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**ORDINANCE NO. 2023-11-02**

**An ordinance relating to the adverse impacts of camping and outside habitation on public property and public right-of-way.**

WHEREAS, pursuant to Article XI, Section 11 of the Washington State Constitution and RCW 35A.11.020, Clark County is authorized to regulate public property, including the Clark County Public Service Center, Clark County Courthouse, parks, public rights-of-way, and all other public property within Clark County; and

WHEREAS, public property is intended to be used by the public for public purposes, including daily County operations, park recreational use, pedestrian, bicycle and vehicular transportation, and other public uses; and

WHEREAS, camping without adequate sanitation services, such as sewer, water, and garbage, presents a public health and safety concern by increasing the spread of disease and potentials for members of the public, including persons experiencing homelessness, to contract illness; and

WHEREAS, it is important to maintain public property consistent with its intended use while balancing the needs of those experiencing homelessness with the impact on the entire community; and

WHEREAS, the amendments to the County Code proposed here will enhance clarity and certainty for the benefit of the public; and

WHEREAS, the Council is considering the matter at a duly advertised public hearing and concludes that adoption will further the public health, safety, and welfare; now, therefore,

BE IT ORDERED AND RESOLVED by the Clark County Council of Clark County, State of Washington, as follows:

**Section 1. New.** A new chapter 9.06 is added to the Clark County Code to read as follows:

**9.06 Unlawful Camping and Outside Habitation**

**Section 2. New.** A new section 9.06.010 is added to the Clark County Code to read as follows:

**9.06.010 Findings.**

**New.** It is the purpose of this chapter to address:

1. **Adverse Public Impacts of Camping and Outside Habitation.** People camping and habitating outside on public property and on public right-of-way create a public health and safety hazard due to the lack of proper food storage, cooking, electrical and/or sanitary facilities. People without proper sanitary facilities have openly urinated, defecated, and littered on private and public property and on the public right-of-way. Use of public property for purposes of camping, outside habitation, or storage of personal property interferes with the rights of others to use the areas for the purposes for

1 which they were intended and creates public health and safety dangers to the county's sensitive  
2 ecological areas, including the county's water sources, through illegal dumping and improper  
3 disposal of human waste. People cooking with open flames while camping or habitating outside  
4 endanger the lives and property of those nearby through uncontrolled fire. There is an increased risk  
5 of a dangerous wildfire event in certain natural areas along county rivers and streams due to the  
6 existence of one or more of the following characteristics: steep slopes, typical afternoon onshore  
7 winds, heavy vegetation, limited vehicle access, limited water supply, and the presence of nearby  
8 residences.

9  
10 2. Adverse Impacts of Camping and Outside Habitation on the Poor and Infirm. Many persons who  
11 habitate outside on public property do so not by choice but due to a lack of financial means to  
12 afford adequate shelter. These persons are also adversely mentally and physically impacted by  
13 being unsheltered. Single females who habitate outside experience a disproportionately high  
14 incidence of violent crime as compared to other people. Families with children who habitate outside  
15 as a result of a lack of adequate shelter are also disproportionately adversely impacted through risk  
16 of physical danger and impediments to childhood education.

17  
18 3. Constitutional Limitations on Available Remedies. The Eighth Amendment to the United States  
19 Constitution prohibits "cruel and unusual punishment;" the Ninth Circuit Court of Appeals has  
20 interpreted this prohibition to forbid communities from criminalizing camping and outside  
21 habitation in all places, at all times, by those who lack the financial means to pay for adequate  
22 shelter unless adequate shelter is available to such person free of charge.

23  
24 **Section 3.** New. A new section 9.06.020 is added to the Clark County Code to read  
25 as follows:

26  
27 **9.06.020 Purpose.**

28  
29 New. It is the purpose of this chapter to:

- 30  
31 1. Prevent harm to the health and safety of persons who habitate outside due to a lack of financial  
32 means to afford adequate shelter.  
33  
34 2. Prevent harm to the health and safety of the public and to promote the public health, safety, and  
35 general welfare by prohibiting camping within all camping and outside habitation impact areas at  
36 all times.  
37  
38 3. Prevent harm to the health or safety of the public and to promote the public health, safety and  
39 general welfare by making public streets and other areas readily accessible to the public and to  
40 prevent use of public property for camping and outside habitation purposes or storage of personal  
41 property which interferes with the rights of others to use the areas for which they were intended.  
42

43 **Section 4.** New. A new section 9.06.030 is added to the Clark County Code to read as  
44 follows:

45  
46 **9.06.030 Definitions.**

1 New. The following definitions are applicable in this chapter unless the context otherwise requires:  
2

3 "Available Overnight Shelter" means staying overnight in an available shelter bed, a local safe stay  
4 community such as one defined in Vancouver Municipal Code, or a hotel stay provided by hotel  
5 vouchers.  
6

7 "Camp" or "camping" means to set up, or to remain in or at a campsite or outside habitation facilities,  
8 for the purpose of establishing or maintaining a temporary place to live.  
9

10 "Camp and outside habitation paraphernalia" includes, but is not limited to, tarpaulins, cots, beds,  
11 sleeping bags, blankets, mattresses, hammocks, or non-designated cooking facilities and similar  
12 equipment.  
13

14 "Camping and outside habitation impact area" means the areas specified as unlawful to camp or  
15 habitate outside as outlined in chapter 9.06.040 below.  
16

