

1
2 IN THE MUNICIPAL COURT OF THE CITY OF MEDFORD

3 FOR THE COUNTY OF JACKSON

4 STATE OF OREGON,

5 Plaintiff,

6 v.

7 APRIL ROSEMARY FONSECA,

8 Defendant.

Complaint No. 178044
MPD Case No. 20-15603
Case No. 20F16737, 20F16736

DEFENDANT’S MOTION TO DISMISS
COUNT 2
(ORAL ARGUMENT REQUESTED)

9 COMES NOW the defendant, by and through her attorneys, Stephen A. Houze, OSB No.
10 721261, and Jacob G Houze, OSB No. 133889, and respectfully moves this Court for an Order
11 dismissing Count 2 – Trespass Premises (MMC 5.250). As articulated in the accompanying
12 Memorandum of Law, the City Manager’s order, and law enforcement’s implementation thereof,
13 closing Hawthorne Park violated Ms. Fonseca’s rights guaranteed by Article I, section 8, of the
14 Oregon Constitution, and the First Amendment to the United States Constitution (as applied to
15 States through the 14th Amendment to the United States Constitution).¹

16 When the underlying order to leave is unlawful, a defendant cannot be convicted of trespass.
17 *See State v. Koenig*, 238 Or App 297, 308-09 (2010); *see also State v. White*, 211 Or App 210
18 (2007). As such, this Court should dismiss Count 2.

19 BY: s/Jacob G Houze

Jacob G Houze, OSB No. 133889
Email: jacob@shouze.com
Phone: (503) 299-6426
Fax: (503) 299-6428

22 Attorney for Defendant

23 ¹ As discussed in the contemporaneously-filed demurrer/motion for election, the city has not provided notice to defendant which
24 theory of Trespass it is pursuing. *See* MMC 5.240 (defining two alternative ways in which a person can enter or remain
unlawfully)

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing DEFENDANT’S MOTION TO DISMISS COUNT 2 on the following attorney(s) on the date noted below via the following method:

Medford City Attorney’s Office Attn.: Senior Asst. City Attorney Katie Zerkel 411 W 8 th Street Medford, OR 97501
Method: <input type="checkbox"/> US Mail, postage prepaid <input checked="" type="checkbox"/> Email <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Delivery

Dated this 21st day of July 2022.

BY: s/Jacob G Houze
Jacob G Houze, OSB No. 133889
Email: jacob@shouze.com
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Attorney for Defendant

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MEMORANDUM IN SUPPORT OF
DEFENDANT’S MOTION TO DISMISS
COUNT 2

9 FACTUAL BACKGROUND

10 On Friday September 18, 2020, at 11:28 AM then-Medford Police Chief, Scott Clauson
11 (“Clauson”) sent an email to City Manager Brian Sjothun (“Sjothun”) regarding “the plan” to
12 “clean up Hawthorne Park Monday [September 21, 2020] morning starting at 8 AM.” *See*
13 *Exhibit 1*. Then-Chief Clauson’s email began with a warning that the plan “is not for public or
14 media dissemination” *Id.* Then-Chief Clauson stated that “We are concerned about an influx of
15 protesters over the weekend if we advertise this so we are keeping this date/time quiet.” *Id.* Cc’d
16 on this email were Deputy City Manager Kelly Madding (“Madding”), Assistant City Manager
17 Ryan Martin (“Martin”), then-City Attorney Rick Whitlock (“Whitlock”), then-Medford Parks
18 and Recreation Director Richard Rosenthal (“Rosenthal”), and Assistant Director of Medford
19 Parks and Recreation Timothy Stevens (“Stevens”). *Id.*

20 Four hours after then-Chief Clauson’s email, on Friday September 18, 2020, at 3:18 PM
21 City Manager Sjothun sent a separate email to then-Chief Clauson, purporting to order the
22 closure of Hawthorne Park for 48 hours beginning at 8:00 AM on Monday September 21, 2020.
23 *See Exhibit 2*. Cc’d on that email were then-City Attorney Rick Whitlock (“Whitlock”), Senior
24

1 Assistant City Attorney Katie Zerkel (“Zerkel”)¹, current City Attorney Eric Mitton (“Mitton”),
2 Assistant Director of Medford Parks and Recreation Timothy Stevens (“Stevens”), and
3 Communication and Marketing Manager of the City of Medford Kristina Johnsen (“Johnsen”).

