

## Homeless Working Group (HWG)

### 1101.1 PURPOSE AND SCOPE

- (a) The City of Oakley receives regular complaints regarding negative impacts on the public health, safety, and general welfare associated with illegally erected temporary shelters, illegal encampments, and unauthorized storage of personal items on public or private properties not designed for human habitation. The detrimental impacts from such illegal activity include habitation without adequate water and sanitary facilities, presence of trash and debris, criminal activities including drug use, prostitution, fires, and insufficient resources to prevent or contain said fires and other conditions inconsistent with the intended use and enjoyment of the properties where they are located. Such impacts adversely affect the inhabitants of the unauthorized encampments and temporary shelters perhaps more than any other groups or residents. In responding to complaints and concerns regarding illegal temporary shelters or unauthorized encampments, the City of Oakley intends at all times to protect the health, safety and general welfare of the public, in a manner that complies with applicable local, state, and federal laws.
- (b) These procedures address clean-up of temporary shelters, encampments, personal property, and trash and debris illegally placed on public property. Nothing in these procedures establishes an individual right to erect temporary shelters or otherwise encroach on public or private property in any manner for any duration of time. The intent in adopting and implementing the procedures is to balance the needs and rights of all the residents in the City of Oakley, including those residing in temporary shelters.

### 1101.2 POLICY

- (a) It is the policy of the Oakley Police Department to work cooperatively with all of the City Departments, County Resources, and Community-Based groups to address the impacts that unlawful campsites have on the community. By creating a Homeless Working Group (HWG) the intent is to create a collaborative and an organized response to homeless issues within the community. The Oakley Police Department will be the coordinating department within the City organization for the Homeless Working Group (HWG). The HWG is an internal city project team and is not intended to assume any of the support services roles of County Health Services.

### 1101.3 REFERENCES

- (a) ***Homeless Encampments***, US DOJ, Office of Community Oriented Policing Services, JAN 09.
- (b) ***The Police Response to Homelessness***, Police Executive Research Forum (PERF), JUN 18.
- (c) ***More Shelter Beds Needed for the Homeless in Contra Costa County***, CCC Grand Jury, JUN 17.
- (d) ***Contra Costa County Homeless Encampment Action Protocol***, CC Health Housing and Homeless, MAR 18.

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#### **1101.4 HOMELESS WORKING GROUP (HWG) MEMBERSHIP**

- (a) The following departments and individuals will be members of the City of Oakley's Homeless Working Group (HWG):
  1. Assigned Police Department Manager.
  2. Police Department Problem Oriented Policing (POP) Officer.
  3. Member of the Code Enforcement Division.
  4. Member of the Planning Division.
  5. Member of the Public Works Department.
  6. Member of the Parks Maintenance Division.
  7. Member of the Recreation Division.
  8. Member of the East Contra Costa County Fire Protection District.
- (b) Members of the HWG will coordinate their activities with representative from the Cities of Antioch, Brentwood, and the County.

#### **1101.5 HOMELESS WORKING GROUP TRAINING**

- (a) Because of the risks associated with illegal temporary shelters and encampments, the following training courses are recommended for members of the HWG:
  1. **Homeless Encampment Removal Safety Webinar.**
  2. **Safely Interacting with the Homeless Webinar.**
  3. **POST DVD: Homelessness and Policing: A Collaborative Approach.**
- (b) The Administrative Sergeant for the Police Department will maintain copies of all of these programs for review by HWG members.

#### **1101.6 APPLICABLE STATUTES / ORDINANCES RELATED TO HWG ACTIVITIES**

##### **1101.6.1 OAKLEY MUNICIPAL CODE SECTION 4.37 - CAMPING**

- (a) **4.37.106 Camping.** No person shall set up tents, huts or other temporary shelter on public or private property for the purpose of camping unless authorized under Section 4.37.110.
- (b) **4.37.108 Personal Property Related to Camping .** No person shall place, leave or store personal property including, but not limited to, collapsible shelters, cots, beds, sleeping bags, bed rolls, hammocks, barbeques, portable stoves or other cooking equipment, clothing or personal hygiene items on public property.
- (c) **4.37.112 Use of City Utilities on Public Property.** No person shall access City utilities such as electricity or other power on public property without express permission from the City Manager or his or her designee.