17 "Campsite and outside habitation facilities" means any place where any bedding, sleeping bag, or other  
18 sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place  
19 incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.  
20

21 "Community Court" means the City of Vancouver – Clark County Community Court program as  
22 defined in its Policies and Procedures: The community court model seeks to give the justice system a  
23 problem-solving orientation to address community challenges, reduce crime, strengthen neighborhoods,  
24 support victims, and improve public trust in justice. This problem-solving approach helps to address  
25 quality of life concerns in communities by using evidence-based practices including: (1) conducting an  
26 assessment of the participant's needs and risk of reoffending, (2) promoting sanctions that increase  
27 participant accountability and (3) immediately engaging participants in treatment or connecting them to  
28 needed services.  
29

30 "Outside habitation" means to pitch, create, use, or occupy camp and outside habitation facilities for  
31 purposes of shelter for habitation.  
32

33 "Legacy Lands" means property purchased using Clark County Conservation Future property tax  
34 pursuant to CCC 3.24.  
35

36 "Natural Area" means property managed as open space according to the Clark County Parks,  
37 Recreation and Open Space Plan.  
38

39 "Park" means the same as defined in CCC 9.05.010.  
40

41 "Railroad" means the Chelatchie Prairie Railroad and associated right-of-way.  
42

43 "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave  
44 in a location.  
45

46 "Street" means any highway, lane, road, street, right-of-way, boulevard, alley, and every way or place  
47 in Clark County that is publicly owned or maintained for public vehicular travel.

1 "Vehicle" means the same as defined in RCW 46.04.670.

2  
3 **Section 5. New.** A new section 9.06.040 is added to the Clark County Code to read as  
4 follows:

5  
6 **9.06.040 Unlawful Camping and Outside Habitation Impact Areas.**

- 7  
8 1. **Camping and Outside Habitation Impact Areas.** It shall be unlawful to camp or habitate outside at  
9 any time within a camping and outside habitation impact area. The following locations are camping  
10 and outside habitation impact areas:  
11 (a) Upon any land used to operate a public water station, wastewater, or stormwater facility;  
12 (b) Within 200 feet of the nearest edge of rivers, lakes, ponds, streams, creeks, wetlands, other  
13 water bodies, or priority habitat areas in the county;  
14 (c) County railroad;  
15 (d) Natural areas or Legacy Lands in the county;  
16 (e) Parks in the county, unless authorized through a park and facility use permit as defined in CCC  
17 9.05.100; or  
18 (f) Any county road, street, sidewalk, or right-of-way in such a manner that restricts a person's  
19 access to the county road, street, sidewalk, or right-of-way. This provision is intended to  
20 comply with the Americans with Disabilities Act.  
21  
22 2. Violation of CCC 9.06.040(1) is a misdemeanor.  
23  
24 3. Unless otherwise subject to custodial arrest under RCW 10.31.100, persons subject to enforcement  
25 under CCC 9.06.040(1) shall be cited, instructed to appear at Community Court and released rather  
26 than being booked into jail.  
27  
28 4. A violation of the provisions of CCC 9.06.040(1) shall be enforced as follows:  
29 (a) Prior to issuing any citation pursuant to this chapter, the investigating deputy shall inquire  
30 whether the unlawful camping and storage of personal property is due to homelessness. If the  
31 deputy learns that such is the case, the deputy shall determine whether there is available  
32 overnight shelter to accommodate the person.  
33 (b) If the deputy determines there is available overnight shelter, the deputy may provide directions  
34 to the shelter location or provide a voucher for a hotel stay.  
35 (c) Any person who refuses to accept the available overnight shelter space offered is subject to  
36 citation and shall be referred to Community Court.  
37  
38 5. At all times, regardless of availability of overnight shelter, it shall be unlawful to camp where such  
39 activity poses:  
40 (a) A substantial danger to any person;  
41 (b) An immediate threat and/or an unreasonable risk of harm to public health or safety; or  
42 (c) A disruption to vital government services.  
43  
44 6. Violation of CCC 9.06.040(5) is a misdemeanor.  
45

1 7. Unless otherwise subject to custodial arrest under RCW 10.31.100, persons subject to enforcement  
2 under CCC 9.06.040(5) shall be cited, instructed to appear at Community Court and released rather  
3 than being booked into jail.

4  
5 **Section 6.** New. A new section 9.06.050 is added to the Clark County Code to read as  
6 follows:

7  
8 **9.06.050 Unlawful Daytime Camping and Outside Habitation.**

9  
10 1. Daytime Camping and Outside Habitation Prohibited. Except as otherwise provided within this  
11 chapter, during the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to camp,  
12 occupy campsite and outside habitation facilities for purposes of habitation, or use camp and  
13 outside habitation paraphernalia in the following areas:

- 14 (a) Any county road, street, sidewalk, or right-of-way; or  
15 (b) Any entrance to or exit from any county owned building or parking lot; or  
16 (c) Any county owned or maintained building, parking lot or other county owned or maintained  
17 area, improved or unimproved.

18  
19 2. Violation of CCC 9.06.050(1) is a misdemeanor.

20  
21 3. Unless otherwise subject to custodial arrest under RCW 10.31.100, persons subject to enforcement  
22 under CCC 9.06.050(1) shall be cited, instructed to appear at Community Court and released rather  
23 than being booked into jail.