4 Sjothun’s email contained no explanation or justification for the closure of Hawthorne
5 Park. Sjothun wrote that he intended to inform the Mayor and the City Council of his decision to
6 close Hawthorne Park on Monday – the day on which the closure was to take effect.

7 On Saturday September 19, 2020, at 4:14 PM Ms. Fonseca, a reporter employed by
8 Jefferson Public Radio, emailed then-Chief Clauson seeking an update on Hawthorne Park. *See*
9 *Exhibit 3*. Ms. Fonseca inquired about 1) whether or not another resource fair was going to
10 occur, and if so, when and where; and 2) whether the police department planned to “clear[]
11 Hawthorne Park, or take[] any other actions regarding Hawthorne Park? If so, when?” *Id.* Ms.
12 Fonseca’s email was sent more than 24 hours after then-Chief Clauson sent his email regarding a
13 secret plan to “clean up Hawthorne Park” and also more than 24 hours after then-Chief Clauson
14 had actual knowledge of the secret Order closing Hawthorne Park.

15 On Sunday September 20, 2020, at 1:37 PM then-Chief Clauson replied to his own email
16 regarding the secret plan to “clean up Hawthorne Park,” saying that, due to a “critical ‘technical’
17 error” the “actual eviction of campers will occur on Tuesday [September 22, 2020].” *Exhibit 1*.
18 Then-Chief Clauson concluded his email by asserting: “[The error] was unintentional, but from a
19 public relations standpoint it will probably be better that we are working with campers a day in
20 advance anyway and this will give organizers time to get their stuff out.” *Id.*

21 On Monday September 21, 2020, at 2:50 PM then-Chief Clauson responded to Ms.
22 Fonseca’s September 19, 2020, email. *Exhibit 3*. Despite, more than 48 hours earlier, having
23 already committed to writing the secret plan to “clean up Hawthorne Park” and having received

24 _____
¹ Katie Zerkel is also acting as the prosecuting attorney in Ms. Fonseca’s case.

1 notice of City Manager Sjothun’s secret order closing Hawthorne Park, then-Chief Clauson
2 replied “We started bringing resources in this morning and will continue through the end of day
3 Tuesday [September 22, 2020]. Lt. Trevor Arnold will handling [*sic*] media inquiries related to
4 Hawthorne Park through Tuesday afternoon. I will let him know you will be interested in
5 updates.” *Id.*

6 By responding only to Ms. Fonseca’s first inquiry – i.e. providing resources – then-Chief
7 Clauson created the misleading impression that providing resources was the only action law
8 enforcement was taking at Hawthorne Park. Put another way, then-Chief Clauson created the
9 misleading impression that law enforcement would *not* be taking any other actions, such as
10 evicting “campers” or enforcing the closure of the park.

11 Based on his own email regarding the need to keep the plan to “clean up Hawthorne
12 Park” secret, then-Chief Clauson’s response to Ms. Fonseca’s *direct* inquiry about planned police
13 actions, can only be seen as intentionally misleading. The fact that then-Chief Clauson’s
14 response to Ms. Fonseca’s email came *after* police had begun distributing the 24-hour camping
15 notice further supports the conclusion that he was intentionally misleading Ms. Fonseca.

16 Hawthorne Park was purportedly ordered closed by City Manager Sjothun “for at least 48
17 hours to allow for sanitation, cleaning, and inspection of City property.” *Exhibit 4*. Importantly,
18 this Order was not based on any emergency. Similarly, had the “illegal camping” in Hawthorne
19 Park been an emergency, the City would not have been required to post the 24 hour notice that it
20 posted. *MMC 5.257(10(a)(i)-(ii)* (notice is not required when “there are grounds for law
21 enforcement officials to believe that illegal activities other than camping are occurring[;] In the
22 event of an exceptional emergency...including, but not limited to, possible site contamination by
23 hazardous materials, a public health emergency or other immediate danger to human life or
24

1 safety.”)

2 Undersigned counsel has requested any and all discovery that reflects that this written
3 order purporting to close Hawthorne Park was transmitted to Ms. Fonseca. Despite the fact that
4 Ms. Fonseca directly and explicitly inquired of then-Chief Clauson about clearing Hawthorne
5 Park or any other police activities, the City has produced no such discovery.

