

Homeless Outreach and Liaison

408.1 DEFINITION

According to the U.S. Department of Housing and Urban Development (HUD) Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, homelessness is defined as, "An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings including: a car, park, abandoned building, bus or train station, airport, or campground".

408.2 GOALS

1. When working with the homeless, the Department's mission is to work collaboratively with all other agencies and organizations with a focus on outreach and enforcement to assist the homeless population and provide them with access to available resources and services, while protecting the quality of life for the citizens of Orange County.
2. The Department shall be part of a multidisciplinary effort including law enforcement (OCSD and allied agencies), OC Healthcare, mental health workers, fire, hospitals, public works, code enforcement, park rangers, residents, businesses, Service Providers, and homeless advocate groups to transition homeless individuals off the streets.
3. A major short term goal is the immediate transition of a homeless individual into either a shelter or other form of bridge housing. Although this transition is often accomplished by linking the homeless individual with an appropriate case manager such as the Health Care Agency (HCA), City Net, Mercy House, Illumination Foundation, or other entity, nothing prevents the individual patrol deputy or Behavioral Health Liaison from transporting a subject to shelter/housing if the resource is available and the subject is willing to utilize the service. The deputy shall remain with the subject until they are accepted into the facility. The Department shall not transport homeless individuals across Service Planning Areas (SPAs) for the purposes of shelter placement. "Service Planning Area" refers to the designated North, Central and South geographical areas of the County as set forth in the SPA map. See link <http://www.ocgov.com/civica/filebank/blobdownload.aspx?BlobID=6911>

408.3 ENFORCEMENT CONSIDERATIONS

1. The Department has a primary focus on outreach and shall not enforce any law criminalizing a homeless subject for illegal camping or loitering in public when there is no other shelter option available for the person. This does not forbid the Department from enforcing non-status violations and enforcement of all laws on private property.
 - (a) Status violations are defined as violations of anti-camping, anti-loitering, and trespassing ordinances in public locations. This also includes violations of park closure ordinances in the North SPA Cities of Stanton, Yorba Linda and Villa Park.

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2. Absent exigent circumstances, anti-camping or anti-loitering ordinances shall not be enforced prior to Field Screening by System of Care/Outreach and Engagement Personnel (HOT, BHL, HCA, SSA, or contracted providers) to locate an immediately available placement for the individual within his or her respective Service Planning Area.
3. A homeless individual who declines the offered placement shall, where feasible, be given a warning and an opportunity to immediately relocate to a location where they may lawfully be prior to citation or custodial arrest for anti-camping or anti-loitering ordinances.
4. Prior to making an arrest for an anti-camping or anti-loitering law, the deputy shall verify with County personnel for unincorporated areas or with City personnel for contract city areas that there is a shelter option available to the intended arrestee. To locate an available shelter bed, the deputy shall use the Health Care Agency or appropriate service provider for the area or city where the subject is contacted. The deputy shall also verify whether or not the intended arrestee refuses the available shelter bed. The deputy shall document in his or her report the availability of the shelter bed and the intended arrestee's refusal to accept the shelter bed. The report shall list where the available bed is and list as a witness who the deputy contacted to confirm the availability of the bed. In addition to the deputy recording the conversation with the intended arrestee, it is advisable for the deputy to have his/her cell phone on speaker and recording the conversation with the witness on PVS or BWC.
5. Unless the initial call for service or interaction is immediately dangerous, it is important for deputies to take their time during an investigation. Mental illness and drug addiction are potential problems which can be addressed through patience and understanding while maintaining officer safety.
6. Mental health issues are a component of dealing with homeless individuals. Refer to FOM Section 29 for guidance in dealing with Mental Health and 5150 issues.
7. Patrol deputy contacts with homeless individuals should be documented with an appropriate CAD entry. The individual's biographic information should be entered, along with a narrative entry describing contact. Any information that may assist with connecting the individual to services should be forwarded to a Behavioral Health Liaison or Homeless Outreach Team member by sharing the incident number. These contacts shall be cleared with the Homeless disposition.
8. Search and seizure of a homeless subject's property is no different from search and seizure as it relates to any other law enforcement function. The Fourth Amendment prevents searches and seizures which are unreasonable. As a result, the "totality of the circumstances" shall be well documented and fact specific in all incidents involving a search/seizure of property. Examples of specific facts include posted "no trespassing" signs, previous outreach efforts, previous warnings, prior citations at the same location, the surrounding environment (fencing, barricades, ease of public access), condition of the property (degree to which the contents are exposed to public view reducing expectation of privacy), knowledge of trespass, probable cause for the search, and length of time the property has remained occupied continuously at a specific location.

