

Homeless Persons/ Transients

423.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Colorado State University Police Department recognizes that members of the homeless community are often in need of special protection and services. The Colorado State University Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

423.1.1 POLICY

It is the policy of the Colorado State University Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

423.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals, counseling and summons and release in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

423.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.

Homeless Persons/ Transients

- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

423.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person, unless items seized are perishable or present a health hazard or are otherwise illegal to possess. The homeless person will be provided the Property and Safekeeping Notice that explains the process needed to retrieve their property. The homeless person should also acknowledge that the property will only be kept for a period no longer than 90 days.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property with their consent. Otherwise, the arrestee's personal property should be collected for safekeeping. The property should be digitally documented and measures should be taken to remove or secure the property. Each item of property that is collected will be brought back to the department and inventoried and documented in the incident report. The property will be tagged and placed into a secure storage area maintained by the Evidence Unit and available for release.

Officers should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons. When practical, requests by the public for cleanup operations of a homeless encampment should be referred to CSU Facilities Management.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appear to belong to a homeless person should not remove or destroy such property and should inform CSU Facilities Management and the shift supervisor if such property appears to involve a trespass, is blight to the community or is the subject of a complaint. It will be the responsibility of CSU Facilities Management to address the matter in a timely fashion.

423.4 MENTAL HEALTH DISORDERS AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental health disorder or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

Homeless Persons/ Transients

When a mental health disorder hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person.

423.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies (i.e. EHS) or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.