

Homeless Persons "HALO" Procedures

309.1 PURPOSE AND SCOPE

This policy aims to provide guidance to staff regarding the appropriate approach for dealing with homeless persons within the jurisdiction. This policy aims to clarify how the City of Azusa's ("City") camping ordinance is to be enforced, how to approach the dismantling of transient camps, and how unattended property suspected of belonging to a homeless person is to be treated. In addition, the policy aims to draw City staff and law enforcement attention to some of the issues commonly associated with dealing with homeless persons. This policy is meant to supplement, but not supersede, any existing law enforcement policies on this subject matter.

This policy generally applies to interactions with transient persons and their property by any employee of the City acting in an official capacity. This policy shall apply to all law enforcement, including code enforcement, interactions with homeless persons and their property. Where law enforcement officers encounter criminal behavior or a situation which raises a reasonable suspicion of criminal activity, they are to react as normal without regard for this policy.

309.2 GENERAL PRINCIPLES

The City recognizes that homeless persons are members of the community and are often in need of specialized services. In addition, the City shall endeavor to direct homeless persons toward the services they need. Furthermore, the City recognizes the rights of homeless persons and that homelessness itself is not a basis upon which to justify action by law enforcement.

309.2.1 MENTAL ILLNESS

The potential for mental and emotional illness and impairment are well documented in the transient community. According to the American Psychological Association, people without homes have higher rates of hospitalization for mental illness and substance abuse than other populations. Rates of mental illness among people who are homeless in the United States are twice the rate found for the general population.

Members of City staff and law enforcement are to exercise reasonable care when working or interacting with individuals who display objective signs of mental or emotional illness. Members of City staff should contact law enforcement where an individual with whom they are dealing is suspected of suffering from mental or emotional illness. Law enforcement should use appropriate discretion in determining whether it would be appropriate to provide the individual with contact information for mental health facilities in the area. If necessary and appropriate under the specific circumstances, law enforcement may arrange for transportation to such a facility.

309.2.2 USE OF CITY FACILITIES

Where transient persons are believed to be using City facilities (libraries, pools, restrooms) in an inappropriate manner, members of City staff may enforce the policies applicable to those facilities with respect to appropriate use of and conduct within the facility. All facility-specific policies should undergo periodic review and approval by legal counsel to ensure that the rules do not infringe on

Azusa Police Department

Azusa PD Policy Manual

Homeless Persons "HALO" Procedures

the rights of homeless individuals. These facility-specific policies should be available at the facility, and ideally should be posted. In addition, signage should be provided at City-facilities to identify any specific rules, for example those relating to restrooms should be posted in the restrooms themselves. Any new facility-specific policies should receive prior review and approval by legal counsel before implementation. If members of City staff receive resistance when enforcing these policies, they must contact law enforcement immediately.

309.3 DEALING WITH BEHAVIORAL ISSUES

Where transients are engaged in unlawful activity, law enforcement should be contacted immediately. Law enforcement may issue citations to homeless individuals for any violation of the California Penal Code or the Azusa Municipal Code. For example, law enforcement should treat homeless individuals who violate Penal Code Section 647 (Disorderly Conduct) as they would any other person.

Homeless persons may not be punished simply for being homeless. However, where their actions are unlawful, the City may and should act.

309.4 ENFORCEMENT OF CAMPING ORDINANCE—AZUSA MUNICIPAL CODE SECTION 62-503

Section 62-503 of the Azusa Municipal Code states: "It shall be unlawful for any person to camp, occupy camp facilities, or use camp paraphernalia on any public property within the City, except as otherwise provided herein or mandated by applicable law." Section 62-501 provides definitions for the words "camp," "camp facility," "camp paraphernalia," and "public property."

