

Homeless Persons

416.1 PURPOSE AND SCOPE

- (a) 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 Oakley Police Department recognizes that members of the homeless community are often in need of special protection and services. The Oakley Police Department will address these needs in balance with the overall mission of this department.

416.2 POLICY

- (a) It is the policy of the Oakley Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Members of this department will not use homelessness solely as a basis for detention or law enforcement action.
- (b) Individuals have the right to choose not to live in a fixed residence.

416.3 FIELD CONTACTS

- (a) 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.
- (b) Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.
- (c) Officers who encounter unpermitted encampments or temporary shelter locations are encouraged to contact the OPD Problem Oriented Policing Officer, providing the location and number of individuals at the site.

416.4 GENERAL PROVISIONS

- (a) Violations affecting the public health and safety of individuals such as exposing oneself, urinating, or defecating in public should be enforced.
- (b) Intoxicated individuals, and those under the influence of drugs, should be arrested and processed appropriately.
- (c) 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

Oakley Police Department

Oakley PD Policy Manual

Homeless Persons

and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

1. Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
2. Document places the homeless person may frequent.
3. Provide homeless victims with victim/witness resources when appropriate.
4. Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
5. Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.
6. Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- 7.

416.5 PERSONAL PROPERTY

- (a) The personal property of homeless persons must not be treated differently than the property of other members of the public. 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.
- (b) When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping.
 1. **Examples of items to take to storage:** The following are examples of items that could be considered personal property and will be stored:
 - (a) ID/Social Security Cards
 - (b) Medications
 - (c) Photos/Photo Albums
 - (d) Personal Papers
 - (e) Watches & Jewelry
 - (f) Eyeglasses
 - (g) Books
 - (h) Shoes & Clothing
 - (i) Tents & Sleeping Bags
 - (j) Pots & Pans
 - (k) Computers, Cell Phones & Electronics
 - (l) Tools

Oakley Police Department

Oakley PD Policy Manual

Homeless Persons

- (m) Stoves & Generators
 - (n) Bicycles
 - (o) Purses/Backpacks/Briefcases/Duffel Bags
2. **Examples of items that are trash or pose a threat to public health or safety and will not be stored:** The following are examples of conditions that will cause an item (including those examples listed above) to be immediately disposed of:
- (a) **Dirty or Soiled:** items that smell, are stained with urine, bodily waste, or mud, or are infested with fleas, bed bugs, rats or other vectors.
 - (b) **Perishable:** open food or personal products that will spoil or rot in storage.
 - (c) **Contaminated:** items used for hygiene or that present a risk of biohazard (i.e. used toothbrushes, hairbrushes, washcloths, bandages sponges, and underwear).
 - (d) **Hazardous or Explosive:** items that could corrode or burn in storage (i.e. car batteries, gasoline cans, and propane tanks).
 - (e) **Broken or Disassembled:** items that are broken, damaged, or stripped of parts (i.e. electronics stripped for copper, flat tires, stripped bikes, torn up clothes).
 - (f) **Weapons:** All weapons will be turned over the Oakley Police Department.
 - (g) **Obvious Trash:** Food/beverage wrappers, tissue/paper/napkins, open household product containers.
- (c) Pets will be released to friends or family at the scene. Animals that cannot be placed will be turned over to Animal Services.
 - (d) 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 Problem Oriented Police Officer (POP) of the location of the property / encampment.

416.6 MENTAL ILLNESS AND MENTAL IMPAIRMENT

- (a) Some homeless persons may suffer from a mental illness or a mental impairment. Individuals who meet the requirements for detention under W&I Section 5150 will be transported by AMR for an assessment at County Hospital..
- (b) 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.

416.7 ECOLOGICAL ISSUES

- (a) 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

Oakley Police Department

Oakley PD Policy Manual

Homeless Persons

environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

416.8 WEATHER EMERGENCIES

- (a) When the City issues a freeze or other weather emergency notification, officers are encouraged to make contact with members of the homeless community to ensure they are aware of and prepared for the extreme conditions. Additional resources may be available to members of the homeless community during these types of emergencies.

416.9 REVIEW DATE

- (a) 29 APR 16
- (b) 24 DEC 19 (Lexipol)