies shall inform the local agency that delivers social services to homeless individuals as to where the notice has been posted. ORS 195.505 (4)(a)

To assess the need for social service assistance in arranging shelter and other assistance, local social service agencies may arrange for outreach workers to visit the camping site where a notice has been posted. ORS 195.505(4)(b).

If possible, social service agency officials and outreach workers may be contacted to assist with the notice and removal event.

## **C. Unclaimed Property ORS 195.505 (5)**

All unclaimed personal property shall be given to law enforcement officials, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation regardless of whether notice is required.

The property shall be stored for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

The unclaimed personal property must be stored in the same community as the camping site from which it was removed.

Any personal property that remains unclaimed for 30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code. Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.

Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials

## **D. Citations for Unlawful Camping ORS 195.505 (10)**

A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued:

1. within 200 feet of the notice described in this section and
2. within two hours before or after the notice was posted.