Homeless Persons

429.1 PURPOSE AND SCOPE

(a) The purpose of this policy is to ensure that office 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.

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

429.2 POLICY

(a) It is the policy of the St. Mary's County Sheriff's Office 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 St. Mary's County Sheriff's Office will address the needs of homeless persons in balance with the overall mission of this office.

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

429.3 LIAISON TO THE HOMELESS COMMUNITY

(a) The Sheriff shall delegate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Patrol Division Commander, or the authorized designee.

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

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

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429.4 FIELD CONTACTS

(a) Deputies are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Deputies also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

(b) When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies may consider long-term solutions, such as LEAD referrals or other solutions.

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

429.4.1 CONSIDERATIONS

(a) 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, deputies should consider:

1. Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
2. Documenting locations the person may frequent.
3. Providing victim/witness resources, when appropriate.
4. Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
5. Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
6. Whether the person may be an adult abuse victim, and if so, proceed in accordance with the Adult Abuse Policy.

429.5 MENTAL HEALTH ISSUES

When mental health issues are evident, deputies should consider referring the person to the agency's Community Mental Health Liaison, appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, deputies 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. Deputies should consider detaining the person under a mental health evaluation when facts and circumstances reasonably indicate such a detention is warranted (see the Mental Health Evaluations Policy).

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429.6 PERSONAL PROPERTY

(a) The personal property of homeless persons must not be treated differently than the property of other members of the community. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and shall not destroy or discard the personal property of a homeless person (Md. Code CR § 10-304).

(b) When a homeless person is arrested or otherwise removed from a public place, deputies 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 deputy, a supervisor should be consulted. If collected, the property should be inventoried into property held. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

(c) Deputies 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.

(d) Deputies 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 the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

429.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or County 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.

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