

Date: April 23, 2024

To: Thomas B. Modica, City Manager 

From: Teresa Chandler, Deputy City Manager 

For: Mayor and Members of the City Council

Subject: **Homeless Encampment and Public Spaces Cleanup Protocol**

On [June 13, 2023](#), City Council requested a report back on the policy options related to the unlawful uses of public space, including camping, that contribute to public health issues, nuisance, and public safety concerns. In addition to the presentation updates provided to Council during the emergency proclamation on addressing homelessness, this memorandum offers more information in response to the City Council's request.

The City of Long Beach (City) Interdepartmental Team leads the charge in addressing cleanup efforts of encampments in public spaces across the City. This interdepartmental collaborative is led by the Homeless Services Bureau (HSB) under the Department of Health and Human Services (DHHS) and the partner departments include Public Works (PW), Police (LBPD), Fire (LBFD), Parks, Recreation and Marine (PRM), Library Services (LS), City Attorney, Community Development, Disaster Preparedness (Emergency Response), City Prosecutor, and the Office of the City Manager. While understanding the urgency to address public spaces from a holistic perspective, this team also acknowledges that cleaning encampments is not a solution to end homelessness and can be a traumatic experience for unhoused individuals when the locations they are camping in are disrupted by the cleanup efforts. It is a continuous effort to search for solutions that will treat individuals at the locations with dignity while simultaneously ensuring that public spaces can be utilized by the entire community.

The Long Beach Process

When the Interdepartmental Team designed the protocol for engagement several years ago (see attachment A for the most recently updated protocol), the critical first step has always been to start with outreach and engagement. Building relationships strengthens trust and helps Outreach Workers successfully connect people to services. First, they check to see if basic needs are being met (food, water, and immediate medical care) and then they offer emergency shelter and connection to case management in hopes of longer-term housing solutions. If an individual is in violation of the City's Anti-Camping Ordinance (Long Beach Municipal Code [LBMC] Section 9.42.110) after multiple attempts of outreach and refusal of an available shelter bed, the City is able to issue a misdemeanor citation.

Cleanups

The Clean Team is required to post a Notice of Cleanup on public property, including in a public right-of-way, 48 hours prior to the cleanup start time. The purpose of these City cleanups is to pick up trash and debris from public properties and are done throughout Long Beach, even if encampments may not be present. Individuals are provided with this notice in order to collect their personal belongings should they be left at the public property prior to the cleanup start time.

Though public properties are posted for cleanups 48 hours prior, outreach and engagement start several days or even weeks prior to the cleanup to ensure that people are given options to relocate into shelter. If the person is taken into custody for a violation of a City Ordinance at the time of the clean-up or otherwise, and they have personal property with them, their personal property is collected and can be claimed for up to 90 days thereafter.

Case Law

If a person is sleeping on a public right-of-way and refuses to take an available shelter bed in the City when offered, a citation for violating the City's Anti-Camping Ordinance (LBMC Section 9.42.110) may be issued. In *Martin v. City of Boise* (9th Cir. 2019) 920 F.3d 584, the Ninth Circuit Court of Appeals issued a unanimous decision finding the City of Boise's prohibition against sleeping in public violated the Eighth Amendment's prohibition on cruel and unusual punishment when an individual has no access to alternative shelter. In simpler terms, unless the City is able to provide an indoor shelter bed to an individual that is sleeping in the public right-of-way, the City cannot criminalize that individual for sleeping outdoors on public property. After this decision was made, cities cannot enforce anti-camping ordinances that criminalize sleeping on public property unless the city has alternative shelter space available. The Interdepartmental Team has taken this ruling very seriously and has been working to establish additional bed options that can be offered in place of citations or other means of enforcement.

