

Kirkland Police Department's Response to Homelessness



Kirkland Police Department's Philosophy

- The Kirkland Police Department's philosophy and current practice is to not criminalize homelessness.
- Kirkland officers resolve matters on a case-by-case basis, using their discretion to problem solve in a way that considers the entire Kirkland community.
- The following slides provide examples of how Kirkland officers are likely to respond in certain scenarios. However, the exact response will ultimately depend on the particular circumstances of each situation.



Person experiencing homelessness on private property

Police speak with property owner to determine if person has permission to be there.

No. This is a trespass. Provide notice to move (typically immediate if in someone's yard; typically 24 to 72 hours if on other private property such as a HOA greenbelt).

Length of notice time to move is determined through officer discretion, which is based on following criteria: wishes of owner; behavior and needs of person experiencing homelessness; and any history of prior trespasses. Also offer resources (homeless shelters, mental health services, etc.)

Yes. No additional action needed.



Person experiencing homelessness in parks

Park rules include “hours of operation.”

Will the person leave the park after hours?

No. Offer resources. Reevaluate the situation. Officer may cite or arrest the person for the park rule violation. KMC 11.80.250. The officer may allow the person to remain in the park based on discretion and circumstances.

Yes. Offer resources. No further action needed.



Person experiencing homelessness on public property (overnight)

Is the person blocking public right-of-way?

No. Offer resources.
Do not cite the individual.

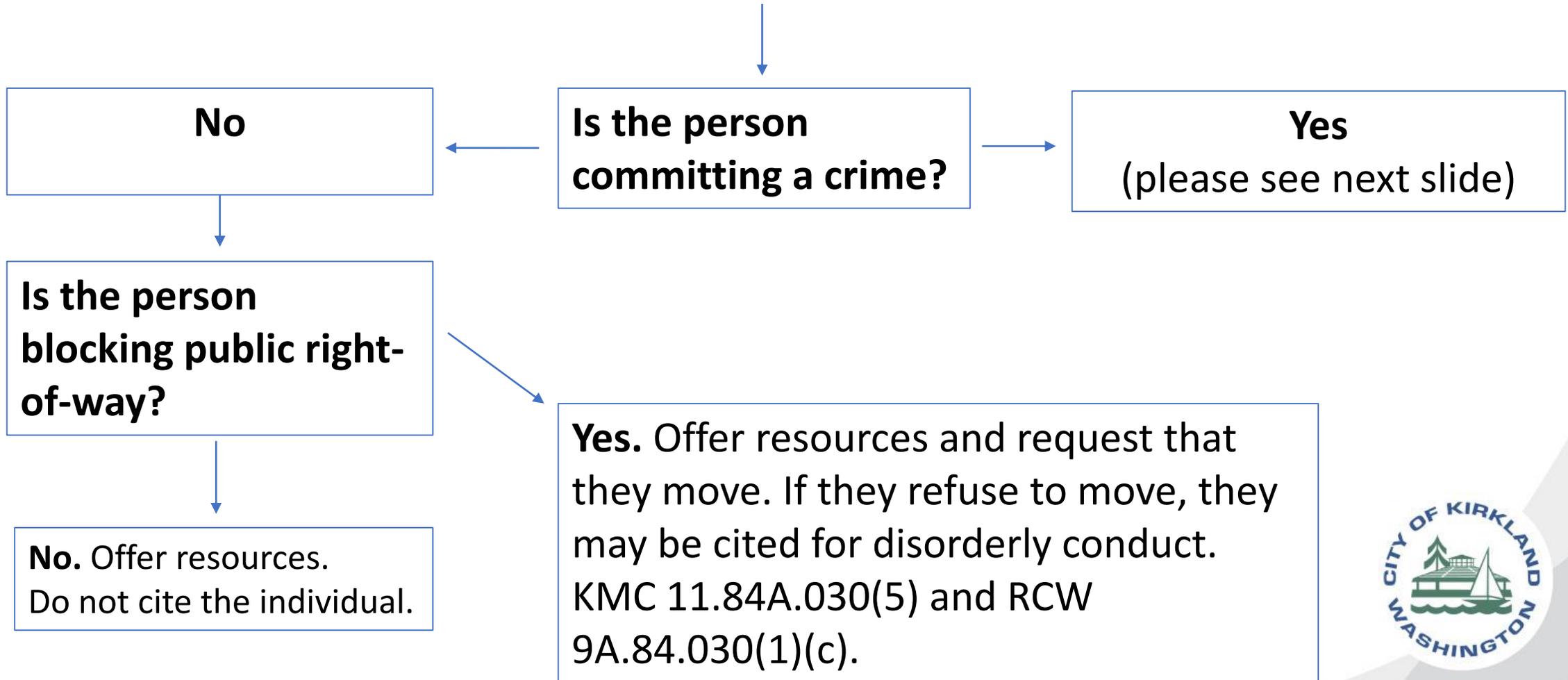
Yes. Offer resources and request that they move. If the person won't move, they may be cited for disorderly conduct.
KMC 11.84A.030(5) and
RCW 9A.84.030(1)(c).

For public property that does not include “hours of operation” (e.g. Cross Kirkland Corridor):

Officer will likely post a notice to move (typically at least 72 hours – length of notice time based on discretion and circumstances).



Person experiencing homelessness in a public place (daytime)



Person experiencing homelessness committing a crime or code violation

Example: Intoxicated on sidewalk blocking right of way

Offer resources. Request that they move. If they are so intoxicated that they cannot care for themselves, officer will consider bringing them to an involuntary treatment facility.

Example: Using heroin on the CKC

Officer will likely arrest for drug crime. Will post 72-hour notice if property is involved.

