



El Segundo Police Department

Professional Standards Division

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TRAINING BULLETIN

Training Subject: **Dealing With The Homeless & Their Property**

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Over the past year, there has been a spike in the homeless/transient population here in El Segundo and other South Bay cities. This has caused an increase in officer contacts and arrests of the homeless. Officers are being called upon more often to enforce aggressive panhandling, camping/sleeping on public property, and storage of personal property left on public property. Arresting a homeless/transient person raises several challenges for law enforcement when dealing with their personal property, or clearing public places of "abandoned" personal property. It is important to try to determine if the property at the location is abandoned vs. temporarily unattended property (*Lavan v. City of Los Angeles*). Current case law has established the following standards.

Confiscating unattended/abandoned property:

1. Make a good faith effort to locate the owner(s).
2. Provide **24-48** hour written notice before the items are seized, explaining they will be subject to storage fees.
3. Inventory/document (pictures or video) items seized.
4. Leave notice to inform of seizure and opportunity to claim.
5. Store belongings for 60 days.
6. Protect any perishable belongings (i.e. medication).
7. Evidentiary items will be collected/booked per Department Policy.

***Property that is hazardous shall be disposed of appropriately. Use common sense for clothing/bedding items that are urine soiled or bug infested.**

**** When making an arrest which leads to property being unattended, store as personal property per the GOM if requested by the arrestee. Use reasonableness. Items left behind are subject to the above mentioned notification of the owner before they can be seized.**

Useful Code Violations (see specific code for detailed elements of the crime)

ESMC

1. 5-2-5D Removing garbage container contents
2. 5-3-2B Littering Streets
3. 7-1-3 Nuisance (general) restricts free movement
4. 7-1-4(A-M) Nuisance (designated)
5. 7-6-3A Trespassing on private property (posted)
6. 7-6-5A Leaving personal property on street or sidewalk
7. 7-6-8A Consumption or possession of Alcoholic beverage in public
8. 10-1-4Q Park hours 10pm- 1 hour before sunrise
9. 10-3-11G Fires prohibited on beach
10. 10-3-11L Loitering on beach 12am-6am
11. 10-3-11M Camping on beach prohibited

CA. Penal Code

1. 374(a) Urinating in public (littering waste matter)
2. 485 Theft of shopping cart w/o placard stating illegal to possess
3. 562 Possession of milk crate
4. 602.1(a) interfering/disrupting a business
5. 602 (o) Trespassing w/person refusing to leave
6. 602.5(a) Unauthorized entry of non-commercial house, apt. or other residential property
7. 653b Loitering near schools or public places where children congregate
8. 647(h) Trespass, loiter, prowl

Business & Professions Code

1. 22435.2 Illegal possession of shopping cart w/placard stating it's illegal to possess.