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#### 1101.6.2 OAKLEY MUNICIPAL CODE SECTION 4.29 - NEIGHBORHOOD PRESERVATION

- (a) **4.29.402 Landscaping Requirements.** It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:
1. Overgrown, diseased, dead or decayed trees, shrubbery, weeds, lawns or other vegetation that:
    - (a) Constitutes a fire hazard or other condition that is dangerous to the public peace, health, safety, welfare; or
    - (b) Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances; or
    - (c) Is overgrown onto a public right-of-way at least six inches.
  2. Any trees, shrubbery, or other vegetation that overhang onto streets and sidewalks and are not trimmed or maintained in accordance with the following standards:
    - (a) At least twelve (12) feet above the street and gutter along streets which are not used for bus routes.
    - (b) At least eight feet above the entire sidewalk.
    - (c) At least sixteen (16) feet above the street and gutter along streets which are used for bus routes.
  3. Any trees, shrubbery or other vegetation that is completely dead, over eight inches in height and covers more than fifty percent (50%) of the front or side yard visible from any public street.
  4. A violation of any landscaping requirement under an applicable development permit.
  5. The improved surface of the property exceeds fifty percent (50%) of the required front yard area setback (including the driveway), except when the property is developed in a manner consistent with Section 9.1.1122(f), or enhancements to required front yards include improved surfaces consisting of drought tolerant and decorative hardscape that is designed and located in a manner where it may not be accessed by vehicles, or used as parking for vehicles, subject to review and approval of the Code Enforcement Manager.
  6. A property on which the unimproved surfaces are not maintained in good condition or repair, including without limitation any property which contains excessive weeds, rubbish or debris. Landscaping shall be installed and maintained in any unimproved portion of the front and side yards that is visible from any public right-of-way. If only Decorative Landscaping is used to meet the requirements of this section, "Weed Block" shall also be used.
- (b) **4.29.404 Storage of Household Items, Construction Items and Rubbish.** It is hereby declared a public nuisance for any person owning, leasing, occupying or having

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charge or possession of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:

1. The accumulation of garbage, refuse, or rubbish
    - (a) In any area which is visible from a public street for a period of more than seven (7) consecutive days; or
    - (b) In such a manner as to threaten the public health, safety or welfare; or
    - (c) In such a manner so as to create a significant blight upon the surrounding neighborhood.
  2. The accumulation of construction materials, including wood, dirt, rubbish or other debris in any area which is visible from a public street for more than thirty (30) consecutive days, where there is no valid current building or demolition permit on the property.
  3. The keeping or storage of garbage, refuse or recycling containers, carts, trashcans or shopping carts in a location that is visible from a public street for more than twenty-four (24) hours following the scheduled pickup date. For lots that do not have side yard access, such containers shall be screened from public view and placed behind the front yard setback.
  4. The placement of storage containers, shipping containers, cargo containers, box cars, moving containers, within the front yard setback up to two (2) times per calendar year, for no more than thirty (30) consecutive days on each occasion. Where there is a valid current building or demolition permit on the property, the Chief Building Official may allow an extension of these timeframes as part of the building permit process.
- (c) **4.29.406 Exterior Property Conditions.** It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:
1. An attractive nuisance in any area which is unsecured, accessible to the public or substantially screened from view from a public street. For purposes of this section, an area is deemed to be "substantially screened" if it is completely enclosed by a "Closed Fence" as defined in Section 9.1.202(b)36.a. or an "Open Fence" as defined in Section 9.1.202(b)36.b. of the Municipal Code.
  2. Any wall or fence in a condition where it is missing a fence board, or any portion thereof, or is kept in any other poorly maintained condition. For purposes of this section, a poorly maintained condition shall include any fence that is sagging, leaning, fallen, decayed or is otherwise structurally unsound or unsafe and which is visible from any public right-of-way for a period of more than (30) consecutive days.
  3. Any hazardous condition including without limitation:
    - (a) Any condition or object, including landscaping, motor vehicles, fencing or signs that obscures the visibility of traffic, pedestrians, or street intersections in a manner that constitutes a hazard.