6 Intentionally misleading the press about planned police actions on matters of public
7 interest is incompatible with open government and the Oregon Constitution and United States
8 Constitution. Prosecuting a member of the press for allegedly violating an order, the existence of
9 which you intentionally conceal from that reporter, not only flagrantly violates the Oregon
10 Constitution and the United States Constitution, but should be viewed with deep suspicion by
11 any court of law in our country.

12 Ms. Fonseca arrived at Hawthorne Park on the morning of September 22, 2020, mere
13 hours after being misled in writing by then-Chief Clauson regarding the plans for Hawthorne
14 Park. She was identified as a member of the professional press by numerous police officers and
15 bystanders. Ms. Fonseca, as a radio journalist, had her professional audio recording equipment
16 visible and turned on. Standing in the parking lot adjacent to Hawthorne Park, Ms. Fonseca was
17 informed by an officer that the park was closed. Ms. Fonseca inquired as to whether the officer
18 had something in writing that reflected the purported closure. Given that Ms. Fonseca received,
19 mere hours before, written communication from then-Chief Clauson that clearly indicated that
20 the park was not going to be cleared and no other police activities were planned, her desire to see
21 something in writing is quite reasonable. Ms. Fonseca was never provided written notice of the
22 park’s purported closure.

23 Ms. Fonseca then began recording an extended interaction between Sgt. Kirkpatrick, of
24

1 the Medford Police Department Livability Team, and numerous citizens who appeared to be
2 residing in Hawthorne Park. Ms. Fonseca is seen on body cam footage provided in discovery
3 standing silently, holding out her professional recording equipment. Ms. Fonseca is clearly in
4 Sgt. Kirkpatrick's line of sight, but never does anything other than passively record the
5 interaction. Sgt. Kirkpatrick never talked directly to Ms. Fonseca.

6 Ms. Fonseca is then seen on body cam footage walking along a path in the park. Ms.
7 Fonseca's professional recording equipment is still clearly visible. Ms. Fonseca silently
8 approached Medford Police Department Sgt. Furst and Jackson County Probation Officer Stokes
9 as they interacted with a person who appeared to be in Hawthorne Park to document the event.
10 Sgt. Furst quickly approached Ms. Fonseca and asked if he could help her. Ms. Fonseca
11 immediately identified herself as a reporter. Again, her professional recording equipment was
12 clearly visible. Sgt. Furst told Ms. Fonseca that she needed to go "up there" and speak to Lt.
13 Trevor Arnold. Ms. Fonseca replied that she is in a public park and is "reporting on this." Sgt.
14 Furst then claimed that Ms. Fonseca was trespassing, to which Ms. Fonseca replied that she was
15 not trespassing because she was in a public park. As Sgt. Furst turned his back on Ms. Fonseca
16 he stated quietly that the park was closed. Sgt. Furst wrote in his report that he turned his back on
17 Ms. Fonseca "to give her an opportunity to leave the park."

18 Seconds later, Sgt. Furst turned around to again face Ms. Fonseca. Ms. Fonseca can be
19 seen on body cam footage walking away from Sgt. Furst. Sgt. Furst summoned Ms. Fonseca, and
20 began to address her again, which caused Ms. Fonseca to turn back toward Sgt. Furst to hear
21 what he was saying. Sgt. Furst then told Ms. Fonseca that she was committing the crime of
22 trespass, that the park was closed and she has to leave. Ms. Fonseca silently shook her head. Sgt.
23 Furst wrote in his report that Ms. Fonseca also "made a facial smirk." Sgt. Furst is then seen
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1 grabbing Ms. Fonseca by her right wrist (two pieces of professional recording equipment were in
2 Ms. Fonseca's right hand) and informed Ms. Fonseca that she was under arrest. Sgt. Furst then
3 used his other hand to grab Ms. Fonseca's right elbow. Simultaneously, PO Stokes grabbed Ms.
4 Fonseca's left arm and began pulling it behind her back. Ms. Fonseca repeatedly reminded Sgt.
5 Furst that she is a reporter and that she was just doing her job by being in the park "to report on
6 this."

7 Several other male officers descend on Ms. Fonseca and began pulling her arms behind
8 her back and bending her wrists. Both of Ms. Fonseca's hands were still full of recording
9 equipment. Ms. Fonseca yells for the officers to let go of her. Every one of the officers,
10 including PO Stokes, were physically larger than Ms. Fonseca. The officers outnumbered Ms.
11 Fonseca by four to one. Ms. Fonseca had a heavy bag over her shoulder that came down in front
12 of her as the officers forced her upper body down toward the ground.

