ASHEVILLE POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE

SOP 3020 - Persons Experiencing Homelessness

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CONTENTS

INTRODUCTION
DEFINITIONS
3020.1 GENERAL PROCEDURES
3020.2 ENCAMPMENTS
3020.3 ACTIVE ENCAMPMENTS
3020.4 OUTREACH

ASSOCIATED DIRECTIVES

Policy 501 - Crisis Intervention
Policy 503 - Incident Reporting
Policy 1100 - Property & Evidence Control

INTRODUCTION

This directive provides procedures for interaction with persons experiencing homelessness, handling encampments, and providing information on outreach for assistance from social service resources. The Asheville Police Department treats all persons, including those experiencing homelessness, in a manner that respects their individual rights, human dignity, and community values while enforcing laws that protect life and property and sustain civic life.

DEFINITIONS

Homelessness: a person is considered to be experiencing homelessness if they lack a fixed, regular, and adequate nighttime residence, meaning:

- Has a primary nighttime residence that is a public or private place not meant for human habitation (such as a car, abandoned building, park, or sidewalk).
- Is living in a shelter designated to provide temporary living arrangements (such as an emergency shelter, transitional housing, or hotel/motel paid for by a charitable or governmental agency).

- Is exiting an institution where they resided for ninety (90) days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Encampment: for this directive, a location where persons experiencing homelessness are sleeping, making preparation to sleep (including the laying down of bedding for sleeping), and associated activities, including the storing of personal belongings, making any fire, remaining at or near any tent or other shelter, doing any digging or earth breaking or carrying on of cooking or other activities in support of camping or living accommodations.

Active Encampment: an encampment that is occupied at the time of contact or has signs of recent activity (i.e., burning fires, fresh food, recent mail).

Inactive Encampment: an encampment that is not occupied at the time of contact and has no immediate appearance that anyone has been present in the immediate area.

Outreach: the initial and most critical step in connecting or reconnecting a person experiencing homelessness to needed health, mental health, recovery, social, and housing services that involve the process of engagement, assessing needs, defining service goals, or agreeing on a plan for delivering those services.

3020.1 GENERAL PROCEDURES

A. Absent reasonable suspicion that a person experiencing homelessness is violating the law, department members should approach these individuals as they would any other citizen. Homelessness, on its own, does not constitute reasonable suspicion.

B. No items of personal property will be destroyed or discarded. Persons experiencing homelessness may keep many personal belongings, including documents and medications, in what might initially appear to be an item of refuse.

    1. Department members will adhere to department policy regarding property and evidence in the handling of any property.

    2. No personal property will be searched or seized unless reasonable suspicion or probable cause exists.

C. Persons experiencing homelessness cannot be forced to move to another location if they have a legal right to be present at a location; however, they may be asked to relocate for safety or security reasons.

D. Whenever possible, persons experiencing homelessness should be referred to health, mental health, recovery, social, and/or housing services.

E. Many persons experiencing homelessness suffer from mental health and substance abuse issues that are beyond their control. Officers should follow guidelines in Policy 501 - Crisis Intervention when interacting with persons in crisis.

3020.2 ENCAMPMENTS

A. The primary officer responding to any call for service where an **encampment is present** will:

1. Determine if the encampment is on public (including city-owned) or private property; this may be accomplished using the department's Computer Aided Dispatch (CAD) system or Buncombe GIS. Once the property status is determined, the officer will document the location within the related CAD call notes.

2. Determine if the encampment is active or inactive.

3. Complete an incident report if required by ~~Generate a case number related to the CAD call for service for documentation purposes although an incident report may not be required (see~~ Policy 503 - Incident Reporting. ~~for situations that require a report)~~.

4. Utilize Axon Capture to photograph and document the encampment area via Axon Capture. Photographs should include any significant items in the vicinity, such as erected tents, temporary structures, dangerous weapons, dangerous materials, etc.

B. If the encampment is determined to be **inactive**, and no individuals are located on-site, but the officer finds remaining sanitation issues or dangerous materials on the property the officer will request the CAD nature code be changed to *Ordinance Compliance* for further follow-up to be conducted by the Community Unit.

C. In all cases, before the conclusion of their shift, the primary responding officer will email any related CAD event numbers and/or Incident Report numbers with a brief summary of events to the Community Engagement Division and the officer's direct supervisor. This notification should include if no authorized agent for the property (city or private) was contacted or action was taken due to exigent circumstances on city-owned property, see 3020.3.

D. The Community Unit will conduct any follow-up necessary through City of Asheville Homelessness Services to facilitate outreach workers' referral to the campsite.

3020.3 ACTIVE ENCAMPMENTS

A. If officers locate individuals in an **active encampment** on **private property**, the officers will appropriately identify and document all persons present and attempt to contact the property owner(s) during the call for service and determine if the individuals are trespassing. If a property owner cannot be reached while the officer is on the scene, the officer will defer to N.C. Gen. Stat. § 14-159.11.

B. If officers locate individuals in an **active encampment** on **city-owned property**, the officers will appropriately identify and document all persons present and:

   1. Determine if any City of Asheville trespass signage is present and enforce accordingly based on N.C. Gen. Stat. § 14-159.11.

   2. If signage is not present on the scene, the primary officer will then attempt to make contact with an authorized agent of the premises designated by the city department responsible for the property. This information will be maintained and updated by the department's Community Unit in the CAD Premise Notes.

   3. If an authorized agent cannot be reached at the time of the call for service, the primary officer will take no action at the time of call without exigent circumstances present, at which point the officer will act as the authorized agent for the premises on behalf of the city. Exigent circumstances may include but are not limited to:

      a. Any involvement in a felonious act.

      b. An assault against another individual that also occupies the city property.

      c. The individuals have an active campfire on city property and are refusing to leave.

   4. Officers must notify their direct supervisor of any actions taken due to exigent circumstances once the scene is secured.

C. **In all cases where individuals are located** in an encampment:

   1. Officers will provide cards with information on available resources for persons experiencing homelessness. These cards will be maintained and are available through the department's Community Unit.

   2. If not documented in an incident report, officers will document the individuals present through a Field Contact or Trespass Warning report in RMS.

3020.4 OUTREACH

A. Outreach is important in connecting or reconnecting a person experiencing homelessness to needed health, mental health, social, and housing services. Officers should collaborate with physical and mental health experts in order to visit individuals and encampments to allow for joint assessment and planning.

B. People experiencing homelessness have a higher risk than the general population of developing exposure-related conditions such as hypothermia and frostbite. A winter contingency plan, known as *Code Purple*, has been developed to provide overflow space during the winter months to provide additional protection against harsh elements. Typically this will be initiated when temperatures fall below 32 degrees.

C. Department members may refer individuals to the Community Unit for follow-up with local providers and resources if needed.