



# Roll Call Training Bulletin

Produced by: Officer Scott Hall

Daniel Hahn., Chief of Police

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Volume 33

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## Illegal Camping – Notification and Enforcement, Property and Referral Procedures

Sacramento City Code section 12.52.030, makes it unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia upon any public or private property within the city.

### **UNOCCUPIED/UNATTENDED CAMPSITE- PUBLIC PROPERTY**

Officers encountering an established, unoccupied campsite shall post a Notice to Vacate (SPD 113) at the campsite at **least 24 hours prior to cleanup**. The SPD 113 (available at each of the sub-station) should be posted to a tree, wall, or other structure at or near eye level. If a campsite does not have any tree, wall, or structure located nearby where the notice can be affixed, the SPD 113 should be left at a location within the campsite where someone would likely see it upon entering the site.

When posting a 24 hour notice at a campsite, make every attempt to capture the posted notice on an ICC or **Body Worn camera at the camp site**.

Should the officer observe any contraband, firearms, weapons, or other hazardous materials in plain view at the campsite, such items can be immediately removed. An officer must leave a property receipt (SPD 779) at the campsite indicating what items were removed. After 24 hours have elapsed, officers may begin collecting abandoned property left at the site and book it for safekeeping. Any personal items not removed by owners shall be collected in a plastic storage bag. This may include bottles and cans. Perishable items, and items soiled with body fluids posing a health and safety concern, may be disposed of. Disposal of the soiled items will be up to the discretion of the investigating officer. Officers must leave a property receipt (SPD 779, containing the directions and address of the Sacramento Police Department Evidence and Property Section) annotating a brief inventory of items taken at the scene with the case number, officer's name, badge number, and the date and time property was collected. The SPD 779 property receipt should be posted in the same manner as the 24-hour notice to vacate. Items will be held at Property and Evidence for 60 days. If the booked property is not claimed or picked up after the 60 days, the property will be disposed of.

### **OCCUPIED CAMPSITE- PUBLIC PROPERTY.**

Officers encountering an occupied campsite on public property may issue a citation to the individual(s) and inform the individual(s) to pack up and remove all belongings. Failure to do so could result in the individual being arrested, and all personal property being seized and booked into evidence. When possible, officers should advise individuals of community service assistance. Officers can also warn the individuals they are in violation of the City Code and give them a 24 hour notice to vacate and remove all belongings (SPD 113). These actions can be documented on a street check. If the campsite has been vacated and is unoccupied upon the officers return, officers may collect any remaining property as outlined above and leave a SPD 779 property receipt.

Before taking misdemeanor enforcement action, officers should do all of the above, including posting the site, offering services and advising on the applicable laws. Upon a second contact (generally 24 hours later) officers can take misdemeanor (or infraction) enforcement action as the person has refused to work with services and abide by the applicable laws. Officers must document the actions taken on the prior contact in the body of the misdemeanor report. If individuals are still present upon the officers' return, the officers may cite or arrest the individuals and can book all property into evidence.

### **STATE PROPERTY**

Officers however **cannot** enforce **any** Sacramento City Codes on **any** State property, including State Parks and **Cal-Trans**. This is because the Sacramento City Code is "preempted" by state law on State property. Illegal encampments on State Park property should be referred to the State Park Rangers. The following is a list of State Park properties in the City of Sacramento.