13 Despite the fact that Ms. Fonseca was not resisting, several officers can be heard telling
14 her not to resist. Sgt. Furst wrote in the PC Affidavit that Ms. Fonseca "actively pulled away and
15 thrashed to break free of my grip." Sgt. Furst wrote in his report that he spoke with PO Stokes
16 and she reportedly said that she was "kicked" as she was arresting Ms. Fonseca. Sgt. Furst wrote
17 that PO Stokes "did not believe [Ms.] Fonseca was trying to assault her, but that she was trying
18 to break free." PO Stokes wrote in her report that Ms. Fonseca "statically resist[ed] by kicking
19 her feet about." PO Stokes also wrote that "In fact, I had to pay attention to not trip on her feet as
20 I moved to assist."

21 Cell phone footage, provided by the city in discovery, reveals the actual facts. Ms.
22 Fonseca is not resisting. Ms. Fonseca is not "thrashing." Ms. Fonseca did not "kick her feet
23 about." Despite PO Stokes writing that "in fact" she had to pay attention to not trip on Ms.
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1 Fonseca's feet, the *actual fact* is that PO Stokes can be seen on the cell phone footage kicking
2 Ms. Fonseca's feet/lower legs (which were stationary) in what appeared to be an attempt to trip
3 Ms. Fonseca to the ground.

4 Ms. Fonseca was placed in handcuffs and led out of the park by two male officers. The
5 officers took Ms. Fonseca out of the park along the route she was seen heading toward before
6 being summoned back by Sgt. Furst.

7 As Ms. Fonseca was being led away, Sgt. Furst informed other officers that he had told
8 Ms. Fonseca where the media was supposed to go and she refused to go there. Shortly thereafter,
9 Sgt. Furst can be heard on body cam footage telling Cpl. Jewell that "that JPR girl kept getting in
10 my face." As detailed above, Sgt. Furst's claim is completely refuted by body cam footage of his
11 interaction with Ms. Fonseca.

12 The place to which Sgt. Furst said Ms. Fonseca should go was outside of Hawthorne
13 Park, along a busy road. This so-called "media staging area" was a significant distance away
14 from the interior of Hawthorne Park, and thus completely prevented Ms. Fonseca, a radio
15 journalist, from gathering any news. Furthermore, the line of sight from the "media staging area"
16 is obstructed by numerous large trees. Undersigned counsel requested any and all discovery from
17 the city that reflected any communication or notice provided by Medford Police to Ms. Fonseca
18 or any other media members regarding the purported "media staging area." The city informed
19 undersigned counsel that they are "not aware of any responsive materials."

20 Body cam footage from later in the morning captured Lt. Arnold, the designated PIO,
21 being informed by another officer that another radio journalist was hoping to speak with him at
22 the "media staging area." Lt. Arnold responded that he would inform the radio journalist that he
23 would not be answering questions, but that they would put out a press release later.

1 1035, 1044 (9th Cir 2018) (internal citations omitted). The First Amendment also affords the
2 press with the right to gather news. *See Index Newspapers LLC v. US Marshals Service*, 977 F3d
3 817, 831 (9th Cir 2020); *see also Leigh v. Salazar*, 677 F3d 892, 897 (9th Cir 2012) (“Although
4 the First Amendment does not enumerate special rights for observing government activities, ‘the
5 Supreme Court has recognized that newsgathering is an activity protected by the First
6 Amendment.’”) (internal citations omitted); *see also Branzburg v. Hayes*, 408 US 665, 681
7 (1972) (“Without some protections for seeking out the news, freedom of the press could be
8 eviscerated.”).