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- (b) Any swimming pool, pond or other body of water that is abandoned, unattended, unfiltered, or not otherwise maintained, so that the water has become or is becoming a Polluted Water.
- (d) **4.29.408 Prohibited Activities.** It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to engage in or allow others to engage in any one or more of the following activities on such property:
1. Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting or servicing, in the front yard setback, any motor vehicle, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property. Nothing in this section shall prohibit the routine maintenance of personal property that is owned, leased or rented by the owner, lessee, or occupant of the property so long as (1) any routine maintenance performed shall be completed within a seventy-two (72) consecutive hour period, (2) the activity does not result in a violation of Section 4.1.102, et seq., of this Code (3) the property is cleaned of all debris, oil, grease, gasoline, cloths, rags, equipment or other materials used in the work and (4) the property is left in a condition so as not to create a hazard to persons or property. For purposes of this section, routine maintenance means and includes changing oil and tires, replacement of water pump, alternator, brakes, shocks, oil and air filters, and spark plugs, and similar work but not major auto repairs.
  2. The parking of any motor vehicle, trailer, camper or boats on any unimproved surface, unless it is located behind the front yard or side yard setback and screened by a minimum six-foot-tall solid fence.
  3. The parking of any disabled vehicle, boat, camper or trailer, or any that appear inoperable, within the front yard or side yard setback from a period of more than seventy-two (72) hours. Any of the following characteristics shall apply to this subsection: flat tire or tires; litter or vegetation under the vehicle; significant body damage; lack of a motor, doors or other body parts; broken window or windows.
  4. Welding or burning operations at any time in any front or street side yard setback.
  5. The use of any motor vehicle for living or sleeping quarters in any place in the City, except in a location lawfully operated as a mobile home park or travel trailer park, subject to the following:
    - (a) Nothing contained in this section shall be deemed to prohibit bona fide guests of a City resident from occupying a recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seven (7) days, as long as it is parked on an improved surface.
    - (b) Any recreational vehicle so used shall not discharge any waste or sewage into the sewer system except through the residential discharge connection of the residential premises on which the recreational vehicle is parked.
- (e) **4.29.410 Building Maintenance Requirements.** It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession

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of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:

1. Any unsecured building or structure. For purposes of this section, an unsecured building or structure shall mean:
  - (a) Any building or structure which is inhabited, occupied or used without the consent of the owner or the agent of the owner; or
  - (b) Any building or structure to which unauthorized persons can readily gain entry without the consent of the owner or the agent of the owner; or
  - (c) Any vacant building or structure which contains broken, missing or unsecured windows, doors or other openings for more than seventy-two (72) consecutive hours; or
  - (d) Any occupied building or structure which contains broken, missing or unsecured windows, doors or other openings within public view for more than fourteen (14) consecutive days.
2. Any building or structure which is kept or maintained in a state of disrepair. For purposes of this section, a building or structure "in a state of disrepair" means:
  - (a) Exterior walls or roof covering have become deteriorated, do not provide adequate weather protection, or which evidence the presence of termite infestation or dry rot; or
  - (b) Broken, missing or unsecured windows, doors or other openings in the building or structure that create a hazardous condition, a potential attraction to trespassers or result in an unsecured building or structure as defined in Section 4.29.310(a); or
  - (c) Boarded up windows, doors or other openings in an occupied building or structure for more than thirty (30) consecutive days, unless the Chief Building Official has granted an extension of time in which to make repairs or otherwise abate the condition; or
  - (d) The maintenance of any building or structure in a state of substantial deterioration, including without limitation the substantial peeling of paint on an exterior façade; exterior walls or roofs that do not provide adequate weather protection; or exterior walls or roofs which show evidence of the presence of termite infestation or dry rot, or
  - (e) Any building or structure which, by reason of obsolescence, has inadequate electrical wiring, gas connections, heating apparatus, or other deficiencies that cause a fire hazard and is so situated as to endanger life or other buildings or property in the vicinity or provide a ready fuel supply to augment the spread and intensity of fire arising from any cause; or
  - (f) Any building or structure in which the stress of any material member, or portion thereof, of a structure, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the California Building Code; or

