

INTRADEPARTMENTAL CORRESPONDENCE

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REVIEWED POLICE COMMISSION

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

EDWARD M. TRFANK DATE
CHIEF OF POLICE

SUBJECT: RESULTS OF PUBLIC FEEDBACK TO THE POLICY REGARDING POLICE CONTACTS WITH PERSONS EXPERIENCING HOMELESSNESS, AND REQUEST FOR APPROVAL OF THE POLICY AS SUBMITTED

RECOMMENDED ACTIONS:

1. That the Board of Police Commissioners (Board) REVIEW the public feedback to the *Policy Regarding Police Contacts with Persons Experiencing Homelessness* and APPROVE the Department's recommendation to make no changes to the policy based on all comments submitted.
2. That the Board REVIEW and APPROVE the attached Special Order titled *Policy Regarding Police Contacts with Persons Experiencing Homelessness-Established*.

DISCUSSION:

On June 7, 2016, the Board reviewed the Special Order, *Policy Regarding Police Contacts with Persons Experiencing Homelessness-Established*. As part of the review process, the Board requested that the Los Angeles Police Department allow the public seven days to review and comment on the proposed policy. The Order was posted on the Department's public website, www.lapdonline.org. The Department created a temporary email account, lapdhomelesspolicy@lapd.lacity.org, where electronic comments were submitted. Handwritten responses were directed to Police Administration Building, 100 W. First Street, Los Angeles, CA 90012, attention: Captain Jeffrey Bert.

By 5:00 p.m. on June 14, 2016, the Department had received 16 responses via email and no responses via standard post. Only three of the responses pertained to the proposed Order. These are summarized as follows:

- The Corporation for Supportive Housing (CSH) sent a response which supported Mayor Garcetti and the Board of Police Commissioners for working toward a shared goal of ending homelessness in the City of Los Angeles but offered two recommendations:
 - The Board of Police Commissioners and LAPD leadership build off the current draft policy to develop explicit diversion strategies for individuals experiencing homelessness by working in partnership with the County's Office of Diversion and Reentry; and,

- The City and the Board of Police Commissioners increase coordination with designated service providers who lead the Coordinated Entry System in their region as a means of formally connecting individuals experiencing homelessness to services.
- The Executive Director, Integrated Recovery Network, offered her support for the proposed policy but offered a tactical consideration for officers when dealing with the mentally ill – that “officers step back for a moment with a measure of stillness.”
- A Kansas City resident working in the field of permanent supportive housing supported the efforts of the City Council and the Chief of Police for serving our most vulnerable populations.

The remaining 13 email responses are summarized as follows:

- Six emails were deemed to be spam with no relation to comments regarding homelessness;
- One response was a private citizen concerned with encampments in Chatsworth. This correspondence was forwarded to the Operations-Valley Bureau Homeless Outreach and Proactive Engagement (HOPE) Team, as well as the Commanding Officer, Devonshire Area;
- One response was regarding a missing person in North Hollywood. The Strategic Planning Unit responded and advised where and how to report a missing person; and,
- Five responses were from a private citizen who detailed several personal problems, none of which pertained to the policy as proposed.

Regarding comments from the CSH, the Department believes that training currently required for sworn personnel assigned to homeless outreach programs will better satisfy their recommendations. As for the tactical considerations highlighted by the Executive Director, Integrated Recovery Network, Department policy is designed to provide overarching guidelines rather than dictate specific tactics. Based on the public responses, the Department has no proposed changes to the Order.

With the exception of the six emails identified as spam, all public responses are attachments to this document.

Should you have any questions regarding this matter, please contact Commander Jeffrey Bert, Community Policing and Policy Group, at (213) 486-6605.

Respectfully,



CHARLIE BECK
Chief of Police

Attachments

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO.

