Homeless Persons

426.1 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 officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Redding Police Department recognizes that members of the homeless community are often in need of special services.

426.1.1 POLICY
It is the policy of the Redding Police Department 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 this Department will not use homelessness solely as a basis for detention or law enforcement action.

426.2 HOMELESS OUTREACH OFFICER
The Chief of Police will designate a member(s) of this Department to act as the Homeless Outreach Officer. The responsibilities of the Homeless Outreach Officer include the following:

A. Maintain and make available to all Department employees a list of assistance programs and other resources that are available to the homeless.

B. Meet with social services (Shasta County Health and Human Services Agency) and representatives of other organizations that render assistance to the homeless.

C. Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

D. Remain current of laws pertaining to 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 in accordance with the Property and Evidence Policy and other established procedures.

E. Participate in any significant clean-up operation conducted by the Department involving the removal of personal property of the homeless.

F. Develop training to assist officers in understanding current legal and social issues relating to the homeless.

426.3 COMMUNITY WORK PROGRAM OFFICER
The Community Work Program Officer(s) are non-sworn Community Service Officer(s) that are responsible for coordinating the cleanup of illegal campsites and blight in the City of Redding.

Requests by officers or the public for clean-up of a homeless camp should be referred to the Community Work Program Officer (CWPO).
426.4 COMMUNITY WORK PROGRAM OFFICER DUTIES - ILLEGAL CAMPSITES - PUBLIC PROPERTY

A. Upon notification of an illegal campsite, the Community Work Program Officer (CWPO) will respond to the location. If the camp is occupied, the CWPO may request a police officer respond for enforcement action as outlined in section 426.5. The CWPO will ask for voluntary compliance to immediately vacate the property and will provide information to camp occupants regarding available services.

B. In all cases, the CWPO will post the campsite, whether occupied or unoccupied. If the campsite is occupied, the CWPO will explain the 48 hour notice for property removal and cleanup. In the event of a significant health or safety hazard, removal/cleanup may be conducted. All postings should include:

1. The address and phone number of the Redding Police Department.
2. Procedure for retrieval of personal property.
3. Notice that property having no personal, medical or economic value at the discretion of the CWPO may be destroyed after the 48 hours.
4. Date all trash and property will be removed.

C. Upon expiration of the 48 hour posted time frame, if compliance is not gained, the CWPO should make arrangements to cleanup and/or store items of apparent personal, medical, and/or economic value as safekeeping. These items shall be stored no more than 90 days. After 90 days all unclaimed property should be disposed.

D. The CWPO should photograph the general condition of the camp prior to removal. These photographs should document the general condition of the property. All photographs shall be submitted in accordance with Department policy.

E. If the homeless are present during cleanup, they should be allowed to retain possession of their personal belongings. Due to the many potential health hazards, the CWPO is not expected to extensively sort through property. Potential bio-hazardous materials shall be packaged in a sealed, identifiable sanitary bag or other appropriate container and destroyed.

F. The posted 48 hour period may be extended at the discretion of the CWPO based on the complexity of the camp and the willingness of the occupants to make arrangements to transition to permanent housing. In the event an extension is granted, the posted notice must be updated or replaced so that it accurately states the new date by the campsite will be cleaned up. No such extension should be granted verbally without modification of the notice.

G. Enforcement action by officers may be initiated at any time prior to or after posting the 48 hour illegal camping notice as warranted.

426.4.1 COMMUNITY WORK PROGRAM OFFICER DUTIES - ILLEGAL CAMPSITES - PRIVATE PROPERTY

Redding Municipal Code 10.40.020 allows for a property owner to camp on their own land for a period of time not exceeding seven consecutive days without an interruption of at least seven consecutive non-camping days.
Camping on private property is also allowed for persons with the written consent of the property owner, provided that consent is in their possession at the time and is shown upon demand of any peace officer. Camping is allowed for a period of time not exceeding seven consecutive days without an interruption of at least seven consecutive non-camping days.

Illegal campsites on private property that do not meet the above exemption, or in violation of the above listed exemption, shall be posted and removed as outlined above in 426.4.

Private property illegal campsite enforcement and/or cleanup shall not be done without prior Chief of Police approval.

426.5 OCCUPIED CAMPSITE CITATIONS
Upon arrival at an occupied campsite, the investigating officer should determine if a criminal violation is occurring, i.e., littering, trespassing, camping and fire activity on public property, or camping on private property.

A. A citation should be issued for a violation of Redding Municipal Code 10.40.010 (public property) or 10.40.020 (private property) only if the individual to be cited has other shelter available. Shelter is available if a public or private shelter has available overnight space open to an individual or family unit experiencing homelessness at no charge.

1. Prior to issuing a citation for Unlawful Camping, the investigating officer shall contact the Good News Rescue Mission to determine if shelter is available to the individual.
   (a) If the shelter has available space, a citation should be issued.
   (b) If the person has exceeded the 30 day stay limitation and it has not been more than 30 days out of the shelter, a citation shall not be issued.
   (c) Behavior, drugs, alcohol, etc. does not constitute unavailable shelter and a citation should be issued.
   (d) If a citation is issued, officers should ask homeless persons why they are not staying in available shelters and document their response.
   (e) All information, including date, time and method of contact shall be documented on the citation narrative.

426.6 FIELD CONTACTS
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.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.
426.6.1 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. Officers 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. Arrange for transportation for investigation-related matters.
G. Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

426.7 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 his/her personal property. Otherwise, the 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 documented.

Officers who encounter unattended camps, bedding or other personal property in public areas should not remove or destroy the property. If such property appears to involve a trespass, blight to the community or is the subject of a complaint, it should be referred to the CWPO. The CWPO will be responsible for the coordination to best resolve the issue.

426.8 MENTAL ILLNESS AND MENTAL IMPAIRMENT
Some homeless persons may suffer from a mental illness or a mental impairment. Officers 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 officer should provide the homeless person with contact information for mental health assistance as appropriate. In these
circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

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