



# *Training Bulletin*

SANTA BARBARA POLICE DEPARTMENT



Bernard Melekian, Chief of Police

VOL. 2022 No. 003

March 1, 2022

## **Homeless Person Contacts**

### **Purpose**

The purpose of this training bulletin is to introduce several new policy sections which have recently been added to the Santa Barbara Police Department Policy Manual.

### **Key Points**

- The personal Property of homeless persons must not be treated differently than the property of other members of the public. Based on the volume of property, Officers shall provide sufficient time for the individual (or individuals) to effectively identify items of personal property. Those individuals suffering from mental impairment should be afforded additional time.
- Officers shall consult directly with the identified owner of property to establish what items are considered personal belongings.
- When practicable and consistent with public health and safety, a homeless individual will be given adequate time to clear out his or her items via a written notice. The adequate time is subject to the discretion of the officers at the scene given issues of the individual's disability, practicability, public health, and safety. The written notice will be either handed to the homeless individual or affixed to the homeless individual's property when his or her property can be properly identified. A copy of the written notice will be provided to officers for use in the field.
- The Police Department has presently identified the SCU Sergeant as our Homeless Community Liaison.

## **SBPD Policy 430 Homeless Person Contacts**

### **430.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Santa Barbara Police Department recognizes that members of the homeless community are often in need of special protection and services. The Santa Barbara Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

### **430.1.1 POLICY**

It is the policy of the Santa Barbara Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity, and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

### **430.2 HOMELESS COMMUNITY LIAISON**

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless. This includes the pre-planning of any scheduled homeless camp clean-ups.

(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and clean-up operations.

2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present (or appointed designee) during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

### **430.3 FIELD CONTACTS**

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest. Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

#### **430.3.1 OTHER CONSIDERATIONS**

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses, or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends. A data base will be maintained with pertinent contact information for the City's homeless

population, and efforts shall be made to notify emergency contacts upon interaction with a homeless individual and prior to any planned contact.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements and contact information from all available witnesses in the event that a homeless victim is unavailable for a court appearance. This information shall be part of the official police report of an incident.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

#### **430.4 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers shall consult directly with the identified owner(s) of the property to establish what items are considered personal belongings. Based on the volume of property, Officers shall provide sufficient time for the individual (or individuals) to effectively identify items of personal property. Those individuals suffering from mental impairment should be afforded additional time.

Officers should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When practicable and consistent with public health and safety, a homeless individual will be given adequate time to clear out his or her items via a written notice. The adequate time is subject to the discretion of the officers at the scene given issues of the individual's disability, practicability, public health, and safety. The written notice will be either handed to the homeless individual or affixed to the homeless individual's property when his or her property can be properly identified.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations, including additional time, to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

#### **430.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT**

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention. When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

#### **430.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.