

 Proudly Policing Since 1926	SUBJECT HOMELESS PERSONS		 CFA STANDARD
	CHIEF OF POLICE JUAN PINILLOS		
NUMBER 2-25	EFFECTIVE DATE 02/10/2025	REVISED DATE	

1.0 **PURPOSE:** The purpose of this directive is to establish procedures for Department members during contacts with homeless persons.

1.1 **POLICY:** It is the policy of the North Miami Beach Police Department for all members to provide appropriate law enforcement services to the entire community while protecting the rights, dignity, and personal property of the homeless population.

1.2 **DEFINITIONS:**

Homeless Persons: Any individual who lacks a fixed, regular, and adequate night-time residence or has a primary night-time residency that is:

- 1.2.1 A supervised publicly or privately-operated shelter designed to provide temporary living accommodations;
- 1.2.2 An institution that provides a temporary residence for individuals intended to be institutionalized; or
- 1.2.3 A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

An officer may make reasonable inquiry to make this determination. The term ‘homeless person’ does not include any person imprisoned or otherwise detained following an Act of Congress or State law.

Life Sustaining Conduct (misdemeanor/ordinance violation) – Those acts that a homeless individual commits by the mere fact that they are without shelter and must conduct life-sustaining activities, i.e., sleeping, sitting, congregating in public, bathing, relieving oneself. Examples: Littering, FSS 403.413; Trespass on Public Property, FSS 810.09(1); Exposure of Sexual Organs (when bathing for example), FSS 800.03; Disorderly Conduct (if the homeless person is relieving him/herself and there are no public restrooms available or open), FSS 877.03.

Public Property – All property owned by any government entity, federal, state, or local except for property that has become subject to a leasehold interest, management agreement or other possessory interest of a non-government lessee, licensee, or manager, and is operated as a private business. A public park shall always constitute public property within the meaning of this definition.

Exempt Public Property – The following are exempt public properties: City of North Miami Beach City Hall, Fire Station, North Miami Beach Police Department, Library, and other municipal complexes.

Camping (misdemeanor/ordinance violation) - To occupy, sleep, reside or dwell temporarily on City property by the erection, use or occupation of any tent, hut, lean-to, shack or Temporary Shelter for sleeping purposes, or the laying down of bedding, such as a mat, blanket, sleeping bag or similar material for the purpose of sleeping, and conducting activities of daily living such as eating, sleeping or storage of personal possessions in such place.

1.3 PROCEDURES:

1.3.1 Casual Contact: At any time, and for any reason, police officers may approach a homeless person, who has not been observed engaging in any criminal conduct, to advise the person of shelters, services or assistance which are currently available. The officer may call a Crisis Intervention Team (CIT) Officer for assistance, unless already CIT certified, if available. The homeless person may or may not accept the advice or referral or may even walk away from the area. The rationale is to proactively provide referrals to the homeless.

1.3.1.1 Police officers may transport homeless persons to the appropriate shelter when the person accepts such referral.

1.3.1.2 The transporting officer shall conduct a warrant check of the individual prior to transport.

1.3.1.3 The transporting officer shall search the homeless individual for weapons and/or contraband prior to transport.

1.3.1.4 The transporting officer shall advise the dispatcher of the transport, to include the vehicle mileage from the permanent odometer, not the trip meter, prior to transporting and again upon arrival at their destination.

1.3.1.5 If a shelter is not available or the individual is not accepted at a shelter, the officer should direct the individual to contact the Miami-Dade Homeless Trust at (877) 994-4357.

1.3.2 Arrest situations: Arrests of all persons including those defined as homeless shall comply with all applicable federal, state, and local laws and Department policies and procedures.

1.3.2.1 An officer always has the right to approach any individual including a homeless person, to dispel any suspicions the officer may have about the individual and ascertain that no criminal activity is occurring.

1.3.2.2 If a police officer observes a homeless person(s) engaged in criminal activity, when practical and prudent to do so, an alternative to a physical arrest may be used. Officers using a referral to a homeless facility as an alternative shall comply with the intake procedures of the chosen organization.

1.3.2.3 If a police officer observes a homeless person(s) engaged in life-sustaining conduct on public property, and the continued freedom of the individual(s) would not result in a breach of peace or more serious crime, the officer is encouraged to utilize referral to the Miami-Dade Homeless Trust or other appropriate social service provider. It must be recognized that such referral is contingent on the voluntary agreement of the homeless person to accept such referral.

