

GENERAL ORDER



DISTRICT OF COLUMBIA

Title		
Interactions with Homeless Persons		
Topic	Series	Number
OPS	308	14
Effective Date		
October 31, 2011		
Related to: GO-OPS-204.07 (Provisions for Homeless Persons During Periods of Cold Weather)		

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I. BACKGROUND

The purpose of this policy is to ensure that members of the Metropolitan Police Department (MPD) understand and are sensitive to the needs and rights of homeless persons in the District of Columbia, and to set forth procedures for members to follow during contacts with homeless persons. This policy recognizes that all persons, including people experiencing homelessness, have the right to be peacefully in any public place of the District of Columbia as long as their activities are lawful. It also explicitly affirms that homelessness is not a crime.

II. POLICY

The policy of the Metropolitan Police Department is to treat homeless persons in a manner that protects their needs, rights and dignity, while providing appropriate law enforcement services to the entire community. The Department recognizes that in law enforcement situations involving homeless individuals, it is preferable to make referrals to organizations that provide services to them, and to refrain from initiating contacts that interrupt innocent activity and may violate an individual's constitutional rights.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Homeless Person – Individual who lacks a fixed, regular and adequate night-time residence, or has a primary night-time residence that is:
 - a. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;
 - b. An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - c. A private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
2. Member – Sworn or civilian employee or a member of the Reserve Corps.

IV. PROCEDURES

A. Contacts

1. Members may at any time approach a homeless person who has not been observed engaging in criminal conduct, to offer advice about shelters, services, or other assistance that is available. In appropriate situations, a member may also contact an outreach worker from a public or private homeless services provider. The homeless person is free to choose whether or not to accept any referral or not.
2. Members shall not detain arrest, interrogate, or initiate any other criminal law enforcement interaction with any persons based solely upon their “status” of being or appearing to be homeless, as long as they are not engaged in unlawful activities.

NOTE: Members may approach and question a homeless person in response to a call for service and/or a complaint received from a person or business regarding a person regardless of their “status” of being or appearing to be homeless.

3. Members shall not communicate in any way to persons who are or appear to be homeless that they are not allowed to be in a particular public space in the District because of their homeless status.

B. “Move On” Orders

Members shall not order any person to move to another location when that person has a legal right to be present where he or she is, absent safety, security, or other constitutionally permissible reasons.

C. Requests for Identification

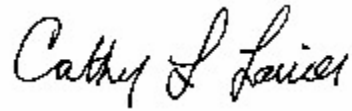
1. Members requesting identification from a person who is or appears to be homeless shall be subject to the same legitimate law enforcement requirements as are applicable to such requests when made to any other person, but with sensitivity to the special needs and circumstances of the individual situation.
2. At no time shall members request or demand identification in order to harass, intimidate, threaten or make any other unwarranted show of authority toward a person who is or appears to be homeless.

D. Personal Property

1. Members shall treat the personal property of homeless individuals with the same respect and consideration given to the personal property of any other person, with particular sensitivity to the special needs and circumstances of the individual situation.
2. In arrest situations, members shall handle the personal property of homeless arrestees in the same manner as the property of other arrestees, pursuant to MPD policies and procedures, including, but not limited to, General Order 601.1 (Recording, Handling and Disposition of Property Coming into the Custody of the Department).
3. Members shall not damage, hide or cause to be abandoned the personal property of any such person.
4. Members shall refrain from instituting any search, frisk, or other such investigation where the elements of reasonable suspicion or probable cause are not met. A person's status of being or appearing to be homeless, without more, does not constitute reasonable suspicion for such a search.
5. Members shall not destroy personal property known to belong to a homeless person, or recognizable as property of a homeless person.
6. In the event that a member believes that the personal property of a homeless person poses a health hazard, the member shall notify his/her Watch Commander who shall contact the Department of Public Works (DPW) to remove the property.
7. In the event that a member discovers or is made aware of a homeless encampment that presents a security, health, or safety risk or becomes a significant community nuisance, the member shall contact his/her watch commander who shall notify the Executive Office of the Mayor through the chain of command.

E. Arrest Situations

Nothing in this order is intended to preclude a member from arresting an individual, including a person who is or appears to be homeless, when the member has probable cause to believe the person has committed a crime.

A handwritten signature in black ink that reads "Cathy L. Lanier". The signature is written in a cursive, flowing style.

Cathy L. Lanier
Chief of Police

CLL:PAB:MOC:JC