

17-12 - Contact with Homeless Individuals

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



CONTACT WITH HOMELESS INDIVIDUALS

Those experiencing homelessness are among the most vulnerable in society. Due to the unique circumstances and challenges associated with homeless individuals and family members, contacts by Department personnel often require special consideration and coordinated assistance from multiple government agencies and local service providers.

Law enforcement personnel are often the first point of contact when a situation or circumstance requires interaction and/or intervention with homeless individuals. Regardless of the circumstances, it is imperative these contacts are handled with safety, professionalism, compassion, and respect.

Definitions:

The following definitions of homeless will assist Department personnel in understanding this newsletter:

- An individual or family who lacks a fixed, regular, and adequate nighttime residence;
- An individual or family with a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (including a car, park, abandoned building, bus or train station, airport, or campground);
- An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, or transitional housing); or
- An individual who resides in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resides.

Department personnel shall protect the rights of all individuals in the County of Los Angeles regardless of their housing status and assist those in need while fairly enforcing the law. Individuals experiencing homelessness often have unique circumstances which require special consideration when they are a victim of a crime,

witness to a crime, or suspected of violating the law. In addition, when homeless individuals come into consensual contact with Department personnel unrelated to a criminal investigation or enforcement activity, they may require special assistance to address their immediate needs.

Accordingly, when appropriate under the circumstances, Department personnel should assist individuals experiencing homelessness through the referral process, and/or providing information to obtain temporary housing, medical or psychological services if needed, or other available services. However, Department personnel shall also respect an individual's right to refuse assistance.

According to Penal Code section 11165.15, a homeless child or unaccompanied youth is not, in and of itself, a sufficient basis for reporting child abuse or neglect. Each contact should be evaluated on an individual basis when determining whether to take a child into protective custody. If a deputy believes the child would benefit from services of the Department of Children and Family Services (DCFS), the deputy should call the DCFS Hotline, at (800) 540-4000. Sheriff's Department personnel are reminded that, regardless of whether or not DCFS staff are present, it is the duty of law enforcement to determine whether or not a crime has occurred.

Domestic violence afflicts every corner of society including the homeless population. Based on a wide variety of vulnerabilities, homeless individuals may be hesitant to admit being a victim of domestic violence. If a deputy suspects domestic violence involving a homeless individual, the investigation should be handled in the same manner as any other domestic violence incident.

Housing Status

An individual's housing status is not a sufficient basis to justify a lawful detention or arrest. All detentions and arrests must be based on applicable laws. In addition, Department personnel are prohibited from involuntarily moving a homeless individual from a location where the individual may lawfully stay, absent legal justification to do so, such as when there is a safety or security concern.

Special Considerations

Department personnel requesting identification from an individual who is, or appears to be experiencing homelessness should be sensitive to the special needs and circumstances of each individual situation. These circumstances may include when individuals may not have proper identification or other official documents in their possession.

Absent a lawful detention, individuals are not required to produce identification upon request by a peace officer, and must be released if there is insufficient evidence to establish probable cause that the individual committed a crime. See Newsletter 14-22,

Legal Detention: Refusal to Provide Identification, for further information.

Department personnel are also reminded that requests for identification from an individual who is, or appears to be, experiencing homelessness may be perceived by that individual to be harassing, intimidating, or threatening. Some individuals experiencing homelessness may be suffering from mental illness or other medical conditions that limit their ability to communicate effectively, or comprehend questions and/or commands.

When Department personnel interacts with a homeless individual, the following measures should be adhered to:

- Individuals experiencing homelessness should be afforded the same respect, compassion, and support provided to all members of the community;
- Use common sense and attempt to find alternatives in lieu of making an arrest of a homeless individual for non-violent, low level offenses when possible;
- When appropriate, work in conjunction with station clergy, volunteers, and street outreach teams who support and/or provide safe havens and shelters to assist homeless individuals exit the streets;
- Collaborate with service providers to link the homeless with supportive housing and other available services to prevent unnecessary use of the criminal justice system when possible; and
- Contact the Sheriff's Homeless Outreach Services Team (HOST), at (323) 981-5300 to conduct homeless encampment checks when a homeless encampment or convergence exceeds the capabilities of station personnel. See Field Operations Directive 12-003, Homeless Encampments, for further information.

Nothing in policy or this newsletter precludes Department personnel from enforcing laws when there is probable cause to believe that a crime has been committed and it is in the best interest of public safety.

Personal Property

The personal property of homeless individuals shall be treated with the same consideration and respect as any other individual's personal property. Reasonable care shall be used when handling, collecting, and retaining the personal property of homeless individuals. Sensitivity should be given to the special needs such as medication, important papers, medical appliances, pets, and/or other circumstances surrounding each contact. Department personnel should recognize that homeless individuals suffering from mental illness often become emotionally attached to personal belongings, regardless of their apparent intrinsic value.

Department personnel who encounter homeless encampments should not collect tents, sleeping bags, bedding, or other property reasonably believed to be contaminated by human waste, vermin, or other hazardous materials. Department personnel shall

photograph the contaminated property and document facts in the incident report or appropriate Department record, establishing why the contaminated property was not safe to retain. If the homeless individual is unable or unwilling to remove the property, Department personnel should contact Community Partnerships Bureau, Homeless Outreach Services Team (HOST), to coordinate with Department of Public Works, and/or the appropriate local public sanitation agency, to safely dispose hazardous materials, contaminated, or abandoned property.

When a homeless individual is arrested, or otherwise removed from a public place, Department personnel shall make reasonable accommodations to permit the individual to lawfully secure his/her personal property.

Department personnel shall ensure an arrestee's medication, important paperwork, and other property are placed inside his/her property bag when booked at any patrol station or custody facility. Additional items and personal belongings not fitting in a property bag should be booked as bulk property. If the arrestee has more personal property than can reasonably be collected and transported as bulk property, a supervisor shall be consulted. Excess property should be photographed and reasonably secured in its place.

For detailed procedures regarding the handling and safekeeping of personal property, refer to Property and Evidence Procedures as outlined in MPP Volume 5, Chapter 4. If the property includes a pet, Department personnel shall account for the safety of the animal and document such action pursuant to MPP section 3-01/050.42, Safety of Stranded Animals.

The Sheriff's Community Partnerships Bureau, Homeless Outreach Services Team (HOST), is available to assist Department personnel with homeless issues that extend beyond the capabilities of station personnel and/or any questions relating to homelessness.

Information regarding the content of this newsletter may be directed to Field Operations Support Services, at (323) 890-5411 or foss@lasd.org.

References:

Field Operations Directive 12-003, Homeless Encampments:

<http://intranet/intranet/sites/rmb/foss/fods2/documents/12-003.pdf?rmdm=1604451401>

Newsletter 14-22, Legal Detention: Refusal to Provide Identification:

http://intranet/intranet/sites/Rmb/FOSS/newsletters/2014/14-22_Legal_Detention_Refuse_to_Provide_Identification.pdf

Manual of Policy & Procedures, Safety of Stranded Animals:

<http://intranet.lasd.sheriff.sdn/intranet/mpp/vol3/3-01/3-01-050.42.htm>