9 Courts have long recognized the uniquely strong relationship between the First
10 Amendment and public parks. *See Berger v. City of Seattle*, 569 F3d 1029, 1035-36 (9th Cir
11 2009) (Describing as a “bedrock principle” that “the protections afforded by the First
12 Amendment are nowhere stronger than in streets and parks, both categorized for First
13 Amendment purposes as traditional public fora.”) (internal citations omitted); *see also Hague v.*
14 *CIO*, 307 US 496, 515 (1939) (“Wherever the title of streets and parks may rest, they have
15 immemorially been held in trust for the use of the public and, time out of mind, have been used
16 for purposes of assembly, communicating thoughts between citizens, and discussing public
17 questions. Such use of the streets and public places has, from ancient times, been a part of the
18 privileges, immunities, rights, and liberties of citizens.”); *see also Perry Education Association*
19 *v. Perry Local Educators’ Association*, 460 US 37, 45 (1983) (describing public parks as a
20 “quintessential public forum”).

21 When the government restricts First Amendment protected activity the government
22 “bears the burden of proving the constitutionality of its actions.” *US v. Playboy Entertainment*
23 *Group Inc.*, 529 US 803, 816 (2000). The government’s ability to limit First Amendment
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1 protected activity “in a public forum is sharply circumscribed.” *Martinez v. City of Fresno*, 2022
2 WL 1645549, 5 (US Dist. ED California, 2022) (internal citations omitted).

3 The United States Supreme Court “has repeatedly observed that excluding the media
4 from public fora can have particularly deleterious effects on the public interest, given journalists’
5 role as ‘surrogates for the public[.]’” *Index Newspapers LLC*, 977 f3d at 830 (internal citations
6 omitted).

7 The United States Supreme Court has created a two-part test for so-called right-of-access
8 First Amendment claims – claims that a member of the public has a First Amendment right to
9 access a particular place or process. *Press-Enterprise Co. v. Superior Court of California for*
10 *Riverside County (“Press-Enterprise II”)*, 478 US 1, 8-9 (1986). First, a court asks “whether the
11 place and process has historically been open to the press and general public” and “whether public
12 access plays a significant positive role in the functioning of the particular process in question. *Id*
13 at 8. If the court finds a qualified right of access exists, the government can overcome that right
14 and bar the public only by demonstrating that it has “an overriding interest based on findings that
15 closure is essential to preserve higher values and is narrowly tailored to serve that interest.” *Id* at
16 9. This two-part test “balances the vital public interest in preserving the media’s ability to
17 monitor government activities against the government’s need to impose restrictions if necessary
18 for safety or other legitimate reasons.” *Leigh*, 677 F3d at 900.

19 This court “cannot rubber-stamp an access restriction simply because the government
20 says it is necessary.” *Id*. When the government “restricts public access, the media’s only recourse
21 is the court system. The free press is the guardian of the public interest, and the independent
22 judiciary is the guardian of the free press.” *Id*.

23 As detailed above, public parks are unquestionably a place that “has historically been
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1 open to the press and the general public” and such “public access plays a significant positive role
2 in the functioning of the particular process in question.” *Press-Enterprise II*, 478 US at 8. *See*
3 *Index Newspapers LLC*, 977 F3d at 831 (recognizing the “deeply entrenched recognition of the
4 public’s right to access” traditional public fora “the right to film public police activity, and the
5 broadly accepted principle that the public’s interest is served by the role the press plays”).

6 The city cannot demonstrate an “overriding interest based on findings that closure is
7 essential to preserve higher values and is narrowly tailored to serve that interest.” *Id* at 9. The
8 closure order states that Hawthorne Park is closed “to allow for sanitation, cleaning, and
9 inspection of City property.” Assuming, *arguendo*, that “sanitation, cleaning, and inspection of
10 City property” is an overriding interest based on findings that closure is essential to preserve
11 higher values, the closure still fails because it is not narrowly tailored. A narrowly tailored
12 restriction must “not burden substantially more” First Amendment protected activity than is
13 “necessary to achieve a substantial government interest.” *Berger*, 569 F3d at 1041 (internal
14 citation omitted). The restriction “must target and eliminate no more than the exact source of the
15 ‘evil’ it seeks to remedy.” *Id* (internal citation omitted). The closure is not narrowly tailored for
16 the following reasons.

17 First, there can be no argument that a member of the professional press silently observing
18 governmental activities in a public park is the “evil” the closure order sought to remedy.
19 Allowing the press, or the public, to witness and document the interactions between law
20 enforcement and people residing in Hawthorne Park does not undermine the interest in
21 sanitation, cleaning, and inspection of City property. *See Martinez*, 2022 WL 1645549 at 8-9. As
22 such, the restriction on Ms. Fonseca’s protected First Amendment activity was not narrowly
23 tailored and violated her First Amendment rights.

