

**MODEL GENERAL ORDER:
Handling Interactions with Homeless Persons**

I. BACKGROUND

- a. The purpose of this policy is to ensure that employees of the Police Department understand and are sensitive to the needs and rights of homeless persons, and to set forth procedures for Officers to follow during contacts with homeless persons. This policy recognizes that there is a right of all persons, including people experiencing homelessness, to be peaceably in any public place of the jurisdiction so long as their activities are lawful. It also explicitly affirms that homelessness is not a crime.

II. POLICY

- a. The policy of the Police Department is to treat homeless persons in a manner that protects their needs, rights and dignity, while providing appropriate law enforcement services to the entire community. The Department recognizes that in law enforcement situations involving homeless individuals, it is preferable to make referrals to organizations that provide services to homeless individuals, and to refrain from initiating contacts that interrupt innocent activity and may violate an individual's constitutional rights.

III. DEFINITIONS

- a. A Homeless Person is an individual who lacks a fixed, regular and adequate night-time residence, or has a primary night-time residence that is:
 - i. A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
 - ii. An institution that provides a temporary residence for individuals intended to be institutionalized;
 - iii. A private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

IV. PROCEDURE

a. **Contact**

- i. An Officer may at any time approach a homeless person who has not been observed engaging in criminal conduct, to offer advice about shelters, services, or other assistance that is available. In appropriate situations, the Officer may also contact an outreach worker from a public or private homeless services provider. The homeless person is free to choose whether to accept any referrals or not.

- ii. Officers having interactions and or contacts with persons determined to be homeless as a result of self-initiated contact or as a result of a citizen complaint shall document that contact. In all cases the Officer shall complete the reporting form appropriate to the interaction, and shall include the letters HL (homeless) in the address field, or other appropriate field, or other field as appropriate.
 - iii. Officers shall refrain from detention, arrest, interrogation, or initiation of any other criminal law enforcement interaction with any persons based solely upon their “status” of being or appearing to be homeless, so long as their activities are lawful.
 - iv. Officers shall refrain from communicating in any way, to persons who are or appear to be homeless that they are not allowed to be in a particular public space in the jurisdiction based on their homeless status.
- b. **“Move On” Orders.**
- i. Officers shall not order any person to move to another location when that person has a legal right to be present where he or she is, subject to requests to move for safety or security or other constitutionally permissible reasons.
 - ii. It is department policy not to give “move on” orders and not to arrest people for failure to move on if there is any other reasonable way to resolve the situation. Officers shall not give “move on” orders to persons merely because the person is or appears to be homeless.
- c. **Requests for Identification**
- i. Requests for identification made to persons who are, or appear to be, homeless shall be subject to the same legitimate law enforcement purposes as are required when made to any other individual, but with sensitivity to the special needs and circumstances of the individual situation.
 - 1. Requests or demands for identification shall only be made with good cause. Requests for identification shall not be made pursuant to casual contact with persons who are, or appear to be, homeless. At no time shall requests or demands for identification be made in order to harass, intimidate, threaten or make any other unwarranted show of authority.
 - 2. In situations where persons who are, or appear to be, homeless are unable to produce a valid form of identification, the Officer shall not penalize the person for failing to produce the requested identification.
- d. **Personal Property**
- i. The personal property of homeless individuals shall be treated with the same respect and consideration given to the personal property of any other individual, with particular sensitivity to the special needs and circumstances of the individual situation.
 - 1. In arrest situations, homeless persons shall not be required to abandon personal property they identify as their own at the arrest site. Officers shall not damage, hide or cause to be abandoned the personal property of any such person. Where practical, Officers shall adopt or facilitate measures that will best safeguard personal property, as determined by the arrestee.

- a. Property may be taken to inventory when an arrestee identifies the property as his or hers. The personal property of arrestees experiencing homelessness is to be handled in the same manner as the property of other constituent arrestees.
2. In no event shall any Officer destroy any personal property known to belong to a homeless person, or recognizable as property of a homeless person, unless it is contaminated or otherwise poses a health hazard.
3. Homeless individuals have a constitutionally protected expectation of privacy in their personal belongings and closed containers. Officers shall refrain from instituting any search, frisk, or other such investigation where the elements of reasonable suspicion or probable cause are not met. A person's status of being, or appearing to be, homeless, without more, does not constitute reasonable suspicion or probable cause or any other grounds for such a search.

e. Arrest Situations

- i. Arrests of all persons including those defined as homeless, shall comply with District law and Department policies and procedures.
 1. If an Officer observes a homeless person engaged in criminal activity, when practical and prudent to do so, an alternative to a physical arrest shall be used.
 2. An Officer always has the right to approach any individual including a person who is, or appears to be homeless, to allay any suspicions an Officer may have about the individual, and ascertain that no criminal activity is occurring.
 3. When encountering a homeless person who has allegedly committed a nonviolent misdemeanor violation, where the continued freedom of the individual would not result in a breach of the peace or a more serious crime, Officers are encouraged to utilize referral to an appropriate social service provider in lieu of physical arrest, such referral being contingent on the voluntary agreement of the individual.
 4. The discretion to make a physical arrest of a person determined to be homeless for misdemeanor violations shall be the responsibility of the individual Officer.