Enforcement of Municipal Code

During the six-month update to City Council on the City's homelessness emergency proclamation efforts on September 12, 2023, Council asked about enforcement of people sleeping in their cars or in public spaces. In the past, the City Attorney provided the opinion to cease enforcement of LBMC Section 10.18.040 (sleeping in vehicle) based on a federal court case ruling out of the City Los Angeles (*Desertrain v. City of Los Angeles*, 9th Circuit 2014). The court case held that the City of Los Angeles' law regarding sleeping in a vehicle was vague and lacked detail. The City's sleeping in a vehicle municipal code (10.18.040 LBMC) has not been updated.

LBPD enforces LBMC Section 10.24.078 (Oversized Vehicles – Residential Area) when appropriate. However, there have been challenges with the City's tow operations not being able to store oversized vehicles at the City tow yard. LBPD typically provide advance notice to the City tow yard before doing a cleanup involving RVs. Furthermore, camping municipal codes (LBMC Sections 16.16.010 (E) and 9.42.110 (A)) can still be enforced on vehicles; however, police officers still must meet the standards set by *Martin v. Boise* (9th Circuit, 2018) to be able to cite or arrest contingent on available shelter space. LBPD still cites for camping laws when appropriate. The addition of shelter beds will allow LBPD to enforce these municipal code violations. The 4th Amendment search and seizure clause prohibits police officers from entering a subject's tent because it is considered their domicile, and a search warrant would have to be obtained to enter the "dwelling", unless exigent circumstances were present.

Generally, the team enforces encampments blocking right of ways when the obstruction causes a hinderance to the ingress and egress of emergency services, pedestrian right of ways such as sidewalks, and vehicular right of ways including roadways and alleys. LBMC Section 9.30.050 (Obstructing Public Passage) covers sidewalks, bike paths, or other public places, and

entrances/exits to businesses. A sidewalk is considered "blocked" if less than 36 inches in which to maneuver a wheelchair. The subject knows or should have known that their actions would prevent/delay/otherwise impede the free passage by another.

Interdepartmental Team

As previously mentioned, the Homeless Services Bureau leads interdepartmental efforts regarding the City's Homelessness response. Soon, a newly created division within the City Manager's Office will take the role of coordinating leadership and policy decisionmaking, while the HSB will continue to lead coordination on the ground.

The Interdepartmental Team's approach is to lead with services and then restore the encampment space to its intended use. In April 2018, the Interdepartmental team created the City of Long Beach Encampment Protocols (Attachment A) that have been the guide to engagement, cleanups, and citations. The encampment protocols were last updated in April 2023 to include the Outreach Hotline, the HSB email, and storage guidance from the City Attorney's Office.

In addition to routine public right-of-way and other public property cleanups, there are a few events that can prompt a cleanup engagement. The first and most common is a request for public property to be cleaned when it is having an impact on the surrounding community. These requests can come through various communication channels, but they will usually end up with non-emergency dispatch or HSB outreach dispatch. Once the outreach team visits the location they will assess and, if needed, they will contact the appropriate department (Clean Team with PW or PRM) to place a 48-hour Notice of Cleanup to notify individuals that the area will be cleared of all trash and debris, and to retrieve their personal belongings prior to the cleanup time. After the 48-hours pass at the posted cleanup time, the location can be cleared of trash and debris. Any personal belongings left behind, such as passports and identification cards, will be held for 90 days prior to disposal. If necessary, LBPD will join the cleanup if there is an identified safety concern.

The Interdepartmental Team's field-based or frontline staff meet weekly to discuss hotspots, coordinate outreach, and request support from other departments. Once a request is made, the Street Teams coordinate within that weekly call to engage individuals at the site, post the location if necessary, and request additional support from other departments.

Some locations have historically been known as a "hotspot" or locations that have been impacted by encampments. These locations are usually included in the Public Spaces workgroup, a workgroup formed under the Emergency Proclamation efforts. The Public Spaces Workgroup is a joint effort between PRM, Clean Team, LBPD, LS, FD Marine Bureau, and HSB. The locations that are discussed are outreached to, posted, and cleaned multiple times per week (two to three times). The workgroup pulls in more resources, if needed, such as more staff, after-hour visits, and non-congregate shelter options to address issues at the locations. Since these locations are scheduled, and there are quite a few, interdepartmental coordination is happening almost daily.

