

“Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods.”

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

1126.2, TRANSIENT AND HOMELESS CITIZENS

EFFECTIVE DATE:	10/2/2024
RESCINDS:	P&P 1126.1
DISTRIBUTION GROUP:	SWORN EMPLOYEES
REVIEW RESPONSIBILITY:	PATROL SERVICES BUREAU COMMANDER
ACCREDITATION STANDARDS:	N/A
RELATED LAWS:	Fl. Stat. 125.0231(2)
RELATED POLICIES:	Orlando City Code 43.52
CHIEF OF POLICE:	ERIC D. SMITH

CONTENTS:

1. PURPOSE
2. POLICY
3. DEFINITIONS
4. PROCEDURES
 - [4.1 Calls for Service Related to Homeless Individuals](#)
 - [4.2 Camping](#)
 - [4.3 Orlando Service Guide](#)
5. FORMS AND APPENDICES

1. PURPOSE

The purpose of this policy is to outline appropriate procedures when interacting with homeless persons and individuals camping.

2. POLICY

It is the policy of the Orlando Police Department to take a services-first approach to those experiencing homelessness while ensuring compliance with state and local laws.

3. DEFINITIONS

N/A

4. PROCEDURES

4.1 CALLS FOR SERVICE RELATED TO HOMELESS INDIVIDUALS

Officers who respond to calls for service or who encounter homeless persons during self-initiated activity should ensure that the individual is aware of the services available to homeless and transient individuals in the City. Member **must**

activate their body worn camera (BWC) for all interactions where services are offered, or where a warning or enforcement action may be taken. If the individual is in violation of the law but is cooperative and willing to accept services which would eliminate the underlying violation (such as an individual who was camping but is willing to go to a shelter) the officer should consider whether a warning is more practical than a full custody arrest.

Note: Some individuals may not be eligible to stay at a specific shelter due to their criminal record, a prior trespass warning, or other unique circumstance. If an individual was trespassed, that person may be allowed to return if the officer requests that the situation be reviewed by the shelter supervisor. If the supervisor is willing to readmit the individual, the individual will be allowed to return. If the shelter supervisor refuses to admit the individual, they will be referred to other services.

4.2 CAMPING

Pursuant to section [125.0231\(2\), Fla. Stat.](#), municipalities “may not authorize or allow any person to regularly engage in public camping or sleeping on any public property, including, but not limited to, any public building or its grounds and any public right-of-way” under its jurisdiction.

4.2.1 CITY’S CAMPING ORDINANCE

[Section 43.52 of the Orlando City Code](#), also known as the City’s camping ordinance, must be interpreted considering longstanding OPD practice and in accordance with the requirements of applicable court decisions.

Simply being asleep in a public place during late night or early morning hours is a factor to consider, but simply **being asleep is not alone sufficient to justify an arrest under the City Code**. There must be some indicia of true “camping” before the City’s camping ordinance may be enforced.

Indicia of camping includes, but is not limited to, one or more of the below factors:

1. The individual is inside a tent or sleeping bag;
2. The individual is asleep atop and/or covered by materials (i.e., bedroll, cardboard, newspapers);
3. The individual is inside some other form of temporary shelter; or
4. The individual has built a campfire

4.2.2 INDIVIDUALS CAMPING

This section provides guidance for patrol officers to use when they encounter individuals who are camping, as defined under the ordinance, but have not set up an encampment. An encampment will involve more robust structures that are not easily taken and moved daily. These areas require coordinated effort to clear. When members are dispatched to or self-initiate contact with an individual that may be camping, the member shall take the following steps:

1. Investigate the potential camping violation, which shall include an attempt to contact the individual who may be camping.
2. Members must use the appropriate Communications Signals when working a camping related call. Signal “14C” will be used for any call relating to camping. If the member leaves the call without resolving it, they will clear it “VD”, Violation of Camping Documented. If the member has resolved the matter, the call will be cleared “VR”, Violation of Camping Resolved.
3. If the individual camping is new to the area or has not been previously informed, members should educate the individual on the City’s camping ordinance and the services available, including shelter space.
4. If the individual is cooperative and willing to go to a shelter, they should be allowed a reasonable amount of time together their belongings and go to the shelter.