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON

SUBJECT: POLICY REGARDING POLICE CONTACTS WITH PERSONS EXPERIENCING HOMELESSNESS - ESTABLISHED

PURPOSE: This Order establishes a policy to ensure that Department personnel are familiar with and recognize the special needs of people experiencing homelessness in the City of Los Angeles. Those experiencing homelessness are among the most vulnerable in society, and contacts by Department personnel often require special consideration and coordinated assistance from multiple government agencies. When called upon to contact an individual experiencing homelessness who was a victim of a crime, witness to a crime, or is suspected of committing a crime, Department personnel must maintain the highest standards of professionalism and take into account the unique circumstances and challenges that homelessness causes for individuals and families.

DEFINITION: For purposes of this Order, the terms “homelessness,” “homeless,” “homeless individual,” and “homeless person” shall refer to the following:

- An individual or family who lacks a fixed, regular, and adequate nighttime residence;
- 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 camping ground);
- An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or,
- An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided.

POLICY: It is the policy of the Department to protect the rights of all individuals in the City of Los Angeles, regardless of their housing status and assist those in need while fairly enforcing the law. Individuals experiencing homelessness often have unique circumstances which require special consideration when they are a victim of a crime, witness to a crime, or suspected of violating the law. In addition, when homeless individuals come into consensual contact with Department personnel unrelated to a criminal investigation or enforcement activity, they may require special assistance to address their immediate needs. Accordingly, when appropriate under the circumstances, Department personnel should assist individuals experiencing homelessness by offering guidance and information to obtain temporary housing, medical or psychological services if needed, or other available services. Department personnel, however, shall steadfastly respect the individual’s right to refuse assistance.

Housing Status

An individual's housing status is not a sufficient basis to justify a lawful detention or arrest. All detentions and arrests must be based on applicable local, state, and federal laws. In addition, Department personnel are prohibited from involuntarily moving a homeless individual from a location where the person may lawfully stay, absent legal justification to do such as when there is a safety or security concern.

Special Considerations

Department personnel requesting identification from a person who is or appears to be experiencing homelessness should be sensitive to the special needs and circumstances of each individual situation, including circumstances where individuals may not have proper identification or other official documents in their possession. Department personnel are also reminded that requests for identification from a person who is or appears to be experiencing homelessness may sometimes be perceived by that individual to be harassing, intimidating, or threatening. In addition, some individuals experiencing homelessness may be suffering from mental illness or other medical conditions that can limit their ability to communicate effectively with Department personnel. As such, Department personnel should take special consideration of the circumstances and always be guided by compassion and empathy in all of their interactions.

AMENDMENT: This Order adds Volume I, Section 240.07, to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

CHARLIE BECK
Chief of Police

DISTRIBUTION "A"

From: "Kelly W. Kent" [REDACTED]
To: <lapdhomelesspolicy@lapd.lacity.org>
CC: "Kelly W. Kent" [REDACTED]
Date: 6/6/2016 9:50 AM
Subject: Support of new homelessness policy

To Whom It May Concern,

My name is Kelly Kent. I am a former resident of LA County but also a professional working in the areas of permanent supportive housing. I am writing today in support of the new policy regarding police contacts with persons experiencing homelessness in LA County. This policy is an important step in highlighting the importance for officers in their engagement with homeless individuals in their day to day work. I applaud the City Council as well as Chief Charlie Beck for highlighting this important work. Thank you to the LAPD for the continued service to our community and openness to continued learnings around how to best serve the more vulnerable populations within LA County.

Sincerely,

Kelly W. Kent

Principal

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Marsha Temple [REDACTED]
To: <laphomelesspolicy@lapd.lacity.org>
Date: 6/7/2016 3:49 PM
Subject: New Policy regarding people experiencing homelessness

Chief Beck,

I have reviewed the proposed policy regarding police interaction with people experiencing homelessness. It is thoughtful and appropriately drafted.

I would just like to add that people experiencing homelessness and mental disabilities who feel threatened, often react in a threatening manner.

Officer safety is of course an important concern. But it might be best in such a situation, if the officer could step back for a moment with a measure of stillness. That moment might help de-escalate the situation and prevent injury to the officer as well as to the person who is afraid.