Interjurisdictional

One of the other ways that cleanups are conducted is through the Interjurisdictional Collaborative (IJC). The IJC is a collaborative meant to problem solve any hotspot location within the City where the City may not have jurisdiction. This collaborative meets once every other month to coordinate outreach on the riverbeds, freeway offramps, Union Pacific Railroad, and Southern California Edison Properties. Agencies include the County of Los Angeles Public Works, Supervisor Janice Hahn's Office, Assemblymember Josh Lowenthal's Office, Senator Lena Gonzalez's Office, LA County CEO Homeless Initiative, Caltrans, Union Pacific Railroad, Southern California Edison, Long Beach Transit, LA County Sheriff, Seal Beach PD, Signal Hill PD, Long Beach Health Dept., Long Beach PD, Long Beach FD, and Long Beach Public Works. Each of the agencies and locations mentioned have different cleanup protocols that were not written by the City, so it takes a coordinated effort to align efforts across these jurisdictions.

Long Beach Police Department

The Long Beach Police Department enforces all laws as appropriate and when feasible. Factors that are often evaluated during enforcement consideration include after-hours services and bed availability, additional city resources, situational workload, operational staffing, and severity of issue to ensure police response remains proportional to the situation.

City shelter beds are operating near or at capacity and there is a waitlist of people waiting for a bed. People on the waitlist have been identified by the Police Department Quality of Life teams as well as Homeless Services outreach teams. During day-time work hours, the Multi-Service Center coordinates this access and coordinates access to shelter beds as well as motel vouchers. In addition, two motel rooms are held each night LBPD interaction with a person or persons who are interested in shelter. There is a support line specific to the 702 Anaheim location that allows officers to ask for bed space during the after-hours shifts. The team realizes there is a need for more beds to be available during the evening hours and as such the team is in the process of identifying and additional 6-10 that can be available on any given night.

Shelters operated by non-profit organizations generally have a specific population they are serving (e.g., Veterans, victims of domestic violence, college students) and have different entry requirements. These non-profit shelters are not part of the coordinated entry system, so real-time data on capacity is not available. The Long Beach Rescue Mission does take direct referrals and coordinates with the MSC and LBPD for bed access. After hours, LBPD makes contact directly with a non-contracted shelter to determine if beds are available.

Public Works (Clean Team)

Public Works enlists the support of outside contractors such as Conservation Corps of Long Beach, Care Closet, and Friend of Los Cerritos Wetlands to assist in addressing cleanups in areas where people experiencing homelessness reside citywide. The Clean Team also coordinates on a regular basis with the Interdepartmental Team both proactively and in response to the calls coming in, to address areas across the City in these cleanup efforts.

Homeless Encampment and Public Spaces Cleanup Protocol

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City Prosecutor's Office

The City Prosecutor's Office works closely with law enforcement agencies, service providers, and the Health Department to offer diversion on low-level, nonviolent misdemeanors with a focus on quality-of-life related offenses. For example, pre-arrest diversion is offered through the Law Enforcement Assisted Diversion (LEAD) program connecting persons experiencing homelessness to housing, substance use treatment, and mental health services. The Priority Access Diversion (PAD) program and the Rapid Diversion Program (RDP) were created to divert PEH in court into services. The 3P Neighborhood Prosecutor includes prosecutor resources to assist with problem areas within each Patrol Division, including encampments and areas with a concentration of PEH. In 2023, the City Prosecutor's Office completed the GUIDES App to assist LBPD Officers to access services and make referrals in the field, followed by social workers. Finally, people can also be connected to housing and substance use and mental health services in the courthouse or at the Multi-Service Center through the Homeless Court program (see Attachment B for description of the diversion efforts).

