



## HOMELESS POPULATIONS & ENCOUNTERS CRITICAL CONSIDERATIONS FOR THE CHIEF OF POLICE

Local law enforcement often comes into regular contact with people experiencing homelessness in many communities, especially as the homeless population in the United States began to spike in 2023, and New Jersey's estimated unhoused population in 2024 was estimated to be approximately 10,200 people.<sup>1</sup> Although assisting the homeless population may not be the responsibility of law enforcement, police officers are often tasked with responding to complaints concerning the homeless, and officers sometimes must navigate a delicate balance between connecting those in need to services or enforcing the law when appropriate. Absent appropriate, clear, and specific guidance, officers may be unsure of what specific action is best in some encounters with people experiencing homelessness.

Encounters with homeless individuals can sometimes be dangerous for law enforcement. There were numerous instances in 2024 where police officers employed deadly force during encounters with the homeless, such as a 44-year-old homeless person who was shot and killed by police in Minnesota, a 43-year-old homeless male shot and killed by police in Wisconsin, and a 44-year-old homeless person shot and killed by police in Arkansas.<sup>2</sup> Such events are tragic for all involved, and can often result in extensive investigations, criminal charges against officers, civil litigation, and mental health issues.

There has been a recent focus on those experiencing homelessness. Some communities have recently enacted local ordinances banning sleeping outdoors in public spaces.<sup>3</sup> Many new ordinances are in response to the United States Supreme Court decision in [Grants Pass, Oregon v. Johnson](#), decided in June of 2024, which the court held: "The enforcement of generally applicable laws regarding camping on public property does not constitute cruel and unusual punishment prohibited by the Eighth Amendment." The United States Presidential Directive, [Ending Crime and Disorder on America's Streets](#), issued on July 24, 2025, may also contribute to some communities adopting or considering adopting local ordinances that prohibit sleeping in public spaces or taking other action concerning individuals who have severe mental illness or substance abuse disorder.

This heightened focus on individuals experiencing homelessness and those who have a mental illness and substance addiction may cause some members of the public to expect the police to initiate specific actions, such as arrest, removal, property disposal, or connect them to services, when such law enforcement action is not currently appropriate, available, legal, or authorized by agency policy and procedures. For these reasons, the Chief of Police must evaluate their agency's procedures to ensure they align with the agency's mission, and ensure officers are provided proper policy guidance and training when interacting with unhoused individuals or responding to citizen reports of the behavior of people believed to be homeless.

### Considerations for the Chief of Police

#### Initial Action:

- Review current local ordinances to evaluate their applicability to homelessness and panhandling, ensuring officers have not taken action involving unhoused people not supported by local ordinances, other laws, or agency policy.
- Determine if the Governing Body or Municipal Attorney is considering enacting local ordinances in response to the U.S. Supreme Court's *Grants Pass, Oregon v. Johnson* decision. Unbeknownst to the Chief, some local community officials may narrowly turn to and adopt legal measures that often may not create lasting solutions for unhoused people, and place an unrealistic demand on local police services. Overreliance on local ordinances may inadvertently contribute to high rates of law enforcement contacts, arrests, and injuries to officers and people experiencing unsheltered homelessness.

- The Chief of Police should ensure they are part of any discussions with local officials concerning changes to local ordinances to ensure that local law enforcement officers are not designated as the sole remedy in addressing local community homelessness. When local assistance programs and partnerships for the homeless are not established or available, local police officers may be in a precarious position of having to remove homeless people who often suffer from mental illness and substance abuse issues. When this process lacks critical stakeholder support to address these underlying issues, there is likely heightened danger for all involved.
- Evaluate the organization's current policies and procedures to ensure they align with the agency's mission.
- Build a guiding coalition of local stakeholders to identify available services for those experiencing homelessness, including shelter, relocation, mental health services, social services, substance abuse treatment, medical care, and more.
- Immediately ensure that all officers are aware of the current available strategies concerning how to handle best, calls for service involving reports of people sleeping outdoors, homeless, or panhandling. Provide updates to officers about any plans being considered or in progress that might provide alternative solutions when dealing with unhoused populations.
- Ensure officers know that some actions by law enforcement in other states may not be legal in New Jersey.

