

Standard Operating Procedure: Policing of Displaced People

A. PURPOSE

The purpose of this operational procedure is to ensure that members are sensitive to the needs and rights of the homeless population (displaced people), to establish procedures to guide members of the City's law enforcement departments during casual and enforcement situation contacts with the homeless and to reaffirm that homelessness is not a crime.

B. DEFINITIONS

- 1) Members - members of the City Law Enforcement Departments which includes the Metro Police Department, Law Enforcement & Security Department, Specialised Services Department and the Traffic Department. The Displaced People Unit (DPU) is primarily responsible for the handling of displaced people. This unit resorts under the Specialised Services Department.
- 2) Displaced Persons - Agreed upon terminology for people who might also be referred to as Street People, Vagrants or The Homeless. A Displaced Person is an individual who lacks a fixed, regular and adequate night-time residence and lives on the street or has a primary night-time residency that is:
 - a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
 - b) An institution that provides a temporary residence for individuals intended to be institutionalized;
 - c) A private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- 3) Street - refers to and includes all areas e.g. open spaces, riverbanks, sidewalks, parks, sports fields, etc

C. PROCEDURE

Contact with displaced people will either be the result of specific complaints received or member initiated contact. When investigating complaints, a member will interview the complainant either by telephone or in person and if required (in the case of a by-law offence or minor crime), obtain a statement from the complainant.

The following is applicable to both "complaints received" and "member initiated contact":

1. **Casual Contact** - At any time, and for any reason, members of City Law Enforcement Departments may approach a displaced person, who has not been observed engaging in any criminal conduct, to advise him or her of shelters, services, or assistance which are currently available. These services or assistance may also include transport by the DPU to the person's home or family within the City's area of jurisdiction or arrangement by NGO's or other social service providers to transport the person to his/her home in other areas of the country. The member may also call for the assistance of a Fieldworker from the Social Development Directorate. The displaced person may or may not accept the advice or referral. The rationale is to proactively provide referrals to the homeless.

- a) Members may transport displaced persons to any organisation that could provide assistance when the person accepts such referral. The displaced individual will be searched for weapons and/or contraband before being transported.
- b) Members may transport displaced persons to their home or family within the City's area of jurisdiction on request of the individual. The displaced individual will be searched for weapons and/or contraband before being transported.
- c) The member shall complete a Displaced Peoples Incident Card with the facts of the incident, the referral and disposition.
- d) In the event of the displaced person not accepting the member's advice or referral, the member shall hand over copies of the Displaced Peoples Incident Card and a copy of the original complaint to the

Social Development Directorate and such other role player as may be deemed appropriate.

- e) In the event of first time contact with a displaced individual (a person who is new to the streets), the member will complete a Displaced Peoples Survey Sheet for purposes of registering the person's details on the Displaced People's Database.

- f) Members using one of the facilities of the Social Development Directorate or other appropriate social service provider shall comply with the intake procedures of the chosen organization.

2. Enforcement action - Arrests of - and issuing of warnings and fines to all persons including those defined as displaced shall comply with relevant legislation, municipal by-laws and City policies and procedures.

- a) If a member observes a displaced person(s) engaged in criminal activity the member will react to the situation as required by law.
- b) A member always has the right to approach any individual including a displaced person, to allay any suspicions a member may have about the individual and ascertain that no criminal activity is occurring.
- c) When encountering a displaced person who has committed a minor crime or by-law offence where the continued freedom of the individual would not result in a breach of the peace or a more serious crime, members are encouraged to utilize referral to the Social Development

Directorate or other appropriate social service provider, in lieu of physical arrest or issuing a fine. It must be recognized that such referral is contingent on the voluntary agreement of the homeless person to accept such referral.

- d) The discretion to make a physical arrest of a person determined to be displaced for minor crimes or the issuing of a warning or fine in the case of a by-law offence, shall be the responsibility of the individual member.
- e) The Displaced Peoples Database may be checked in order to assist in the decision to make a physical arrest, issue a warning or fine or use a social service alternative.