24  
25 **Section 7.** New. A new section 9.06.060 is added to the Clark County Code to read as  
26 follows:

27  
28 **9.06.060 Unlawful Daytime Camping and Habitation in Vehicles.**

29  
30 1. Daytime Camping and Habitation in Vehicles Prohibited. Except as otherwise provided within this  
31 chapter, during the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to occupy a  
32 vehicle for the purpose of camping or habitating while that vehicle is parked in the following areas:

- 33 (a) Any county owned or maintained building, parking lot or other county owned or maintained  
34 area, improved or unimproved.

35  
36 2. Violation of CCC 9.06.060(1) is a misdemeanor.

37  
38 3. Unless otherwise subject to custodial arrest under RCW 10.31.100, persons subject to enforcement  
39 under CCC 9.06.060(1) shall be cited, instructed to appear at Community Court and released rather  
40 than being booked into jail.

41  
42 **Section 8.** New. A new section 9.06.070 is added to the Clark County Code to read as  
43 follows:

44  
45 **9.06.070 Unlawful Storage of Personal Property in Public Places.**

- 1 1. Except as otherwise provided within this chapter, during the hours of 6:30 a.m. to 9:30 p.m., it shall  
2 be unlawful for any person to store personal property, including campsite and outside habitation  
3 facilities (other than vehicles) and camp and outside habitation paraphernalia, in the following  
4 areas:  
5 (a) Any road, street, or right-of-way; or  
6 (b) Any publicly owned or maintained parking lot or publicly owned or maintained area, improved  
7 or unimproved.  
8  
9 2. Violation of CCC 9.06.070(1) is a misdemeanor.  
10  
11 3. Unless otherwise subject to custodial arrest under RCW 10.31.100, persons subject to enforcement  
12 under CCC 9.06.070(1) shall be cited, instructed to appear at Community Court and released rather  
13 than being booked into jail.  
14

15 **Section 9.** New. A new section 9.06.080 is added to the Clark County Code to read as  
16 follows:  
17

18 **9.06.080 Unlawful Fire, Permanent or Temporary Structures and Environmental Damage.**  
19

- 20 1. Except as otherwise provided within this chapter, within any public property or public right-of-way,  
21 it shall be unlawful for any person to:  
22 (a) Start or maintain any fire for the purposes of burning any combustible material in or around the  
23 campsite.  
24 (b) Erect, install, place, leave, or set up any type of permanent or temporary fixture or structure of  
25 any material(s) in or upon public property or public right-of-way. Items such as tents and  
26 similar items used for shelter that are readily portable are not structures for purposes of this  
27 section.  
28 (c) Dig, excavate, terrace soil, alter the ground or infrastructure, cause environmental damage, or  
29 damage vegetations or trees in or around a campsite.  
30  
31 2. Violation of CCC 9.06.080(1) is a misdemeanor.  
32  
33 3. Unless otherwise subject to custodial arrest under RCW 10.31.100, persons subject to enforcement  
34 under CCC 9.06.080(1) shall be cited, instructed to appear at Community Court and released rather  
35 than being booked into jail.  
36

37 **Section 10.** New. A new section 9.06.090 is added to the Clark County Code to read as  
38 follows:  
39

40 **9.06.090 Public Duty Created.**  
41

- 42 1. It is expressly the purpose of this ordinance to provide for and promote the health, safety, and  
43 welfare of the general public and not to create or otherwise establish or designate any particular  
44 class or group of persons or person who will or should be especially protected or benefited by the  
45 terms of this ordinance.  
46

1 2. Nothing contained in this ordinance is intended nor shall be construed to create or form the basis of  
2 any liability on the part of the county, or its officers, employees or agents, for any injury or damage  
3 resulting from any action or inaction on the part of the county related in any manner to the  
4 enforcement of this ordinance by its officers, employees or agents.  
5

6 **Section 11. New.** A new section 9.06.100 is added to the Clark County Code to read as  
7 follows:  
8

9 **9.06.100 Severability.**

- 10
- 11 1. If any section, subsection, sentence, clause, phrase, or other portion of this chapter is, for any  
12 reason;
  - 13
  - 14 2. held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not  
15 affect the validity of the remaining portions of this chapter.  
16

17 **Section 12. Effective Date.** This ordinance shall be effective on the 10<sup>th</sup> day following adoption.  
18

19 **Section 13. Instructions to Clerk.** The Clerk of the Council shall:  
20

- 21 A. Record a copy of this Ordinance with the Clark County Auditor; and
- 22 B. Cause notice of adoption of this Ordinance to be published forthwith, pursuant to Clark  
23 County Code 1.02.140.  
24

25 **Section 14. Direction to Code Reviser.** The above sections 1-11 should be  
26 added to the Clark County Code.  
27

28 **Section 15. Roll Call Vote.** The following persons voted in favor of the above ordinance

29 [amendments]: Glen Yung; Michelle Belkot; Gary Medvigy;  
30 Sue Marshall; + Karen Bill Bawerman.

