Homeless Persons

431.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Sonoma County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Sonoma County Sheriff's Office will address these needs in balance with the overall mission of this office. Therefore, deputies will consider the following when serving the homeless community.

431.1.1 POLICY
It is the policy of the Sonoma County Sheriff's Office to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of the Sheriff's Office will not use homelessness solely as a basis for detention or law enforcement action. However, sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. We must also take into consideration our commitment to protect the best interests of the public, ensuring public areas remain accessible and available to the public at large for their intended uses. In some cases, Deputies may have to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

431.2 HOMELESS COMMUNITY LIAISON
The Sheriff will designate members of this office to act as the Homeless Liaison Deputies. The responsibilities of the Homeless Liaison Coordinator include the following:

(a) Maintain and make available to all office employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with Community Development Commission (CDC), Catholic Charities, Health Care for the Homeless Collaborative (HCHC), and Homeless Outreach Support Team (HOST) representatives and/or other organizations that render assistance to the homeless.

(c) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
   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.

(d) Be present during any clean-up operation conducted by this office involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
(e) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

431.3 FIELD CONTACTS
Deputies 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 a deputy 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, deputies 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.

Deputies should provide homeless persons with a Sonoma County Sheriff's Office Homeless Outreach Resource Guide and/or a Sonoma County Homeless Resource Guide whenever it is reasonably apparent that such services may be appropriate. Deputies will be provided a resource card listing various services available to the homeless.

431.3.1 OTHER CONSIDERATIONS
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 and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
(b) Document places the homeless person may frequent.
(c) Provide homeless victims with victim/witness resources when appropriate.
(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.
(f) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

431.4 PERSONAL PROPERTY
The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies 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 without previously posting warning notices to vacate and clean up the encampment area.
When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. In some cases, non-contaminated personal property may have to be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted and a reasonable effort should be made to coordinate the removal and safekeeping of any non-contaminated property.

Deputies 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. When practicable, requests by the public for clean-up of a homeless encampment on public property should be referred to a supervisor.

Deputies 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 without first consulting with the Homeless Liaison Deputy. If such property appears to be abandoned, involve a trespass, is a blight to the community, or is the subject of a complaint, contact the Homeless Liaison Deputy for assistance.

Examples of personal property that should be collected, provided it is not contaminated and unsafe to store, are as follows:

(a) Cell phone  
(b) Wallets, purses  
(c) Medicine  
(d) Dentures  
(e) Medical equipment (e.g., crutches, wheelchairs, walker)  
(f) Personal papers and documents  
(g) Bags and backpacks  
(h) Clothing  
(i) Camping equipment, including camp stoves, pots, dishes, utensils, tents, sleeping bags and blankets  
(j) Working bicycles and trailers  
(k) Tools and toolboxes

431.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT
Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these
circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

431.6 PUBLIC AREAS
The unauthorized use of public areas for the storage of personal property interferes with the rights of other members of the public for their intended purposes and can create a public health and safety hazard that adversely affects residential and commercial areas. The purpose of this policy is to maintain public areas in clean, sanitary and accessible condition to prevent the misappropriation of public areas for personal use, and to promote the public health and safety by ensuring that public areas remain readily accessible for their intended uses.