

Boston Homeless Encampment Liaison Protocol as of October 28, 2021

I. Boston's Approach to Encampments

Boston strives to ensure the safety and wellbeing of people who use substances, people with mental health needs, shelter guests and people who may find themselves unsheltered or staying in places not meant for human habitation.

These temporary structures (such as tents, cars, in highway tunnels, or under highway overpasses) are sometimes referred to as encampments. Encampments present unsheltered individuals, outreach workers, and first responders with significant public health, infectious disease, public safety, sanitation and fire safety challenges. These temporary structures lack clean water, adequate hygiene facilities, and present a significant risk of weather exposure during both winter and summer months.

Encampments often include visual barriers that make it difficult for outreach workers and first responders to monitor the well-being of people who may be at risk for overdose. Additionally, encampments are difficult for first responders to access in the event of a medical, safety or fire emergency.

Each and every unsheltered person is in a situation of risk and in need of assistance. City and community partner agencies are committed to working with every person in need to help them resolve immediate situations of risk and to facilitate access to a continuum of services, including substance use treatment, other behavioral health care, medical care, emergency shelter, and housing.

Boston will use a combined public health and public safety approach to address the complex issues of homeless encampments through the protocol outlined in this document. This approach is informed by the United States Interagency Council on Homelessness and their guidelines which were released in 2015.

This approach includes a focus on:

- *Assessment & Support*: the City works with a range of partners to assess the unique needs of persons staying in an encampment and to strive to provide a range of relevant services that address those needs;
- *Agency & Opportunity*: throughout the City's work, it recognizes the importance of reinforcing an individual's agency by providing a choice between opportunities, wherever possible.

II. Relevant City Agencies

The City of Boston is charged with leading the implementation of this protocol. Representatives from the following agencies will coordinate internally, and will take the following roles in this protocol:

- A. **Coordinated Response Team (CRT)** - A City-led coordinating team that will lead implementation and coordination of this Boston Homeless Encampment Liaison Protocol.
- B. **Central Coordinating Team (CCT)** - A cross-departmental, cross-agency team that includes relevant City, County and State officials in planning and responding to the public health crisis and aligning public health resources.
- C. **Boston Public Health Commission (BPHC)** - Serves as the City's public health department. The BPHC Homeless Services Bureau operates the City's emergency shelters and the Office of Environmental Health partners with ISD and other city departments to address environmental hazards.
- D. **Office of Recovery Services (ORS)** - Operates the Recovery Services Street Outreach Team, which conducts outreach to unsheltered individuals, and the Mobile Sharps Team, which collects and disposes of syringes.
- E. **Boston Police Department Street Outreach Team (BPD)** - Comprising of officers with advanced training in recovery coaching and crisis intervention, and co-responds with mental health clinicians and trained recovery coaches. Conducts outreach, site assessment, and leads the risk resolution phase of this protocol.
- F. **Department of Public Works (PWD)** - Collects and disposes of debris following a site resolution.
- G. **Department of Neighborhood Development (DND)** - Responsible for coordinating with the Pine Street Inn Outreach Team and other community partners and providers.
- H. **Inspectional Services Division (ISD)** - Assists with initial site assessments and posts notice.
- I. **Boston Public Schools (BPS)** - Assists with assessment and clean-up when sites are located on BPS property.
- J. **Parks and Recreation (Parks)** - Assists with assessment and clean-up when sites are on Parks and Recreation's property.

III. Relevant Legal Authority

Encampments raise a number of civil and criminal law issues, including, but not limited to G. L. c. 111, s. 31, emergency, and s. 122 nuisance, G. L. c. 270, §16, CBC 16-12.8 (littering); G. L. c 266 § 120 (trespass); G. L. c. 272 § 53 (disorderly conduct, disturbing the peace, public urination, public nudity, lewdness); G. L. c. 161 s. 95 (loitering on public transit property); and G.L. c. 22, § 13A (accessibility of public

sidewalks and ways). In addition, there is a high rate of other criminal activity occurring in the vicinity of tents/temporary shelters and often preying upon the individuals staying in those tents/temporary shelters.

IV. Assessment of Encampment Locations

City staff will conduct an assessment of each site containing tents/temporary shelters to assess size, location, and the specific needs of the individuals at the site.