- Members may offer to consensually transport the individual to the shelter. Transportation is not required and may be conditioned on the individual allowing a pat-down search for weapons. If the individual refuses to be searched, they should be provided with directions to the shelter. If the individual is disabled and unable to be transported by the member, the member shall make accommodations for transportation consistent with the Americans with Disabilities Act (ADA).
5. If an individual was previously informed of the services available and warned about camping, members shall document the date and circumstances of the prior encounter, to include the OPD case number, if available.
 6. If the individual continues to camp in violation of section [43.52 of the Orlando City Code](#) after the individual was informed of the available services and warned about our camping ordinance, the member may take enforcement action. If the warning occurred during a prior incident (either on the same or earlier day) the officer should include as much detail as possible about when the warning occurred (date/time/case number/etc.) in their affidavit.
 7. EVIDENCE OF CAMPING
 - If enforcement action is taken, members shall individually document the indicia of camping and any other property that constitutes evidence of camping.
 - Prior to collecting items, members should record the campsite with their BWC.
 8. PROPERTY AFTER ARREST
 - All items, other than contraband, hazardous, or contaminated property, collected during a camping arrest shall be transported with the individual and stored as personal property. This allows individuals to retrieve their property without any holds.
 - If an item of property is contaminated or otherwise poses a health hazard to an officer or a member of the public, the member shall document the reason on their BWC and in their report. That specific item may be disposed of or destroyed.
 - Contaminated or hazardous items shall not be placed in a member's patrol vehicle or placed in property and evidence.
 - Additionally, care and consideration should be given to important documents and items such as identification, court paperwork, and prescriptions.
 9. Notification to the Homeless Intervention Unit (HIU)
 - After any enforcement action is taken, the members shall send a copy of the police report, to include the OPD case number to HIU at HIU@orlando.gov.
 - Members shall inform HIU if there are any special considerations such as large amount of unclaimed property or unsanitary conditions.

4.2.3 ENCAMPMENTS

When members are alerted to or come across an encampment (more robust structures that are not easily taken and moved daily), additional resources may be necessary to resolve the issue.

If the member is unable to deal with the encampment in the same manner as proscribed for an individual camping, then the member shall immediately contact the Homeless Intervention Unit (HIU) to assess the area, and HIU will take the following steps:

1. HIU members will respond to the site within three (3) business days.
2. HIU members must use the appropriate Communications Signals when working a camping related call. Signal "14C" will be used for any call relating to camping. If the member leaves the call without resolving

- it, the call will be cleared “VD”, Violation of Camping Documented. If the member has resolved the matter, the call will be cleared “VR”, Violation of Camping Resolved.
3. HIU members will create an OPD case number.
 4. HIU members will assess and record (either with BWC or other recording device) the area and determine if additional resources, such as the HOPE Team, or Code Enforcement are necessary to help address the situation.
 5. If able, HIU members will address the issues and clear the encampment.
 6. If necessary, HIU members will return at a later time, but in no case more than two (2) business days after the initial response, to clear the encampment.
 7. HIU members will inform any individuals at the encampment that camping is unlawful and will ensure that everyone present is aware of the available services.
 - Members may offer to consensually transport the individual to a shelter. Transportation is not required and may be conditioned on the individual allowing a pat-down search for weapons. If the individual refuses to be searched, they should be provided with directions to a shelter. If the individual is disabled and unable to be transported by the member, the member shall make accommodations for transportation consistent with the Americans with Disabilities Act (ADA).
 8. ENFORCEMENT OF CAMPING ORDINANCE
 - If individuals continue to unlawfully camp, they are subject to arrest for camping. Members shall collect the indicia of camping and any other property that constitutes evidence of camping.
 - If an individual was previously informed of the services available and warned about camping, members shall document the date and circumstances of the prior encounter, to include OPD case number, if available.
 - If enforcement action is taken, members shall individually document the indicia of camping and any other property that constitutes evidence of camping.
 - Prior to collecting items, members should record the campsite with their BWC.
 - PROPERTY AFTER ARREST
 - All items, other than contraband, hazardous, or contaminated property, collected during a camping arrest shall be transported with the individual and stored as personal property. This allows individuals to retrieve their property without any holds.
 - If an item of property is contaminated or otherwise poses a health hazard to an officer or the public, the member shall document the reason on their BWC and in their report. That specific item may be disposed or destroyed.
 - Contaminated or hazardous items shall not be placed in a member’s patrol vehicle or placed in property and evidence.
 - Additionally, care and consideration should be given to important documents and items such as identification, court paperwork, and prescriptions.
 9. HIU members will ensure the encampment site is video recorded after all campers have been cleared from the area. HIU members will ensure that the recording is uploaded to evidence.com and tagged with the assigned OPD case number.

4.2.4 CAMPING AND ENCAMPMENTS ON PRIVATE PROPERTY

When members are alerted to or come across an encampment on private property, they must first check with the private property owner or tenant to determine if the individual(s) camping has permission. If the individual(s) is camping and does not have permission, then the matter should be dealt with as a trespass situation.

If the individual(s) has established an encampment without permission, additional resources may be necessary. The member should contact HIU to conduct an initial assessment of the area. HIU will then coordinate with Code Enforcement and other appropriate resources to address the matter.

If the individual(s) has established an encampment with permission of the owner or lessee, the matter should be referred to Code Enforcement.

4.3 ORLANDO SERVICE GUIDE

The City of Orlando and Community Service Providers offer a range of shelters and services to those experiencing homelessness. Members are encouraged to pick up the City's "Orlando Service Guide" from the Quartermaster Unit and provide a copy to anyone seeking assistance.

<p>5. FORMS AND APPENDICES</p>

N/A