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May 1, 2019

To: Burien City Councilmembers
From: Brian J. Wilson, City Manager
Cc: Lisa Marshall, Chief Theodore "Ted" Boe, Colleen Brandt-Schluter, Steve Roemer

RE: Proposal for four-month pilot on use of Burien parks and facilities

Problem Identified:

People are utilizing our parks to pitch tents and establish encampments in lieu of engaging in services or seeking other housing options. The byproduct of these activities impacts public safety, decreasing the perception of safety and therefore decreasing the accessibility of the parks for all Burien residents. Police, Human Services, Parks Recreation and Cultural Services (PaRCS), and all of our partner organizations have tried numerous approaches to working with this issue, but the problems in the parks persist. Recent legislative actions and court rulings have significantly reduced our ability to "trespass" those that continually violate park rules.

Employees are frustrated with the ineffectiveness of our current approach and the community does not feel safe to use our parks. These efforts are also taking considerable resources away from other City activities.

Solution:

While parks are public property, there are specific rules codified in the Burien Municipal Code-Section 7 that govern their lawful use. It is our intent to utilize the provision of Section 7 to promote safe use of our parks for all residents.

We propose a compassionate, collaborative and legal approach, taking into consideration the intent of the *Martin v Boise* court decision. This effort will limit park access outside of daylight hours, prevent encampments on park property, and prevent and address behaviors that detract from public safety. It is intended to assure **all residents** of Burien feel welcome at our public spaces. This effort is a partnership between Police, PaRCS, Human Services, and the public.

Daytime Use:

Established Camps: If any City employee becomes aware of an encampment or tent in a City park, they will provided 72-hours notice to remove all personal property and vacate the park. They will be advised of BMC 7.30.110 and BMC 7.30.120 and specifically informed that this applies to all Burien City Parks. During this 72 hours, service providers will come to the camp and

provide resource opportunities (meeting them where they are). After 72 hours, any remnants of the camp will be disposed of by PaRCS staff. The 72-hour warning is a one time warning that will apply to all parks. Names of campers that have been offered services and not accepted them will be documented. Outreach workers and the Navigation Team will continue to offer assistance to those they encounter in other locations knowing it often takes multiple times to build relationships and convince someone to enter into services.

Developing Camps: Enclosed tents are not allowed in any park in the city (BMC 7.30.120- Civil Infraction). If police or PaRCS employees observe anyone putting up a tent or other enclosed structure, they will ask to stop the behavior and remove the shelter. They will be provided service referrals, but will not be allowed to establish an encampment. Continued violation of this code will result in the person being asked to leave the park. If possible, they will be offered a ride to a shelter facility.

Anyone putting up sun tents, tarps or other open sided shelters will be informed they will have to vacate the park at dusk and will not be allowed in the park during hours of darkness. They will be informed that littering is illegal and asked to remove all items when they leave. Anything left behind will be disposed of (BMC 7.30.040- Civil Infraction).

No person will be allowed to damage any park property, landscaping, or structure. Any person damaging PaRCS property will be subject to enforcement action (BMC 7.30.270- Gross Misd.).

Alcohol and drugs are not conducive to recreational activity and are illegal in our parks. Anyone in possession of alcohol or drugs will be asked to leave and subject to enforcement action. Those using or under the influence of illegal substances in parks will be directed to leave the park and subject to enforcement action (BMC 7.30.340 and 7.30.350 (Civil Infraction)).

Nighttime Use:

At dusk, all patrons in a park will be asked to leave. Those needing assistance will be provided information on shelter availability, community court, REACH and if possible offered a ride to a shelter location. Parks close one hour after sunset and remain closed until sunrise, unless alternative hours are posted (BMC 7.30.230-Misd.).

Burien PD will maintain a database of those that have been offered services to avoid duplication of efforts. Individuals who have been offered services and those who have been offered access to a shelter **and** refuse to leave the park upon request during the hours of darkness are subject to arrest (BMC 7.30.230- Misd.).

If a shelter bed is not available and the individual has not been offered services, officers will request voluntary compliance with park closure. Under these circumstances, the officer will not make an arrest for being in the park after hours (BMC 7.30.230- Misd.). The officer will identify the individual and refer them to the Navigation Team for engagement and 72-hour notice/posting.

Resources:

Police will continue to utilize the High Visibility team to work with daytime issues in the park and collaborate on services. Patrol has limited resources in the evening hours and a high level of calls for service. For the first few weeks of this program, police will assist PaRCS staff with clearing the parks at dusk and will ask graveyard officers to proactively check the parks as time allows. After this program is established, police will respond to calls for assistance as requested.

Private security contractor (summer) will be responsible for asking people to leave at closing and enforcing other park rules. Police will respond in cases of non-compliance.

PaRCS will be responsible for cleaning the parks, providing resource referrals, sweeping and locking parks at dusk and communicating with tenants (Annex), visitors, contractors and police. PaRCS will post hours of operations at all parks.

Human Services is responsible for providing contact information for shelter services, give clear direction to officers on the process for accessing beds and coordinate ongoing approaches to address homelessness in Burien. Additionally, Human Services will keep police and PaRCS staff apprised of new resources to better serve our vulnerable populations.

Notes:

Police making custodial arrests will be a last resort and only utilized after people in the park have been given warnings that they need to leave or be arrested and police have documented that the individual has been offered services and refused them.

We are all committed to compassionate enforcement efforts, taking an approach to our parks that balances the needs of the entire community. Anyone experiencing homelessness will be presented options prior to being asked to leave a park. This memorandum is not intended to solve all of the complex issues related to homelessness, but rather to assure our parks are utilized for their intended purpose and are available to everyone. Those on public property outside of a park facility will be subject to our continued Navigation Team approach to addressing their homeless status and underlying causes.

Nothing in this directive supercedes RCW 9A.52.070 or RCW 9A.52.080-Criminal Trespassing. Any person who refuses to comply with Police, PaRCS staff or the City's security contractor upon being asked to leave a park or building for inappropriate conduct is subject to arrest for violation of the state trespassing laws.