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- (g) Any building or structure, or any portion thereof, which has been damaged by earthquake, wind, flood or by any other cause, or has become so dilapidated or deteriorated such that the structural strength or stability thereof is appreciably less than it was before such damage was incurred and is less than the minimum requirements of this Code for a new building or similar structure; or
  - (h) Any building or structure, or any portion thereof, which has been damaged by earthquake, wind, flood or by any other cause, or has become so dilapidated or deteriorated, as to become an attractive nuisance to children who might enter the same or remain therein to their danger or hazard, or as to afford a harborage for vagrants, criminals, or immoral persons, or as to enable persons to resort thereto for the purpose of committing any nuisance or any unlawful or immoral act; or
  - (i) Any building or structure, or any portion thereof, that is, in the opinion of the Chief Building Official, likely to fail, become detached or dislodged, or collapse; or
  - (j) Any building or structure which is used or intended to be used for dwelling purposes which does not have light, air, and sanitation facilities adequate to protect the health, safety or general welfare of persons living within said building or structure.
3. Any partially constructed, reconstructed or demolished building or structure upon which work has been abandoned. Work is deemed abandoned when there is no valid current building or demolition permit for the work or when there has not been any substantial work on the building or structure for a period of six (6) months or more.
- (f) **4.29.414 General Nuisances Prohibited.** It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:
- 1. Any condition that is detrimental to the public peace, health, safety or general welfare or that constitutes a public nuisance as defined by law or equity, including but not limited to California Civil Code Section 3480, California Penal Code sections 11225 through 11235, and California Health and Safety Code section 11570;
  - 2. Any condition in violation of the California Building Code, National Electrical Code, California Mechanical Code, Uniform Housing Code, California Health and Safety Code Section 19720.3, California Plumbing Code, Uniform Code for Abatement for Dangerous Buildings, California Fire Code, Uniform Security Code, Title 24 of the California Code of Regulations, or the State Building Standards Code, as adopted by reference in this Code, subject to any amendments, additions or deletions made thereto;
  - 3. Any condition in violation of any section or subsection of the Oakley Municipal Code or City rule or regulation or permit issued by the City;

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4. Any condition of deterioration or disrepair that creates a substantial adverse impact on neighboring properties;
5. Any property maintained, permitted, or allowed to remain in such a condition so as to be defective, unsightly, or in a state of deterioration, disrepair or neglect whereby the condition causes, or may cause, a health, safety or fire hazard, or diminution of surrounding property values, or a blight upon the aesthetic quality or appearance of the neighborhood, or an attractive nuisance as defined herein.

#### 1101.6.3 CALIFORNIA PENAL CODE

- (a) **California Penal Code Section 647(e).** Except as provided in subdivision (i), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor.
  1. (e) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.
- (b) **California Penal Code Section 602.** Except as provided in subdivisions (u), (v), and (x), and Section 602.8, every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:
  1. (a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another.
  2. (i) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property.
  3. (j) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering the lands, without first having obtained written permission from the owner of the lands or the owner's agent, or the person in lawful possession.
  4. (k) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner's agent, or the person in lawful possession.
  5. (m) Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession.

