



# CITY OF ASTORIA COMMUNITY FORUM

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MARCH 23, 2022



# PREFACE

## ❖ **Opportunity to Share our Challenges**

- Amount of Information – 25 minutes
- Hot Button Topics
- Allow Time for Questions

## ❖ **Why is the Police Department involved?**

## ❖ **Extent of the Problem**

- Community Survey
- Addressing behavior – Not a particular class or status
- Frustration – Changing Tide
- Relatively small percentage of the homeless population



# CHALLENGES – Stay Tuned

## ❖ Legal

- CONSTITUTION Panhandling / Loitering / Cruel & Unusual Punishment
- FEDERAL Laws and Higher Court Decisions - 9th Circuit / Martin v. Boise
- STATE Laws and District Court Decisions - Blake v. Grants Pass / HB3115 / PCS
- LOCAL Preemption
- Ambiguity – Legal Challenges – Seeking Clarity on Current Laws – Haven't been tested
- Case Study



# CHALLENGES

## ❖ Resources

- Mental Health
- Substance Abuse

## ❖ Accountability

- APD – Staffing
- Sanctions – Revolving Door
- Jail – Sheriff Phillips
- DA / Courts
- How we are addressing



# Sleeping / Camping in Astoria

## Martin v. Boise

- Prohibits cities from criminalizing the status of homelessness by punishing individuals for sleeping outside when they have nowhere else to go.
- Cities cannot enforce anti-camping ordinances if they do not have enough homeless shelter beds available for their homeless population.
- Any restriction in the form of criminal penalties on an individual's ability to sit, sleep, or lay down when no valid alternatives are available is indeed cruel and unusual punishment and a violation of the Eighth Amendment

## Astoria Impact

- Can't have a wholesale ban
- Arrest is Criminalizing Homelessness – Astoria had Violation-Level Citations



# Sleeping / Camping in Astoria

## Blake v. Grants Pass

- The United States Constitution prohibits punishing people for engaging in unavoidable human acts, such as sleeping or resting outside when they have no access to shelter
- Governments may not enact local laws that prohibit individuals from sitting, lying, sleeping, or camping on public property when there are no alternative shelters available.
- Cannot impose fines – Even a small fine is a punishment
- The Eight Amendment also prohibits a City from punishing homeless people for taking necessary minimal measures to keep themselves warm and dry while sleeping when there are no alternative forms of shelter available.
- Cities may still implement reasonable time, place, & manner restrictions on regulated activities.

## Astoria Impact

- Similarities but added fines as 8<sup>th</sup> Amendment
- Within City Limits



## **HB 3115**

Requires local governments in Oregon to adopt policies that are “objectively reasonable” in regulating time, place & manner

- Local laws addressing “sitting, lying, sleeping, or keeping warm and dry outdoors on public property must be objectively reasonable...with regards to persons experiencing homelessness”.
- The bill did not offer any guidance about what “objectively reasonable” means.

## **HB 3124**

Removal of individuals from established camping sites & 72 hour notice & personal property requirements.



# WHAT WE'RE WORKING ON

## ❖ Ordinances to Address Behavior

- CAMPING
- ABANDONED/STORED VEHICLES
- EXPULSION ZONE
- SHOPPING CART
- AGGRESSIVE PANHANDLING

## ❖ Unintended Consequences

## ❖ Some solutions may create new problems





# WHAT WE'RE WORKING ON

❖ **Community Resource Officer**

❖ **Parks Position**

❖ **Court Diversion**

Working through courts and social service partners

❖ **Municipal Court**

Currently only deals with Violation-level offenses

❖ **High Utilizer Program (HART)**

Medical, Mental Health, Community Services, and Law Enforcement meet to discuss persistent utilizers of systems to see what options and resources there are to help them.



# WHAT PEOPLE CAN DO

## ❖ **Contact your legislator**

Help them to understand the issues we're facing in our community

### **Suzanne Weber**

Rep. [SuzanneWeber@oregonlegislature.gov](mailto:SuzanneWeber@oregonlegislature.gov) / 503-300-4493

### **Rachel Armitage**

Sen. [RachelArmitage@oregonlegislature.gov](mailto:RachelArmitage@oregonlegislature.gov) / 503-986-1716

## ❖ **Social Service Agencies**

## ❖ **List of resources**

❖ Provided Tonight