31 The following persons voted in opposition to the above ordinance [amendments]: \_\_\_\_\_  
32  
33  
34  
35  
36

[remainder of page blank]

1 ADOPTED on this 7<sup>th</sup> day of November 2023.  
2


3 COUNTY COUNCIL  
4 CLARK COUNTY, WASHINGTON

5 Attest:  
6   
7 \_\_\_\_\_  
8 Clerk to the Council

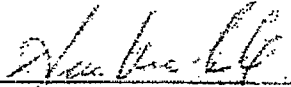
By: \_\_\_\_\_  
Karen Dill Bowerman, Chair

By: \_\_\_\_\_  
Glen Yung, Councilor

By: \_\_\_\_\_  
Michelle Belkot, Councilor

17 Approved as to Form Only:  
18 Anthony F. Golik  
19 Prosecuting Attorney  
20   
21 By: \_\_\_\_\_  
22 Leslie Lopez, Chief Civil Deputy

By: \_\_\_\_\_  
Gary Medvigy, Councilor

By:   
Sue Marshall, Councilor







City of Vancouver – Clark County  
Community Court  
Policies and Procedures



## 1 OVERVIEW

- 1.1 The community court model seeks to give the justice system a problem-solving orientation to address community challenges; reduce crime, strengthen neighborhoods, support victims, and improve public trust in justice. This problem-solving approach helps to address quality of life concerns in communities by using evidence-based practices including: (1) conducting an assessment of the participant's needs and risk of reoffending, (2) promoting sanctions that increase participant accountability and (3) immediately engaging participants in treatment or connecting them to needed services.

## 2 MISSION STATEMENT, GOALS, AND OBJECTIVES

- 2.1 The City of Vancouver-Clark County Community Court ("Community Court") mission is to enhance community trust and quality of life by promoting participant accountability and providing links to individualized services.
- 2.2 The goals of Community Court are to 1) improve safety and the quality of life for all community members, 2) increase equitable outcomes by allowing successful participants to avoid criminal convictions which may impair future employment or housing, 3) reduce re-offending, 4) enhance trust of the community in the justice system, and 5) increase efficiency.
- 2.3 The objectives of Community Court are:
- 2.3.1 **Immediacy:** Reduce time from cite/arrest to first appearance and from first appearance to treatment.
  - 2.3.2 **Court Engagement:** Participants will have a voice throughout the Community Court process. All interactions will work toward participants' success.
  - 2.3.3 **Accountability:** The Community Court will assist participants with responsible program participation through an individualized service plan and problem-solve with participants on any obstacles they may face.
  - 2.3.4 **Problem-Solving:** Use evidence-based practices to determine the most appropriate level of supervision by identifying participant's risk of reoffending and individual needs.
  - 2.3.5 **Partnership and Collaboration:** Build a network of community partners, including government and community-based organizations, who are essential to participant success.

### **3 LOCATION, HOURS, AND COURT SCHEDULE**

3.1 Community Court is held at the Recovery Café, 3312 E Fourth Plain Blvd, Suite #100, Vancouver, Washington. The hours of operation are from 10:00 a.m. until court is concluded every Monday, except on court holidays.

3.2 The Community Court schedule is generally as follows:

- 10:00 a.m. Participants arrive for community restoration projects.
- 12:00 p.m. Community Court staffing begins.
- 1:00 p.m. Court opens, participants cited into court at this time; participants check in with service providers as required.
- 2:00 p.m. Participants return from community restoration projects and check in with court and service providers as required.

### **4 ROLES AND RESPONSIBILITIES**

4.1 Community Court is committed to the protection of due process rights, procedural fairness, and an individualized problem-solving approach for all court participants.

4.2 All participating agencies agree to:

- 4.2.1 Assist in the design and ongoing development Community Court including providing all necessary data for evaluation purposes;
- 4.2.2 Respect other agencies' roles and responsibilities to ensure the integrity of the judicial and the therapeutic processes; and
- 4.2.3 Observe the participants' right to confidentiality in accordance with Federal and State laws and regulations governing treatment and criminal justice information.

4.3 Community Court Judge or Commissioner: Clark County District Court will assign a judge or commissioner to preside over Community Court. The Community Court Judge or Commissioner will work in concert with the Presiding Judge and the Court Administrator to oversee the Community Court Program. Along with presiding over the program, the Community Court Judge or Commissioner finalizes the court-ordered individualized case plan and adjudicates all aspects of community court cases. The judge or commissioner will dispense incentives and address accountability for non-compliance through appropriate sanctions.

- 4.4. **City Prosecutor:** The Vancouver City Attorney's Office will identify cases and individuals eligible for community court. Since this is a pre-plea court resulting in dismissal of the charges upon successful completion, the prosecutor will decide which cases may be referred to Community Court and which cases will not be referred. The office will have a consistent attorney attending the community court sessions. The prosecutor will work collaboratively with the core team on problem solving for the court participant and for the program.
- 4.5. **Deputy Prosecuting Attorney:** For cases originating outside the jurisdiction of the City of Vancouver, the Clark County Prosecuting Attorney's Office will identify cases and individuals eligible for community court. Since this is a pre-plea court resulting in dismissal of the charges upon successful completion, the prosecutor will decide which cases may be referred to Community Court and which cases will not be referred. The office will have a consistent attorney attending the community court sessions, to the extent practicable, when such matters are scheduled to be heard. He/she will work collaboratively with the core team on problem solving for the court participant and for the program.
- 4.6. **Defense Attorney:** Most participants in Community Court are likely indigent and will require the assistance of a court-appointed attorney. The rights of the participant must be recognized and protected. The defense attorney advocates for their clients to ensure protection of due process. Defense attorneys will work collaboratively with the core team on problem solving for the court participant and for the program.
- 4.7. **Court Administrator:** The Court Administrator will oversee the Community Court Program in concert with the Presiding Judge and Community Court Judge. The administrator will supervise and facilitate communication with the court and other City staff and oversee court operation aspects of the program. They will oversee file maintenance, contracts, documentation of procedures, written materials, inter-City partnerships, data collection and be responsible to facilitate discussion and analysis regarding performance measures and other data points the Core Team. The administrator also oversees the preparation and management of dockets, donations, and volunteer programs. The administrator will work with court operations and the core team to problem-solve logistical and operational issues that arise. The administrator is the lead planner overseeing grant seeking and expansion efforts and is the first point of contact for the City and works with the Community Court Judge regarding media and community engagement activities. The administrator is involved in cross-departmental and inter-agency committee work related to the Community Court Program.