#### 1101.7 PROCEDURES FOR THE IDENTIFICATION AND REMOVAL OF ENCAMPMENTS

##### 1101.7.1 TEMPORARY SHELTER / ENCAMPMENT NOTIFICATION

- (a) Whenever a City Employee locates, or is notified of the location of, a temporary shelter / encampment:



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1. The employee will obtain the best address or identification of the location of the encampment (i.e. behind the store at 3100 Main Street, below the Vintage Parkway Overcrossing, etc.).
2. The employee will forward that information to the OPD Tipline (OPD@ci.oakley.ca.us). Employees are asked to provide as much detail about the encampment as they can in the email.
3. An OPD Officer will visit the site and determine if a camp does in fact exist.
4. If a camp is located, the OPD Officer will notify the POP Officer and the Police Department Chain of Command of the location and size of the encampment.
5. A determination of the property ownership will be made to identify if the property is city property, private property, or the property of another governmental body.
6. The members of the HWG will be notified of the location, size, and property ownership of the encampment.
7. The POP Officer will notify the property owner of the existence of the camp and determine what action will be taken to remove the encampment. The POP Officer will involve the Code Enforcement Unit in this process if needed.
8. If the camp is to be cleared out, the POP Officer will notify the members of the HWG of the process that will be used and coordinate when the 72-hour notice is to be posted.
9. The OPD POP Officer will contact the County CORE Team ([CORE@hsd.cccounty.us](mailto:CORE@hsd.cccounty.us) or 925-608-6700) to ensure they perform a site visit to the camp site prior to the posting of the 72-hour notice. The CORE team will notify the OPD POP Officer once they have visited the site(s).
10. The OPD POP Officer will post the 72-hour notice along with the appropriate resource listing for those who need additional services.

#### 1101.7.2 CLEANING UP ENCAMPMENTS ON CITY-OWNED PROPERTY

- (a) Except as provided below, when the City of Oakley intends to clean up temporary shelters and encampments on City-owned property, the City's Police Department or Code Enforcement Unit will provide written notice no less than seventy-two (72) hours in advance of the intended clean-up in a form substantially similar to the Notice of Clean Up ("red tag") attached to this procedure. The posting or service of said notice shall be performed in a manner reasonably calculated to provide effective notice to the residents of the temporary shelter and, to the extent possible, the notice shall describe the area subject to the cleanup efforts. The notice shall include an attachment of local services available that offer assistance and resources.
- (b) The advance notice procedure above shall not apply in either of the following circumstances:
  1. If in the reasonable opinion of the Police Department or the Code Enforcement Unit there exists a condition which constitutes an imminent threat of serious injury or harm to any persons or property that is likely to occur within seventy-

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- two (72) hours, the encampment may be summarily cleaned up (the City will attempt to contact any inhabitants of the encampment, but the absence of such contact shall not affect the City's authority to take all actions deemed necessary to remove, repair or isolate such dangerous condition);
2. If the inhabitants of an encampment are removed there from incident to arrest or citation, the City may summarily clean up the encampment to protect the unattended property from vandalism or theft and to ensure such property does not continue to interfere with the use of public land.
- (c) Once the posting has been made, the members of the HWG will pre-plan the clean-up of the location:
1. The operation will be photographed from start to finish by OPD CSI's.
  2. OPD Officers will be present for the entire clean-up process.
  3. OPD Officers will sweep the site for occupants and indicators of criminal activity.
    - (a) Individual who remain at the site will be given a short time (normally 10 minutes) to gather belongings and leave.
    - (b) Evidence of crimes will be collected and processed by OPD CSI's.
  4. Once the area has been cleared by officers, public works personnel will begin removing debris from the site. Items will be sorted in accordance with the guidelines of Section 1101.8.
  5. Either Police or Code Enforcement will be responsible for post signs indicating the procedure that should be used to re-collect property that was removed.
  6. OPD Officers will patrol the area to ensure that individuals do not return. Individuals who return to a campsite within 30 days of a previous removal will be removed immediately.
- (d) On the day of the clean-up the City of Oakley employee supervising the clean-up will photograph the area in which the clean-up is to occur. The City crew will collect and dispose of any junk, garbage and/or debris in the area. Any personal property of value that has not been intentionally abandoned will be collected and stored in a storage container located on City property. Personal property will be identified in accordance with Section 1101.7. Personal property collected by the City crew will be photographed and recorded using the Property Record and Release Form. The completed Property Record Form and copies of the photos will be forwarded to the Police Department and the Code Enforcement Unit.
- (e) Upon receipt of these documents, the Police Department or Code Enforcement Unit will post a written Notice of Property Retrieval similar to the Notice. The property will be stored for ninety (90) days without charge; during the ninety (90) day period property shall be available to be reclaimed by the owner when they make arrangements with the Public Works Department. After the expiration of ninety (90) days, any unclaimed property will be deemed abandoned and destroyed.
- (f) Once cleared, campsites that are reoccupied within 30 days of the clearance will be cleared without notice, following the above procedure.

