

A Tarnished Jewel: The Status of Illegal Camping on the American River Parkway

Summary

The American River Parkway (Parkway) is a 23-mile urban greenway along the American River that community leaders often refer to as the “Jewel of Sacramento.” An estimated 5 to 8 million annual visitors enjoy the wildlife and recreational options present in the Parkway. Because of increased illegal camping the last several years, the Parkway is unable to be fully utilized. The purpose of this grand jury report is to review the issue of illegal camping on the Parkway and the efficiency of current law enforcement practices. We offer a more effective strategy to address illegal camping on the Parkway.

Methodology

The grand jury interviewed individuals from the following agencies:

- Sacramento City Police Department
- Sacramento County Executive
- Sacramento County Department of Regional Parks

The grand jury reviewed the following:

- County Executive reports to Board of Supervisors dated July 1, 2017 and August 23, 2017
- County Executive Parkways and Unincorporated Communities Clean Up and Safety Initiative Monthly Reports (January-March 2018)
- City of Sacramento Fire Department Annual Reports 2015 and 2016.
- Sacramento Bee article (“Rangers cite half as many homeless people this year for American River Parkway camping”) dated December 20, 2016
- Sacramento Bee article (“A choice for Sacramento: Save the parkway or let it become a sewer for good”) dated August 21, 2017
- Sacramento Bee article (“Lower American River contains unsafe levels of E.coli”) dated August 27, 2017
- Sacramento Bee article (“How highly paid bureaucrats are blocking a massive plan to help Sacramento’s homeless”) dated October 23, 2017

Sacramento County Grand Jury 2017-2018

- Sacramento News and Review article (“HOT cops: Sacramento’s ‘homeless outreach team’ offers eviction notices, citations”) dated November 30, 2017
- City of Sacramento website:
<https://www.cityofsacramento.org/Police/Resources/Impact-Team/Homeless-Metrics>
- Sacramento County Board of Supervisors’ website:
www.bos.saccounty.net/Pages/BospublicMeetings.aspx
- Sacramento City Codes website:
<https://www.gcode.us/codes/sacramento>
- Sacramento County Codes website:
<https://www.gcode.us/codes/sacramentocounty>

In addition, members of the grand jury attended the August 23, 2017 Board of Supervisors’ meeting in which the County Executive’s report: “Report Back on Parkways and Unincorporated Communities Clean Up and Safety Initiative” (continued from July 11, 2017; Item No. 71) was presented.

Background

The 23-mile Parkway offers wildlife enjoyment and a variety of recreational activities including fishing, boating, rafting, swimming, golfing, running, biking, and hiking. Several parks, golf courses, horse trails, picnic areas and boat launches are also located within the Parkway along with 82 miles of maintained trails.

Between 5 and 8 million people enjoy the Parkway annually. Meanwhile, an estimated 200 illegal campers are present on and along the Parkway at any given time. A large concentration of these campers is located on the lower six-mile section of the Parkway that ends at Discovery Park at the confluence of the American and Sacramento Rivers.

The adverse impacts of illegal camping are significant and include crime, safety, fire, trash, water quality, public health, and reduced use of the Parkway. Violent crime on the Parkway in 2017 increased 20% compared to the same time period in 2016. The majority of the 25 reported crimes from Jan-June 2017 involved homeless individuals. Of those reported crimes, most were assaults.

The water quality of the American River has been impacted by illegal campers. Levels of E. coli bacteria found in the lower American River in a 2017 study exceeded the federal threshold for safe recreational use. Because the lower

river does not receive any sewer discharge, the most likely sources of E. coli are illegal campers, recreational users of the river and birds.

According to the 2015 City of Sacramento Fire Department Annual Report, the Parkway saw record fire activity, with over 70 separate incidents, some burning many acres. The City of Sacramento Fire Department and Metro Fire responded to 79 fires along the Parkway in 2016 that burned more than 260 acres. This is the largest number of fires reported in the last 5 years.

The greatest concentration of trash is in the first six miles of the lower Parkway. From January to October 30, 2017, five hundred tons of trash were removed at an annual cost of \$2 million. Four to five tons of trash are routinely removed during daily trash rounds on the Parkway.