- 4.8 **Community Court Coordinator:** The Community Court Coordinator will oversee the administration of the screening and assessment tool and maintain individualized case plans for each participant. The coordinator will monitor accountability of program compliance and provide recommendations to the staffing team as appropriate. This team member is the hub of information for service providers and is the primary point of contact for reports from providers. This individual will also problem-solve with the community court participant as challenges arise. He/she will report participant compliance and other relevant program information at the weekly staffing meeting. The coordinator will work with the core team on problem-solving for the court participant and case management issues. The coordinator will also compile statistical data and assist with the preparation and management of Community Court dockets and volunteer programs. The coordinator will build, maintain, and evaluate community restoration events and partnerships. With the assistance of a District Court data analyst, the coordinator will oversee data collection, write operational procedures, and be responsible to analyze and create reporting for performance measures and other data points. The coordinator will help identify gaps, additional data points needed for the program, and make data-based recommendations regarding the program.
- 4.9 **Community Court Clerk:** District Court will assign a judicial assistant to serve as the Community Court Clerk. The Clerk's duties include preparing and providing data entry support for community court case files; creating and maintaining a record of proceedings and operating remote appearance and streaming software as applicable; coordinating with the Community Court team and jail for any in-custody participants; preparing necessary forms, memoranda, and orders; circulating documents for signature by the parties and the court; scanning and linking documents into the court's electronic document management system; scheduling hearings, making docket entries and sending copies of opt-in, opt-out, set-over, and termination orders; coordinating communication between the court, team, attorneys, and other stakeholders; and providing other support as directed by the court.

## 5 ELIGIBILITY

- 5.1 The following offenses will generally be considered Community Court eligible offenses. Offenses designated as domestic violence offenses will not be permitted to opt in. Because successful completion of this program results in the dismissal of the charge, the prosecutor retains the right to determine which cases are referred to Community Court.
- 5.1.1 Criminal Trespass 2 (RCW 9A.52.080)
  - 5.1.2 Disorderly Conduct (RCW 9A.84.030)
  - 5.1.3 Intoxicating Liquor in the Park (VMC 15.04.120)

- 5.1.4 Park Curfew Violation (VMC 15.04.150)
- 5.1.5 Pedestrian Interference (VMC 7.04.020)
- 5.1.6 Unlawful Bus Conduct (VMC 7.13.040)
- 5.1.7 Unlawful Camping (VMC 8.22.040)
- 5.1.8 Unlawful Storage of Personal Property in Public (VMC 8.22.050)
- 5.1.9 Unlawful Transit Conduct (RCW 9.91.025)
- 5.1.10 Urinating in Public (VMC 7.10.020)

## **6 INTAKE AND FIRST APPEARANCE**

- 6.1 The process begins when an individual is cited by a Vancouver Police Officer or Clark County Sheriff's Deputy for an eligible offense. The individual is cited and instructed to appear at the next Monday community court docket at 1:00 p.m., at the Recovery Café. The cut-off time for the next Monday docket is Thursday at noon. Eligible individuals appearing in District Court may also be referred to Community Court by a prosecutor with the concurrence of the individual and their attorney if applicable and ordered to appear in Community Court.
- 6.2 When new defendants arrive, they will proceed through a security station (if available), before entering the courtroom and/or service provider room. New defendants will be greeted by the coordinator and prosecutor. After a short presentation on Community Court, the defendant will have a chance to meet with a court-appointed attorney.
- 6.3 If the defendant is interested in participating, the coordinator will conduct a short risk/needs assessment and supplemental questionnaire and develop a case plan based on these assessments. The short screener used for the risk/needs assessment is the Criminal Court Assessment Tool (CCAT), which was developed and validated for misdemeanor populations by the Center for Court Innovation with support from the Bureau of Justice Assistance.
- 6.4 After the assessment, the coordinator along with the defense attorney and prosecutor will develop a case plan. The defense attorney will then review the plan with his/her client. The case plan will focus on criminogenic needs and accessing services such as identification and health insurance through community partners.