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#### 1101.7.3 CLEANING UP ENCAMPMENTS ON PRIVATE PROPERTY

- (a) The City wants to work in partnership with private property owners to remove encampments or temporary shelters.
- (b) The responsibility to remove temporary shelters or encampments from private property is the responsibility of the property owner. If the City receives complaints of an encampment that is on private property, the Code Enforcement Unit shall generate a Code Enforcement case with the relevant code violation(s) and notice the property owner through the established Code Enforcement procedures.
- (c) If the private property owner does not bring the property into compliance, the City of Oakley may pursue abatement activities on the property in accordance with state law and the municipal code. The abatement activities may include but are not limited to weed abatement, the collection and disposal of junk, garbage, and/or debris, as well as the collection and disposal of personal property in and around the encampment area.
- (d) In situations where Code Enforcement activities to abate a public nuisance on private property involve the collection of personal property of value (see Section 1101.7) which reasonably appears to belong to an individual, the Code Enforcement Unit will provide a written notice no less than 72 hours of the intended clean-up in a form substantially similar to the Notice to Clean Up. The posting and service of the notice shall be performed in a manner which is reasonably calculated to provide effective notice to the residents of the temporary shelter and to the extent possible the notice shall describe the area subject to the clean-up efforts as clearly as possible. The notice shall include an attachment of local services available that offer assistance and resources. Prior to the Notice of Clean Up being served, Police Department Staff will attempt to notify a homeless outreach program and request assistance prior to the intended posting date.
- (e) On the day of clean-up, Police Department and Code Enforcement Staff will photograph the area in which the clean-up is to occur. The abatement contractor will collect and dispose of any junk, garbage and/or debris in the area. Personal property will be identified in accordance with the City's Guidelines for Property Identification. Personal property collected by the abatement contractor will be photographed and recorded by staff using the Property Record and Release Form. Code Enforcement staff will post at the clean-up site a written Notice of Property Retrieval. Personal property of value will be placed in a storage container located on City property. The completed Property Record Form and photographs will be retained by the Code Enforcement Unit. The property will be stored for ninety (90) days without charge. During the ninety (90) day period property shall be available to be reclaimed by the owner when they make arrangements with the Public Works Department. After the expiration of ninety (90) days, any unclaimed property will be destroyed.

#### 1101.7.4 CLEANING UP ENCAMPMENTS ON GOVERNMENT-OWNED OR REGULATED PROPERTY NOT UNDER THE CITY'S JURISDICTION

- (a) If a complaint about illegal temporary shelters or encampments is received and the property is owned by the East Bay Regional Park District (EBRPD), privately owned railroad properties, easements owned by utility companies, or the California Department of Transportation (Caltrans), the City of Oakley shall make contact with the appropriate agency and report the temporary shelter. The Code Enforcement

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Unit shall follow up by opening a Code Enforcement case and sending a Notice of Violation with the relative sections to the appropriate agency and continue with the appropriate measures to achieve compliance.

