

Introduction:

Pursuant to the Court Approved Settlement Agreement in U.S. v. The City of Albuquerque, the Mental Health Response Advisory Committee (MHRAC) was created to “assist in identifying and developing solutions and interventions that are designed to lead to improved outcomes for individuals perceived to be or actually suffering from mental illness or experiencing a mental health crisis.” See Second Amended and Restated Court-Approved Settlement Agreement (Doc. 465-1), ¶ 111 (July 30, 2019). Additionally, it is the responsibility of MHRAC to “analyze and recommend appropriate changes to policies, procedures, and training methods regarding police contact with individuals with mental illness.” Id.

Accordingly, MHRAC members have been given an opportunity to analyze: **Policy for Responding to Encampments on Public Property**

MHRAC Recommendations:

Prioritization:

1. Add a definition of “immediate hazard” to Section II.
 - a. See [CDC note](#): “Historically, the public health rationale has been used to justify encampment clearings when there have been concerns about sanitation, violence and safety, drug use, and other hazards. These public health concerns warrant attention and prevention. However, the health hazards of living outside should be weighed against the health hazards of involuntary displacement. Otherwise, attempts to eliminate one set of health concerns may unintentionally introduce new ones. In extreme circumstances, involuntary displacement can result in immediate death. Involuntary displacement exacerbates chronic diseases when medications and survival items are taken or destroyed... Emerging literature shows statistically significant relationships between involuntary displacement and stress-related adverse health outcomes, namely substance use (including overdose), infectious diseases, mental health, and climate-related conditions (eg, frostbite, heat stroke)”

See: Centers for Disease Control and Prevention (CDC) paper in the Journal of American Medicine, November 27, 2024:

<https://jamanetwork.com/journals/jama/article-abstract/2827205>

2. Move several subsections of Priority 1 encampments (under Section III, section A) to Priority 2 and/or assume that they are Priority 3 after deleting them from Priority 1.
3. Remove these from Priority 1: i.a., i.c, and i.n. (as there is limited or no access to public restrooms throughout the city).
4. Subsection i.g. is too expansive (except for airport, shooting range, and fuel pumps) and most of the delineated locations should be moved to Priority 2.
5. Add following terminology to i.f.: “Being adjacent to sidewalks and trails is not blocking any right of way.”
6. Remove these subsections under Priority 2 (so that they will be assumed to be Priority 3): ii.d. and ii.f.
7. Under Section IV., correct the typo in subsection E. to “terminate engaging”.

8. Section V.A. subsection I should be changed from “For a Priority 1 encampment” to “For an encampment that presents an immediate hazard...” (thus the need to have “immediate hazard” added to definitions). If this change is not made, then every Priority 1 situation will be assumed to trigger this short notice period of 2 hours or less.
9. Require a geographic analysis of coverage of priority areas to show unintended impact on other areas of the city and to reduce concentration of encampments.

Notice:

1. Follow best practices as delineated by the [US Interagency Council on Homelessness](https://www.usich.gov/sites/default/files/document/19%20Strategies%20for%20Communities%20to%20Address%20Encampments%20Humanely%20and%20Effectively_1.pdf) as follows
(https://www.usich.gov/sites/default/files/document/19%20Strategies%20for%20Communities%20to%20Address%20Encampments%20Humanely%20and%20Effectively_1.pdf):
 - a. “Provide encampment residents with verbal and written notices in plain and multiple languages (visible to every person and posted multiple times) **of a closure at least 30 days in advance.** (Imminent threats to the health and safety of encampment residents may make it not possible to provide 30 days of notice, and communities should have plans in place for such situations.) Do not change posted timelines unless necessary. If changes are necessary, provide a reasonable timeframe as well as verbal and written notice to every encampment resident.
 - b. Communicate clearly with residents early and often about the process, housing and shelter options, and storage, among other things. Provide **residents at least two days to sort and pack personal items prior to closure—unless there is an environmental health or urgent safety issue.**
 - c. To ensure constitutional rights, **provide adequate notice that any belongings left behind will be removed and stored; inform people where remaining belongings will be stored; and ensure sufficient time to retrieve them.**”
2. 2-hour notice periods are too short: Especially with the added subsections for Priority 1 encampments, this policy will make it much more likely that individuals will lose all of their survival belongings, since they easily could be away from the encampment when the 2 hours’ notice is given. No one should be given 2 hours or less notice (especially with the likelihood of absence from the encampment) for anything less than an immediate hazard situation. Verbal and written notice should be for at least 48 hours (Priority 1), preferably longer, except when it’s an immediate hazard. 30 days notice is best practice as indicated above by USICH.
3. Indicate which entity in the City is responsible for translation services and/or the entity that is contracted to do this. Add that translation services shall be made available within a reasonable timeframe.
4. Section V.B. should add that “Written notice shall be tacked onto each tent or structure” because the wording allows for a single notice to be posted other than that handed to individuals who are present.
5. Add to Section VI.C.i.: “...and the individual shall be informed that the container will be delivered to the encampment within 2 hours, if the container takes longer than 2 hours, items shall not be removed.”