Long Beach Fire Department

The LBFD responds to emergent needs during encampment cleanup efforts that are deemed hazardous to life and the environment. Such hazards include dismantling structures, exposed/tampered gas lines, confined spaces, identifying potential hazards and fire dangers, and water intrusion. The LBFD also provides ongoing support to persons along the riverbeds by notifying and encouraging them to relocate to higher ground during significant weather events.

To report an area in need of attention (outreach, engagement, and/or cleanup), please email HomelessServices@longbeach.gov, and this will be dispatched directly to the Interdepartmental team.

For more information, please contact Teresa Chandler, Deputy City Manager, at Teresa.chandler@longbeach.gov or (562) 570-5116.

ATTACHMENTS – A: CITY OF LONG BEACH ENCAMPMENT PROTOCOL
B: DESCRIPTION OF THE DIVERSION EFFORTS/SERVICES

CC: DAWN MCINTOSH, CITY ATTORNEY
DOUGLAS P. HAUBERT, CITY PROSECUTOR
LAURA L. DOUD, CITY AUDITOR
APRIL WALKER, ASSISTANT CITY MANAGER
TERESA CHANDLER, DEPUTY CITY MANAGER
MEREDITH REYNOLDS, DEPUTY CITY MANAGER
GRACE YOON, DEPUTY CITY MANAGER
TYLER BONANNO-CURLEY, DEPUTY CITY MANAGER
KEVIN LEE, CHIEF PUBLIC AFFAIRS OFFICER
MONIQUE DE LA GARZA, CITY CLERK (REF #: [23-0640](#))
DEPARTMENT HEADS



City of Long Beach Homeless Encampment Protocol

Purpose

The purpose of the Homeless Encampment Protocol serves as a guideline for City Departments and corresponding land jurisdictions to identify, respond to, and remove homeless encampments within the City of Long Beach. The procedures set forth in this document are intended to facilitate the removal of encampments while supporting the relocation of the encampment inhabitants into alternative housing options and services. Encampments are defined as a group of tents or temporary shelters in one place.

Procedure

1. Any City Department that encounters a new encampment or responds to a call for service will assess for any safety concerns upon arrival. Safety concerns will be addressed by appropriate City Department before any other action is taken. If possible, staff will document the site with photographs or notes. Identified immediate health or safety concerns to encampment inhabitants, the community, or City staff can be removed immediately and does not have to abide by the 48-hour posting protocol.
2. Notification of an encampment site will be reported to the Interdepartmental Work Group by calling the Street Outreach hotline at (562) 570-4MSC or HomelessServices@LongBeach.gov. An Outreach team will be dispatched to the location to assess, and if appropriate, engage with individuals at the location. Outreach will provide resources and information for individuals that volunteer to engage.
3. The Interdepartmental Street Team will assess if any further action is necessary at the site by other City Departments and will inform the Outreach Coordinator for any further action.
4. The City Department having jurisdiction over the encampment site will arrange to have the encampment posted for cleanup. The posting will provide encampment inhabitants a minimum of 48 hours to gather belongings and vacate the premises. The posting will include the date of the posting, the date of the cleanup and where personal belongings can be retrieved upon cleanup.
5. On the date of the scheduled cleanup, items left at the encampment may be removed. Staff (Parks and Recreation or Public Works) will document with photographs or notes if possible. The City Department that is overseeing the cleanup will document the actions they have taken, as well as note date, time, and location of the encampment cleanup.
6. If personal belongings are collected that are not a sanitary hazard and/or a safety concern, they will be inventoried and stored by the appropriate City Department (e.g., Public Works or Parks and Recreation) for a minimum of ninety (90) days prior to disposal.
7. Personal belongings that are held will be marked by time, date, and location of pickup by the corresponding City Department. Individuals may claim their property if they can identify belongings and follow the established City Department's retrieval process.
8. Individuals engaging in illegal activity may be arrested, cited or advised at the Police Officer's discretion.
9. Private property owners are responsible for cleanup activities and the removal of any safety concerns resulting from the encampment site. Any structural repairs, sanitary and hazardous cleanups will be the responsibility of the private owner. Encampments on private property will be referred to code enforcement for resolution.
10. City departments that are assigned to cleanup encampment sites should take appropriate safety precautions.



