

Louisville Metro Police Department

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| <h2>Standard Operating Procedures</h2> | SOP Number: 8.57 |
| | Effective Date: 11/18/21 Prv. Rev. Date: 02/20/22 Revised Date: 09/07/23 |
| | Accreditation Standards: |
| | |
| Chapter: Field Operations | |
| Subject: Homeless Camp Response | |

8.57 HOMELESS CAMP RESPONSE

8.57.1 POLICY

The Louisville Metro Police Department (LMPD) recognizes homelessness in our community is a complex and critical issue requiring a multi-tiered approach to address such issues. The LMPD's primary role in any situation involving homeless camps will be to provide support and safety related to the Louisville Metro Government agencies and community organizations tasked with assessing and providing outreach services to the camp residents and the cleaning or clearing of camps. In no circumstances will the LMPD be the lead agency directing the clearing of any camps.

8.57.2 DEFINITIONS

Camp: Public property where one (1) or more persons are camping (Louisville Metro Code of Ordinances (LMCO) 131.01).

Camp Cleaning: The process of cleaning, sweeping, and/or the removal of waste material in camps, with the exception of items not included within the camp or identified as personal items.

Camp Clearing: The final steps of the removal process where sanitation crews would remove all materials or remaining items from the camp location on the date of an order.

Camping: The use of public property for temporary living accommodation purposes by the occupation or habitation of an area, through the use of temporary shelters, recreational vehicles, and/or camping paraphernalia (LMCO 131.01). Camping on public property for more than 12 consecutive hours, or between sundown and sunrise, without a written permit issued by a Metro Government department is unlawful (LMCO 131.02).

Camping Paraphernalia: The equipment or supplies used by a person(s) to facilitate camping, which includes, but is not limited to, grills, outdoor cookers, lanterns, latrines, temporary shelters of whatever kind, or similar type equipment or supplies (LMCO 131.01).

Personal Items: Any item that is reasonably recognizable as belonging to a person and has apparent utility and does not include items that have no apparent utility or in an unsanitary condition, including, but not limited to, identification documents, birth certificates, and other personal documents and effects (LMCO 131.01).

Public Property: Any real property owned by, or leased to, Metro Government located within the boundaries of Jefferson County, which includes, but is not limited to, green spaces, open spaces, right-of-ways, public sidewalks, cross-walks, streets, curbs, public alleyways, public passageways, publicly-owned commercial lots, publicly-owned residential lots, publicly-owned vacant lots, or publicly-owned cleared lots. This does not include the public parks owned, leased to, or managed by the Louisville Metro Parks Department; property owned, leased to, or managed by the Waterfront Development Corporation; property owned, leased to, or managed by the Parking

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8.57.2 DEFINITIONS (CONTINUED)

Authority of the River City ("PARC"); property leased by Metro and managed by the Kentucky Administrative Office of the Courts; or property owned, leased, or managed by the Commonwealth of Kentucky or its agencies (LMCO 131.01). This does not apply to camping paraphernalia that has been present less than 72 hours.

Recreational Vehicle: A motor vehicle, trailer, or hybrid trailer that is equipped with amenities and features intended for the owner, or others, to use for the purposes of leisure activities, camping, and/or sleeping, including, but not limited to, motor homes, travel trailers, camper vans, truck campers, pop-up campers, teardrop trailers, fifth-wheels, toy haulers, or motor homes (LMCO 131.01).

Temporary Shelter: A non-permanent accommodation that is intended to be used by a person(s) for protection from the various weather elements while camping, which includes, but is not limited to, tents, huts, cots, beds, sleeping bags, bedrolls, knapsacks, hammocks, tarpaulins, canvases, lean-to's, or other similar types of equipment or structure (LMCO 131.01).

8.57.3 RESPONSE

The Office of Resiliency and Community Services (RCS) is Louisville Metro Government's primary contact regarding issues surrounding homelessness. MetroSafe should direct all non-emergency calls regarding homelessness to the RCS. Individuals who need assistance with homeless-related issues should call 911 if it is an emergency or Metro311 at (502) 574-5000 or 311 for a non-emergency. If the call is received outside of the normal working hours of the RCS or Metro311, MetroSafe will contact the on-duty patrol division commanding officer to relay the non-emergency information. The division commanding officer will then forward this information to the Division Resource Officer (DRO) or a division lieutenant for follow-up in accordance with this policy.

The LMPD's response to homeless camp cleaning, clearing, or relocating will be a support and safety role only. If there is a homeless issue on public property, the DRO or a division lieutenant will be responsible for communicating this, via phone and email, to the RCS. This communication should include the issue, the complainant (if applicable), and the location. The Downtown Area Patrol (DAP) Lieutenant will be the department's liaison to the RCS and will be responsible for coordinating responses to issues surrounding homelessness between the RCS and the LMPD. Patrol divisions will copy the DAP Lieutenant on any correspondence between the LMPD and the RCS within the parameters of this policy.

Private property owners are generally not subject to the prohibitions of LMCO 131.01-131.03 and may request anyone trespassing on their property to be removed. When any officer receives a complaint of an unlawful camp on private property, they are legally allowed to make an arrest for trespassing if the property owner desires to prosecute. This would only be necessary in those instances where a person is unwilling to leave the location, when requested to do so. Officers are not permitted to remove, clear, or destroy the personal items of anyone who they remove for trespassing. The RCS should be contacted, via the DRO or a division lieutenant, to follow-up services to any homeless person(s) subject to these circumstances; including instances where personal items need to be removed.

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8.57.3 RESPONSE (CONTINUED)

Nothing in this policy will preclude officers from responding to calls for service or performing appropriate law enforcement duties within any camp, as they would anywhere else in the community. Should officers determine they have discovered an unlawful camp, they should follow the protocol above and notify the RCS, via the DRO or a division lieutenant.

Nothing in this policy will prevent officers from participating in routine outreach efforts.

The LMPD's DROs may assist in community outreach efforts related to homeless camps in a support and safety role after being properly requested, in writing (an email is acceptable), by the requesting agency or outreach group; in coordination with, and following, the approval of the RCS.

8.57.4 CLEANING OR CLEARING OF CAMPS

The LMPD will only serve in a support and safety role for the cleaning and clearing of camps located on public property. The DROs will be responsible for responding to requests for assistance from the RCS if they have concerns for their safety, and will assist with perimeter security during the cleaning and clearing process, if requested.

The LMPD will respond and standby upon the following:

- A written request for LMPD assistance
- Verification that a member from the RCS is present and provides a written order as to what operation is being completed

The LMPD will NOT physically participate in the removal or destruction of any property in a homeless camp. Once the clearing has been verified according to the aforementioned criteria, the LMPD will respond in a support and safety role only. A member from the RCS and Public Works must be present for the duration of the clearing. The LMPD will not remain on-scene of any cleaning or clearing without RCS and Public Works personnel on-site. LMPD members will activate their Body-Worn Cameras (BWCs) for the entire clearing or cleaning, including the capture of the verified paperwork and authenticity of the 21-day posted notice pursuant to LMCO 131.02.

If a person is arrested for any reason, the arrestee's property, excluding their backpack with identifying personal items, will remain on the premises. Their backpack will be taken to the Evidence and Property Room (EPU) for safekeeping.