During this initial assessment, unsheltered individuals will be offered initial referrals to services, including shelter, substance use treatment, and medical services as necessary.

The CRT will discuss this assessment to determine if the Standard Site Resolution Protocol (Section V) or the Immediate Site Resolution Protocol (Section VI) is the appropriate path to follow to address a particular site..

V. Standard Site Resolution Protocol

If the CRT determines that the Standard Site Resolution Protocol is the appropriate path, then the City will follow the steps outlined below. This protocol only applies to encampments located in public space maintained by the City of Boston. The protocol does not apply to federal, state or private property. Nothing in this protocol should be read to preclude outreach and engagement efforts in other locations.

The Standard Site Resolution Protocol will consist of five steps, coordinated by the CRT:

- A. Notice of Removal to Unsheltered Individuals
- B. Notice to Medical Care Providers
- C. Outreach Regarding Services
- D. Removal of the Encampment
- E. Post-Removal Notification

A. Notice of Removal to Unsheltered Individuals

City employees will provide at least 48 hours of notice to affected individuals prior to requiring removal of tents or other temporary shelters from public property. Where practical, City employees will provide notice more than 48 hours in advance.

- i) Form of Notice. Notice will be provided in the following ways:
 - (1) notices/signs prominently posted in the immediate area of the tents/temporary shelters/other items to be removed (if City employees are aware that there are individuals at the site who speak a language other than English, notice should be translated into such language);

- (2) Notices affixed directly to each tent/temporary shelter, provided staff may do so safely;
- (3) Verbal notice provided, or attempted, by City employees to all people at each tent/temporary shelter;
- ii) Content of Notice:
 - (1) The area that will be cleaned and from which all tents/temporary shelters/items must be removed;
 - (2) The specific date and time by which individuals should remove their property from the site;
 - (3) The availability of free temporary storage for eligible property provided by the City, with details on how to arrange for storage, how long property will be stored, and how property can be retrieved;
 - (4) Notice that any property left at the site may be immediately disposed of; and
 - (5) Information (including contact numbers) for agencies that provide a range of recovery support services;
 - (6) Information (including contact numbers) for agencies that provide a range of shelter and housing services, along with a list of addresses for specific shelters where the CRT has identified shelter beds.

B. Notice to Medical Care Providers.

As part of the notice of removal, City staff will also notify medical providers who are known to be providing medical care to individuals at the encampment site. The purpose of this notification is to allow providers to coordinate the continuum of care with their patients to ensure individuals are not disconnected from care.

C. Outreach Regarding Services Between the Time of Notice and Removal

City staff shall perform and document verbal outreach and engagement actions at each tent/temporary shelter between the time notice is given and the time set for removal of tents/temporary shelters. Such outreach should be conducted at the time of notice and again at least one day prior to the day of removal. These outreach activities should include the following:

- i) Communicate the required removal date to individuals at each tent/temporary shelter.
- ii) Offer to each individual the opportunity to engage in drug treatment services including inpatient detoxification.
- iii) Offer to each individual the opportunity to access shelter, including any identifiable shelter bed, or other low-threshold housing or shelter that the CRT has identified and reserved to offer to individuals at the posted site. For individuals who indicate they cannot comply with substance use rules at an identified shelter, offer an opportunity to engage in substance treatment services or go to an inpatient detoxification program.

- iv) Offer transportation (including vouchers) to enable individuals to travel to drug treatment or shelter.
- v) Offer to each individual to store property using the City's storage program.
- vi) Offer assistance to contact family members and to support family reunification.

City staff will document the date and time on which they conducted outreach inclusive of the above-described elements to individuals in each tent/temporary shelter subject to notice, or that they attempted to do so and the reasons they were unable to do so.

D. Removal of an Encampment. On the date and time scheduled for removal and site cleanup, City staff, with the support of the Boston Police Department, will require all individuals to remove their belongings from the area.

No City of Boston employee will require an unsheltered individual to remove their tent/temporary shelter from public property unless there is shelter, housing, or treatment placement available for that individual. Where an individual may have barriers that preclude compliance with rules and requirements related to certain housing and shelter placements, the individual must have been offered the opportunity to go to any available low-threshold housing or other shelter, to enter an inpatient detoxification program, or to engage in other drug treatment programming at least 48 hours before being required to move.