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9. Repeat Interactions - Most interactions with the homeless population will be one of repeat interactions. Over time, Homeless Liaison Officers and patrol deputies shall be able to establish working relationships with the homeless population which shall result in the homeless being more receptive to accepting services. As a result, voluntary compliance is the preferred method when conducting enforcement. By presenting a firm, fair, professional, and understanding demeanor and attitude, deputies will be in a better position to understand the specific needs of the subject and offer the best resource to begin the transition process.
10. Identification - When issuing misdemeanor citations, deputies shall document how the subject was identified. Verbal identification by the subject is not positive identification. Furthermore, possession of California Benefits Cards (EBT) or other paperwork without a photograph does not qualify as valid identification for purposes of charging a crime. Identification of subjects should be via DMV photograph, criminal records (booking photos), prior knowledge, or unique and distinguishing features such as tattoos.
11. Whenever possible, enforcement documentation shall include the availability of shelter beds at the time of enforcement, attitude or degree of willingness of the subject toward participating in outreach services, past efforts at outreach, and agencies contacted for possible follow-up and case management (HCA, City Net, Mercy House, OC Link, city specific services, non-profits etc.).
12. Deputies shall not cite or arrest a homeless subject for obstructing public property unless the subject or/and his or her property actually interferes with the intended use of the property and the subject declines to remove the obstruction.
13. Referral to Collaborative Courts:
 - (a) While issuing a citation or making a custodial arrest for an anti-camping or anti-loitering ordinance, deputies shall advise a homeless individual they can request acceptance into the Collaborative Court and providing the Public Defender's phone number of (657) 251-6090, providing the subject with the OC Resource Guide that contains the number or providing the County of Orange Superior Court Outreach Court pamphlet.
14. In addition to the other requirements set forth in this policy, subjects cited or placed under custodial arrest in the (NORTH SPA) Cities of Stanton, Yorba Linda or Villa Park for trespass, loitering, anti-camping, and park closure ordinances shall be provided a form, approved by the City, advising of the dispute resolution process, per the NORTH SPA CITIES SETTLEMENT AGREEMENT (Orange County Catholic Workers et al. v. Orange County et al. California Central District Case No. 8:18-cv-00155). The form shall include the contact information for the Plaintiffs' counsel.
 - (a) If a homeless person has initiated the Dispute-Resolution Process, deputies shall not make a custodial arrest for Anti-Nuisance Ordinances prior to the exhaustion of the Dispute Resolution Process. The fact that a person has initiated the Dispute-Resolution Process does not preclude the issuance of citations to the person.
 - (b) Once a ruling has been made regarding the dispute and the city has complied with the ruling, another claim by the same subject related to the same issue

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shall not preclude a custodial arrest where the individual does not comply with a warning, or leave once a citation has been issued.

408.4 CITE/RELEASE (FIELD) VS CITE/RELEASE (JAIL)

1. Penal Code section 853.6 mandates that misdemeanor arrestees be cited and released in the field, unless the subject meets one or more of the 12 exceptions listed in Penal Code Section (Penal Code § 853.6(i)). Please see Policy Section 327 Cite and Release Policy for Misdemeanor Non-warrant (Street) Arrest.
2. Homeless subjects commonly do not possess acceptable forms of identification. Verbal identification needs to be corroborated with things such as a DMV photograph or booking photo. If these things cannot be accomplished or if the subject remains “unable to identify”, the subject can be transported to jail for a citation and release with Live Scan/fingerprinting for positive identification.

