
Homeless Persons

464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

464.2 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall designate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the liaison include but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including property rights. This will include the following:
 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) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.
- (g) Reviewing any city policies regarding homeless individuals camping on public property (ORS 203.077).

464.3 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance, or to check the person's welfare. Officers also will take enforcement action when information supports a

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reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

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, 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 such services may be appropriate.

464.3.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness, or suspect is homeless can, however, require special considerations for a successful investigation and prosecution. When handling investigations involving victims, witnesses, or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates no desire for prosecution.

464.4 PERSONAL PROPERTY

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.

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 any personal property. Otherwise, the arrestee's 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 removal and safekeeping.

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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.

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 liaison if such property appears to involve a trespass, is a blight to the community, or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

464.4.1 STATE LAW ON UNCLAIMED PERSONAL PROPERTY

When a homeless individual is removed pursuant to a city policy, any unclaimed personal property stored by this department shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual from the camp site (ORS 203.079).

Weapons, controlled substances, and items that appear to be either stolen or evidence of a crime shall be stored pursuant to department protocols and the Property and Evidence Policy.

464.5 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under civil commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Civil Commitments Policy).

464.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on 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 City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

464.7 POLICY

It is the policy of the Warrenton Police Department to protect the rights, dignity, and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Warrenton Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

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464.8 HOMELESS CAMPS ON PUBLIC PROPERTY

Prior to removing homeless individuals from an established campsite on public property, officers shall (ORS 203.079):

- (a) Post the area with required written notice of pending removal at all entrances reasonably identifiable. Notice should be in English and Spanish and include all required information under ORS 203.079 (e.g., location of unclaimed property, required contact information for questions regarding location of property storage).
 - 1. Notice shall be posted at least 72 hours prior to removal except in certain circumstances (e.g., camping at cemeteries).
- (b) Once notice is posted, notify the local agency that delivers social services to homeless individuals as to where the notice has been posted.

The 72-hour warning notice requirement is not necessary if officers reasonably believe that illegal activity unrelated to the camping is occurring at an established camping site or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety (ORS 203.079).