#### **1101.8 PERSONAL PROPERTY COLLECTED AT TEMPORARY SHELTERS AND ENCAMPMENTS BY PUBLIC WORKS**

- (a) Unless an item is trash or poses an immediate threat to public health or safety it should be retained for storage as potential personal property. Items that are arranged in a manner that suggests ownership (e.g.: items that are neatly folded for stacked, stored off the ground, hung or clearly on display or packed in bag or box) should be retained for storage. If there is any uncertainty regarding whether an item should be thrown away or stored, it should be stored.
- (b) **Examples of items to take to storage:** The following are examples of items that could be considered personal property and will be stored:
  - 1. ID/Social Security Cards
  - 2. Medications
  - 3. Photos/Photo Albums
  - 4. Personal Papers
  - 5. Watches & Jewelry
  - 6. Eyeglasses
  - 7. Books
  - 8. Shoes & Clothing
  - 9. Tents & Sleeping Bags
  - 10. Pots & Pans
  - 11. Computers, Cell Phones & Electronics
  - 12. Tools
  - 13. Stoves & Generators
  - 14. Bicycles
  - 15. Purses/Backpacks/Briefcases/Duffel Bags
- (c) **Examples of items that are trash or pose a threat to public health or safety and will not be stored:** The following are examples of conditions that will cause an item (including those examples listed above) to be immediately disposed of:
  - 1. **Dirty or Soiled:** Items that smell, are stained with urine, bodily waste, or mud, or are infested with fleas, bed bugs, rats or other vectors.
  - 2. **Perishable:** Open food or personal products that will spoil or rot in storage. Contaminated: items used for hygiene or that present a risk of biohazard (i.e. used toothbrushes, hairbrushes, washcloths, bandages sponges, and underwear.

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3. **Hazardous or Explosive:** Items that could corrode or burn in storage (i.e. car batteries, gasoline cans, and propane tanks).
4. **Broken or Disassembled:** Items that are broken, damaged, or stripped of parts (i.e. electronics stripped for copper, flat tires, stripped bikes, torn up clothes).
5. **Weapons:** All weapons will be turned over the Oakley Police Department.
6. **Obvious Trash:** Food/beverage wrappers, tissue/paper/napkins, open household product containers.

#### **1101.9 ATTACHMENTS**

- (a) [See attachment: 72 HOUR SIGN.jpg](#)
- (b) [See attachment: NOTICE OF CLEANUP new.jpg](#)
- (c) [See attachment: NOTICE OF PROPERTY RETRIEVAL new.jpg](#)
- (d) [See attachment: TRESPASS LETTER.jpg](#)
- (e) [See attachment: PROPERTY RECORD AND RELEASE FORM new2.jpg](#)

## **Attachments**

## **72 HOUR SIGN.jpg**

# - WARNING -

IT APPEARS THAT

## THIS CAMPSITE WAS CONSTRUCTED IN VIOLATION OF THE LAW

**4.37.106 Camping.**

No person shall set up tents, huts or other temporary shelter on public or private property for the purpose of camping unless authorized under Section 4.37.110.

**4.37.108 Personal Property Related to Camping.**

No person shall place, leave or store personal property including, but not limited to, collapsible shelters, cots, beds, sleeping bags, bed rolls, hammocks, barbeques, portable stoves or other cooking equipment, clothing or personal hygiene items on public property.

**You must remove your personal property and abandon this site within twenty-four hours. Failure to comply may result in arrest and un-removed property will be destroyed.**

You may seek emergency housing at the following organizations:

_____	_____
_____	_____
_____	_____
_____	_____

Officer \_\_\_\_\_ Date \_\_\_\_\_

CITY OF OAKLEY POLICE DEPARTMENT



**NOTICE OF CLEANUP new.jpg**



Case # \_\_\_\_\_

## NOTICE OF CLEAN-UP

The City of Oakley will be enforcing the Oakley Municipal Code (OMC) which requires the removal of accumulated junk, property and/or garbage including any temporary shelters in the vicinity of:

\_\_\_\_\_  
Any individual(s) residing or storing property within this area are in violation of the OMC and PC 647(e) and will need to immediately move off this site and remove any personal property they own.

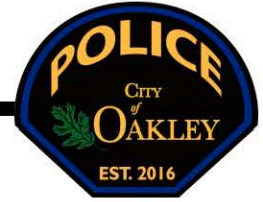
On \_\_\_\_\_, at \_\_\_\_\_, the City of Oakley will conduct a clean-up of the area, including the removal of all individuals, personal property, temporary shelters, and junk and/or garbage from this area.

