

## Temporary Standard Operating Procedure

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| Subject          | Temporary Policy for Homeless/Unsheltered Individuals' Personal Property   |
| Intent           | To temporarily replace the Public Works Agency's Standard Operating Procedure for the duration of the local emergency                          |
| Critical Timing  | For the duration of the local emergency declared on March 9, 2020  |
| Involved Parties | City Administrator's Office ("CAO")<br>Public Works ("OPW")<br>Emergency Homelessness Taskforce ("EHT")<br>Office of the City Attorney ("OCA") |
| Objectives       | To protect both individual rights and public health and safety   |
| Review           | Regularly for the duration of the local emergency  |

### **I. Background**

On March 23, 2020, the Oakland City Administrator issued an Emergency Order that included, among other things, the following:

"City of Oakland policies and procedures related to homeless encampments, including, but not limited to, the City's Encampment Management Policy and its Standard Operating Procedure for Removal of Homeless Encampments, are suspended for the duration of the local emergency or until such time as this order is rescinded or the City Council terminates the emergency, whichever is earliest. In the interim, the City will adhere to State and Alameda County legal guidance and/or orders, policies and procedures issued in response to the COVID-19 emergency as they relate to homeless encampments. In addition, the City Administrator is authorized to adopt interim temporary policies and/or procedures consistent with such State and Alameda County orders, policies and procedures. Such City of Oakland interim temporary policies and procedures will protect individuals' rights while ensuring that the City and other local, state, and/or federal governments can take all legal measures needed to protect public health and safety orders."

This March 23 Order suspended both the City's Encampment Management Policy ("EMP") and its Public Works Standard Operating Procedure ("SOP"). This Temporary Standard Operating Procedure ("TSOP") is the current "interim temporary procedure" the City of Oakland will use for the duration of the local emergency, unless and until it is superseded by any subsequent procedures so promulgated. The suspension of the EMP and SOP, the issuance of this TEMP, and/or the issuance of any subsequent policy or procedures, are changes made to respond to the local emergency.

### **II. Relationship to Temporary Encampment Management Policy ("TEMP")**

The TSOP is incorporated by the TEMP, and cross-incorporates the relevant portions of the TEMP.

### **III. Temporary Standard Operating Procedure for Property, Dumping, and/or Hazmat Management**

#### **A. OAK 311 Call Center Procedure**

1. OAK 311 will intake calls for service, and assign them to the Public Works (“OPW”) Supervisor. The Supervisor will follow this TSOP when the calls relate to homeless encampments.
2. When OAK 311 is uncertain about the jurisdiction of a homeless encampment site, the matter will be elevated to the OAK Supervisor 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.
3. When a homeless encampment is reported to OAK 311 and the jurisdiction is clear, a service request is generated and forwarded to the Keep Oakland Clean & Beautiful (“KOCB”) Public Works Supervisor II of the Illegal Dumping section.
4. If the encampment is on non-City property owned or controlled by another public agency (e.g., Caltrans, BART, Alameda County, AC Transit, OUSD, Railroad, RBRPD, Peralta, Port, etc.), OAK 311 will refer the complaint to the appropriate agency.

**B- Procedure KOCB Public Works Supervisor II**

*Initial procedure before intervention*

1. The KOCB Public Works Supervisor II (“Supervisor”) or their designee will visit the site to verify that the encampment is on City property or in the public right-of-way.
2. If the encampment is on private property, the Supervisor will notify OAK 311 to forward the complaint to the appropriate business, person, location, or agency.
3. If the encampment is on City of Oakland property or is in the public right of way, the Supervisor will notify the Emergency Homelessness Taskforce (“EHT”).
4. Once the EHT decides to intervene at the encampment under the TEMP, the Supervisor or their designee will create a work order and submit it to the appropriate crew for intervention.

*Procedure for intervention*

5. If the City is required to provide a 72-hour notice of the intervention under the criteria for notice set out the TEMP, OPW will not return to the encampment to conduct the intervention until after the 72-hour notice period has passed or until the next business day after that 72-hour notice.
6. If the City is not required to provide a 72-hour notice of the intervention under the criteria for notice set out the TEMP, OPW will return to the site on an emergency basis, per the emergency determined by the EHT, and as directed by the OPW Operations Manager.
7. When OPW participates in a homeless encampment intervention, whether on an emergency or a noticed basis as described in the TEMP, they will be accompanied by the Oakland Police Department (“OPD”) OPD to the extent OPD’s presence is appropriate to create a safe work zone.
8. OPW will return to the site either as described in (III)(B)(5) or (6) above to remove any debris, trash, waste, illegal dumping, and/or other material to be

disposed of in the ordinary course of KOCB's work. Hazmat will also be identified, and will be disposed of as described in (III)(B)(21) below.