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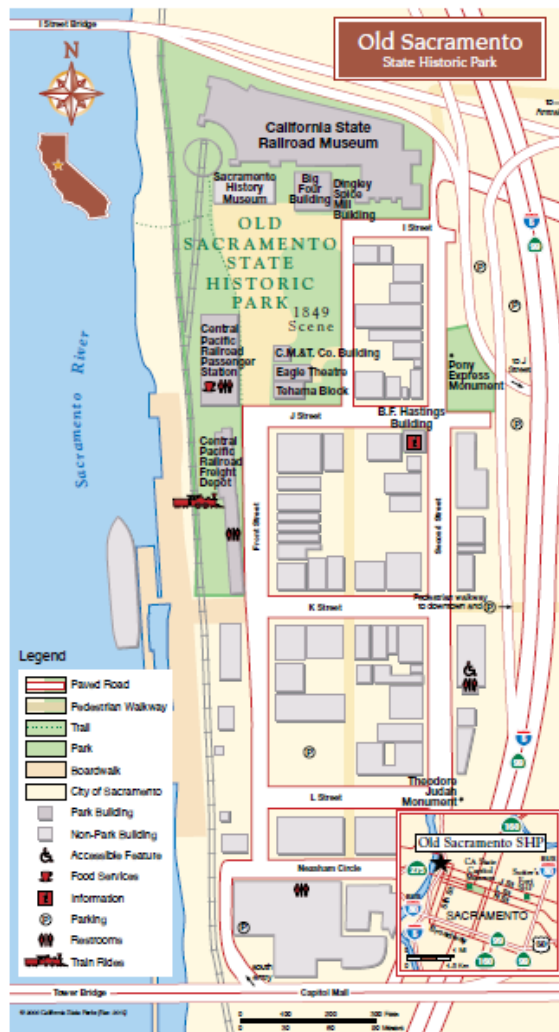
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- Sutter's Fort (2701 L Street)
- State Indian Museum (2618 K Street)
- Governor's Mansion (1526 H Street)
- California State Capital (1301 10<sup>th</sup> Street)
- Leland Stanford Mansion (800 N Street)
- Vacant Storage Building (825 15<sup>th</sup> Street)
- California State Railroad Museum (153-199 I Street)
- Heilbron Mansion (704 O Street)

Old Sacramento: See below image of State Parks Property in Old Sacramento (area shaded in green)

Addresses: 1050 Front Street, 1050 Front Street, 917 Front Street, 101 J Street, 130 J Street, 1002 2<sup>nd</sup> Street, 125 I Street, 111 I Street, 501 Jiboom Street

The Bike Trail, south of Railyards Blvd, west of Jiboom St, north of the Tower Bridge





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This also applies on Cal-Trans property. Cal-Trans property is owned and maintained by the State meaning no City Code is enforceable there. Putting aside the above if you have a good faith belief that the violation is occurring on city property because it's impossible to delineate the boundaries, you may cite the City Code. This is not to say officers should intentionally cite on State property. Where there is legitimate uncertainty and officers have a good faith belief the violation is on City property go ahead and cite.

## **HAGGIN OAKS GOLF COMPLEX**

The Haggin Oaks Golf Complex is a part of the Del Paso Park Complex, but operated by a private business. As this location is a part of a City Park complex, **all** Sacramento City Codes are enforceable here. This includes the unlawful camping ordinance. Officers can also complete a notice of trespass for this location as noted below. However, when enforcing a trespassing order at this location, Officers must use Sacramento City Code (9.16.140 (b)(1) SCC) as it was specifically written to include locations such as this. It is important to note that trespassing can only be enforced at the golf course portion of the park, as it constitutes a "business premises." In other portions of the park, the trespassing ordinance does not apply.

## **OCCUPIED CAMPSITE- PRIVATE PROPERTY**

In cases where private property is involved, if the property owner is the complainant, the officer shall facilitate a "Notice of Trespass" (SPD Form 114) with the individuals trespassing on the owner's land or his/her agent. The trespasser(s) will then be admonished of the trespass, will be given a copy, and advised to remove all personal belongings and items. If the trespasser(s) vacate the property and leave items behind, it is the private property owner's responsibility to remove the items. If the trespasser refuses to leave the property after the SPD 114 is issued, they may be arrested for a violation of the trespass ordinance.

If the violator(s) are causing a disturbance, officers may be called to mediate unless officers observe criminal actions (i.e., criminal threats, assault, vandalism, etc.) which could subject the individuals to citation or arrest. Officers may enforce Penal Code section 602 where private property owners have visible "no trespassing" signs posted. Parties who have previously been issued a notice of trespass, and the current order is on file, are subject to a citation for Sacramento City Code section 9.16.140 (b)(1), in accordance with Sacramento Police Department General Order, 538.02.