Individuals wishing to reclaim personal property collected by the City as part of this clean-up project may do so by contact the Public Works Department by phone at \_\_\_\_\_ or in person at 3231 Main Street, Oakley, CA between the hours of 8:30 am and 11:30 am Monday through Thursday for a period of ninety (90) days from \_\_\_\_\_. If the property is not claimed by \_\_\_\_\_ it will be thrown away

## BE ADVISED

**PC 647(e)** Except as provided in subdivision (l), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: (e) Who lodges in any building, structure, vehicle, or place, whether public or private, without permission of the owner or person entitled to the possession or in control of it.

## **NOTICE OF PROPERTY RETRIEVAL new.jpg**



Case # \_\_\_\_\_

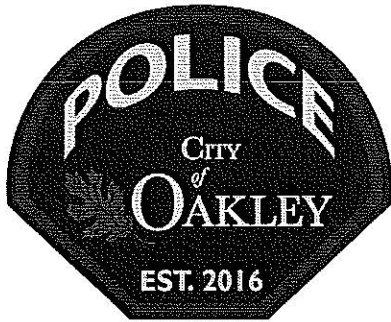
# NOTICE OF PROPERTY RETRIEVAL

On \_\_\_\_\_, at \_\_\_\_\_, the City of Oakley conducted a clean-up at \_\_\_\_\_ and removed personal property that was left in the area. Individuals wishing to reclaim personal property collected by the City as part of this clean-up project may make an appointment to do so by contacting the Public Works Department at \_\_\_\_\_ or in person at 3231 Main Street, Oakley, CA between the hours of 8:30 am and 11:30 am Monday through Thursday for a period of ninety (90) days from \_\_\_\_\_. If the property is not claimed by \_\_\_\_\_ it will be thrown away.

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**TRESPASS LETTER.jpg**



<i>Office Use Only</i>
_____
Data Number
_____
Expiration Date
_____
Data Entry

Chief Chris Thorsen  
Oakley Police Department  
3231 Main St.  
Oakley, CA 94561

Dear Chief Thorsen:

I, \_\_\_\_\_, am the \_\_\_\_\_.  
(Print Name) (Owner/Property Manager)

In lawful possession of the property located at \_\_\_\_\_.  
(Address/Parcel Number and Other Identifying Information)

Additionally, this location is referred to as \_\_\_\_\_.  
(Business Name)

I herein delegate you, or any duly sworn employee of the Oakley Police Department, to act as my agent for the sole purpose of enforcing Section 602(k) or 602(l) of the California Penal Code (as described on reverse).

I am aware that this authority obligates me to properly post my property as per Section 602(k) P.C. and to aid in investigation and prosecution of such cases. This assistance may require my testimony in a court of law.

This authority document remains in force until revoked by me in writing. I will notify the Oakley Police Department in writing upon sale of this property, lawful possession of this property is terminated or I no longer wish to delegate the Oakley Police Department to act as my agent in this capacity.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_  
(Date)

Person's name if applicable: \_\_\_\_\_

DOB: \_\_\_\_\_ Age: \_\_\_\_\_ Address, if Known: \_\_\_\_\_

# **PROPERTY RECORD AND RELEASE FORM new2.jpg**

# OAKLEY POLICE DEPARTMENT



Case # \_\_\_\_\_

## PROPERTY RECORD AND RELEASE FORM

Location: \_\_\_\_\_ Date: \_\_\_\_\_

Stored: \_\_\_\_\_ Destroy Date: \_\_\_\_\_

Quantity Recovered	Date Released	Inventory Items
		ID / Social Security Cards
		Medications:
		Photos/Photo Albums
		Personal Papers
		Watches and Jewelry
		Eyeglasses
		Books
		Tents, Sleeping Bags and Bedding
		Pots and Pans
		Computers, Cell Phones, and Electronic Devices
		Tools:
		Stoves and Generators
		Bicycles
		Purses / Backpacks / Briefcases / Duffel Bags
		Other:

Released To: \_\_\_\_\_ Released By: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Destroyed By: \_\_\_\_\_ Destroy Date: \_\_\_\_\_