Current Efforts to Address Illegal Camping on the Parkway

The Sacramento County Code allows camping only with a permit issued by the Director of Regional Parks, which does the lion's share of illegal camping enforcement along the Parkway. County Park Rangers enforce this and other County of Sacramento ordinances relating to littering, water pollution, fires, weapons, dogs off leash, in parks after hours, etc. Within the city, Park Rangers and City Police address campers pursuant to the Sacramento City illegal camping ordinance. The County Sheriff responds to crimes associated with illegal camping enforcement in the unincorporated areas of the Parkway. Violations can result in an infraction or misdemeanor. Misdemeanors are a more serious crime than an infraction, punishable by up to a year in jail. An infraction is only punishable by a fine, with no jail time or probation.

The Sacramento American River Parkway Plan of 2008 established a cooperative effort between law enforcement agencies to maintain a safe Parkway. Although the Sacramento County Park Rangers are responsible for the daily patrolling of the Parkway from the confluence of the American and Sacramento Rivers to Hazel Avenue, they share concurrent enforcement responsibilities in overlapping jurisdictions. These overlaps include the Sacramento County Sheriff's Department, The City of Sacramento Police Department, and the City of Rancho Cordova Police Department.

According to information provided by the County Executive to the County Board of Supervisors on August 23, 2017, the Sacramento Department of Regional Parks allocated \$1.4 million for five Rangers and three maintenance staff to clear illegal camps for the 2016-17 fiscal year. An additional \$1.7 million for maintenance and \$2 million for ranger patrol and County ordinance enforcement were allocated. To address increased need, \$449,000 was allocated in fiscal year 2017-18 for Parkway debris removal and a Visitor

Sacramento County Grand Jury 2017-2018

Services Team pilot project. The Park Resource Team, which was designated in January 2017, consisted of seven rangers and three and a half maintenance positions and associated equipment with a primary focus on the 23-mile stretch of the Parkway. During an approximate four-month period they made 156 arrests, contacted 373 camps, issued 590 illegal camping citations and cleared tons of debris from the Parkway. The arrests were for crimes other than illegal camping such as outstanding warrants and a drug or weapons possession.

Sacramento Sheriff's Homeless Outreach Team (HOT) addresses homeless issues in unincorporated area communities related to illegal camps and nuisance crimes. The HOT team is comprised of two full time sheriff's deputies at a cost of \$628,104. In addition, \$240,000 is allocated for the Collection Equipment Operator and a boom truck for refuse removal. The HOT team's annual statistics indicate 240 camps were abated; 2,220 citations issued (which includes repeat offenders, often described as "service resistant") and tons of refuse collected.

The Sacramento City Police Department's Impact Team provides services to more than 2,000 individuals experiencing homelessness, which includes some of the illegal campers on the Parkway. Using "compassionate policing", the Impact Team provides outreach to the chronically homeless and attempts to connect those individuals with mental health, housing and other services.

In September 2017, the Sacramento County Board of Supervisors approved \$5 million in funding for the Parkways and Unincorporated Communities Clean Up and Safety Initiative. The objective was to decrease the incidence and mitigate the impact of illegal camping in the American River and Dry Creek Parkways and the unincorporated communities. The funding adds two Sheriff's Homeless Outreach Teams (HOT) along with debris removal from Waste Management and Recycling to support the unincorporated communities; two Regional Parks Illegal Camping Teams and three Debris Removal Teams, both operating seven days a week; one Animal Control Officer to address animal issues in the Parkways and unincorporated communities; four Sheriff's vehicles; four dump trucks; two bobcats with trailers; ten Ranger vehicles; and one Animal Care vehicle.

According to the March 2018 monthly status report from the County Executive's office regarding the Parkway's initiative, the following positions have been filled:

- 2 FTE (full time equivalent) Ranger Supervisors
- 2 FTE Senior Park Maintenance Workers

Sacramento County Grand Jury 2017-2018

- 4 FTE Park Maintenance Workers
- 6 FTE Park Maintenance Aides
- 1 FTE Sheriff Sergeant
- 10 FTE Deputy Sheriffs

Vehicles and equipment added according to March 2018 status report:

- 2 Regional Parks vehicles
- 4 Sheriff vehicles
- 2 Dump trucks rented
- 2 Bobcats with trailers

Debris removal provided to the HOT detail has included 38 hours of service resulting in 21 loads and 37.17 tons as of the end of March 2018.

While it is difficult to arrive at a definitive figure regarding total expenses for services to address illegal camping on the Parkway, the services and equipment cited above for 2016-2018 total approximately \$11.4 million.