3. Major Operations –

Where a significant number of displaced people are (a) living in a particular place or area, (b) their presence contributes directly to the overall degeneration of the area, (c) they continuously reject the advice and referrals of members and (d) they through their presence, actions and behaviours, infringe on the rights of other residents of the City, a major operation will be conducted to clean up the area.

Such operation will be held with due regard of the rights of the displaced persons involved and its main purpose will be to:

- a) Reclaim the *affected* area for the residents of the City.
- b) Securing assistance (social or otherwise) for the displaced persons concerned.
- c) Not to punish the displaced persons concerned.

Such operations will be planned with the full knowledge of relevant role players who will as far as possible take part in the conducting of the operation. Such role players include:

- a) City Cleansing
- b) City Parks
- c) City Social Development
- d) SAPS
- e) Law Enforcement
- f) Metro Police

4. Criminal Data Base Checks - Will be performed in respect of all "first contact" cases and Morpho Touch technology will be readily available to members of the DPU for this purpose.

D. DISPLACED PEOPLES DATABASE

The Displaced Peoples Database is kept by the DPU. It tracks encounters between members and homeless individuals that have been documented through a Displaced People Survey Sheet or Displaced People Incident Card.

The Database will be kept electronically, it will be updated regularly and information captured on it will be made available to other role players on official request of such role players.

Members having interaction and or contact with persons determined to be displaced as a result of self initiated contact or as a result of a resident complaint shall document that contact with a Displaced People Incident Card and in the case of first time contact, a Displaced People Survey Sheet.

E. RELATIONSHIP WITH SOCIAL SERVICE PROVIDERS

The DPU will be responsible for building and maintaining good working relationships with all relevant social service providers (both public service and NGO's).

The DPU will keep a database of contact details and a description of services provided by such agencies and will endeavour to involve such agencies as far as possible in the solving of problems of displaced individuals or problems caused by displaced individuals.

F. PERSONAL PROPERTY

- 1) The personal property of all displaced persons shall be respected. In no event shall any member destroy any personal property known to belong to a displaced person, or readily recognizable as property of a displaced person unless it is contaminated or otherwise poses a health hazard to a member or to members of the public.
- 2) All property of an arrested person shall be turned over to the property inventory officer at the SAPS.
- 3) All property of persons transported to a social service provider will be handed over to such service provider for safe keeping.
4. The following will be removed by the DPU:
 - All potential material which can be used to build an informal structure
 - All discarded belongings left in parks, buildings, public open spaces, beaches and sidewalks which City Cleansing would not remove
 - Shopping carts which will as far as possible be returned to the owner
 - City property which will be returned to the nearest depot.

SAFETY & SECURITY: SPECIALISED SERVICES

DISPLACED PEOPLES SECTION / 2009

COMPLAINT SHEET

Indicate with an (X) DAY, DATE AND MONTH

DAY	M	T	W	T	F	S	S																								
DATE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
MONTH	1	2	3	4	5	6	7	8	9	10	11	12																			

COMPLAINANT'S DETAILS

Full Name _____ phone / Cell No. _____

Address: _____

E-Mail Address _____

NATURE OF COMPLAINT:

Area _____ Street Name _____

Complaint Details:

INVESTIGATION OF COMPLAINT

Street People found: TOTAL

males	Females	Children /U18	Non South African	Shopping Carts	Otto Bins	Structures

Name of Officer _____ Sign _____

**City Of Cape Town
SPECIALISED SERVICES
DISPLACED PEOPLES UNIT**

SURVEY SHEET

Date:..... Time:.....

Area Found:..... Street / Road:.....

Surname:..... Christian Name:.....

Street/Nick Name:..... ID / D.O.B:.....

Age:..... Gender:..... Tatoo's / Identifying Marks:.....

How Long On Street:..... How Long In Cape Town:.....

Type of Accommodation:.....

Form of Income:..... Daily Income:.....

Disabilities:.....

Hospital / Clinic:.....

Last Known Address:.....

Originally From:.....

Name of Relative / Friend:.....

Address of Relative / Friend:.....

Assistance Required:.....

Comments / Remarks:.....

.....

NAME OF OFFICER:.....SIGNATURE:.....