



Approved:  
*Chief Marcia Harnden*

Subject:

# 235. Homeless Persons

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CALEA Standards:

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## 235.1: PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of homeless persons and to establish procedures to guide officers during all contacts with homeless persons.

## 235.2: POLICY

**It is the policy of the Albany 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.**

## 235.3: HOMELESS COMMUNITY LIAISON

The Chief of Police will designate the Community Resource Unit (CRU) Sergeant to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison 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 and representatives of other organizations that render assistance to the homeless.
- c. Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.
- d. Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:

1) Proper posting of notices of trespass and clean-up operations ([SOP 230 Posting Unlawful Campsites](#)).

- 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 610](#) and other established procedures.
- 3) Be notified of any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- 4) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

#### 235.4: FIELD CONTACTS

- a. Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes.
- b. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity.
- c. 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 to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.
- d. Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

#### 235.4.1: OTHER CONSIDERATIONS

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 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, such as medical exams and court appearances.

- g. Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

#### **235.5: HOMELESS ENCAMPMENTS**

- a. Officers who encounter encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not immediately remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint.
- b. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.
- c. Procedures for posting unlawful campsites are outlined in [SOP 230 Posting Unlawful Campsites](#).