



MIKE SCHMIDT, District Attorney for Multnomah County

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November 6, 2023

Mayor Ted Wheeler
City of Portland
mayorwheeler@portlandoregon.gov
via email only

Dear Mayor Wheeler:

I'm reaching out because my office has become aware of the City's intent to begin active enforcement of the Time, Place, Manner Ordinance (14A.50.020) on November 13. As with any new public safety initiative, enforcement of the city's ordinance requires collaboration with system partners.

My office stands ready to collaborate. However, as we've previously shared with you, there are several concerns related to the enforcement of this ordinance that need to be addressed before any violations referred to our office can be effectively prosecuted.

First, the specific language of 14A.50.025 requires that three separate police contacts with an individual occur over the course of (at least) three days in order to establish a criminal offense. This means that as part of any case submission by PPB under this ordinance, in order to meet minimum standards as outlined by the ordinance's language, we must be provided with:

- Police report(s) documenting the date, time, location, and nature of the camping violation on each of the three dates, and
- Copies of the two prior written warnings required by PCC 14A.50.025(A).
- If police are issuing a citation on the grounds that the subject is not "involuntarily homeless," in addition to the items listed above we also need an identified witness, with contact information, who can establish that shelter or other options for housing were accessible to the subject on *each date* in question.

Cases received by this office that do not include these materials will be sent back with the notation "follow-up requested," and will be re-reviewed upon submission of all necessary information described above. While we recognize that this creates additional work for frontline officers, we will be unable to prove violations of the ordinance as written without this documentation.

Second, your website description of the purpose and effect of this ordinance states that, "The third violation will be subject to criminal enforcement with fines or jail time, though the District Attorney's office will be focused on seeking alternative sentences, which the City fully supports. Enforcement of this ordinance is intended to be a tool to connect people with appropriate resources, while also addressing behavior that is damaging to our community."

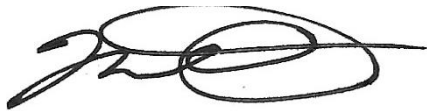
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While I share these values, the District Attorney's office is not a service provider. While we can refer individuals prosecuted by our office to treatment options that exist in the community, including housing assistance, addiction treatment, or mental health counseling, we have no resources within our own budget for this purpose. Because this is a municipal ordinance, no treatment dollars are available within the state budget on which we typically rely to provide treatment to individuals charged with crimes, nor is any currently funded specialty court available for this purpose.

We ask you to urgently partner with us in locating appropriate services to fulfill the stated purpose of this ordinance. Until this occurs, any representation that we will 'connect people with appropriate resources' is well intended but unlikely to come to fruition. We are available to work with you, our county partners, and the Joint Office of Homeless Services to find these resources, but cannot do so alone.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Schmidt', with a stylized flourish extending to the right.

Mike Schmidt
Multnomah County District Attorney

cc: Director of Community Safety Stephanie Howard
Multnomah County Chair Jessica Vega Pederson