



City of Sonora and Police Department
non-emergency phone number: **209-532-8141**

BUSINESS TOOLKIT FOR HOMELESS INTERACTIONS

It's important to understand that homeless persons are members of our community and should be extended the same level of consideration as housed populations. Avoid applying stereotypes, stigmas, and myths. People experiencing homelessness should not be defined by their housing status, as homelessness can be caused by uncontrollable circumstances and a lack of housing opportunities.

• WHEN A HOMELESS PERSON IS AT YOUR BUSINESS

- Make eye contact and treat everyone with respect.
- If a homeless person is in your establishment to make a purchase, you should treat them like any other customer.
- Establish an amicable relationship and ask their name.
- If someone is being disruptive, homeless or not, try to deescalate the situation if you are comfortable doing so.
- Politely ask unwanted persons to leave, deflecting your request to a third party (e.g., the property owner).
- Let people know your boundaries and call the Police Department to report illegal activity.
- If anyone is interfering with your ability to do business and will not leave, call the non-emergency number of the Police Department to request assistance.
- If someone is threatening harm to themselves or others, acting violent or reckless, or appearing to be experiencing a crisis, ask them to leave clearly and politely and call 911.
- If you feel calling the police may agitate the person further, call 911 and pretend you are talking to a friend or coworker while trying to help the dispatcher understand the problem and your exact location.

• PREP YOUR BUSINESS FOR UNWANTED ACTIVITY

- Install motion-sensitive security lights.
- Lock or turn off exterior power outlets.
- Install security cameras and signs indicating the area is under surveillance. Recommend security cameras with features that include 30-day storage and high resolution (1080p) with color night vision. Common format offloading requiring no proprietary software is the best for police department's ability to use the video to investigate cases.
- Keep trash bins, storage areas, and gates locked.
- Immediately report unwanted occupation of privately-owned areas under your control.
- Keep the area in front of your business clean. Doing this will encourage others to respect the space.
- Report all suspicious activity to the Police Department as it is occurring, regardless of whether or not it directly impacts your business.



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WHAT TO AVOID

- Offering food, goods, or money. It encourages repeat requests and panhandling and could potentially contribute to unhealthy lifestyles. There are local professional organizations that specialize in the charitable distribution of goods.
- Allowing anyone to camp on your property for any amount of time. Agreeing to this activity could establish certain rights and make evicting unwanted guests problematic.
- Allowing anyone to store personal belongings or shopping carts on your property.
- Indicating you are alone in the business. Consider announcing that your associate will return momentarily.

LOCAL SERVICES

Find an organization that you want to support and help by directing people experiencing homelessness or mental health challenges to them. Below are some trusted organizations.

- Amador Tuolumne Community Action Agency (ATCAA)
427 N. Highway 49, Suite 305, Sonora; Ph# 209-533-1397.
- Lambert Community Center
347 W. Jackson Street, Sonora; Ph# 209-533-4879.
- Tuolumne County behavioral health Crisis Assessment Intervention Program (CAIP)
105 Hospital Road, Sonora; Ph# 800-630-1130, or 209-533-7000 for Holidays/After Hours.
- Mother Lode Job Training
197 Mono Way Suite B, Sonora; Ph# 209-533-3396.

FAQ ABOUT LAWS AND HOMELESSNESS

Is it illegal to loiter?

The state statute defines loitering as lingering or prowling with the specific intent to commit a crime. Loitering in its common meaning is not unlawful.

Can I have someone arrested for trespassing?

Yes, but there is a process for advising a trespasser and ultimately enforcing the violation by arrest if the problem persists. In December 2019, the City of Sonora passed a trespass ordinance. It's important to note that this was not a homelessness enforcement ordinance but a tool for local business owners to manage the environment of their locations. Most businesses are classified as privately owned land/properties open to the general public, and existing state laws are deficient in addressing the specific needs of business owners/operators. Sonora's ordinance provides a tool for business owners experiencing disruptive and meddlesome patrons. Again, we strongly recommend you focus on the conduct and behavior of the person rather than their status. The Police Department will not assist with trespass enforcement if the basis for the request is unlawful or unethical. More about Sonora's Trespass on Private Property or Business Premises ordinance (Municipal Code 9.60) can be found online.