Thank you for the new policy.

Marsha Temple, Executive Director

[REDACTED]



June 14, 2016

Brian Buchner
Policy Director, Public Safety
Office of Mayor Eric Garcetti
200 North Spring Street
Los Angeles, CA 90012

Re: Los Angeles Police Department Policy Regarding Police Contacts with Persons Experiencing Homelessness

Dear Mr. Buchner:

On behalf of the Corporation for Supportive Housing (CSH), I am responding to the Board of Police Commissioners draft policy regarding police contacts with persons experiencing homelessness released on June 7, 2016. As partners committed to ending homelessness, we are invested in policies impacting housing opportunities for families and individuals experiencing homelessness.

First, we would like to thank Mayor Garcetti and the Board of Police Commissioners for working towards the shared goal of ending homelessness in the City of Los Angeles. We urge the city and the Board of Police Commissioners to use this opportunity to create a lasting impact on the lives of individuals experiencing homelessness in Los Angeles. In that spirit, we would like to provide our support of the drafted policy and offer a few specific recommendations that will maximize the Board of Police Commissioners impact on homelessness in the City of Los Angeles:

- 1. We recommend the Board of Police Commissioners and LAPD leadership build off the current draft policy to develop explicit diversion strategies for individuals experiencing homelessness by working in partnership with the County's Office of Diversion and Reentry.**
- 2. We strongly urge the City and the Board of Police Commissioners increase coordination with designated service providers who lead the Coordinated Entry System in their region as a means of formally connecting individuals experiencing homelessness to services.**

Recommendation 1: Align Diversion Strategies with County Efforts

People involved in the justice system often lack access to housing and support services that contribute to health, well-being, and stable employment. On any given night, the county jail houses over 16,000 inmates. The LA Sheriff's Department estimates that at least 20% of inmates are homeless or at risk of homelessness upon reentry to their communities. In addition, approximately 70%¹ of all inmates report a history of

¹ Los Angeles County Department of Public Health estimate; and Sheriff's data from October 2015.



substance abuse issues, and an estimated 30% of the entire County jail population requires mental health services.²

As you may know, Los Angeles District Attorney (DA) Jackie Lacey released the Mental Health advisory report in August 2016 that outlines her vision for the diversion of individuals in need of mental health care, including those experiencing homelessness, away from jail and into more appropriate interventions. Following the release of the DA's plan, the Los Angeles County Board of Supervisors passed a motion endorsing the plan and creating the new Office of Diversion and Reentry within the Department of Health Services, responsible for the oversight and coordination of County-wide diversion of persons who have mental illness or substance abuse issues, and persons who are homeless or at risk of becoming homeless upon discharge.

The Board of Police Commissioners and LAPD officers working on the ground play a critical role in efforts to divert homeless individuals away from jail, when appropriate. **We recommend the Board of Police Commissioners and LAPD leadership build off the current draft policy to develop explicit diversion strategies for individuals experiencing homelessness by working in partnership with the County's Office of Diversion and Reentry.**

Recommendation 2: Increase Coordination with the Coordinated Entry System

The Coordinated Entry System (CES) for people experiencing homeless in Los Angeles is the front door to services and housing throughout the County of Los Angeles. Within each Service Planning Area (SPA) service providers are leading efforts to assess the needs of individuals experiencing homelessness and connect them to the appropriate resources. **We strongly urge the City and the Board of Police Commissioners increase coordination with designated service providers who lead CES efforts in their region as a means of formally connecting individuals experiencing homelessness to services.**

Thank you for providing the opportunity to offer our support and recommendations to the draft policy. We look forward to working with you to implement the recommendations set forth in this letter and to improve the lives of the most vulnerable Angelenos.

Sincerely,

A handwritten signature in black ink, appearing to read "Eva Williams", written in a cursive style.

Eva Williams

Director

Corporation for Supportive Housing, Los Angeles

² Los Angeles County Department of Mental Health (2015). Sheriff's Department (December 2015).