

ILLINOIS STATE POLICE DIRECTIVE ENF-053, INTERACTION WITH HOMELESS PERSONS

RESCINDS: New Directive	REVISED: 01-03-2024 2024-001
RELATED DOCUMENTS: ENF-005, ENF-006, ENF-012, ENF-015, ENF-019, ENF-020, ENF-024, ENF-037, OPS-008, OPS-014, OPS-037, OPS-042, OPS-200, OPS-203, PER-055	RELATED CALEA STANDARDS (6th Edition): 41.2.1, 41.2.5, 41.2.6, 41.2.7, 42.2.1, 42.2.2, 44.2.1, 55.1.1, 55.1.2, 55.2.1, 55.2.2, 55.2.3, 55.2.4

I. POLICY

The Illinois State Police (ISP) will provide law enforcement services and protect the rights, dignity, and private property of all members of the community, regardless of socioeconomic or housing status. ISP personnel will comply with the Illinois Bill of Rights for the Homeless Act and the Illinois Human Rights Act when interacting with homeless persons.

II. AUTHORITY

- II.A. 775 ILCS 5, et seq., "Illinois Human Rights Act"
- II.B. 775 ILCS 45, et seq., "Illinois Bill of Rights for the Homeless Act"

III. DEFINITIONS

- III.A. Homeless Person – A person who lacks a fixed, regular, and adequate night-time residence, or has a primary night-time residence that is:
 - III.A.1. A supervised, publicly- or privately-operated shelter designed to provide temporary living accommodations;
 - III.A.2. An institution that provides a temporary residence for persons intended to be institutionalized; or
 - III.A.3. A private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- III.B. Housing Status – The status of having or not having a fixed or regular residence, including the status of living on the streets, in a shelter, or in a temporary residence.
- III.C. Personal Property – Any and all tangible property, includes, but not limited to, items, goods, materials, merchandise, furniture, equipment, fixtures, structures, clothing, and household items. For the purposes of this directive, personal property shall not include any vehicle as defined in the Illinois Vehicle Code.

IV. RESPONSIBILITIES

- IV.A. Division of Patrol (DOP) Troops will be responsible for maintaining a list of assistance programs and other resources that are available to the homeless.
 - IV.A.1. The list will be reviewed and updated annually but may be updated more frequently as necessary.
 - IV.A.2. The list of resources will be shared with the Division of Statewide 9-1-1 (9-1-1) Telecommunication Centers.
- IV.B. DOP Troops will cooperate with state of Illinois agencies aiding the homeless or conducting clean-up operations of homeless encampments.
 - IV.B.1. Troop personnel will participate in the planning process and execution of homeless encampment clean-up operations on state of Illinois property.

- IV.B.1.a. Troop personnel will be present during homeless encampment clean-up operations involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- IV.B.1.b. Troop personnel will further provide site security to ensure the safety of persons involved in the homeless encampment clean-up operations.
- IV.B.2. Troop personnel will be assigned to accompany social service agencies aiding the homeless that are encamped on state of Illinois property when requested by the social service agency.
- IV.C. The Division of the Academy and Training (DAT) will develop and provide training to all sworn personnel regarding interactions with homeless persons.

V. PROCEDURES

V.A. Contacts with homeless persons

- V.A.1. ISP officers may at any time approach a person who is or appears to be homeless and who has not been observed engaging in criminal conduct, to offer advice about shelters, services, or other assistance that is available.
- V.A.2. ISP officers shall not order any person to move to another location when that person has a legal right to be present where he or she is, absent safety, security, or other constitutionally permissible reasons.
- V.A.3. Requests for identification from a person who is or appears to be homeless shall be subject to the same legitimate law enforcement requirements as are applicable to such requests when made to any other person.
- V.A.4. ISP officers shall not search, detain, arrest, interrogate, or initiate any other criminal law enforcement interaction with any persons based solely upon their status of being or appearing to be homeless, as long as they are not engaged in unlawful activities.

NOTE: Officers may approach and question a homeless person in response to a call for service and/or a complaint received from the public regarding a person, regardless of their status of being or appearing to be homeless.

