



Policy Number: 410 – Homeless Persons
Effective Date: 01/26/2021
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Approved By: Brandon Gatlin, Interim Chief of Police

410.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that members of the Montana State University Billings Police Department (Department) understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

410.2 POLICY

It is the policy of this Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. Members of this Department will address the needs of homeless persons in balance with the overall mission of the Department.

Homelessness is not a crime and Department members will not use homelessness as the sole basis for detention or law enforcement action.

410.3 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance, or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

410.3.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of our community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

1. Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
2. Documenting locations the person may frequent.
3. Providing victim/witness resources, when appropriate.

4. Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
5. Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
6. Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that s/he does not desire prosecution.
7. Whether the person may be an adult abuse victim and, if so, proceed in accordance with approved Departmental investigative procedures.

410.4 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person. Officers should consider detaining the person under an emergency evaluation when facts and circumstances reasonably indicate such a detention is warranted (refer to Policy 405 - Emergency Evaluations).

410.5 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, when feasible, it should be collected for safekeeping.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person and the homeless person cannot be contacted should remove the property as found property. If such property appears to involve a trespass the property shall be removed and placed in evidence, when feasible.

410.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate Departments or State agencies when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.