- i) **Refusal to Move.** If individuals refuse to remove tents/temporary shelters erected on public property, City staff will enlist the support of BPD officers to require individuals to remove tents/temporary shelters.
 - (1) When requesting BPD support in removing any tent/temporary shelter, City staff will provide to BPD documentation confirming that the area and tent were posted with the required notice, and that individuals at the tent/temporary shelter were notified of opportunities for treatment, alternative shelter, and storage of belongings (or why such verbal offers of resources were not possible). The CRT will also provide BPD officers information to offer the specific resources identified in the next paragraph.
 - (2) BPD officers will make a final demand that the individual remove their belongings from the public right of way or other public property, and allow them a reasonable amount of time to remove their belongings. At the time of making such final demand, BPD officers will:

- (a) Offer each individual directions on how to move to a shelter bed or a direct referral to an Outreach worker who can assist in access other shelter or housing resources;
 - (b) Offer each individual the opportunity to go to inpatient detoxification program or other substance treatment services specifically identified by the CRT;
 - (c) Offer each individual the ability to store items using the city's storage program.
- (3) If an individual refuses to remove their belongings after those steps are completed, the owner's refusal to remove it may be considered disorderly conduct, and subject to enforcement of the existing laws of the Commonwealth of Massachusetts.
- (a) If BPD officers arrest any individual in connection with refusal to remove tents/temporary shelters, police will ensure that all belongings identifiable as belonging to that person are stored under the City storage program or a comparable system.
 - (b) Acute medical care will be made available to those in need, including if an individual is found to require immediate medical attention, Boston EMS will be called to the site immediately.
- (4) Throughout the duration of the final demand to remove items by a police officer, an individual remains free to leave, with or without removing their tent/temporary shelter from the property. An individual who leaves will not be subject to arrest even if they do not remove their tent/temporary shelter from the public property.

E. Post Removal Notification

Following site clean-up, Notices will be posted that indicate where and how any temporarily stored items can be retrieved. The Notices should also include contact information for relevant social service agencies. Outreach workers will continue to engage unsheltered individuals in an attempt to connect them with services.

VI. Immediate Site Resolution Protocol

If property in a public space poses an imminent risk to public health, safety, or security the CRT may determine that removal is required prior to 48 hours. In such a case the reason for that determination will be documented and the City shall provide as much notice as possible consistent with the imminent risk. In this scenario, the CRT will still attempt to meet the needs of unsheltered individuals by providing outreach and connections to social services. Immediately following clean-up, the CRT will post a notice saying that the area has been cleaned and that some items may be in temporary storage. This notice should include information on how to check if personal property has been stored, and if so, how to retrieve this

property. Additionally, the notice should contain contact information for relevant agencies that provide housing and recovery support services.

VII. City Storage of Eligible Property

The City will make available free storage of property that is eligible to be stored (defined below) for up to 90 days. This storage is available to any individual with property at the clean-up site who lacks permanent shelter. The City will provide free transportation of the property to the storage facility, and will maintain a log of all items stored at the facility, including the date each item was put into storage and the name and contact information, if available, of the owner. After 90 days, personal property stored by the city may be discarded or donated. The City will record the date of any personal property discarded or donated.

A. Eligible Property

The relevant staff member will determine whether an item is Eligible Property, and in cases when the status of the item cannot reasonably be determined in the staff member's judgement, the staff member will treat the item as Eligible Property.

Eligible Property must be safe to store, and includes the following:

- i) Property that will fit inside a 27-gallon container.
- ii) A functional, empty, and disassembled tent, provided it fits inside the 27-gallon container or is otherwise contained in a bag or neatly tied bundled.
- iii) A non-commercial and functional bicycle, walker, crutches, other forms of individual motorized transit such as a mobility scooter, or a wheelchair not clearly identified as property of a medical facility.
- iv) Other items such as identification, personal papers and documents, backpacks, eyeglasses, prescription medications, clothing, jewelry, photographs, and blankets and sleeping bags.

