

July 10, 2017

MEMORANDUM

To: Members of the Human Services & Public Health Committee
From: Asha Venkataraman, Council Central Staff
Subject: Encampment removal monitoring report

During the July 12, 2017 meeting of the Human Services & Public Health Committee, the Seattle Office for Civil Rights (SOCR) and Finance and Administrative Services (FAS) will discuss a May 2017 report that the Executive issued regarding SOCR's monitoring of FAS-conducted unauthorized encampment removal during a three-month period in 2016.

The purpose of this memorandum is to summarize the report, including clarifying information from SOCR, FAS, and the Human Services Department (HSD), and to outline issues for Councilmembers to consider regarding how SOCR will continue monitoring encampment removal in 2017.

Background

SOCR, FAS, and HSD signed a memorandum of agreement (MOA) in 2016 to memorialize how SOCR would oversee unauthorized encampment removal to ensure the City's compliance with the Multi-Departmental Administrative Rules (MDARs) and other encampment removal policies established in 2008. The MOA covered monitoring from September 12, 2016 through the end of 2016. Through the MOA SOCR agreed to:

- Hire a monitor coordinator;
- Be present at encampment removals;
- Observe and discuss the removal with staff, workers, and residents; and
- Halt the removal if: outreach staff had not completed outreach, the City failed to provide residents with safe storage of their belongings, or failed to meet other elements of the MDARs.

SOCR was then to meet with FAS and the Mayor's Office to evaluate the monitoring program. In May 2017, the Executive issued a report of SOCR's findings, recommendations, and opportunities during the 2016 monitoring period.

Report Summary

SOCR monitors oversaw 50 removals between September 12 and December 20, 2016, nearly every scheduled unauthorized encampment removal. Monitors were present throughout the entire cleanup for each of these removals. Monitors were also present at eight additional cleanup sites, to ensure that if residents returned to the site, outreach and storage protocols

would be followed. To determine compliance, monitors used MDAR 08-01, the 2008 Unauthorized Encampments Procedures Manual, and a variety of best practices (including notice on each individual tent, storage of specific items, and adherence to the set window of time between notice and removal).

SOCR stopped seven of the 50 removals monitored. SOCR halted four removals before they began and three removals after they began. The reasons for stopping removals varied, including insufficient outreach, failure to post adequate notice, confusion about whether outreach and notice were provided to a full site, and the Seattle Police Department’s departure from the site before removal was completed.

SOCR flagged three primary issues of concern regarding the City’s process of encampment removal: (1) storage, (2) notice, and (3) relations with the Washington State Department of Transportation (WSDOT). Those issues and related recommendations from SOCR are summarized in the table below.

Issues	Recommendation
Storage	
The report explains that SOCR and FAS staff disagreed about whether to store items and which items to store. These disagreements stemmed from a lack of specificity in the storage protocols, which resulted in subjective interpretations by staff. Insufficient training of, or awareness by, staff of protocols also caused disagreement.	The report recommends improvement by making written procedures as specific as possible about what items to keep or throw away; ensuring FAS staff always have a copy of the storage rules with them during removal; and that clean up staff take photographs of what is thrown away to allow for post cleanup review and storage protocol adjustment.
Notice	
Issues with improper notice included lack of coverage throughout the entire site designated for removal, failure to notify outreach staff about removals, and failure to describe on the notice the entire area subject to removal.	SOCR recommends that FAS ensure a written description of the site is clearly stated on the notice; that notices are conspicuously posted throughout all of the site; and that departments and agencies posting notices are in communication with outreach workers in advance of the scheduled removal.
WSDOT Coordination	
The report states that WSDOT crews were frustrated with the process and protocols associated with removal.	SOCR recommends that all agencies make sure their staff understands all protocols and the role of department staff during removal and cleanup.

SOCR also expressed concerns regarding the disproportionate impacts of the encampment removals on people of color and people with disabilities. After analyzing data, SOCR found that African American encampment residents are 8% of Seattle's total population but 23% of the encampment population. Native Americans are less than 1% of the total population but 5% of the encampment population. 29% of encampment residents presented with mental illness.

Lastly, SOCR reported that 29% of the people with whom REACH conducted outreach were ineligible for shelter for reasons including too many possessions; having a partner they did not want to separate from; substance abuse, mental health, and/or medical issues; criminal history; being previously barred from shelter; and a lack of identification. In addition, some encampment residents were not interested in emergency shelter but would have accepted shelter with storage and meals.

Issues Regarding Ongoing Removal Monitoring

SOCR, FAS, and HSD signed another MOA for SOCR to monitor encampment removals from April 3, 2017 through the end of the year. This MOA states that SOCR will hire an encampment monitor to perform monitoring activities similar to the 2016 MOA, specifically stating that SOCR will perform random site visits to removals and only halt removals to preserve compliance with MDAR 17-01 or FAS 17-01.

Below are several issues Councilmembers may want to consider for discussion:

- Has FAS incorporated SOCR's recommendations into removals for 2017, and how has FAS done so for each recommendation?
- What warrants the change in frequency from SOCR's presence at all scheduled removals in 2016 to random site checks in 2017?
 - Is this level of decreased monitoring representative enough of all removals to ensure compliance? If not, what level of monitoring would be sufficient?
 - Does SOCR have enough staff and resources to continue monitoring at the appropriate level?
- Is the scope of monitoring at each removal site where SOCR is present the same as in 2016? Do any changes need to be made to what SOCR is looking for or how long they are present at each site?
- Is monitoring at scheduled removals but not at sites with immediate hazards and obstructions present sufficient to ensure compliance? Should SOCR monitor immediate hazard or obstruction sites?
- Have all staff present at removal sites undergone the same training on protocols? If not, will they do so?

- In the time between completion of 2016 monitoring and the issuance of this report, FAS issued new rules that incorporated some of SOCR's recommendations. What will be the mechanism for incorporation of future recommendations?
- How have disagreements over interpretation of protocols due to their subjectivity been handled since issuance of the 2017 MDARs? Has any system been set up to resolve disagreements given the high level of discretion in interpreting protocols?
- What steps has FAS taken to address racial disproportionality? Has FAS conducted a racial equity analysis on encampment removal cleanup? What is the plan to address this issue going forward?

cc: Kirstan Arestad, Central Staff Director
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