

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

HOMELESS SUBJECTS / ILLEGAL LODGING

DATE: July 24, 2013

NO: D-12

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: Handling Homeless Subjects
Illegal Lodging
Homeless Encampments

I. POLICY

Stockton Police Department personnel responding to complaints regarding homeless subjects and illegal dwellers within the jurisdiction of the city of Stockton shall investigate and handle these subjects and their personal property in accordance with current law.

II. LAW

Penal Code 647(e) prohibits lodging in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of vehicle or property.

III. BACKGROUND

- A. Illegal dwellers and homeless subjects often suffer from health problems, including contagious diseases, mental illness, alcoholism, and narcotic addiction. They may or may not be involved in other criminal behavior or disorderly conduct offenses. These behavioral afflictions impact the illegal dwellers and homeless subjects, as well as the residents and businesses in the area.
- B. The police response to areas affected by illegal dwellers should include:
 - 1. The prevention of crime.
 - 2. Enforcement of applicable laws.
 - 3. Provide assistance to those subjects who cannot care for themselves.

IV. PROCEDURE

- A. Police Action:
 - 1. Duties of the Initial Responding Officer:
 - a. Upon observation of, or receipt of a complaint of a homeless encampment on public property, the officer will respond and assess the situation. The officer will determine if the property or location is posted for no trespassing. In addition, he/she will determine at what locations and distances these signs or notices are posted.
 - b. Discuss the person's presence on the property, including whether they have permission by the proprietor and how long they intend to stay.
 - c. Inspect the property for immediate safety, health, or law violations requiring immediate attention.

- d. Provide the homeless person with a **“Notice of Trespass and Cleanup”** (copy attached), warning them they are committing a trespass offense and they must depart. The homeless person will be given a 72-hour notice of trespass prior to arrest and removal of personal property from a homeless encampment, provided the homeless person properly identifies himself, is not violating any other laws, and exigent circumstances do not exist. In those circumstances where the owner of the property is completing a citizen’s arrest of the homeless person for trespassing, the subject may be cited and released. The **“Notice of Trespass and Cleanup”** will indicate the minimum period of time the person has to gather their possessions and vacate the premises. The 72-hour period refers to regular business hours, and does not include weekends or holidays. This is necessary to allow outreach workers a reasonable period of time to contact persons in need, and to arrange services.
 - e. Provide the homeless person assistance and referral to social service agencies, shelters, and private groups that may be able to offer immediate assistance. Contact the social service agencies, shelters, and/or private groups to advise them of homeless subjects who may be in need of their services, and where these homeless subjects are located.
 - f. If a sweep of the encampment area (i.e., cleanup of the camp by Code Enforcement, city crews, or California Conservation Corp crews) is planned, in addition to providing Notice Letters to each homeless person, Notice Letters indicating the date and time of the cleanup will be posted at regular intervals in the area, including entrances and exits to the area.
 - g. Photograph the encampment area, the notices posted, and the subjects served with notices. The use of digital cameras is recommended.
 - h. Deliver completed copies of **“Notice of Trespass and Cleanup”** to local homeless shelters requesting that they post these notices in common areas, and that they advise their clients of the information in the notice.
 - i. Officers will complete a Significant Incident Report (SIR) documenting the condition of the site(s), names of those served with **“Notice of Trespass and Cleanup”**, location(s) of where the **“Notice of Trespass and Cleanup”** were posted, photographs that were taken, where notices were delivered, and any other referral or actions that took place. Attach copies of the photographs taken at the encampment to the SIR.
2. Duties of Officers assigned to encampment sweeps:
- a. Following the reasonable notice period, respond to the affected location. Persons found there and who have been previously warned will be given a final opportunity to leave voluntarily. If they refuse or fail to leave, issue a citation to the violator for Illegal Lodging [Penal Code 647(e) PC].
 - b. Officers should consider physical arrest for Illegal Lodging [Penal Code 647(e) PC] where the person has either been repeatedly cited within a short period of time (30 days) or where an individual refuses to leave the area in question after being cited by an officer.
 - c. Handle property located at the encampment in accordance with Section 3.
 - d. Document all actions taken during the sweep.
 - e. If new encampments, tents, or other property have been placed in the area since the original warnings and notices were issued, the new encampments and any property in them will not be removed until the actions (including the 72-hour period) outlined in Section 1 have been completed.

3. Handling and Disposition of Property at a Homeless Encampment
 - a. If the person chooses to depart voluntarily rather than face arrest, they shall be encouraged to take all their personal property and possessions with them. Reasonable efforts shall be made to assist them if deemed necessary.
 - b. Property located at the encampment site after all persons have departed, either voluntarily or by arrest, shall be assessed:
 - 1) Items that are spoiled or mildewed shall be considered trash. Photograph the spoiled or mildewed trash prior to making appropriate arrangements to have the area cleaned-up.
 - 2) Any personal items left behind by the dwellers that do not fit the criteria above, including, but not limited to, items such as tents, clothing, sleeping bags, blankets, photographs, personal papers, and keepsakes shall be handled, processed and booked into Property in accordance with General Orders G-1 and G-2. Photograph the encampment, tents, and items found. If there are several tents with items which will need to be booked for safekeeping, use number boards for each tent. Identify which items came from which tent. If the owners of the items are present when the items are collected for safekeeping, attempt to obtain a contact address or telephone number which Property Room personnel may use to contact the owner on a future date. If large pieces of property or large quantities of property must be booked for safekeeping, contact Property Room personnel for assistance. Ensure that the location where the property was located and the property description for each item is clearly identified and entered into the Revolution system.
 - c. Document the property located and its disposition in the SIR or Crime Report.

NOTICE OF TRESPASS AND CLEANUP

PLEASE TAKE NOTICE:

The City of Stockton has received complaints concerning individuals who are loitering near or residing in temporary shelters that have been constructed in the vicinity of _____. Any individuals loitering or residing in this area may be trespassing and will need to immediately move off this site and remove any personal property they own.

On _____, at _____, the City of Stockton will conduct a cleanup of the area, including the removal of all individuals, personal property, temporary shelters, junk and/or garbage from this area. Individuals may claim property of value collected by the City as part of the cleanup project by contacting _____ at _____ for a period of 90 days following the date of clean-up.

After 90 days, any unclaimed property will be disposed of.

La NOTA DE la ENTRADA ILEGAL Y LIMPIEZA GENERAL

HAGA CASO POR FAVOR:

La Ciudad de Stockton ha recibido quejas con respecto a individuos que holgazanean cerca o residen en los refugios temporarios que han sido construidos en la vecindad de _____ . Cualquier individuo que holgazanea o reside en esta área puede estar detenido por entrada ilegal. Se necesita mover lejos de este sitio inmediatamente, y quitar cualquier bienes muebles que poseen.

En _____, en _____, la Ciudad de Stockton realizará una limpieza general del área, inclusive la eliminación de todos individuos, los bienes muebles, los refugios temporarios, los trastos y la basura de esta área. Los individuos que desea recuperar los bienes muebles de valor, completos por la Ciudad como parte del proyecto de la limpieza, puede hacer contacto con

**_____ en _____
Tienen 90 días que siguen la fecha de la limpieza para recuperar los bienes muebles.**

Después de que 90 días, propiedad sin reclamar será deshecha de.