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FAQ ABOUT LAWS AND HOMELESSNESS (CONTINUED)

Does it take an eviction process to make an unwanted camper leave my property?

No. As long as there has been no verbal or written agreement for someone to stay for a specified amount of time. Under these circumstances, once someone refuses your request to leave, it becomes an illegal trespass. As a matter of process, however, if someone has established a hasty encampment, they will be given a reasonable amount of time to vacate before our officers cite or arrest. A reasonable amount of time can range from a few hours to a couple of days, depending on the persons' ability and opportunity to relocate.

What happens to the items left behind once an encampment has been vacated?

Property that has been clearly abandoned can be discarded. Items left in an area that has not been fully vacated should be considered personal property. An effort should be made to notify the owner of the personal property that it will be kept no longer than 18 days, after which it can be disposed of so long as the value is less than \$300. Personal property that would be unsafe or hazardous to store may be discarded immediately.

Is it unlawful to camp in public areas?

In 2014 the City of Sonora passed an ordinance prohibiting camping on public property, but court rulings have since held that to enforce no-camping ordinances, cities must be able to identify that there is an available place to sleep before issuing citations or taking other action such as arresting individuals on public property. It is problematic to have violators move off of public property when we can't cite them.

Case law also requires cities and counties to give transients due process to remove their property. That includes posting notification requiring the removal of the property and giving them time to remove it. If the police have to remove the property, they are bound by found property laws, requiring officers to collect, inventory, and hold the property securely for the owner's retrieval within 90 days.

However, when someone is camping on private property, the owner or agent needs to decide to have unwanted campers trespassed and removed. Property owners would be responsible for covering the costs of cleanup.

Is panhandling illegal?

Several court cases in California have determined that panhandling is a free speech right protected by the first amendment. As a result, ordinances against general panhandling in many cities have been struck down, and cities can be held financially liable for damages.

The Sonora City Council has passed an ordinance outlawing Aggressive Solicitation, which focuses on conduct rather than the person's status and requires that we show a reasonable relationship between the prohibition and the behavior being regulated. Passively displaying a sign is not unlawful. More about Sonora's Aggressive Solicitation ordinance (Municipal Code 9.54) can be found online.



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FAQ ABOUT LAWS AND HOMELESSNESS (CONTINUED)

What are the consequences for drug use or committing theft and vandalism?

State legislation and federal court rulings, especially AB 109 (Public Safety Realignment Act of 2011) and Propositions 47 (Safe Neighborhoods and Schools Act/Criminal Sentencing) and Proposition 57 (Californians for Public Safety and Rehabilitation/ Non-Violent Felonies), have drastically changed the way those committing low-level crimes are dealt with in California. Although these legislative changes were promoted as public safety measures, often, people are being released into communities without rehabilitation, employment, or meaningful parole supervision. Because legislation also pushes the responsibility for incarceration down to the county facilities, our jails, which are already at capacity, have all but ceased accepting or holding individuals in custody for misdemeanor nuisance crimes such as theft, vandalism, and drug possession.

Do we need more Police Officers?

We can always benefit from more police officers, and there is no doubt issues surrounding homelessness have a significant impact on policing resources. However, we cannot arrest ourselves out of the situation, and it will take a community effort to identify sustainable solutions.

Why is there so much homelessness in our area?

There is a number of factors contributing to the homelessness epidemic as a whole; AB 109 and Prop 47 have exasperated the problem by removing consequences for "low level" crimes. The limited availability of mental health services, drug treatment programs, and affordable housing significantly contributes to homelessness. Additionally, the outreach and support services offered in Sonora and the surrounding community attract unsheltered individuals to the area.