1 Second, less intrusive measures exist that could accomplish the City's interest. There is
2 nothing to indicate that the enforcement of the camping sweep was insufficient to address the
3 "evil" the City sought to remedy. *Martinez*, 2022 WL 1645549 at 9. As referenced above, neither
4 the "illegal camping" notice nor the Order closing Hawthorne Park were not issued in an
5 emergency situation. If the "evil" the City sought to remedy was sufficiently dramatic that it
6 required the complete closure of the park to everyone, then the City would not have had to
7 provide the 24 hour illegal camping notice. *MMC 5.257(10)(a)(i)-(ii)*.

8 Third, the closure did not leave open ample alternative channels of communication. *See*
9 *McCullen*, 573 US at 477. As noted above, the "media staging area" was wholly inadequate as a
10 means to permit the public, much less a professional radio journalist, to observe and document
11 the government's actions during the camp sweep.

12 Fourth, on its face, the closure order applies to everyone, the vast majority of which are
13 not responsible for the claimed "evils" that the City sought to remedy. *See Berger*, 569 F3d at
14 1041. Such a broad application led to officers using complete discretion to decide who was
15 required to leave and who was permitted to stay.

16 CONCLUSION

17 For any or all of the reasons articulated above, this Court should conclude that the City
18 Manager's Order closing Hawthorne Park, and/or law enforcement's implementation thereof,
19 violated Ms. Fonseca's Constitutional rights. When the underlying order has been deemed
20 unlawful, a person cannot be guilty of Trespass. *See State v. Koenig*, 238 Or App 297, 308-09
21 (2010); *see also State v. White*, 211 Or App 210 (2007).

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BY: s/Jacob G Houze

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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing MEMORANDUM IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS COUNT 2 on the following attorney(s) on the date noted below via the following method:

Medford City Attorney’s Office Attn.: Senior Asst. City Attorney Katie Zerkel 411 W 8 th Street Medford, OR 97501
Method: <input type="checkbox"/> US Mail, postage prepaid <input checked="" type="checkbox"/> Email <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Delivery

Dated this 21st day of July 2022.

BY: s/Jacob G Houze
Jacob G Houze, OSB No. 133889
Email: jacob@shouze.com
Phone: (503) 299-6426
Fax: (503) 299-6428

Attorney for Defendant

Message Key: 000315194D8A9C86480E18F02939E382FA4AF71A



From: "Scott A. Clauson"
To: "Brian N. Sjothun"
Cc: "Kelly A. Madding" <cityofmedford.org>, "Ryan J. Martin" <cityofmedford.org>, "Rick C. Whitlock" <cityofmedford.org>, "Richard S. Rosenthal" <cityofmedford.org>, "Timothy D. Stevens" <cityofmedford.org>, "Justin R. Ivens" <cityofmedford.org>, "Kristina M. Johnsen" <cityofmedford.org>, "Phil G. Eastman"
Addressed To: timothy.stevens@cityofmedford.org, justin.ivals@cityofmedford.org, phil.eastman@cityofmedford.org, ryan.martin@cityofmedford.org, kristina.johnsen@cityofmedford.org, kelly.madding@cityofmedford.org, richard.rosenthal@cityofmedford.org, brian.sjothun@cityofmedford.org, richard.whitlock@cityofmedford.org
Subject: RE: Hawthorne Park Clean Up
Date: Sunday, September 20, 2020 13:27 PDT

Due to a critical "technical" error on our end the actual eviction of campers will occur on Tuesday 9/22. The Livability Team, and our supportive service partners will still be in the park Monday morning to hand out resources and work to get people into shelter before Tuesday.

This was unintentional, but from a public relations standpoint it will probably be better that we are working with campers a day in advance anyway and this will give organizers time to get their stuff out.