408.5 RESTRICTED AREAS AND COUNTY PARKS

1. If a violation of an anti-camping or anti-loitering law occurs within a Restricted Area listed below or a County Park outside of the established operational hours and there is no appropriate and immediately available placement for the person, the Department shall advise the homeless subject they may move to any public area outside the restricted area or park as allowed by *Martin v. Boise*.
2. Restricted Areas are defined as:
 - (a) Orange County Flood Control District Property.
 - (b) The John Wayne Airport.
 - (c) Interior spaces of County Libraries outside of posted hours of operation.
 - (d) Custodial Facilities or other areas where in-custody subjects are taken.
 - (e) Contracted right-of-way railroad areas.
 - (f) County property or facilities not open to the public.
 - (g) Any other special use property as approved by the court.
3. If the homeless individual does not leave the restricted area or park after receiving a warning and a reasonable opportunity to gather their property, deputies may cite or make a custodial arrest of the subject.

408.6 PROPERTY

1. Safekeeping is non-evidentiary property that is temporarily stored with the Property-Evidence Unit for protection on behalf of the owner.
2. Temporary Safekeeping of Property is governed by California Civil Code 2080.10.
 - (a) When the Department takes possession of personal property for temporary safekeeping, the Department shall do all of the following:

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1. Take responsibility for the storage, documentation, and disposition of the property.
2. Provide the person from whom the property was taken with a receipt and instructions for the retrieval of the property. The receipt and instructions shall either be given to the person from whom the property was taken at the time the Department obtains the property or immediately mailed, by first-class mail, to the person from whom the property was taken. For homeless persons, the receipt and instructions shall be given to the person.
3. If the Department has knowledge that the person from whom the property was taken is not the owner, the Department shall make reasonable efforts to identify the owner. If the owner is identified, the Department shall mail, by first-class mail, a receipt and instructions for the retrieval of the property. If the owner is homeless without a mailing address and is able to be located with reasonable efforts, the receipt and instructions shall be given to the owner.
4. The receipt and instructions shall notify the person from whom the property was taken that the property must be claimed within 90 days after the Department obtains possession or the property shall be disposed of in accordance with the disposal provisions of this article. Within 90 days (the 90 days is per Department Policy), the person may do one of the following:
 - (a) Retrieve the property.
 - (b) Authorize in writing another person to retrieve the property.
 - (c) Notify the Department in writing that he or she is unable to retrieve the property, because he or she is in custody, and request the Department to hold the property. If a person notifies the Department that he or she is unable to retrieve the property within 90 days, or have an authorized person retrieve the property, the Department shall hold the property for not longer than 10 additional months.
3. Release of property to owner is governed by California Civil Code 2080.2.
 - (a) If the owner appears within 90 days, after receipt of the property by the Department, proves his/her ownership of the property, and pays all reasonable charges, if any, the Department shall restore the property to him/her.
4. If deputies collect non-evidentiary property, the "Safekeeping" form shall be utilized which can be located on the Document Center of the Intranet. See Field Operations Advisory Issue 56 dated February 9, 2018 and FOM Section 44 Tagging-Booking Evidence for further information. Per department safekeeping policy and the California Civil Code, property shall be retained for a minimum of 90 days.
5. 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, which includes transferring control to a designated responsible person. If the above cannot be accomplished, the property should be collected for safekeeping.

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- (a) If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted for disposition and possible collection by an allied agency such as city/county public works. The arrestee shall be provided written notice of the location where the arrestee's property may be claimed if the property is collected by an allied agency.
6. Deputies should not conduct or assist in clean-up operations of homeless encampments aside from possible security (AOA) for agencies such as city/county public works. During these types of operations, collection and documentation of property shall be the responsibility of the agency conducting the cleanup.
7. Any agency (i.e. County or City Public Works) conducting clean-up of a potential homeless encampment shall be made aware of the Schuler Settlement. This settlement requires a minimum of 24 hours notice of any intended clean-up or remediation project unless exigent circumstances exist. Although this settlement applies only to sections of the Santa Ana Riverbed, it is the best practice and should be followed by any agency doing clean up in Department jurisdiction. It is County Public Works' practice to give 72 hours notice when feasible.
8. Deputies who encounter encampments or large collections of property in public areas should inform the city Behavioral Health Liaison or county Homeless Outreach Team for guidance in finding a long term disposition.
9. Documentation of property goes beyond written documentation in reports. Best practice includes taking photographs and/or video. Documentation includes the initial state of the property (long, mid, close range photos), and a detailed inventory of property recovered. If a video camera is not available, consider vehicle placement for permanent capture of the incident on Patrol Video System (PVS). Furthermore, consider verbal narration during the incident: describe sights, smells, hazards, items of value, and items which a reasonable person would classify as having no intrinsic value.
10. Property that need not be stored:
 - (a) Property that presents a danger to Department personnel including but not limited to: hazardous, flammable, or biohazard materials, items contaminated with human or animal waste, items that are wet and present a mold hazard, batteries.
 - (b) Property that is obviously abandoned or trash.
 - (c) Property whose owner has identified it as trash or no longer wanted.

