
Interactions with Persons Experiencing Homelessness

431.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that employees of the Duluth Police Department understand and are sensitive to the needs and rights of persons experiencing homelessness and to set forth procedures for law enforcement officers to follow during contacts with such persons. This policy recognizes that all persons, including people experiencing homelessness, have the right to be peacefully in any public place so long as their activities are lawful. It also explicitly affirms that homelessness is not a crime.

431.2 DEFINITION

A person experiencing homelessness is an individual who lacks a fixed, regular day or night-time residence, or has a primary day or 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;
- (c) A public or private place not designed for human habitation, or ordinarily used as a regular sleeping accommodation for human beings;
- (d) A low-cost motel or other situation without a long-term lease;
- (e) Sharing the housing of friends or family without a legal right to remain.

431.3 POLICY

The policy of the Duluth Police Department is to treat persons experiencing homelessness in a manner that protects their needs, rights and dignity, while providing appropriate law enforcement services to the entire community. The Duluth Police Department recognizes that in law enforcement situations involving persons experiencing homelessness, 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 and human rights.

431.4 PROCEDURE

- (a) Contact
 1. Officers may at any time approach a person experiencing homelessness who has not been observed engaging in criminal conduct, to offer advice about shelters, services, or other assistance that is available. In appropriate situations, officers may also contact an outreach worker from a public or private homeless services provider. The person experiencing homelessness is free to choose whether or not to accept any referral.
 2. Officers shall refrain from detention, arrest, interrogation, or initiation of any other criminal law enforcement interaction with persons experiencing homelessness so long as they are not engaged in unlawful activities or pose a danger to themselves or others due to intoxication or mental health crisis.
 3. Officers shall refrain from communicating in any way, to persons who are or appear to be homeless, that they are not allowed to be in a particular public space otherwise available to the public
- (b) "Move On" Orders
 1. Absent safety, security, or other constitutionally lawfully permissible reasons, when a person has a legal right to be present where he or she is, officers shall not order or impose arbitrary time limits for any person to move to another location.
 2. It is Duluth Police Department policy not to arrest people for failure to move on.
- (c) Requests for Identification
 - (1) Requests for identification made to 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
 - (a) Requests or demands for identification shall be made only with good cause. Requests for identification shall not be made pursuant to casual contact with persons who are or appear to be homeless.

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- (b) When a person who is or appears to be homeless is unable to produce a valid form of identification, the officers shall not penalize the person for failing to produce the requested identification.
- (c) All persons' subject to arrest or citation must be positively identified by police, whether or not a person can produce a valid identification.
- (d) **PERSONAL PROPERTY**
 - 1. The personal property of homeless individuals shall be treated 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, persons experiencing homelessness shall not be required to abandon personal property they identify as their own at the arrest site. Officers shall not damage, hide or cause to be abandoned the personal property of any such person. Where reasonable, officers shall adopt or facilitate measures that will best safeguard personal property, as identified by the arrestee.
 - (a) Where practical, the personal property of homeless arrestees is to be handled in the same manner as the property of other arrestees.
 - (b) Homeless individuals have a constitutionally protected expectation of privacy in their personal belongings and closed containers. Officers shall refrain from instituting any search, frisk, or other such investigation where the elements of consent, reasonable suspicion or probable cause are not met.
 - (c) In no event shall any officer destroy personal property known to belong to a homeless person, or recognizable as property of a homeless person, unless it poses a health hazard.
 - (d) It is a reasonable response for an officer to contact the homeless outreach worker for assistance and direction.

431.5 TRAINING AND IMPLEMENTATION

TRAINING

- (a) In collaboration with local homeless service agencies, the Duluth Police Department shall conduct trainings on this policy with all new recruits, and annually with all officers assigned to patrol duties.

IMPLEMENTATION

- (a) The Duluth Police Department shall evaluate compliance with this policy in an ongoing basis, which may include an assessment of:
 - 1. Citation and arrest records for individuals listing no address or known local shelter addresses.
 - 2. Ordinances frequently used against persons experiencing homelessness (camping, loitering, panhandling, public urination or defecation, etc.).
 - 3. Feedback with homeless outreach workers, social services and other non-profit homeless advocates.
 - (a) This evaluation shall seek to determine if persons experiencing homelessness are treated in an equitable, respectful, dignified manner with the same rights afforded to them as any other person.
 - (b) If less than full compliance is found, the Duluth Police Department shall take steps to correct the issues, including, but not limited to, providing additional training on this policy.

431.6 COMPLAINTS

- (a) Complaints on police procedure relative to this policy may be directed to any of the following resources:
 - 1. The police department in person, by writing or the phone
 - 2. The Citizen Review Board
 - 3. The Human Rights Commission
- (b) All complaints will be investigated by the Duluth Police Department, per Duluth Police Department Policy 1004, and a fact-finding summary will be completed and presented to the Citizen Review Board. The fact-finding may include review of body worn cameras and/or interviews with involved persons, witnesses and officers