Scott Clauson | *Chief of Police*
City of Medford, Oregon | Police Department
219 S. Ivy Street, Medford, Oregon 97501
Ph: 541.774.2209 | Fax: 541.774.2570
[Website](#) | [Facebook](#) | [Twitter](#)

From: Scott A. Clauson
Sent: Friday, September 18, 2020 11:28 AM
To: Brian N. Sjothun <Brian.Sjothun@cityofmedford.org>
Cc: Kelly A. Madding <Kelly.Madding@cityofmedford.org>; Ryan J. Martin <Ryan.Martin@cityofmedford.org>; Rick C. Whitlock <Richard.Whitlock@cityofmedford.org>; Richard S. Rosenthal <Richard.Rosenthal@cityofmedford.org>; Timothy D. Stevens <Timothy.Stevens@cityofmedford.org>
Subject: Hawthorne Park Clean Up

All,

This is not for public or media dissemination, but the plan is to clean up Hawthorne Park Monday morning starting at 8 AM. We will post Sunday morning-24 hours in advance. We are concerned about an influx of protestors over the weekend if we advertise this so we are keeping this date/time quiet.

We have coordinated with our supportive services partners, Parks & Rec, and JCSO. I will keep you all updated over the weekend if anything changes.

Scott Clauson | *Chief of Police*
City of Medford, Oregon | Police Department
219 S. Ivy Street, Medford, Oregon 97501
Ph: 541.774.2209 | Fax: 541.774.2570
[Website](#) | [Facebook](#) | [Twitter](#)

Kristina M. Johnsen

From: Brian N. Sjothun <Brian.Sjothun@cityofmedford.org>
Sent: Friday, September 18, 2020 3:18 PM
To: Scott A. Clauson
Cc: Rick C. Whitlock; Katie M. Zerkel; Eric B. Mitton; Rick C. Whitlock; Timothy D. Stevens; Kristina M. Johnsen
Subject: Hawthorne Park Closure

Chief,

Pursuant to City Charter section 18(3)(e), I hereby order Hawthorne Park to be closed for 48 hours commencing at 8:00 a.m. on September 21, 2020. I may extend that closure if circumstances so demand, and I also delegate authority to extend that closure to the Chief of Police or the Parks, Recreation and Facilities Director (or employees acting in those capacities), if circumstances so demand.

I plan on notifying the Mayor and Council of this decision on Monday morning.

Thank you,

Brian Sjothun | *City Manager*

City of Medford, Oregon | City Manager's Office

411 W. 8th Street | Medford, OR 97501

P: 541.774.2000 | F: 541.618.1700

From: Scott A. Clauson <Scott.Clauson@cityofmedford.org>
Sent: Monday, September 21, 2020 2:50 PM
To: 'April Ehrlich'
Subject: RE: Resource fair & Hawthorne Park?

Hi April,

It was nice meeting you too. We started bringing resources in this morning and will continue through the end of day Tuesday. Lt. Trevor Arnold will handling media inquiries related to Hawthorne Park through Tuesday afternoon. I will let him know you will be interested in updates.

Talk soon,

Scott Clauson | *Chief of Police*
City of Medford, Oregon | Police Department
219 S. Ivy Street, Medford, Oregon 97501
Ph: 541.774.2209 | Fax: 541.774.2570
[Website](#) | [Facebook](#) | [Twitter](#)

From: April Ehrlich [mailto:ehricha@sou.edu]
Sent: Saturday, September 19, 2020 4:14 PM
To: Scott A. Clauson <Scott.Clauson@cityofmedford.org>
Subject: Resource fair & Hawthorne Park?

<EXTERNAL EMAIL **Click Responsibly!**>

Hi Chief Clauson,

It was a pleasure meeting you at the last council meeting. I'm just emailing for a quick update on Hawthorne Park, whenever you get a chance.

I heard there was going to be another resource fair. Is that accurate? If so, do you know where/when it'll be?

Does the police department plan on clearing Hawthorne Park, or taking any other actions regarding Hawthorne Park? If so, when?

Thank you for your time. Have a nice weekend.

Best,
April

--
April Ehrlich
[JPR Reporter](#)
O: 541-552-7075
C: 208-991-3571 (Signal)

Jefferson Public Radio | ijpr.org

EXHIBIT 3

NPR member station on the OR-CA border with services reaching:

Oregon: Jackson, Josephine, Klamath, Douglas, Curry, Coos, Lane and Lake counties

California: Siskiyou, Shasta, Humboldt, Trinity, Tehama, and Modoc counties

[Find Your JPR Station](#)



MEDFORD
OREGON



EXHIBIT 4

City Park Closure

“Pursuant to Medford Charter Section 18(3)(e), the City Manager has ordered the closure of Hawthorne Park for at least 48 hours to allow for sanitation, cleaning, and inspection of City property.”

EFFECTIVE 09/22/20-0700 Hours