408.7 HAZARDS

1. Dealing with Homeless populations requires an officer safety mindset beyond tactical considerations. Deputies should be aware of health and environmental hazards such as uncapped needles, fecal matter and other bodily fluids, and potential communicable diseases like MRSA transmitted by open wounds and sores.

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- (a) Wear gloves while searching subjects and property. Remove gloves while using your MDC or before entering your vehicle. Replace your gloves frequently while transitioning between searches and bagging evidence.
- (b) Be aware of open fires, dust, and confined spaces which may present health hazards that require the use of special equipment or training.

408.8 HOMELESS SERVICES SYSTEM (ESRI APPLICATION AND SURVEY123)

1. Department surveys published through the ESRI Survey 123 application and maintained via the ArcGIS platform shall be the only Database used by members of the Department's HOT and BHLs when documenting encounters and dispositions with homeless subjects. Access to the ESRI suite of applications shall only be done through Department or government issued electronic devices.
2. The ESRI ArcGIS Survey 123, Collector, and Dashboard applications provide a mobile application and software suite used by the Department and their Adult and Family Multidisciplinary Personnel Team (MPT) partners to identify homeless subjects, and assist in linking those homeless subjects to services. This Database shall be used collaboratively by members of the MPT with the primary intent of outreach and engagement. The application will allow participating agencies to share information for the purpose of facilitating expedited identification, assessment, and linkage of homeless individuals or families to housing and supportive services.
3. Any member of the MPT who receives information or records from this application shall agree to keep the information or records confidential, to be used only for purposes set forth in Policy 408.8.2 above.
4. All Department Members who have access to the information shared by the participating agencies shall sign a confidentiality statement that includes at a minimum general use, security safeguards, acceptable use, and enforcement policies.
5. The sharing of information shall be governed by an MOU or protocols developed by the County of Orange.
6. Department IT or OCIT shall employ security controls to ensure data confidentiality, integrity, and prevention of unauthorized or inappropriate access, use, or disclosure.
7. Information entered in the Database shall be retained indefinitely or until a record retention schedule is approved by the Orange County Board of Supervisors, setting a retention period.

408.9 RESOURCES AVAILABLE TO THE FIELD DEPUTY

1. Homeless Multidisciplinary Personnel Teams (Department Homeless Outreach Teams).
2. City Behavioral Health Liaison.
3. OC Links: 855-OC-LINKS (625-4657) is a referral line for services including children and adult mental health, alcohol and drug inpatient and outpatient, crisis programs, and prevention and early intervention services.

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4. Homeless Resources Trifold (contains numerous area specific resources for armories, county resources, mental health, hospitals, non-profit and faith based community), and is available in electronic form from the Homeless Outreach Team.
5. SPA (County Service Planning Area) Pocket Guides for North, Central, and South County contain numerous region specific county resources. These guides are available in electronic form from the Homeless Outreach Team.
6. Many of the Department's contract partners have contracted with service agencies such as City Net or Mercy House to provide homeless outreach services in our contract cities. These agencies are valuable resources in the areas they cover and have access to many different shelter options.

408.10 HOMELESS OUTREACH TEAM AND BEHAVIORAL HEALTH LIAISON REQUIRED AND RECOMMENDED TRAINING

1. Required Training:
 - (a) POST Certified HLO Course
 - (b) POST Certified 40 hour Crisis Intervention Training consisting of CIT-I Basic, CIT-II Intermediate, and CIT-III Advanced.
 - (c) Behavioral Health Liaisons and Homeless Outreach Team members shall attend monthly BHL meetings.
2. Recommended Training:
 - (a) Drug Abuse Recognition (DAR) or Drug Recognition Expert (DRE).
 - (b) Search and Seizure (8 hour).