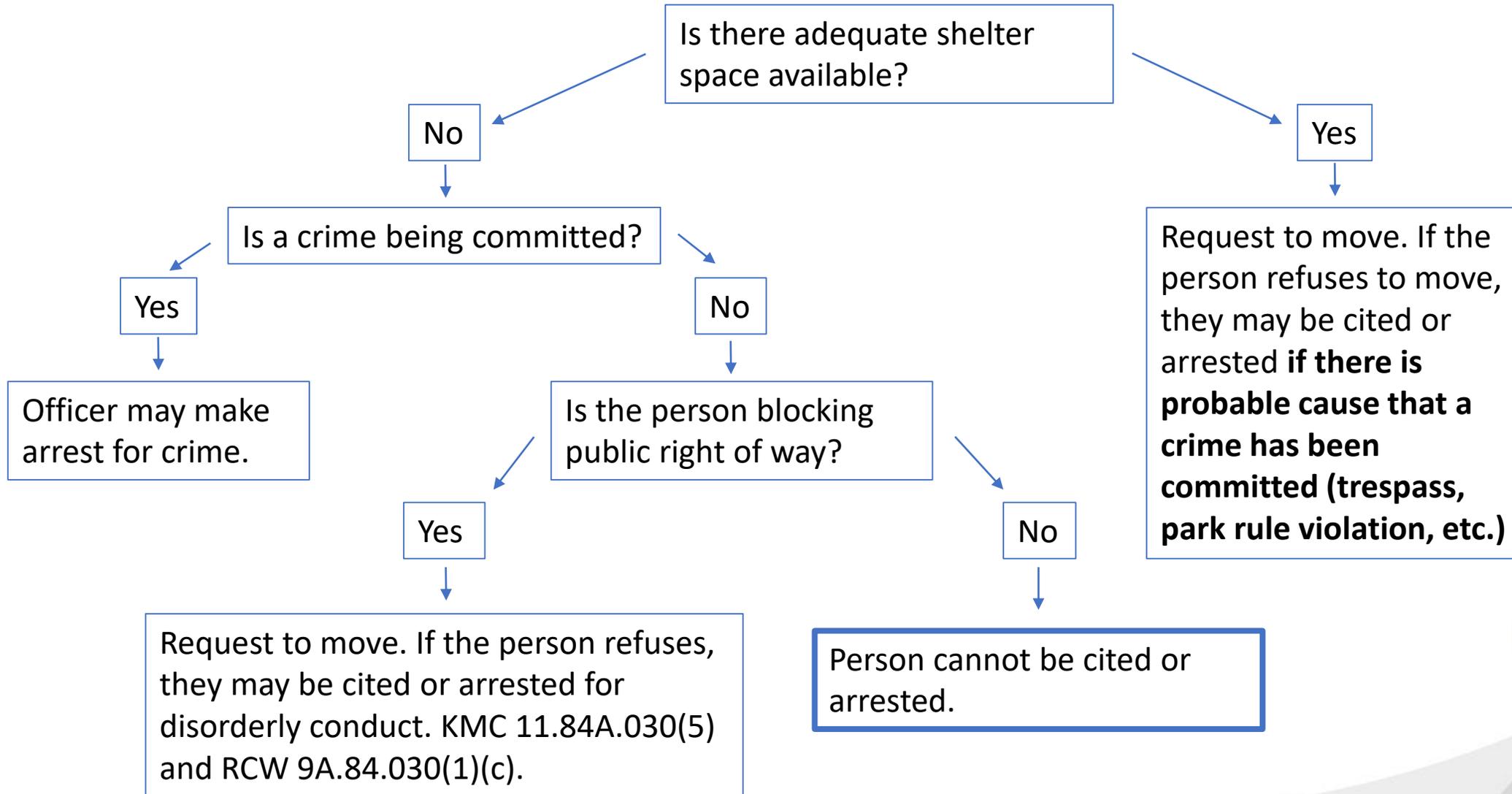


Martin v. City of Boise

- Police cannot cite or arrest a person experiencing homelessness for sleeping in a public place if there is no adequate shelter space available.
- This decision is limited to those truly experiencing homelessness. It does not apply to those who have adequate shelter available or the means to pay for such shelter.
- It also does not apply to criminal and civil violations that are not unavoidable consequences of homelessness.



Applying *Martin v. City of Boise*: Person experiencing homelessness sleeping overnight in a public place



WSDOT's policy for homeless encampments along freeways

WSDOT workers come across homeless encampment.

WSDOT workers typically notify law enforcement.

WSDOT workers place a notice poster at the encampment (police may accompany workers).

- The poster contains the time/date of posting and the time/date that the occupants need to relocate.
- The notice period typically provides up to 72 hours to move.
 - Each notice period is based on the encampment's location and its hazard level to the tent's occupants, freeway drivers, and WSDOT employees.
 - If notice period is less than 72 hours, WSDOT workers attempt to contact local human service advocates.

WSDOT workers take photos of the encampment and the poster.

(continued on next slide)



WSDOT's policy for homeless encampments along freeways (cont.)

WSDOT workers evaluate potential cleanup hazards and update WSDOT's internal statewide tracking system to notify all of WSDOT that the occupants have been given notice to move.

Did the occupants move, including all belongings, by the end of the notice period?

No

Yes

- WSDOT workers contact law enforcement to assist with relocating the individuals experiencing homelessness.
- Any nonhazardous personal property that was left behind is moved to a storage area pursuant to RCW 63.32.010 and RCW 63.21.060. Hazardous materials are disposed of.
- WSDOT does not provide resources for those experiencing homelessness, but certain law enforcement agencies do, including Kirkland Police.

WSDOT workers carry on with their work.

