



THE CITY OF EUREKA
EUREKA POLICE DEPARTMENT

DEPARTMENT ORDER

2015-01 Homeless Enforcement

May 12, 2015

CITYWIDE CAMPING and ILLEGAL LODGING ENFORCEMENT

I. BACKGROUND

It is the intent of the Eureka Police Department to treat all people, regardless of economic status, with the utmost dignity and respect. Prior to enforcement of the Municipal Code, homeless persons will be given the opportunity to find shelter.

Eureka Municipal Code 93.02 EMC prohibits unlawful camping and Penal Code 647 (e) prohibits lodging in any building, structure, vehicle or place public or private without the permission of the owner or lawful possessor. The City of Eureka's enforcement strategy is complaint driven.

Violations of illegal camping and lodging frequently includes individuals who suffer from a wide range of health problems including contagious diseases, mental illness and substance abuse or a combination of all of the above. Some may also be involved in other criminal behaviors including disorderly conduct offences and more serious crimes such as violence, theft and drug dealing. These behaviors affect the illegal lodger and citizens who live, work or recreate in these communities.

The police response is three fold:

1. To prevent crime on and by the homeless populations;
2. To assist those who cannot assist themselves; and,
3. To enforce the law.

During enforcement actions for illegal lodging the police must remember that part of the police role is to provide education on the whereabouts of social services including housing and to inform them they are breaking the law. When reasonable the homeless should be given handouts such as the directory of social services available to them. Documentation of these contacts and the fact that there was a referral can be accomplished through the CAD system.

In addition to enforcing the law, police also assist those who cannot assist themselves by putting them in contact with appropriate medical, social psychiatric and other services when possible. Additionally, the police have a responsibility to physically take a person into custody when they display an imminent threat either to themselves or others pursuant to W&I 5150.

II. ILLEGAL LODGING AND CAMPING ENFORCMENT GUIDELINES

The following guidelines are to be followed with respect to illegal lodging enforcement.

1. Other than when extenuating circumstances are present, officers should primarily enforce at locations where the City has received complaints.
2. Officers shall not, in the ordinary course of duty, issue citations between the hours of 2100 and 0600 hours for illegal camping.
3. Prior to enforcement action, the officer should first consider the following through a records check:
 - a. The presences of additional crimes;
 - b. Criminal history for illegal lodging;
 - c. Warrants;
 - d. Efforts made by the individual to seek shelter;
 - e. Documented warnings;
 - f. Verification of citizen complaints; and
 - g. Photos of any structures erected by the individual.
4. Officers should consider custodial arrests for 647(e) when the individual has either been repeatedly cited within a short period of time (30 days) or where an individual refuses to leave the area after being cited by an officer or the person poses a threat to the community.

III. ILLEGAL LODGING PROCEDURES

When taking enforcement action an officer must document the two elements of illegal lodging, lodging and without permission. These items may be helpful and a picture or video of these items are best and help with prosecution:

Lodging

1. What kind of place or structure. i.e. tent, cardboard, tree, siding, etc
2. Type and frequency of complaints
3. Presence of bedding
4. Personal belongings. i.e. dogs, food, clothes, shopping carts
5. Prior Contacts and warnings
6. Admissions of guilt

Without Permission

1. Statement by owner, occupant or manager of property (a trespass letter is fine)
2. Name and owner of property.

It is important to document the disposition of any personal property taken from those arrested.

To ensure there is adequate bed space available for the homeless, the Eureka Police Department will conduct a daily bed count. That number will be recorded for officers by an Administrative Technical. Weekly that number will be forwarded to patrol who can include that information into any citation or arrest reports.

Officers from the Problem Oriented Policing team, the Old Town Officer and the Mobile Intervention Support Team (MIST) will contact all homeless persons who are in areas where citizens have complained about criminal activity, including illegal lodging and camping. Officers will systematically keep record of those committing criminal offences, services offered and referrals, and the disposition of the contact. When legally justified, a field interview with photo will be conducted on each individual for documentation.

Enforcement is at the discretion of the officer. Officers citing or making custodial arrests should be thorough in their documentation, including all the information listed in this Department Order.