Doug Haubert, City Prosecutor

Community Service Worker (CSW)



Community Service Worker (CSW) program began as an alternative to court-ordered CalTrans hours. CSW participants select a site in Long Beach to complete their hours, e.g., tree plantings, beach cleanups, wetlands preservation, graffiti removal, park maintenance, community gardens, etc.

- “Best Program in America” by Neighborhoods, USA in 2016 (vimeo.com/168856652)
- 450+ volunteer opportunities, 20,000+ hours per year
<https://cityprosecutordoughaubert.com/community-service-program/>

Priority Access Diversion (PAD)



PAD is an alternative sentencing option for high-frequency offenders with substance use and mental health disorders. Clinicians from the Dept. of Mental Health and local nonprofits complete assessments in court and connect participants to residential treatment programs.

- Pilot: 83% still in residential services 60 days later
- MSW in City Prosecutor’s Office assists with connection to service

<https://cityprosecutordoughaubert.com/pad-program/>

Promising Adults, Tomorrow’s Hope (PATH)

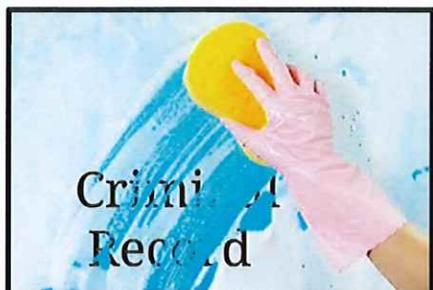


PATH is a pre-filing, education and employment-based court diversion program for 16–24-year-olds. Services provided by Pacific Gateway (PGWIN) with funding from US Department of Labor. PATH can also be an alternative sentence in court.

- 93% of cases are pre-filing diversion.
- 600+ have received education/job skills assistance since January 2016
- Based on developing brain science research

<https://cityprosecutordoughaubert.com/the-path-program>

Homeless Court/Restoration Initiative for Safety & Employment (RISE)



