

WEST PALM BEACH POLICE DEPARTMENT

III-7 HOMELESS PERSONS

EFFECTIVE DATE: 01/01/2005

CALEA Standards: N/A

CFA Standards: N/A

I. POLICY: The West Palm Beach Police Department will provide appropriate law enforcement services to the entire community while protecting the rights, dignity and personal property of the homeless by policy, rules, regulations and practices.

II. DEFINITIONS:

A. **HOMELESS PERSON:** An individual who lacks a fixed, regular and adequate night-time residence or has a primary night-time residency that is:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
2. An institution that provides a temporary residence for individuals;
3. A private place, not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
4. The term "homeless person" does not include any person imprisoned or otherwise detained following an Act of Congress or state law.

B. An officer may make reasonable inquiry to make this determination.

III. CONTACT:

A. At any time police officers may approach a homeless person who has not been observed engaging in any criminal conduct to advise him or her of shelters, services, or assistance which is currently available. The homeless person may or may not accept the advice or referral or may even walk away from the area before the arrival of the outreach worker.

1. Police officers may transport homeless persons to a homeless assistance center (Appendix A) when the person accepts such a referral. The homeless individual will be searched for weapons and or contraband before being transported.
2. The officer shall complete a CAD Report detailing the facts of the incident, the referral and disposition.
3. A Field Interview Card shall be completed by the officer at the time of the contact. To assist in tracking contacts, the word "Homeless" or "HL" shall appear in the address block of the card.
4. All officers will proactively provide referrals to the homeless as an alternative to arrest. (Appendix A.)

IV. ARREST:

A. Arrests of all persons, including those defined as homeless, shall comply with Florida Law, Municipal Ordinances, and Department policies and procedures.

B. If a police officer observes a person who, because of his or her homelessness commits one of the following misdemeanors:

1. Being in a park after curfew hours,
2. Public nudity as is necessary to carry on the daily necessities of life,
3. Fires in parks,

4. Obstructing passage on sidewalks.
5. Living or sleeping in a vehicle,
6. Loitering in a restroom,
7. Littering,
8. Camping in parks,
9. Use of facilities, e.g., sleeping on park bench for other than intended purpose,
10. Building a temporary structure in a park, or
11. Trespass on or in public property other than a structure or conveyance.

C. The police officer, before arresting the homeless person must offer the homeless person the option of going to an available shelter in the City of West Palm Beach or within one mile of it as an alternative to arrest. If the homeless person accepts the offer of assistance, no arrest shall take place and arrangements shall be made to transport the homeless person to the shelter.

V. PERSONAL PROPERTY:

A. Personal property belonging to all homeless persons shall be respected.

1. No officer shall destroy any personal property known to belong to a homeless person, unless it is contaminated or otherwise poses a health hazard to an officer or to members of the public.
2. Officers are not responsible for taking custody of mattresses or other such items which are not personal in nature.

B. All property of the arrested person shall be handled according to S.O.P. IV-11.

VI. REFERENCE:

- 42 United States Code 11301, et seq. (1994).
- SOP III-2 Arrestee Transportation.
- SOP IV-11 Property and Evidence Management.

Delsa R. Bush, Chief of Police

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I.D. # 1337

History: SOP # changed to III-7 on 01/01/2005
Old SOP # 17.16
Revision Dates: 01/01/2005
Job Title Task Files: All Personnel

APPENDIX A

A. VICKERS HOUSE - 881 Palm Beach Lakes Blvd, West Palm Beach, Florida, 33401

City community resource program established and managed by the Mayors office of West Palm Beach, which offers information, referrals, counseling, transition assistance and aid with problems and crises. A “one-stop” assistance center.

Business hours: 0730-1630.

Contact number: 561-835-7030

B. Two-One-One (211)

Information & Crisis Services - The center for information and crisis services provides a team of specially trained staff and volunteers available 24-hours a day, 365 days a year, to assist callers by providing information and referral services, crisis counseling, and suicide intervention.