Personal Property:

1. Create a standard for temperature/weather exceptions and preservation of essential survival items and align with CABQ's activation of warming and cooling stations. Survival items should not be removed during these times due to impact on mortality.
2. Follow best practices from the [US Interagency Council on Homelessness](https://www.usich.gov/sites/default/files/document/19%20Strategies%20for%20Communities%20to%20Address%20Encampments%20Humanely%20and%20Effectively_1.pdf) (USICH):
 - a. **“Provide storage for personal belongings for an amount of time that aligns with how long it typically takes to get placed into permanent housing—and locate storage facilities in places that are accessible to people.**
 - b. Label and photograph all belongings.
 - c. Maintain records of the owner's name, contact information, and outreach worker/case manager.
 - d. Ensure encampment residents are aware of the location, hours, and requirements for accessing their belongings in a storage facility.”

https://www.usich.gov/sites/default/files/document/19%20Strategies%20for%20Communities%20to%20Address%20Encampments%20Humanely%20and%20Effectively_1.pdf

3. The policy permits disposal of “abandoned” property if no one is present. It is not uncommon for encampments to be unoccupied when people are seeking food, water, a restroom, etc.. If owner cannot be located, allow for at least two days before removing property and as noted above per USICH “provide adequate notice that any belongings left behind will be removed and stored; inform people where remaining belongings will be stored; and ensure sufficient time to retrieve them.”
4. Storage timeframes should align with length of time it typically takes to get placed into permanent housing as indicated by USICH above. 14 days is too short.
5. The provision allowing CABQ employees to deem property abandoned within two hours in priority one encampments fails to account for the physical and mental disabilities many unsheltered individuals manage. Create accommodations for people with disabilities.
6. Language around “weapons” in the clause is too vague: “If City personnel observe any weapons at the encampment, they may terminate engagement with the encampment residents and request APD assistance,” creates ambiguity that could lead to unnecessary escalation and harm during interactions with unsheltered individuals.
7. See [CDC note](#): “involuntary displacement limits future rehousing opportunities, perpetuating homelessness and associated health risks. Identification documents, work uniforms, and job-related tools lost during displacement take time to replace and may lead to employment loss.

Shelter:

1. Include improved accessibility considerations and accommodations for shelter placements of people with disabilities. Need for clear coordination and communication of availability of accessible (to people with disabilities) shelter beds. Current policy makes no mention of availability of accessible beds at time of encampment clearing. Must have a way for people with disabilities to request reasonable accommodations.

2. See [CDC note](#): “The primary long-term solution to homelessness is housing. Responses to unsheltered homelessness and encampments can focus on stabilizing and supporting clients, using harm reduction approaches, and creating permanent housing with supportive services. Although these approaches take time, they yield better health and housing outcomes long-term. Once matched to a permanent housing destination, people in encampments should be provided with temporary housing or shelter while they await entry. It is insufficient to simply direct encampment residents to existing congregate shelters when those shelters may not be resourced to meet their physical, social, emotional, or material needs. People with mental illnesses may experience exacerbated symptoms being in crowded situations with unfamiliar people.”

See: Centers for Disease Control and Prevention (CDC) paper in the Journal of American Medicine, November 27, 2024: <https://jamanetwork.com/journals/jama/article-abstract/2827205>

Training and Accountability and Transparency:

1. Need for lapel cameras and documentation of items confiscated. Interactions with CABQ employees in encounters with high probability of escalation should be documented so that misconduct can be verified and so that best practices or deficiencies in training can be documented and used in future trainings (similar to APD processes with MHRAC). Must have records to verify encounters: this would also protect CABQ employees for example in the case of accusations of CABQ employees keeping property instead of discarding it.
2. Extensive training delineated in Section VI is a good improvement. Ensure training of departments not listed in the policy explicitly, but necessarily that will have involvement, including APD, Parks and Recs, etc. Training on the Encampment Policy for APD as a whole has not happened in the past.
3. Require more publication of policy so people experiencing homelessness understand their rights, and detail processes for informing people without homes of the policy and new changes.
4. Require transparency in reporting on cost of encampment clearings to the public.
5. Delineate who is ultimately responsible for ensuring the policy is followed by the various city departments involved and who is responsible for ensuring training of all relevant departments and personnel.
6. Require coordination and communication during important federal counts, including but not limited to the HUD Point in Time Count and any US Census activities.