- 6.5 The defense attorney and client meet in a confidential setting to discuss the client's legal options, including the pros and cons of the community court in their case. This is where the client typically decides whether to participate in the program or to go through the traditional court process. If a potential participant would like more time to think about their options, the matter may be set out to the following Community Court docket, with the agreement of the parties and the court. The potential participant may also choose to opt out of the program, at which point the case is set on the traditional District Court docket.
- 6.6 If an individual decides to participate in the program, the defense attorney will obtain the individual's signature on the petition and release of information forms. The defense attorney, individual and city prosecutor then go before the Judge to opt into the program. To allow time to complete the case plan, a participants will execute a speedy trial waiver commencing 90 days from the date they opt into Community Court.
- 6.7 Once a participant chooses to join the program, the individual is sent to the service provider room, where they are introduced to the providers on their case plan.
- 6.8 The participant submits a copy of the case plan to the provider, at which point, the provider may administer an assessment on-site, initiate a follow-up appointment for further screening and assessment, or give some instruction to meet or pick-up items (clothing, food, medication, etc.) at another location. These next steps are indicated in the case plan. The participant will be provided a checklist of services pursuant to the case plan. Providers will initial the relevant portions of the checklist indicating they consulted with the participant and any other important notes for the court and participants. Participants then returns the checklist to the coordinator.

## **7 COMMUNITY RESTITUTION AND SOCIAL SERVICES**

- 7.1 Program participants return to Community Court weekly to check in with service providers and the court and, as necessary, complete community restoration hours.
- 7.2 After meeting with the Coordinator, the Coordinator will direct participants requiring services to the appropriate service providers with the help of a volunteer if available.
- 7.3 Community restitution projects typically start at 10:00 a.m. and last for about four hours. Participants who are unable to participate in community restoration work, with court approval, may coordinate alternative community restoration work through the District Court Work Program.

7.4 Each participant will be required to complete four to eight hours of community restoration. District Court Community Restitution will provide personnel to supervise community restoration projects and will report each participant's hours served to the coordinator. Community restoration projects typically include clean-up and improvement of parks and other public spaces but may include other projects that benefit the community.

## 8 WEEKLY STATUS HEARINGS

8.1 Community Court dockets will be held every Monday unless the Monday falls on a court holiday; in which case there will be no docket that week. Initially, participants will appear before the judge for a status hearing every week unless the court determines a participant may appear less frequently. During status hearings, the court will address sanctions or incentives where appropriate.

8.2 Individuals who appear for court under the influence of a substance or exhibit behaviors that may cause harm to self or others will meet with their attorney and their hearing continued to a future docket. Individuals are expected to behave in a manner appropriate for a courtroom. A participant who appears in court under the influence of a substance or exhibits inappropriate behavior may not be appropriate for Community Court and may be terminated from the program.

## 9 COMPLIANCE MONITORING AND STAFFING MEETINGS

9.1 Appearances are required weekly by each participant. Weekly appearances may be waived with prior approval from a judge; however, best practices include consistent contact with the Judge, so this option will be used only with cause. Some examples of waivers are participants working full-time jobs, engaged in inpatient treatment, or living out of the area. The frequency of appearances will be assessed based on the risk score of the participant and their individual circumstance.

9.2 Each week the coordinator communicates with the service providers to (1) provide new participant information (case-mandated referrals, Release of Information forms); and (2) to follow-up on the status of current participants with their respective services and/or community restoration hours. The coordinator sends a current list of participants and the services to which they were referred to each service provider to help track the participant's progress.

9.3 The coordinator collects updates on current participants and shares these updates at the staffing meeting that takes place before Community Court opens each Monday. Every Friday, the JA will send the docket for the following Monday to the service providers and Community Court core team members.

## **10 LEGAL DISPOSITIONS**

10.1 When a participant has completed their program and complies with all the requirements of the program, the case will be dismissed at the time of graduation. If the participant fails to remain in compliance and is ultimately revoked, the case will be referred back to District Court for further proceedings.

## **11 CASE RESOLUTION AND COMPLETION**

11.1 When a participant has completed his or her program and is in compliance with all of the requirements of the program, a graduation ceremony will commence at the conclusion of the morning docket in the community court courtroom. The graduation ceremony includes verbal recognition, applause, a certificate of completion, and a small token, as available. Graduations should be a significant and positive experience for the participant as well as others who are present. Service providers may be invited into the courtroom to attend the graduation.

11.2 The community court graduation honors the work each participant puts into their program. All present staff members are called into the courtroom. The participant is given a certificate, the order of dismissal for their case and a small gift. The judge, defense attorney, prosecutor, and coordinator may speak about their experience with the participant in the program and the participant is given an opportunity to speak as well. When holding this ceremony with other community court participants in attendance, it serves as a reminder of the Community Court's goal.

## **12 CASE PROCEDURES**

12.1 Arrest Release and Citation. The initial contact begins with the Vancouver Police Department or the Clark County Sheriff's Office. The officer arrests or cites the individual for an eligible crime and the citation lists the appearance at community court at 1:00 p.m. the Monday immediately following the citation, along with information about the location and how to get there. If the citation is issued after noon on Thursday, but before Monday, the defendant will be cited in on the next Monday. Participants may also be referred from District Court and, if approved, set onto a Community Court docket.

12.2 Prosecutor Review. The prosecutor assigned to community court obtains a copy of the citation and police report. The prosecutor will review the case and criminal history of the individual for community court eligibility. Discovery is made available for the defense attorney through electronic means on an expedited basis.



**12.3 Case Preparation.** Court staff enters the new charge filed and prepares the electronic court file. An order appointing counsel will be prepared for the judge's signature, and counsel appointed, at the court's discretion, without need for financial screening. When the file is prepared, court staff prepares the first part of the electronic CCAT (the portion of the CCAT dealing with criminal record review).

**12.4 Defense Review.** The defense attorney receives discovery at the time of filing or shortly after. The defense attorney will review discovery prior to the court appearance on Monday.

