

Homeless Persons

428.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

428.2 POLICY

Best Practice

It is the policy of the Syracuse Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Syracuse Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

428.3 LIAISON TO THE HOMELESS COMMUNITY

Best Practice **MODIFIED**

The Chief of Police shall delegate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the liaison include, but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including personal property rights.
- (e) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

Syracuse Police Department

Policy Manual

Homeless Persons

428.4 FIELD CONTACTS

Best Practice MODIFIED NY_CALEA6.13 - 1.1.3, 1.2.6

Officers are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity.

When encountering a homeless person who has committed a nonviolent minor offense 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, such as shelter referrals and counseling, in lieu of an arrest and criminal charges.

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

The E911 Communications Control Center maintains an updated list of agencies with the capability of temporarily lodging and/or feeding of persons in need. Officers will notify Channel 2 to determine if the appropriate service is available.

An agency will be contacted by E911 to ascertain if they have the necessary facilities or resources for the specific incident, and will advise the officer of the action to take.

When appropriate services are located, transportation for the individual shall be arranged if necessary. If the service agency is unable to respond for the person or other suitable transportation is unavailable, the officer, with permission of supervisor, may provide transportation in accordance with departmental procedures.

[See procedure for AVAILABLE SERVICES](#)

428.4.1 CONSIDERATIONS

Best Practice

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.

Syracuse Police Department

Policy Manual

Homeless Persons

- (g) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.

428.4.2 INCLEMENT WEATHER

State

Officers encountering homeless persons who are without shelter during freezing weather should direct or transport the person to the nearest shelter, as appropriate (Exec. Order 151 (2016)).

428.5 MENTAL HEALTH ISSUES

Best Practice

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under emergency admission when facts and circumstances reasonably indicate such a detention is warranted (see the Emergency Admissions Policy).

428.6 PERSONAL PROPERTY

Best Practice **NYSLEAP-8.7 - 7.1**

The personal property of homeless persons must not be treated differently than the property of other members of the community. 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.

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. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the homeless liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the liaison.

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

Syracuse Police Department

Policy Manual

Homeless Persons

428.7 ECOLOGICAL ISSUES

Best Practice

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

428.8 OCCUPYING VACANT / ABANDONED STRUCTURES

Agency Content

Where homeless or indigent persons are found in vacant/abandoned structures, members of this Department will include the address, and description of repairs necessary to secure the structure in their notification to the E911 Communications Center.

- (a) The E911 Communications Center will notify the DPW to respond and secure the premise.

Vacant/abandoned buildings found to be potentially hazardous and that are accessible to the public, or frequented by the homeless, or difficulties in removal, shall be reported to the Homeless liaison.