

New plan would make arresting homeless campers easier

Police given more discretion under draft ordinance

BY EMRY DINMAN THE SPOKESMAN-REVIEW

EDITOR'S NOTE: This report about the Spokane City Council proposed ordinance on camping laws ran in Saturday's edition but is being reprinted for the benefit of print-only readers.

Weeks after city leaders acknowledged the need for major reforms to Spokane's anti-homeless camping laws, a draft ordinance filed for emergency consideration would move away from the heavy emphasis on outreach and more towards criminal enforcement.

While most of the ordinance introduced Friday by Council members Michael Cathcart and Zack Zappone reflect reforms originally proposed by Mayor Lisa Brown, the mayor has requested the council abandon several of the changes now being considered.

Nearly four months ago, the Spokane City Council approved a new law Brown backed that outlawed homeless people from camping anywhere within city limits, though with numerous exceptions and an emphasis on outreach that opponents believed was toothless.

Spokane police Chief Kevin Hall acknowledged earlier this month that the law had been difficult to enforce, with zero arrests or citations issued, as the law allowed someone to avoid enforcement if they left the area.

Perhaps most significantly, the proposed law would leave discretion fully to an officer on whether to arrest a homeless person camping on public property. Compliance with an officer, such as quickly leaving the area, would no longer be sufficient to prevent an arrest.

“The ordinance would give ... officers discretion to offer services to a suspect who is willing to accept them and/or to cite violators, with increasing consequences for repeat violators,” Council spokesperson Lisa Gardner wrote in a late Friday news release.

Notably, there is nearly nothing in the law itself that would require increased consequences for repeat offenders. There is a nonbinding statement of intent that the council wants there to be “graduated consequences,” but no accompanying schedule of those increasing consequences.

An officer may, at their discretion, choose instead to offer homeless services to the person under the law. However, at the same presentation where Hall noted that the existing anti-camping law had prevented law enforcement from making arrests, he also stated that no one had accepted offers of homeless service from his officers, in part because the officers were not equipped to know which services to offer.

The ordinance creates a new city anti-littering law, which would be a finable offense on the first violation and an arrestable misdemeanor offense on subsequent violations. It also creates new requirements for regular data collection and reporting.

Along with the city’s camping laws, the proposed reforms would also change the city’s obstruction laws. Currently, someone is guilty of obstruction if they walk, stand, sit, lie down or place an object in a way that impedes someone from moving through the area – if someone has to move to avoid another person, that’s unlawful obstruction. Cathcart and Zappone’s proposed changes would broaden the scope of the law significantly: Breaking the law would no longer require someone to actually be impeded and police would be allowed to enforce the law without giving a violator the opportunity to move.

The proposed ordinance offered by the two council members also would increase the penalties for intentionally damaging street trees from a ticketable offense to an arrestable misdemeanor.

Brown argued that doing so would be counterproductive, noting that continuing to limit the penalty to a civil infraction would allow the city's code enforcement and limited commission park rangers to continue to enforce violations. Uniformed police would have to enforce a misdemeanor, Brown noted.

"This proposed change will significantly curtail enforcement, as it is not an efficient or appropriate use of Spokane Police Officer time and resources, particularly when our other teams are already equipped and authorized to do this work," Brown argued.

Downtown property owners often complain about the damage caused to trees by vandals.

However, the "highest cause of mortality" for downtown street trees is broken or improperly maintained irrigation lines, the city's Urban Forester Katie Kosanke said in a June interview. The city legally requires downtown property owners to maintain those trees and replace them if they die, though property owners have frequently flouted that responsibility and have never received a fine for doing so.

Instead, the City Council recently approved subsidies to help downtown property owners replace those trees.

The proposed ordinance is expected to come before the full council during a Monday committee meeting.

It is not immediately clear when a vote would be scheduled; a council vote typically takes place weeks after a committee hearing, though several council members have publicly expressed a desire to quickly pass something.

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