**12.5 Case Plan Duration.** Each participant in Community Court will be provided with a case plan based on their initial assessment. The length of their participation in community court will vary based on the needs assessment, their history with prior referrals to Community Court, and criminal history. The purpose of community court is to promote participant accountability and provide links to individualized services in an expedited manner. Duration of case plans will be in keeping with the limited goals of Community Court.

**12.6 Staff Meetings.** Staffing meetings are weekly meetings facilitated by the coordinator to review each participant's status in the program. Typically, the prosecutor, defense attorney, defense paralegal, law enforcement representative, judge and coordinator are all in attendance. Staffing meetings begins at noon before scheduled community court dockets.

### **13 INCENTIVES AND SANCTIONS**

**13.1** The following incentives are provided to all City of Vancouver- Clark County Community Court participants to encourage participation in the community court program, as funding and resources allow:

- C-TRAN pass during program participation
- Lunch provided after court appearance
- Atmosphere of respect and support
- Gift cards
- Snacks

**13.2** Participants who accomplish certain milestones such as new employment, new housing, birthdays, and length of sobriety, or have a high level of program compliance may also receive other incentives, such as:

- Praise from Core Team members
- Praise and encouragement from the judge
- Early graduation

- Seen first in court
- Public recognition, such as applause
- 100% list on the board
- Certificate
- Gift card

13.3 Sanctions may be imposed for violations of Community Court policies and case plans where appropriate. Sanctions may include but are not limited to having a discussion with the judge, writing an essay or presenting an oral explanation, or additional community restitution hours.

13.4 Sanctions are used to hold participants accountable for misconduct during the program period and to bring participants back into compliance with the rules and requirements of the court. Jail is generally not an appropriate sanction for community court. Participants who do not wish to participate or whose behavior makes their participating problematic should be considered for termination from the program.

## **14 REVOCATION**

14.1 The participant may be revoked from the program if they have committed new crimes and/or failed to comply with their case plan despite attempts to bring them into compliance with incentives and sanctions. Once revoked, the participant may resolve the matter and be sentenced in community court, or the matter may be set over to a District Court docket.

## **15 SERVICE PROVIDERS**

15.1 Community Court service providers are vital to the program's success. Community Court partners with agencies to provide services as indicated in the case plan.

15.2 The following service providers are currently participating in Community Court:

- Department of Social and Health Services
- Columbia River Mental Health
- Community Services Northwest / Sea Mar Community Health
- Ideal Option
- XChange
- Recovery Café
- Lifeline Connections

- Clark County Veterans Assistance Center
- Council for the Homeless
- District Court Community Restitution

## **16 VOLUNTEERS**

16.1 Community Court will establish a pool of volunteers and assign tasks as available and appropriate.

## **17 DATA COLLECTION AND STATISTICAL REPORTING**

17.1 Community Court has identified performance measures to gauge its success over time in meeting its mission. To this end, the court collects data which it uses to streamline the decision making on treatment needs and monitoring of participants and program evaluation as well as its funding needs. Data collection is the responsibility of the court management analyst and is reviewed quarterly by the Court Administrator. The court's performance measures will help the team make decisions, set goals, and understand the flow of the cases.

17.2 Data collected includes the following:

- Successful completion of case plan; by offense and individuals
- Community restoration hours
- Community restoration dollar value
- Number of citations; by offense and individuals
- Number of opt-outs; by individuals
- Average days from incident to entry into the program
- Opt-in rate
- Warrants issued

## **18 FORMS**

## **19 REFERENCES**



## Principles of Community Court

- Individualized justice
- Improve quality of life for participants and the community
- Promote fair, equitable and responsive policies
- Find family and community-oriented solutions
- Expand employment and education opportunities
- Emphasizing criminal offences that impact neighborhood livability, including areas that are ecologically sensitive or have a raised risk of fire.

## Community Court partners

The foundation of Community Court is a collaboration of court and social service professionals, dedicated to helping participants reach practical and targeted solutions.

- City of Vancouver
- Clark County
- Clark County Veterans Assistance Center
- Clark County Volunteer Lawyers Program
- Columbia River Mental Health
- Council for Homeless
- Ideal Options
- Recovery Café
- Sea-Mar Community Health Centers
- Washington State Department of Social and Health Services



Learn more at  
[cityofvancouver.us/communitycourt](http://cityofvancouver.us/communitycourt)



# Community Court

**Community Court seeks to reduce and address quality of life offenses by utilizing a collaborative, problem-solving approach. The court promotes accountability while helping participants avoid future involvement in the criminal justice system.**



## How does it work?

Police officers will cite eligible offenses into Community Court at the next available court date. A prosecutor will screen the citation to ensure the case is appropriate. Example of eligible offenses include:

Criminal Trespass 2 (RCW 9A.52.080)  
Disorderly Conduct (RCW 9A.84.030)  
Intoxicating Liquor in the Park (VMC 15.04.120)  
Park Curfew Violation (VMC 15.04.150)  
Pedestrian Interference (VMC 7.04.020)  
Unlawful Bus Conduct (VMC 7.13.040)  
Unlawful Camping (VMC 8.22.040)  
Unlawful Storage of Personal Property in Public (VMC 8.22.050)  
Unlawful Transit Conduct (RCW 9.91.025)  
Urinating in Public (VMC 7.10.020)



## What's required?

If you have been cited to appear in Community Court, a court appointed attorney will be available at arraignment to discuss the process, review the police report, and provide advice prior to entering the program.