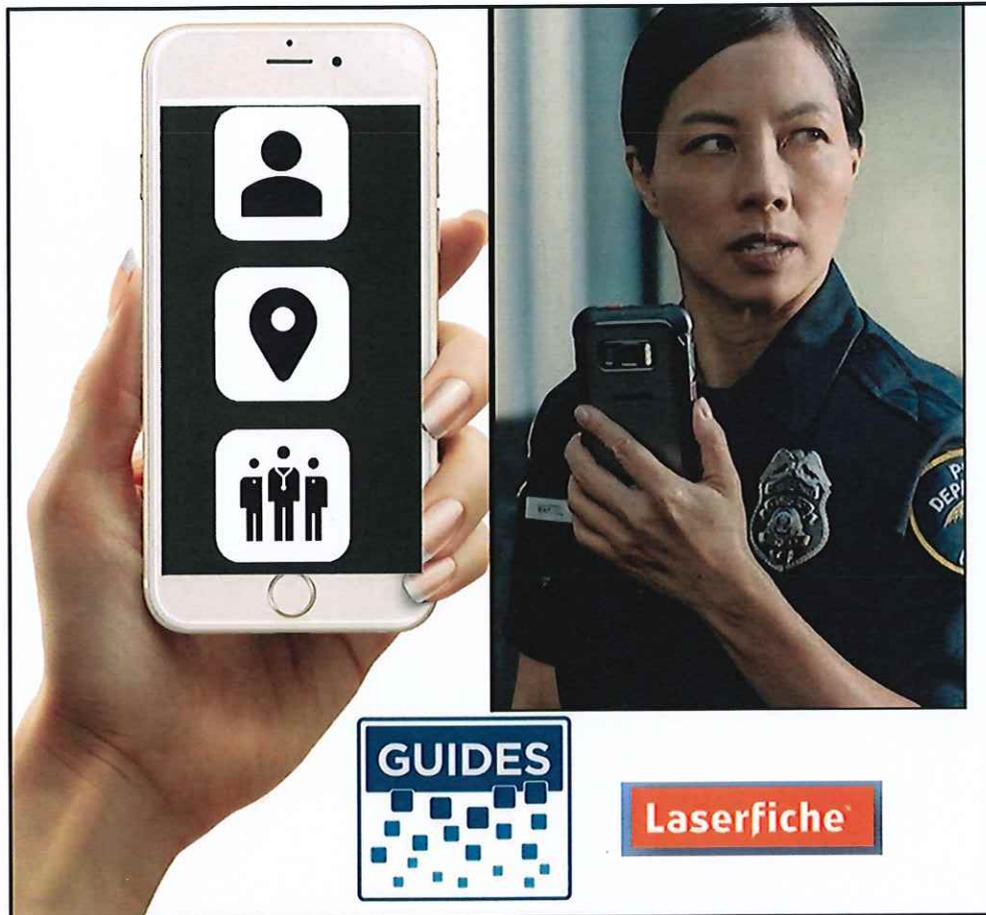
► RISE funding by LB City Council to assist with record clearing. Partners include NAACP, Ministers Alliance, LBCA, Long Beach Bar Association, LA County Public Defenders Office, LA County District Attorney, Centro CHA, Goodwill Industries, 100 Black Men of Long Beach

► HOMELESS COURT started in 2021, with funding by County Supervisor Janice Hahn. Additional information:
<https://cityprosecutordoughaubert.com/homeless-court/>

PRESS-TELEGRAM

Long Beach has a new app to help LBPD connect folks with housing, social services

July 24, 2023



3P Neighborhood Prosecution Strategy

Partnerships * Problem-Solving * Protection

Visit: <https://cityprosecutordoughaubert.com/3p-neighborhood-program/>



Long Beach Homeless Court

A partnership between the County of Los Angeles, Long Beach Health Dept., Long Beach City Prosecutor's Office, Public Defender's Office and Alternate Public Defender's Office to remove legal barriers to housing and employment.



261  **288**
MISDEMEANORS INFRACTIONS
DISMISSED

130
INDIVIDUALS CONNECTED TO RECORD CLEARING SERVICES

215
WARRANTS CLEARED



939 PARKING TICKETS CLEARED

Thank you to the Homeless Court service providers and partners for supporting our participants!

Alma Family Services
Ascent
Help Me Help You
Illumination Foundation
LA Centers for Drug & Alcohol Abuse
LA County Probation Department

LBPD Quality of Life Team
Long Beach Rescue Mission
Multi-Service Center
Pacific Gateway
Salvation Army
Volunteers of America

Doug Haubert
City Prosecutor

LONG BEACH

LEAD

LAW ENFORCEMENT ASSISTED DIVERSION



WHAT IS LEAD?

LEAD IS A PRE-ARREST DIVERSION PROGRAM WHERE LAW ENFORCEMENT OFFICERS PARTNER WITH PROSECUTORS & SERVICE PROVIDERS TO DIVERT PEOPLE OUT OF THE CRIMINAL JUSTICE SYSTEM AND INTO CASE MANAGEMENT AND OTHER SUPPORTIVE SERVICES.

LAPD OFFICERS REFER CLIENTS USING THE GUIDES APP



SOCIAL WORKER REVIEWS & SENDS TO A SERVICE PROVIDER

SERVICE PROVIDER CONTACTS CLIENT TO OFFER RESOURCES