

Four days after major ODOT sweep, man dies at controversial camp

BY JOANNE ZUHL
STAFF WRITER

Statistically speaking, he was a transient white male, age 59, declared dead from natural causes at 9:18 p.m., Oct. 7, outside in East Portland.

To his friends, he was Alvin Smith. He lived with about 50 other people at the controversial camp along Johnson Creek at 92nd Avenue and Flavel Street, the site of a bulldozer-backed cleanup by the Oregon Department of Transportation on Oct. 3, just four days before his passing.

People who knew him said the sweep had a devastating affect on Smith, including one friend who saw him regularly at the camp.

"I was watching him that day, and subsequent days. He had minimal protection," said Mike Davis, a pastor who formed Knowing Me Ministries specifically to help people experiencing homelessness or prostitution around 82nd Avenue and the Springwater corridor. "Up to the sweep, he had a tent, sleeping bags, a tarp to keep it insulated, a dog that kept him warm. He had a friend who stayed with him. That created the environment he needed. He was strong and just going about normal business. Until that sweep happened. Everybody could see something happen to him."

Davis is housed and has a family, but he is out daily working with the homeless, and knew the camp well, he says. After the sweep, Alvin went downhill quickly, according to Davis. "He was getting weaker and more tired and disoriented."

Davis had known Smith for about three years. They met when Alvin and his wife had a small apartment off 82nd Avenue and Flavel. But about two years ago, after 20 years of marriage, his wife died, Davis says. He was disabled from a work injury and couldn't get a job. He lost his apartment. In short order, Davis says, Alvin became homeless.

The cleanup of the site on Oct. 3 has generated some controversy on its own, but no one argues the camp didn't have its

problems. According to Don Hamilton, the spokesman for ODOT, activities on the site were damaging to Johnson Creek and the fish restoration efforts along its banks. ODOT reported a list of complaints, including contamination of water from people using the creek for bathing, laundry and "other human activities."

The site, Hamilton says, is posted as no trespassing. On Monday, Sept. 30 ODOT posted temporary notices that the camp would be cleared no sooner than 24 hours or later than 7 days from the posting. On the following Wednesday, Hamilton said an outreach worker with JOIN, which works to house people who are homeless, walked through and consulted campers about where they could go. On the morning of Oct. 3, police came through the camp and notified people that they had to leave. Crews discarded the trash, and personal belongings were collected to be stored by ODOT for up to 30 days for recovery.

Hamilton said the 24-7 notice terms for trespass enforcement had been worked out in advance between ODOT and the state department of justice.

However, the state guidelines established for removing personal property from illegal campsites require that the temporary notices be posted at least 10 days but not more than 19 days before the removal of personal property — far longer than the ODOT posting for the 92nd and Flavel site.

However, the guidelines go on to say that immediate removal of personal property "may be accomplished as a police matter as part of a trespass citation or exclusion area."

Monica Goracke, an attorney with the Oregon Law Center who has represented several homeless individuals challenging anti-camping policies, says that in her view, the trespass clause doesn't negate the 10 to 19-day notice requirement.

"The phrase 'as a police matter' is important," Goracke says. "The police did not initiate this sweep, ODOT did. The police did not remove everyone's personal property. If they had, then ODOT would not



The Oregon Department of Transportation has placed boulders under the I-205 overpasses in Southeast Portland to prevent people experiencing homelessness from using them for shelter.

have needed to store any personal property, because there wouldn't have been any. Also, you can't apply the last section of the guidelines to effectively nullify the rest of the document. The point of providing 10 to 19 days notice is to give people who are poor and have limited access to transportation enough time to relocate."

Residents of the surrounding Lents Neighborhood have watched this camp and others become established in their neighborhood where I-205 provides both vacant greenspace and shelter in its overpasses.

Jesse Cornett is a resident of Lents, who was recently elected chairman of the Lents Neighborhood Association. Speaking for himself about the camp, Cornett said the actions by ODOT seem dispassionate, however necessary they may seem to be from a landowner's perspective. But the larger issue of how the city addresses homelessness and camping still resonates.

"I truly have concerns about the homelessness in our neighborhood right now and the lack of interest from the City at large because it's not visible to PBA members," Cornett said. "On the same day the camp was originally dispersed, there was a large policy discussion going on about R2D2 being placed at X versus place Y. Meanwhile in Lents, 40 or so human beings

were forced out of their place with nowhere to go."