- V.A.4.a. A person's status of being or appearing to be homeless, without additional justification, does not constitute reasonable suspicion for a search or frisk. See ISP Directive ENF-037, "Warrantless Searches," for additional information.
- V.A.4.b. ISP officers will complete an ISP Pedestrian Stop Card whenever an officer has a reportable encounter with a pedestrian, regardless of housing status. (See ISP Directive ENF-012, "Stop Card Completion," for additional information.)
- V.A.5. Nothing in this directive precludes an ISP officer from arresting a person, including a person who is or appears to be homeless, when the officer has probable cause to believe the person has committed a crime. (See ISP Directive ENF-015, "Notice to Appear.")
 - V.A.5.a. When encountering a homeless person who has committed a minor offense where the continued freedom of the individual would not result in disorderly conduct or a more serious offense, officers are encouraged to utilize referral assistance programs or other appropriate social service resources in lieu of an arrest.
 - V.A.5.a.1) Referral to assistance programs or other appropriate social service resources in lieu of an arrest must be voluntarily agreed upon by the homeless person to accept such referral.
 - V.A.5.a.2) The discretion to make a referral to an assistance program or an arrest of a person determined to be homeless for minor offenses shall be the responsibility of the individual officer.

- V.A.5.b. All incidents involving arrests and/or referrals to assistance programs or other appropriate social service resources in lieu of an arrest will be documented in a Field Report using an appropriate ISP report management system.
- V.A.6. Officers may transport homeless persons to homeless shelters or assistance centers when the person accepts such referrals. The homeless person shall be searched for weapons before being transported.
- V.B. Personal property
 - V.B.1. Officers shall treat the personal property of homeless persons with the same respect and consideration given to the personal property of any other person.
 - V.B.2. Officers shall not unnecessarily destroy, damage, hide, or cause to be abandoned personal property known to belong to a homeless person, or recognizable as property of a homeless person.
 - V.B.3. In arrest situations, officers shall handle the personal property of homeless detainees in the same manner as the property of other detainees, and in accordance with procedures established in ISP Directives. (Refer to ISP Directives OPS-200, "Evidence – Definitions and Responsibilities," OPS-201, "Evidence – Collecting and Packaging," OPS-202, "Evidence – Collecting and Packaging Computer and Digital/Multimedia Forensic Evidence," and OPS-203, "Evidence – Inspection, Inventory, Retention, and Disposal.")
 - V.B.3.a. 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 their personal property.
 - V.B.3.b. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted.
 - V.B.4. In the event that an officer believes that the personal property of a homeless person poses a health hazard, or an officer discovers or is made aware of a homeless encampment that presents a security, health, or safety risk, or becomes a significant community nuisance, the officer shall notify the Troop Commander, or designee, through their chain-of-command, who shall notify other appropriate state of Illinois agencies to begin the process to legally remove the property.
- V.C. Investigations involving homeless persons
 - V.C.1. Homeless persons will receive the same level and quality of service provided to any other person.
 - V.C.2. The fact that a victim, witness, or suspect is homeless can require special considerations for successful investigation and prosecution of criminal offenses. Officers should consider the following when handling investigations involving homeless victims, witnesses, or suspects:
 - V.C.2.a. Document alternative contact information. This may include obtaining addresses and phone numbers of relatives and friends.
 - V.C.2.b. Document places the homeless person may frequent.
 - V.C.2.c. Provide homeless victims with victim/witness resources when appropriate. (See ISP Directive OPS-008, "Victim/Witness Services.")
 - V.C.2.d. Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
 - V.C.2.e. Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
 - V.C.2.f. Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates they do not desire prosecution.
- V.D. Mental Illness and substance abuse

- V.D.1. Homeless persons may suffer from a mental illness or engage in substance abuse. Officers shall not detain a homeless person under a mental illness or substance abuse commitment unless facts and circumstances warrant such detention.
 - V.D.1.a. Should the officer determine a homeless individual may be mentally ill and a potential threat to themselves, the officer may intervene and take the homeless individual into protective custody for humanitarian reasons and/or for law enforcement purposes. (See ISP Directive ENF-019, "Responding to Mentally Ill Persons.")
 - V.D.1.b. Officers will request emergency medical services (EMS) when encountering a mentally ill individual in need of a psychiatric evaluation, a homeless person who appears unconscious or in immediate need of emergency medical treatment while in a public place, and who shows symptoms of excessive alcohol consumption or other drug use or dependency. (See ISP Directive ENF-020, "Alcoholism and Other Drug Dependency Act.")
- V.D.2. If protective custody of a homeless person is not warranted, officers should provide the homeless person with contact information for mental health or substance abuse assistance as appropriate.

V.E. Human Trafficking

Homeless populations face a risk of being victims of trafficking due to their lack of stable support systems and limited resources. Officers encountering homeless populations will look for indicators of human trafficking. If indicators of human trafficking are observed, the Division of Criminal Investigation (DCI) will be contacted for follow-up investigation.

-End of Directive-