### Develop an Agency Plan:

- Develop a long-term plan to establish effective partnerships between the agency and homeless service providers. Some strategies for consideration:
  - **Develop shared goals and clearly define roles:**
    - A community-wide response to unsheltered homelessness first requires that leaders in both law enforcement and the homeless service systems understand the importance that both systems play in addressing homelessness, substance abuse, and those experiencing mental health issues.
    - Ensure the training of agency law enforcement officers involves a balance between enforcement efforts and outreach efforts, in accordance with the applicable local ordinances and other legislation, and while understanding the available resources as alternatives to enforcement.
    - Collaborate with other agencies to offer adequate alternative housing, shelter, transportation, and medical care.
  - **Use data to understand local needs and assess progress:**
    - The appropriate use of data can assist in identifying groups of people experiencing homelessness who have the most repeat encounters with law enforcement and can be better provided with outreach and engagement services to prevent further contact with officers. Furthermore, when officers identify a person who is prone to violence, has developmental disabilities, or mental health issues, the officers can utilize applicable "CAD Flag" systems to alert other officers who might later encounter such subjects. A Sample Internal and External Intelligence Reporting Policy is available in the [Law Enforcement Accreditation Plus Sample Policy Portal](#).

- **Evaluate the agency's current protocols for recovered and found property:**
  - Ensure officers are well informed of the agency's position concerning securing, retaining, and, when appropriate, the return of property belonging to homeless people arrested or relocated to alternative facilities. The agency policy should require officers to treat the personal belongings of unhoused individuals with the same respect as any other person's property. There have been numerous instances in the United States where the property of a homeless person was disposed of, and it was later determined that such disposal was unlawful <sup>4-5</sup>. All actions concerning property should be consistent with the provisions of the agency's specific policy on Property and Evidence Handling, NJSA [40A:14-157](#), and the [New Jersey Division of Criminal Justice Property and Evidence Function Manual](#).
  - Prepare informational handouts that officers can provide to affected people detailing how they can claim and recover their personal property.
- **Utilize specialty-trained officers and health professionals when possible:**
  - Utilize officers trained in crisis intervention, mental health co-responder teams, substance abuse professionals, or those trained to assist people with disabilities whenever possible to handle incidents involving people experiencing homelessness. This is especially critical when addressing groups of homeless people or encampments.
  - When dealing with homeless encampments, work with local stakeholders, including local Department of Health representatives, to maximize safety for all involved.

### **Develop Agency-Specific Training:**

- Clearly written protocols, applicable policies, and training are vital to guiding officer interactions with people who are experiencing homelessness.
- The outcomes of the agency planning process should be clearly communicated to all agency members, including Telecommunicators, civilian employees, Police Chaplains, Neighborhood Watch Groups, and Employee Assistance Professionals.
- Ensure the training overview includes procedures for how officers can facilitate handoffs to the homeless services system, when necessary.
- Review with all personnel the agency's Dealing with Emotionally Disturbed Persons policy.
- Review with all personnel the agency's Persons Not to Have Weapons – Duty to Warn – ERPO Policy. A sample policy is available in the [Law Enforcement Accreditation Plus Sample Policy Portal](#).
- Ensure agency law enforcement officers are informed of changes to local ordinances, the restrictions associated with current local laws, and what resources and key partnerships have been developed to assist the homeless population. When possible and appropriate, consider including homeless service providers to assist in delivering the training and/or facilitating roll call visits.
- Offer to have an officer with strong knowledge of the agency's program speak before homeless service providers, so that all stakeholders understand each other's roles.
- Develop protocols beyond basic subject areas of homelessness and consider including training components for subpopulations that experience homelessness, such as women with children, unaccompanied youth, victims of domestic violence, veterans, and protocols for responding to these groups.
- Ensure the agency's policy governing Bias-Based Policing and Discriminatory Practices is reinforced with officers. A sample policy is available in the [Law Enforcement Accreditation Plus Sample Policy Portal](#).

- Include the information from the MSI Law Enforcement Bulletin, *Housing Discrimination Risks for Law Enforcement Agencies*, available at the MSI Law Enforcement [Bulletins](#).

### Additional Resource Considerations:

[New Jersey Department of Community Affairs – Office of Homelessness Prevention](#)

[New Jersey Division on Civil Rights – Housing Discrimination](#)

[Strengthening Partnerships Between Law Enforcement and Homelessness Service Systems](#)

[United States Interagency Council on Homelessness for Fiscal Year 2017 Congressional Budget Justification](#)

[The Law Enforcement Response to Homelessness](#)

### Citations:

<sup>1</sup>Whitehurst, L. (2024, June 28). Divided Supreme Court Rules in Major Homelessness Case that Outdoor Sleeping Bans Are Ok. *Associated Press*.

<sup>2</sup>Thompson, M. (2024, July 23). The Role of Law Enforcement in Homelessness Response. *National Alliance to End Homelessness*.

<sup>3</sup>Brier, B. (2024, May 8). Can U.S. Top Court Decision Make Homelessness a Crime in NJ? *New Jersey Coalition to End Homelessness*.

<sup>4</sup>Hing, G. (2024, September 28). Unhoused People Have Property Rights Too. *The Marshall Project*.

<sup>5</sup>U.S. Department of Justice, Civil Rights Division. (2024). *Investigation of the City of Phoenix and Phoenix Police Department*. Washington, D.C.: U.S. Government.