Discussion

The present approach to dealing with camping in the Parkway is not effective. Camping is unequivocally illegal yet occurs on a large scale. While there are expensive programs to address Parkway impacts, these programs largely deal with symptoms, not causes and prevention. Millions of dollars are spent each year on trash pick-up, firefighting and patrolling.

Estimates indicate that 2,000 people may be sleeping outside in the Sacramento area on any given night. At least 200 are camping in and alongside the Parkway. Of that number, an estimated 100 are "service resistant" or "chronically resistant", meaning that they will not go to available housing shelters and/or utilize community services to get back on their feet. It is these estimated 100 persons that should be the primary focus to keep the Parkway free of illegal campers.

County park rangers have the lead responsibility of dealing with campers on the entire Parkway. The vast majority of such camping takes place in the lower portion of the Parkway that is within the city limits. Accordingly, the city's illegal camping ordinance is used to cite people for camping. (Sacramento City Code Section 12.52.030. See also Penal Code Sections 370 and 647 (e)). The present situation works as follows:

- Given historical staffing levels, the rangers have not been able to be proactive in looking for illegal campsites. Thus, campsites that are not

readily visible often can be used for long periods of time. The August 23, 2017 County Executive report to the Board of Supervisors has resulted in budget increases for additional staffing to address these issues.

- When rangers come upon a campsite or respond to a complaint, their approach differs depending on whether the camp is occupied. If unoccupied, a 48-hour notice is posted that the camp must be removed. If it is not, the campsite is taken down. If people are at the site, they will either be told to leave or be issued a citation. In either case, if the people set up a camp again, even if nearby, the process starts all over.
- While illegal camping could constitute a misdemeanor, citations are routinely issued as an infraction. The citations are like a traffic ticket. The illegal camper is given a court date and a potential fine. Many of the illegal camps are located on the lower portion of the Parkway so that the persons are able to use the Loaves and Fishes Center during the day. There is a free legal clinic at this location that assists illegal campers with citations. A department of the Sacramento County Superior Court holds designated court sessions to clear the citations. Persons who cannot pay the fine are routinely given community service to perform at Loaves and Fishes and other locations.

The bottom line is that virtually no one who is only camping in the Parkway is ever arrested or ever serves jail time. This shell game of citing illegal campers and campsites, cleaning them up and allowing illegal campers to set up new campsites in nearby areas is nonproductive. It will simply not prevent illegal camping.

An Expansion of Existing Approaches

The grand jury recommends that a more effective strategy to address the problem of illegal camping in the Parkway be centered on revising existing City and/or County ordinances. A strong "stay-away" ordinance should be adopted. Such an ordinance would provide balanced options. Persons caught illegally camping would be given the option, at the election of the citing officer and the consent of the individual, of going to a facility providing housing services and signing a directive of not illegally camping again. Those agreeing would be placed on a "stay-away" list. All persons who do not consent or who violate the stay-away order would be arrested and charged with a misdemeanor. Having this ordinance would properly

focus law enforcement on “service resistant” campers. The grand jury understands that the County has established a task force to update its ordinances. This update may not include a strong stay-away ordinance that would apply to illegal camping in the Parkway. We encourage the County to adopt a more effective ordinance program to address this issue.

Conclusion

Most, if not all of Parkway illegal campers are homeless. Homelessness itself is not a crime, but crimes committed by the homeless are, including illegal camping. A carefully crafted “stay-away” ordinance is a balanced way to address the issue. Those persons willing to avail themselves of such an option can avoid a criminal response, whereas “hard-core” campers who are unwilling to utilize services can be dealt with through a law enforcement option. The result should be a great reduction in the number of illegal campers in the Parkway.

Findings

- F1. An inordinate amount of the money and effort spent on the parkway is a result of the approximate 200 illegal campers on the parkway.
- F2. Current ordinances do not act as an effective deterrent to illegal camping in the Parkway.

Recommendations

- R1. The focus should be on the removal of the estimated 100 “service resistant” campers on the parkway.
- R2. A carefully crafted “stay-away” ordinance should be considered by both the City and County.

Sacramento County Grand Jury 2017-2018

Request for Response

Penal Code Sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento County Superior Court by September 30, 2018.

- Sacramento County Board of Supervisors
- Sacramento County Executive
- Sacramento City Mayor

Mail or hand-deliver a hard copy response to:

David De Alba

Presiding Judge

Sacramento County Superior Court

720 Ninth Street, Department 47

Sacramento, California 95814

In addition, email response to:

Becky Castaneda, Grand Jury Coordinator at castanb@saccourt.com