When City staff suspect that a violation of the City's camping ordinance is occurring, they should inform law enforcement before taking action on their own. Prior to enforcing the City's camping ordinance, law enforcement should endeavor to provide homeless persons with information about the resources available to them. Law enforcement should maintain contact with local shelters, to which they may refer homeless persons if appropriate under the circumstances. If a homeless person has no alternative to camping on public property, law enforcement should not enforce the ordinance to its fullest extent. Instead, law enforcement might encourage the homeless person to move to a more appropriate location if their current location presents specific and articulable problems related to maintaining the public welfare and public safety. Law enforcement should document all contacts with homeless persons related to the camping ordinance, including the location of the incident, the name of the transient, and whether the transient refused to comply with law enforcement directives. At all times, law enforcement should act in conformity with specific Azusa Police Department policies regarding respecting and upholding the civil and constitutional rights of the people they encounter, and regarding documenting any refusal to accept services offered.

309.5 UNATTENDED PROPERTY

The Fourth and Fourteenth Amendments protect homeless persons from government seizure and summary destruction of their un-abandoned, but momentarily unattended, personal property.

Azusa Police Department

Azusa PD Policy Manual

Homeless Persons "HALO" Procedures

Members of City staff and law enforcement should not destroy or discard the personal property of a homeless person except as consistent with all applicable City policies. Staff and law enforcement should treat homeless persons' property as they would any other person's property. Where possible, code enforcement officers should be responsible for identifying unattended property, posting notice of its imminent removal, and eventually removing the property.

Unattended property believed to have been abandoned must not be destroyed summarily. Instead, City staff should determine whether the property has in fact been abandoned. In order to do this, the code enforcement officer should 'bag and tag' the property. This procedure involves placing the potentially abandoned property in a container or bin for storage and attaching notice stating that if the property is not removed within two (2) hours, it will be presumed to be abandoned, and may be stored and/or destroyed. Once two (2) hours has passed, if the items remain in the same location, the officer may presume them to be abandoned and proceed with removal of the property. A sample notice is attached to this Policy.

Property which cannot be presumed to have been abandoned should be retained by code enforcement in a secure place for one hundred twenty (120) days. Items collected and removed within the City shall be available for retrieval at 934 N. Vernon Avenue, Azusa CA 91702 or by contacting the City of Azusa at (626) 812-3200, extension 5463. If the rightful owner does not come forward in the time frame, the items may be destroyed.

Any suspicious packages determined by law enforcement to pose a threat to health and safety may be immediately removed or destroyed.

309.6 TRANSIENT CAMPS

Where a group of homeless individuals has occupied a piece of public land to the extent that it is a public nuisance as defined under California law and the Azusa Municipal Code, it is appropriate for law enforcement officials to act in accordance with the law. Transient camps pose a number of dangers to public health and safety, which may require a broad approach to abatement. Members of City staff must not act alone when encountering a transient camp. Staff should contact law enforcement immediately.

Prior to dismantling any transient camp, law enforcement should involve agencies with an interest in the location of the camp or the effect on the homeless population. For example, law enforcement might involve City or County departments responsible for environmental health if the camp is at a location or of a size that raises environmental or health concerns. In addition, law enforcement should consult legal counsel to ensure that property is removed and stored in an appropriate manner.

Typically, seventy-two (72) hours' notice should be posted at the site of the transient camp informing homeless persons that the camp is to be dismantled. At the end of the seventy-two hour period, law enforcement may clear the site. If practicable, alternate shelter should be located and arranged for the residents of the encampment before the site is cleared. Only items which are reasonably believed to have been abandoned may be destroyed, consistent with this policy.

Azusa Police Department

Azusa PD Policy Manual

Homeless Persons "HALO" Procedures

A list of items seized along with information on how to retrieve these items should then be posted at the site, consistent with the provisions of Section VI of this policy.

Once the site has been cleared, it may be necessary to enact preventative measures to discourage the use of the site as an encampment again. This may be achieved by making changes to the physical environment in conjunction with the owner of the land. Securing the property, removing or altering street furniture, clearing brush, and removing access to water may make the site less attractive to transient re-encampment. In addition, to the extent feasible, the site should be marked with signage indicating that camping is not permitted in the area.