

Homeless Persons

413.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that office members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless whether consensual or for enforcement purposes.

413.2 POLICY

It is the policy of the Montgomery County Sheriff's Office to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Montgomery County Sheriff's Office will address the needs of homeless persons in balance with the overall mission of this office.

Homelessness is not a crime and Deputies will not use homelessness as the sole basis for detention or law enforcement action.

413.3 FIELD CONTACTS

Deputies are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Deputies also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor (such as trespassing) 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, such as shelter referrals and counseling, in lieu of an arrest or criminal charges.

Deputies should provide homeless persons with resources and assistance information whenever it is reasonably apparent that such services may be appropriate.

413.3.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, deputies should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.

Homeless Persons

- (e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.
- (g) Whether the person may be an adult abuse victim, and if so, proceed in accordance with the Adult Abuse Policy.

413.4 MENTAL HEALTH ISSUES

When mental health issues are indicated, deputies should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. Refer to the Involuntary Commitments Policy should facts and circumstances indicate that an involuntary commitment may be indicated.

413.5 PERSONAL PROPERTY

Deputies should use reasonable care when handling, collecting and retaining the possessions of the homeless. Deputies should always respect the homeless 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, deputies, if time and circumstances permit, should make reasonable accommodations to permit the person to lawfully secure his/her personal property. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted for possible alternatives.

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 should be dealt with by the responding deputy who should attempt to resolve the situation with respect to the homeless person's property.

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 shift supervisor. If such property appears to involve a trespass, is a blight to the community or is the subject of a complaint, it will be the responsibility of the responding deputy in conjunction with the shift supervisor to attempt to contact the property owner to inform them of the actions and conditions.

413.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or county departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.