The City will not store property that is NOT safe to store, which includes:

- i) Live animals (City of Boston Animal Care and Control may keep safe an individual's animal for a maximum of 14 days in accordance with ACC's policy and procedures).
- ii) Illegal items.
- iii) Property infested or potentially infested with pests.
- iv) Wet items (unless removal occurs while raining), or items contaminated with biohazards, including human or animal waste.
- v) Foods, liquids, or organic matters of any kinds.
- vi) Weapons or explosives.
- vii) Building materials such as wood products, rigid plastic, or metal pallets do not qualify as Eligible Property.

- viii) Other items that are deemed unsafe to store by City officials, including locked or sealed containers.

B. Storing Property Prior to Clean-up

All property that owners intend to store should be removed from the site prior to the posted clean-up time; any property left at the clean-up site is subject to immediate disposal. On the morning of a scheduled clean-up, the City will provide at least one 27-gallon storage container for use of storing Eligible Property. Additionally, and by request, storage containers can be provided prior to the morning of a scheduled clean-up. The City will arrive at the site at least one half-hour before the posted clean-up time to give everyone who is interested in storing property additional opportunity to do so. Individuals can also arrange storage in advance of the posted clean-up time by contacting the City at the number listed on the notice or by requesting storage. Individuals may store Eligible Property in an amount up to what would fit in a 27-gallon container with the lid closed.

C. City Collection of Property During Cleanup

Any property that is left unattended at the site at the time of the noticed cleanup is subject to immediate disposal. However, during clean-up, the City will also make reasonable efforts to collect and store the following kinds of Eligible Property when they are in plain sight, even if they are unattended:

- i) Any form of personal identification, including driver's licenses, passports, and Social Security cards;
- ii) Photographs; Financial, legal, or medical documents; other documents of obvious importance;
- iii) Medications or medical or mobility devices;
- iv) Other property that is safe to store and of apparent substantial value.

Due to safety concerns, City officials will not sort through items (including items left in tents or containers) to identify property of value, including the items listed above. Property-owners leave property on site during a cleanup at their own risk.

D. Privacy

The City will collect the minimum amount of personal information necessary to accomplish the outreach, engagement, referrals, care coordination, and property storage described in this plan. Access to information gathered in connection with carrying out this protocol will only be given to individuals who need to access specific information to provide services and referrals.

E. Retrieval of Property Stored by the City

Individuals or authorized representatives may retrieve stored property within 90 days from the date of storage by contacting the City at the number listed on the notice or by making a request, or by going to the set walk-in

hours that will be included on the posted notice. Individuals may establish proof of ownership by, among other methods, describing the location and time the personal property was impounded from a public area, and by providing a detailed and accurate description of the stored items. Government-issued identification is not required to claim stored property. The City will make a record of who claimed what property. Free transportation to pick up stored items may be requested. Additionally, individuals moving into permanent housing may request the delivery of stored items.

F. Complaint Procedure

Individuals may file a complaint with the City regarding the application of this protocol. These complaints may be filed by speaking with an outreach worker. If the issue cannot be resolved readily by the outreach worker, that worker will then work with the individual to connect them with the appropriate City agency for follow up or direct them how to complete a written complaint. Individuals can also be instructed to call 311 to be referred to the appropriate agency. Individuals should include contact information if they would like to receive a follow up after the complaint is reviewed.

The City office or agency receiving any complaint will immediately refer it to relevant City staff who will respond to each complaint as soon as reasonably possible and make best efforts to identify and resolve the complaint.

Any complaint that cannot be adequately addressed by the relevant City agency staff should be referred to both the Boston Public Health Commission's General Counsel's Office.

VIII. Conclusion

The City of Boston is committed to addressing the complex issue of homeless encampments, seeking to better serve unsheltered individuals, while balancing the quality-of-life needs of the surrounding community. In this Protocol, the City-led centralized coordinated structure leverages the assets of multiple city departments to address the public health risks associated with encampments and connect unsheltered individuals to services. Through expanded outreach and better coordination between City departments, state agencies and partners, this Protocol will ensure more unsheltered individuals are connected to housing options, health services, and temporary storage. Additionally, this Protocol will establish a clear and consistent strategy for the disposition of property that is left in public spaces, which will help ensure that public spaces remain clean and available for intended use.