9. OPW will take photographs and/or videos of the encampment site prior to the cleanup.
10. Upon completion of the intervention (see section (III)(B)(12)-(21) for additional intervention procedures), the OPW crew will fill in the proper information to complete the work order.
11. The Supervisor will review the completed work order, ensuring the correct data is entered, and close the work order.

*Procedure regarding individuals' property*

12. During the 72-hour notice period prior to a noticed intervention, neither OPW nor any other City department will prevent campers from retrieving their belongings.
13. During the 72-hour notice period, OPW anticipates that campers will make efforts to pack and, where appropriate, make plans to move or move their belongings, as OPW's practice is to begin the intervention after the 72-hour notice period has run.
14. After the 72-hour notice period, once OPW's work at an encampment intervention has begun, campers will still be able to retrieve their belongings as long as they do so in a reasonable period of time during the course of the intervention, and that in doing so, they do not interfere with OPW's safe work zone.
15. For property whose ownership cannot be clearly determined but does not seem abandoned, or whose ownership is known but the owner cannot transport it, and which is listed in Section (IV)(A) below, the City will make reasonable efforts to store such property. Those efforts include:
  - a. Storing Vital Items listed in section (IV)(A) below to the extent such items are visible to OPW upon commencing the intervention or to the extent such items are identified and provided to OPW by their owner;
  - b. Except in the event of a closure or partial closure under the TEMP, and except if the property is hazmat, leaving such property in place, visibly marked so as to notify that its owner intends to return; or
  - c. Informing campers of any other forms of storage developed under the TEMP.
16. Storage of items described in section (III)(B)(15) will only occur if such storage is safe based on current public health guidance.
17. If OPW stores any items under section (III)(B)(15), OPW will use its ordinary form(s) or methods to record a general description of the item(s) and the date of and location from which they were removed.
18. If OPW stores any items under section (III)(B)(15), OPW will store them for at least ninety (90) days, and longer if such storage is feasible based on OPW's storage capacity and/or resources.
19. If OPW stores any items under section (III)(B)(13), OPW will, before the end of the intervention, post a "Notice of Collected Property" at the site, which will contain the OPW Call Center telephone number to facilitate property retrieval.
20. OPW will, per section (III)(B)(7), immediately dispose of items 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, as well as items

determined by the Oakland Fire Department (“OFD”) to pose a severe fire risk. See section (IV) below providing, among other things, examples of items that will be immediately discarded.

21. During the intervention, if OPW finds hazardous materials or any other biohazards (such as blood, urine, human waste, etc.), OPW will notify OFD, who will notify OFD’s third party contractor for hazmat mitigation.

#### **IV. Guidelines for Property Storage**

City storage is not intended to be a substitute for private storage, and should be limited in its use to instances in which other options are not practicable. OPW will only store individuals’ or groups’ property to the extent feasible based on public health and public safety. The City will continue to make determinations as to whether a particular item or item(s) may be stored if the City has a reasonable belief that the item is contaminated with a biohazard, including, but not limited to, COVID-19.

##### *A. Vital Items OPW will make all reasonable efforts to store*

In the circumstances described above in section (III)(B)(15), OPW will attempt to store:

- Identification (e.g., passport, Social Security card, Driver’s License, library card)
- Medications (note that controlled substances must be turned over to OPD)
- Photographs, photo albums, and other items of obvious sentimental, religious, or personal value (e.g., religious icons, holy books)
- Tax records
- Medical records
- Other vital records (e.g., bank records, checkbooks)
- Unopened mail
- Electronics in reasonable shape (i.e., not leaking)
- Radios
- Tools
- A functional bicycle
- Books
- Up to the volume of a 64-gallon bag of miscellaneous items that its owner attests does not contain any items listed in section (IV)(B) below.

OPW may use its discretion to leave rather than store any item listed here if storage would harm the item’s owner(s) or harm OPW staff responsible for the storage.

##### *B. Items OPW will not store*

The following items are considered unsafe for storage at this time:

- Items that are soiled (i.e., mildewed; moldy; stained with or contaminated with urine, bodily waste, or other waste matter) (e.g., mattresses, blankets, sleeping bags, etc. that are soiled as described)
- Items that are perishable (e.g., perishable food, open personal products)

- Items that are contaminated (e.g., used for hygiene, such as toothbrushes, hairbrushes, wash cloths, underwear)
- Items that are hazardous or combustible (e.g., car batteries, gasoline cans, propane tanks, generators)
- Items that are broken or disassembled (e.g., electronics stripped for copper, flat tires, disassembled or broken furniture, disassembled or broken bikes or cars, rags)
- Weapons (all weapons will be turned over to OPD)
- Paper products
- Open household products