Mikaila Smith is the assistant director of Operation Nightwatch, which operates hospitality centers in Southeast Portland on Friday and Saturday nights. She knew Alvin and others from the camp from their visits. Alvin and two of his friends played The Three Wise men for the annual Christmas pageant, she said.

"He was a very nice guy always friendly, always with his dog," she said. "He always appeared healthy up until that last week."

The people at the camp believe it was the stress of the sweep that hastened his death, Smith says, although she added that she was aware Alvin had some pre-existing health issues. She says she understand both sides of the argument, between the mess and problems at the camp and the need for people experiencing homelessness to have a place to be. But the lack of places for people to go means that the good and the bad get lumped together.

"There are those who cause trouble and those who are seriously trying to get on with their lives," Smith says, no relation to Alvin. "Since there isn't any place for these people to go, they get all cramped together, the good mixed with others, and it's hard for those who are trying to better themselves to separate from the dysfunction."

Since 2011, the Multnomah County Medical Examiner's office has kept track of the number of people who die homeless — literally on the streets. In 2011, there were 47. In 2012, there were 56, more than one each week. These are only the figures that cross the medical examiner's desk. When the tally is made for 2013, it will include Alvin Smith.

Could his death have been prevented? "Yes — but it would have to have been a matter of bigger systemic changes," Smith says. "Better health care, getting indoors long ago. These are all factors that build up over people's lives that continue to be problems that need to be addressed."

Goracke believes more could be done right now.

"ODOT took everything that helped protect him from the elements," Goracke says. "Their actions made a vulnerable person a whole lot more vulnerable. It didn't have to be that way, and it wouldn't have been if they had given everyone at that camp more time to go."

State DOJ to look into reports of patient dumping in Oregon

BY JAKE THOMAS
STAFF WRITER

The Oregon Department of Justice says it is considering launching an investigation into reports that mentally ill people were "dumped" in Oregon and other states.

As reported by Street Roots ("Leave the patients to us," Street Roots, Sept. 27),

Since that report, a department spokesperson has said the Department of Justice will launch an investigation if it is warranted.

The concern centers on the actions of Rawson-Neal Psychiatric Hospital, which is accused of giving approximately 1,500 patients involuntary discharges and one-way tickets to other cities between 2008 and 2012, with only a few days' supply of food and medications. An analysis of the ticket stubs by Street Roots showed that 29 of the one-way tickets were to Oregon — 20 of them to Portland. The names of the passengers have been redacted to protect their identity, nor is there any information attached regarding the circumstances surrounding their trip.

The allegations have prompted two lawsuits by American Civil Liberties Union

of Nevada and the city of San Francisco on behalf of local governments throughout California who shouldered the burden of taking care of the patients.

The Mental Health Association of Portland is calling on the Oregon attorney general Ellen Rosenblum to conduct an investigation to determine if the Beaver State has also received improper discharges from the embattled hospital.

California's class action lawsuit focuses on the case of James Flavy Coy Brown, who arrived in Sacramento after a 15-hour bus ride from Las Vegas, confused as to why he had been sent to a city where he had no contacts, according to The Bee. The paper's report says Brown had been given instructions from the staff at Rawson-Neal to call 9-1-1 when he reached his destination.

According to an investigation by the San Francisco District Attorney's office, Rawson-Neal bused at least two dozen patients to San Francisco without adequate food, water or medication and without arrangements for continued care when they reached the city. Twenty of these patients required medical care shortly after arriving in San Francisco,



A psychiatric facility in Nevada is accused of giving patients one-way tickets to other states on Greyhound buses like the one above.

the investigation found. The suit seeks \$500,000 to recoup the costs associated with providing shelter, medical care and other necessities for individuals bused to the city.

Mary Woods, spokesperson for the Nevada Department of Health and Human Services, says that while there have been problems with the state's Transportation Back to Home Communities program, they have been overblown.

According to Woods, when the

department became aware that staff did not follow program policies, it immediately initiated a review. Woods also says that the hospital has terminated medical staff. It has also revised policies to require more thorough oversight of travel arrangements and for a chaperone to accompany the client to their destination, according to Woods. Additionally, she points out that the state has increased funding for mental health services, and a recent outside review of the Rawson-Neal facility was generally positive.