1.3.2.4 Examples of misdemeanor and ordinance violations that are not considered life-sustaining activities:

1.3.2.4.1 Disorderly Conduct, FSS 877.03 (unless the homeless person is relieving themselves and there are no available or open public restrooms, in which case the act is a "life-sustaining violation")

1.3.2.1.2 Loitering and Prowling, FSS 856.021

1.3.2.1.3 Trespass on Private Property, FSS 810.08(1)

1.3.2.1.4 Possession/Consumption of Alcohol/Open Container, Miami-Dade County Ordinance 21-31.2

1.3.2.5 The discretion to make a physical arrest of a person determined to be homeless for misdemeanor violations shall be the responsibility of the individual officer.

1.4 PERSONAL PROPERTY:

1.4.1 The personal property of all homeless persons shall be respected. In no event shall any officer destroy any personal property known to belong to a homeless person, or readily recognizable as property of a homeless person unless it is contaminated or otherwise poses a health hazard to an officer or to members of the public. Officers shall not be responsible for taking custody of mattresses.

1.4.2 The arresting officer shall take custody of the prisoner's property and shall handle it in accordance with appropriate Department policy.

1.5 ADMITTANCE PROCEDURES:

1.5.1 When an officer comes into contact with a homeless subject requesting shelter, the officer shall first check FCIC/NCIC and the Miami-Dade Police Department for any active warrants/capias on the subject. Anyone with an active warrant/capias and/or notifications referencing sexual predator/child molester **will not** be accepted by the centers/facilities.

1.5.2 If officers need further assistance in finding shelter for a homeless person, they may request the assistance of a Crisis Intervention Team (CIT) officer or the Miami-Dade Communications Center dispatcher (or Info Channel, if available, via NMBPD Communications Dispatcher).

1.6 CAMPING PROHIBITED:

1.6.1 It shall be unlawful in the City to engage in Camping on public or private property, including rights-of-way, except as may be specifically authorized by the appropriate governmental authority and/or property owner.

1.6.2 Definitions:

1.6.2.1 Temporary shelter: means the unauthorized use of fabric, metal, cardboard, or other materials as a tent or other temporary structure for living accommodation purposes or human habitation.

1.6.2.2 Camping: means to reside or dwell temporarily on City property by the erection, use or occupation of any tent, hut, lean-to, shack or Temporary Shelter for sleeping purposes, or the laying down of bedding, such as a mat, blanket, sleeping bag or similar material for the purpose of sleeping, and conducting activities of daily living such as eating, sleeping or storage of personal possessions in such place.

1.6.2.3 Officer: means a sworn law enforcement officer of the City of North Miami Beach Police Department.

1.6.2.4 Proper identification: means a driver's license, a government or employment identification card with a photograph, or other form of photo-bearing identification that would satisfy an Officer, in his or her reasonable discernment, as to the identity of the person.

1.6.3 Being in a Temporary Shelter or being asleep in a public area is not sufficient to constitute a violation of this section. One or more of the following shall also exist to determine a person is engaged in Camping:

- 1.6.3.1 Numerous items of personal belongings are present;
- 1.6.3.2 The person is engaged in cooking activities;
- 1.6.3.3 The person has built or is maintaining a fire;
- 1.6.3.4 The person has engaged in digging or earth breaking activities; or
- 1.6.3.5 The person is asleep and he or she has no other permanent place to live.

1.6.4 Except as provided for in subsection 1.6.7, whenever an Officer has probable cause to believe that a violation of this section has occurred, he or she shall advise the person of the violation and afford the person an opportunity to be transported to a public shelter or otherwise vacate the area immediately upon request of an Officer. Under such circumstances, the Officer shall advise the person that, if they elect to be transported to a public shelter, any of his or her personal property that is not taken to the public shelter will be inventoried and stored by the City police department until reclaimed, or for a maximum of 60 days, except to the extent that such personal property is perishable or unsanitary, in which case such personal property may be discarded.

1.6.5 If the person elects to be transported to a public shelter, the Officer shall make available such transportation as may be available and the person making such election shall not be charged with a violation of this section.

1.6.6 If the person refuses to be transported to a public shelter, or to otherwise vacate the premises, then such person may be arrested and charged with Camping and, upon conviction, shall be punishable by a fine up to \$500.00, imprisonment in the county jail up to 60 days, or both .

1.6.7 Subsection 1.6.4 shall not apply to any person who cannot be properly identified, or is intoxicated, or who within the past year was previously charged with a violation of this section three (3) times or who elected to be transported to a public shelter three (3) times.

1.6.8 Any personal property that was inventoried and stored by the North Miami Beach Police Department, for a person transported to a shelter under the provisions of this section which has not been reclaimed within 60 days of the date of inventory, shall be deemed abandoned and disposed of according to F.S. Ch. 705.



Juan Pinillos
Chief of Police