In addition to work crew assigned directly from the court, you will have a needs assessment, where you will be immediately required to meet and participate with providers\* to help you navigate services such as:

- Housing
- Healthcare/insurance
- Mental/behavioral health/trauma therapy
- Valid identification
- Supplemental Security Income (SSI)/disability

*\*Most providers are available during Community Court hours*

Charges will be dismissed if program conditions are successfully completed. Failure to appear or participate will mean a warrant and the case will return to "regular" court.

Prosecutors can refer other charges, if necessary, to courts such as Substance Abuse Court, Mental Health Court, and Veteran's Court who can better serve more serious charges and individuals who may need longer term services.



## When is Community Court?

Community Court is held on **Monday** at **1:00 p.m.**, except public holidays.

## Where is Community Court?

The Recovery Café, 3312 E Fourth Plain Blvd.

## Clark County Council OKs camping ordinance that makes homeless eligible for Community Court

*Councilors say law's goal is to connect homeless with help*

By Alexis Weisend, Columbian staff reporter

Published: November 8, 2023, 6:05am



A homeless camp spreads out in a wooded area in Hazel Dell in 2019. (The Columbian files)

The Clark County Council adopted an unlawful camping ordinance Tuesday after a public hearing, motivated by increased levels of unsheltered homelessness across the county.

Although the ordinance makes camping under certain conditions misdemeanors, it makes the offenses eligible for Community Court — a special court for people with homelessness-related offenses where they can engage with services to have their charges dismissed.

“This is not for punitive direction,” Councilor Gary Medvigy said. “This is to provide services, to connect people with services, whether they want them or not.”

### **The ordinance and its changes**

The eight-page-long ordinance goes into effect Nov. 17 and makes it more difficult to camp or store personal property in public places.

It bans camping between 6:30 a.m. and 9:30 p.m. on any county road, street, sidewalk or right-of-way; any entrance to or exit from any county-owned building or parking lot; and any county-owned or maintained buildings and parking lots. Camping in vehicles during that time frame on county property is also banned.

Camping on public property will not be allowed within 200 feet of a body of water; on any land used to operate a public water station, wastewater or stormwater facility; in parks; on the county railroad; and in natural areas.

The ordinance bans unlawful storage of personal property in public places, which is commonly associated with people experiencing homelessness, between 6:30 a.m. and 9:30 p.m.

Causing environmental damage or starting a fire around a campsite is banned on public property. Erecting structures, except those that are readily portable and used for shelter, such as tents, is also banned on public property.

The Clark County Prosecuting Attorney's Office added some changes to the draft ordinance Nov. 3 — four days before the public hearing — based on comments made by county councilors at their Oct. 24 meeting.

Camping on county roads, sidewalks, streets or rights-of-way that restricts a person's access to that property will be banned. The ordinance says the provision is intended to comply with the Americans with Disabilities Act.

Last year, a group of people with disabilities brought a federal class-action lawsuit against the city of Portland for failing to remove homeless camps blocking their access to sidewalks. The city settled in June, agreeing to clear at least 500 sidewalk-blocking camps.

Another addition to the ordinance: regardless of overnight shelter availability, it will be unlawful to camp where camping poses substantial danger to any person, an immediate threat or unreasonable risk of harm to public health or safety, or a disruption to vital government services.

The prosecutors' office got rid of a sentence that said a section on unlawful camping will not be enforced if there is no available shelter space.

A 2018 decision by the 9th U.S. Circuit Court of Appeals made it so unlawful camping ordinances cannot be enforced if there is no shelter space available at that time.

Although the ordinance does not include language about when it won't be enforced, it says law enforcement should determine whether there is available overnight shelter space for the person violating the ordinance. Any person who refuses to accept the open spot is subject to citation.

#### **A new tool for the county**

The council approved the ordinance unanimously.

The adoption comes just one day after the Vancouver City Council ratified three emergency orders related to homelessness.

At that meeting, city officials discussed a large, congregate shelter, called a bridge shelter, which is scheduled to be completed in December 2024. County councilors expressed interest in working with the city on the shelter.

"I think that is going to be important that we work together, finding a common solution for all of Clark County, not just Vancouver, not just in unincorporated Clark County, but all of us together," county Councilor Glen Yung said.

Although violations of the ordinance will be eligible for Community Court, Medvigy voiced concern about the possibility of people not showing up. Clark County Sheriff's Sgt. Todd Barsness said if people fail to appear, a warrant will be issued for their arrest.

"As we expand Community Court we need to expand the capability to remind people of their court dates, to provide transportation and to provide reminders before they get picked up off the street and arrested on a warrant," Medvigy said.

Beth Robinson, Therapeutic Specialty Courts coordinator, said in an email to The Columbian that failing to appear for Community Court is not unusual, due to the housing status of most participants.

"We recognize this and will keep their Community Court case open for six months once a warrant is issued," she said.

As of last month, the court's data shows that most people in Community Court are graduating from the program.

Yung said the ordinance in combination with Community Court will be a tool for getting people to services.

"These are real people that we're talking about, and I do believe that this ordinance is a reflection of that attitude," Yung said. "We have people that are just literally suffering and dying on the streets, and we cannot allow that to continue to happen."