

## Progressive Enforcement-Continued

The third time a subject is contacted he or she is generally cited for a misdemeanor. After a subject has received a misdemeanor citation, the officer may arrest the subject for a misdemeanor the next time he or she is contacted for violating the law.

Officers have discretion when using progressive enforcement. There are factors that will dictate the enforcement officers take (how many times contacted, how much time between contacts, where contacted). Each time officers contact someone, they make sure to explain the law and the consequences for breaking it. Again, services are offered and encouraged at each encounter.

### Reasonable Sensitivity

**When it is raining**, NPD practices “reasonable sensitivity.” In general, NPD does not take enforcement action for tents or structures while it is raining, unless there is a hazard, safety concern or complaint. This does not extend to instances when it is cloudy or slightly misting outside. Officers are advised to use their

### Property

Another challenge Neighborhood Policing Division faces is the large amounts of property acquired by those experiencing homelessness.

When making an arrest all property with apparent value must be collected and impounded at police headquarters for safe keeping.

Officers should not handle unattended homeless personal property. Unattended property should be referred to the Environmental Services Department. Any furniture (mattresses, couches, chairs,) may be removed by contacting Environmental Services. Officers should not assist or remove the items themselves.

### Outreach vs Enforcement

There are numerous resources available in the City of San Diego to assist those experiencing homelessness and provide them with the means to “get back on their feet.”

The City of San Diego and the Police Department created the Homeless Outreach Team (HOT), to provide homeless citizens a liaison to available social services.

The HOT team consists of police officers, mental health professionals, and social workers who go out in to the community seven days a week. They contact homeless individuals to build trust, provide education and assist them with available resources. The purpose of this team is to provide an alternative to enforcement for those who find themselves in need of assistance and willing to accept help.

Enforcement and Outreach teams work closely together to engage those experiencing homelessness. They provide assistance to those who need it, and are willing to accept it, and provide enforcement to those who are services resistant and consistently break the law. This is known as compassionate enforcement. This partnership allows NPD to identify and focus enforcement on the small criminal element within the homeless population.

### Resources

#### Neighborhood Policing Division

2501 Imperial Ave. San Diego, Ca 92102

Office: (619) 446-1028

Email: [SDPD](mailto:SDPD)

[Neighborhoodpolicing@pd.sandiego.gov](mailto:Neighborhoodpolicing@pd.sandiego.gov)

#### Homeless Outreach Team

2501 Imperial Ave. San Diego, Ca 92102

Office: (619) 446-1028

Email: [SDPD\\_HOT@pd.sandiego.gov](mailto:SDPD_HOT@pd.sandiego.gov)

San Diego Police Department

1401 Broadway, San Diego, Ca 92012

Non-Emergency (619) 531-2000

Emergency 911

#### City of San Diego Homepage

[www.sandiego.gov](http://www.sandiego.gov)

[Use the Get It Done Mobile Application for complaints.](#)

**July 15, 2019**

The City of  
**SAN DIEGO**



## SAN DIEGO POLICE DEPARTMENT

### Neighborhood Policing Division (NPD)

**The purpose of this brochure** is to provide citizens and Police Department personnel with information concerning some of the laws and regulations the San Diego Police Department must follow when addressing citizen complaints concerning quality of life issues.

**Quality of Life issues** are among the greatest community concerns in the City of San Diego. In response, the San Diego Police Department created the Neighborhood Policing Division.

**The Neighborhood Policing Division's mission is to enhance the quality of life and safety in San Diego** neighborhoods in a manner that is compassionate, professional and fair to all.

**The Neighborhood Policing Division consists of Outreach, Crime Prevention, and Enforcement Units.**

These units work together to balance enforcement with education, and to provide services and guidance toward available resources.

The Neighborhood Policing Division is committed to effectively responding to community concerns while also ensuring equal rights and treatment for all San Diegans.

### **Addressing Citizen Complaints**

Citizen complaints are the driving force when determining which areas to focus on the most. These complaints come from community meetings, emails, radio calls, and letters. The largest number of complaints, however, come via the Get It Done Mobile Application

All complaints received via the Get It Done Mobile Application are given priority. Neighborhood Policing Division and the Police Department does its best to address and resolve all complaints while patrolling areas

that are chronically plagued with quality of life issues. However, successful resolution of quality of life issues may take time.

### **Letter OF Agency**

A Letter of Agency (LOA) is a form property owners can fill out that allows the San Diego Police Department to enforce all laws on private property without the owner having to be present to press charges. LOA's must be renewed annually. A copy of an LOA can be accessed on our website at:

[www.sandiego.gov/police/forms](http://www.sandiego.gov/police/forms)

### **Guidelines**

The City has entered into two lawsuit settlement agreements which provide guidelines on enforcement.

### **The Spencer Agreement**

In the **Spencer Agreement**, the City agreed to guidelines for enforcement of illegal lodging (Penal Code section 647(e)), including the following:

- 1) Daytime enforcement (0530 – 2100) of 647(e) PC (Illegal Lodging) is allowed everywhere in the city and a bed does not need to be offered nor does an active complaint need to exist.

- 2) Between the hours of 2100 PM and 0530 AM, police officers may not cite or arrest a person for illegal lodging **if the violation occurs outside of the downtown area.**
- 3) **If the violation occurs inside the downtown area (between 2100 – 0530)**, and there is an active complaint concerning the violation (radio call), the subject may not be cited or arrested without first offering the subject a bed at a local shelter (bed must be refused).

### **The Isaiah Settlement**

In the **Isaiah Settlement**, the City agreed to guidelines for handling unattended homeless personal property in the public right of way.

- (1) Unattended homeless personal property in the public right of way is addressed by the Environmental Services Department, based on notice, documenting, sorting, storage and disposal guidelines.
- (2) The Police Department does not remove unattended homeless personal property on the sidewalk, or any public right of way.

### **Progressive Enforcement**

**NPD utilizes both state and municipal codes to effectively address quality of life issues.**

**NPD** uses what's known as "progressive enforcement" when contacting those experiencing homelessness. NPD officers use this enforcement approach because it helps to educate homeless individuals about the law, provides a warning to offenders, and ultimately builds a case against repeat offenders

**The following is an example of how progressive enforcement is used by NPD:**

**The first time** a subject is contacted his or her biographical information is collected (as long as there are no other laws being broken at the time) and the law is explained. The officer also explains if he or she continues to break the law he or she can be cited or arrested. Services are offered and/or given during this encounter and each encounter thereafter.

**The second time** a subject is contacted in violation of the law, the officer generally cites him or her for an infraction, if applicable.