

## 12.111 POLICE INTERACTION WITH HOMELESS ENCAMPMENTS

### **Purpose:**

To provide guidance for all officers to ensure the fair and equitable treatment of homeless persons.

To ensure that notice is given to those who are unlawfully trespassing on public property and that personal property is safeguarded according to law and Department procedure.

### **Policy:**

Department personnel encountering homeless encampments that require police action for trespassing on property will immediately bring such condition to the attention of their Neighborhood Liaison Unit (NLU) supervisor for investigation and appropriate action. Any additional legal violations observed shall be addressed immediately by the responding officer.

The Police Department will allow 72 hours (3 days) notice of trespass prior to arrest and removal of personal possessions from a homeless encampment, provided the homeless person provides proper identification, is not violating any other laws, and exigent circumstances do not exist. The Notice Letter issued to each person at the encampment shall reflect that minimum period of time to gather his possessions and depart.

The 72 hour, 3-day period refers to regular business days and does not include weekends or holidays. This is necessary to allow outreach workers a reasonable period of time to contact persons in need and arrange necessary services, space, etc.

### **Information:**

Homelessness is an issue of significant social concern. Police interaction has been the focus of much litigation and police officers must approach such situations remembering the plight of the homeless person may well be the result of a disease or mental condition that cannot be controlled. Even so, legal violations will not be ignored or be permitted to go unattended. Trespass actions require some type of notice to the offender that his actions are not permitted.

A homeless encampment can take a variety of forms, such as a "tent city" or a group of individuals living together in a public area, such as a public park or underneath a freeway overpass. Homeless encampments can vary widely in size and can be constituted of a single person or hundreds of individuals. Generally speaking, an encampment will include some type of shelter (i.e., a tent, a lean-to made of cardboard), although some encampments may rely on pre-existing structures, such as a freeway overpass, to provide shelter with the encampment itself consisting primarily of personal property (clothing, sleeping bags, cookware, etc.).

If the only legal violation observed is trespassing on public property, then this procedure will be followed.

**Procedure:**

## A. Police Action:

1. Duties of the Initial Responding Officer:
  - a. Upon observation, or receipt of a complaint of a homeless encampment on public property, the officer will respond and assess the situation.
  - b. Discuss the homeless person(s) presence on the property with any and all persons found there to determine their purpose and intended length of stay.
  - c. Inspect the immediate area for health and/or safety violations that require immediate attention to avoid harm to persons. Take immediate action on observed legal violations. Where necessary, contact the Department of Health and/or the Department of Public Safety to report potential health and/or safety violations.
  - d. Complete a Form 560, Community Problem Solving Worksheet. Include on the Form 560 as much information as possible about the person(s) on the property. Specifically, identify whether there is a need to provide immediate social service assistance to homeless person(s) located at the homeless encampment and/or whether other City Departments should be notified of the conditions at the encampment site. Forward the Form 560 to the NLU supervisor prior to the end of the shift.
2. Duties of the NLU Supervisor:
  - a. Review all Form 560 concerning homeless encampments.
  - b. Any assistance or social service referral that may provide immediate assistance shall be offered and facilitated to the extent possible.
  - c. Complete a Form 314, Notice to Appear (NTA), for each person found to be camping or living on the property. The NTA must be clearly marked WARNING and will not be placed on the citation board. These NTA's must be sent to Police Records for entry. Also, prepare a Notice Letter for each person found to be camping or living on the property. This is the written warning notifying them that that they are committing a trespass offense and they must depart. Note on the NTA that the Notice Letter was issued.

- d. Send by email or fax a copy of the Notice Letter and NTA to the Greater Cincinnati Coalition for the Homeless and Strategies to End Homelessness offices on the same day they are issued in order to notify the appropriate outreach workers of the identity and location of a person(s) in need of services. The general phone number for the Greater Cincinnati Coalition for the Homeless is (513) 421-7803, fax number is (513) 421-7813, and the email address is joshspring@cincihomeless.org. The general phone number for Strategies to End Homelessness is (513) 263-2780, the fax number is (513) 221-8444, and the email is kfinn@end-homelessness.org. Be sure to redact the necessary information such as Social Security and control numbers.
  - e. Send a copy of the NTA to Police Records for entry.
  - f. Following the reasonable notice period, return to the location of the homeless encampment. Persons found there who have been previously warned will be given a final opportunity to depart. If they fail to depart or refuse, a physical arrest for Criminal Trespassing is appropriate.
3. Handling and Disposition of Property at a Homeless Encampment:
- a. If the homeless person(s) chooses to depart rather than face arrest, they shall be encouraged to take all their personal property and possessions with them. Reasonable efforts shall be made to assist them in this endeavor.
  - b. Property located at the encampment site after all persons have departed, either voluntarily or by arrest, shall be assessed:
    - 1) Items that are spoiled or mildewed shall be considered trash. Appropriate arrangements shall be made to have the area cleaned up.
    - 2) Personal items that are/were owned by the departed trespassers that do not fit the criteria above, such as clothing, photographs, personal papers, and keepsakes, shall be processed into Court Property as Found/Hold for Owner.