

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY



NO
SAFE
PLACE

The Criminalization of Homelessness in U.S. Cities

Panelists

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A Lack of Affordable Housing Causes Homelessness

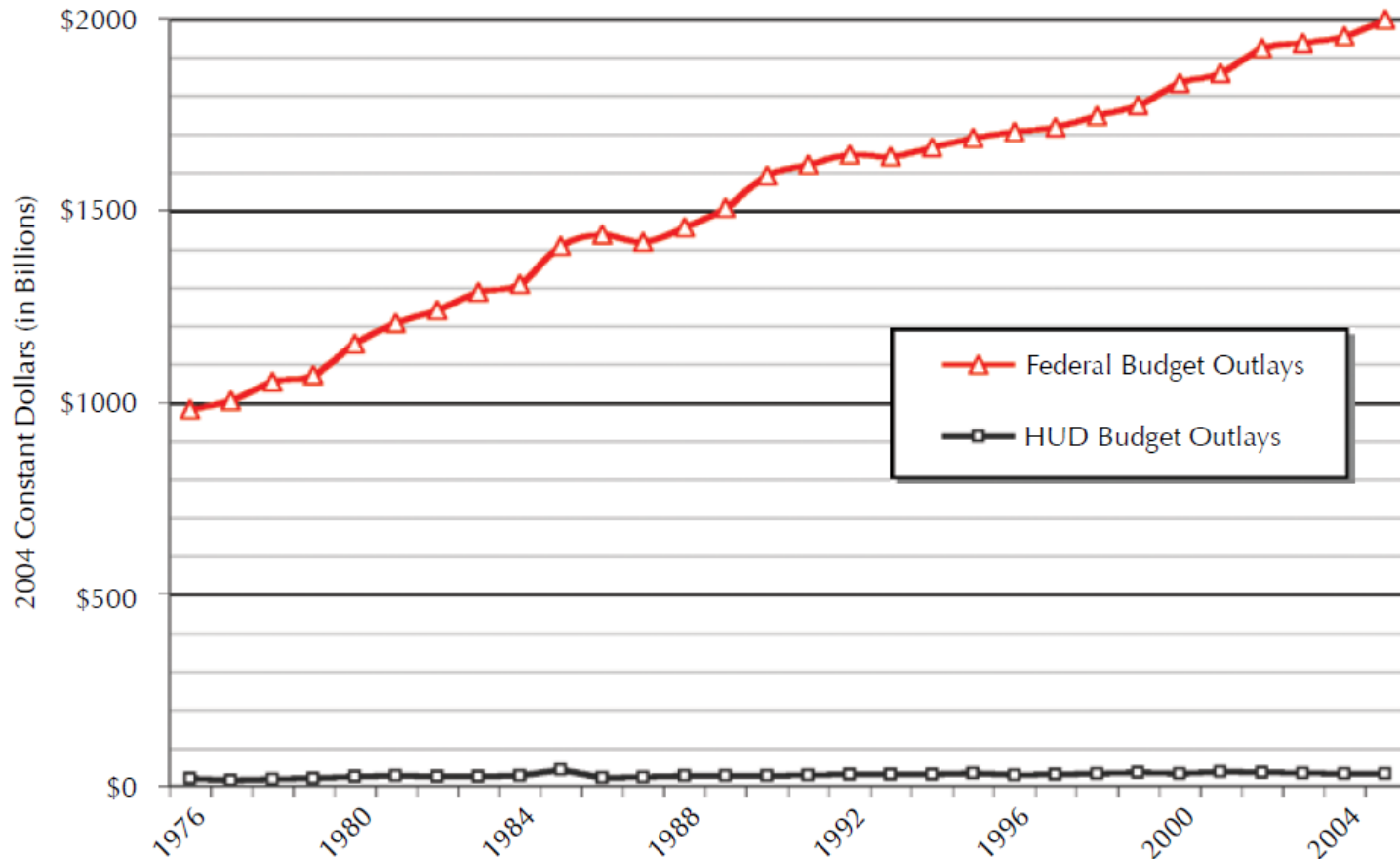
- Affordable housing crisis
- Shrinking federal housing subsidies
- Increased competition for rental housing
- Rising rental costs
- Rise in family homelessness
- Impact on homeless children



Federal Commitment to Affordable Housing

Source: Western Regional Advocacy Program, "Without Housing: Decades of Federal Housing Cutbacks..."

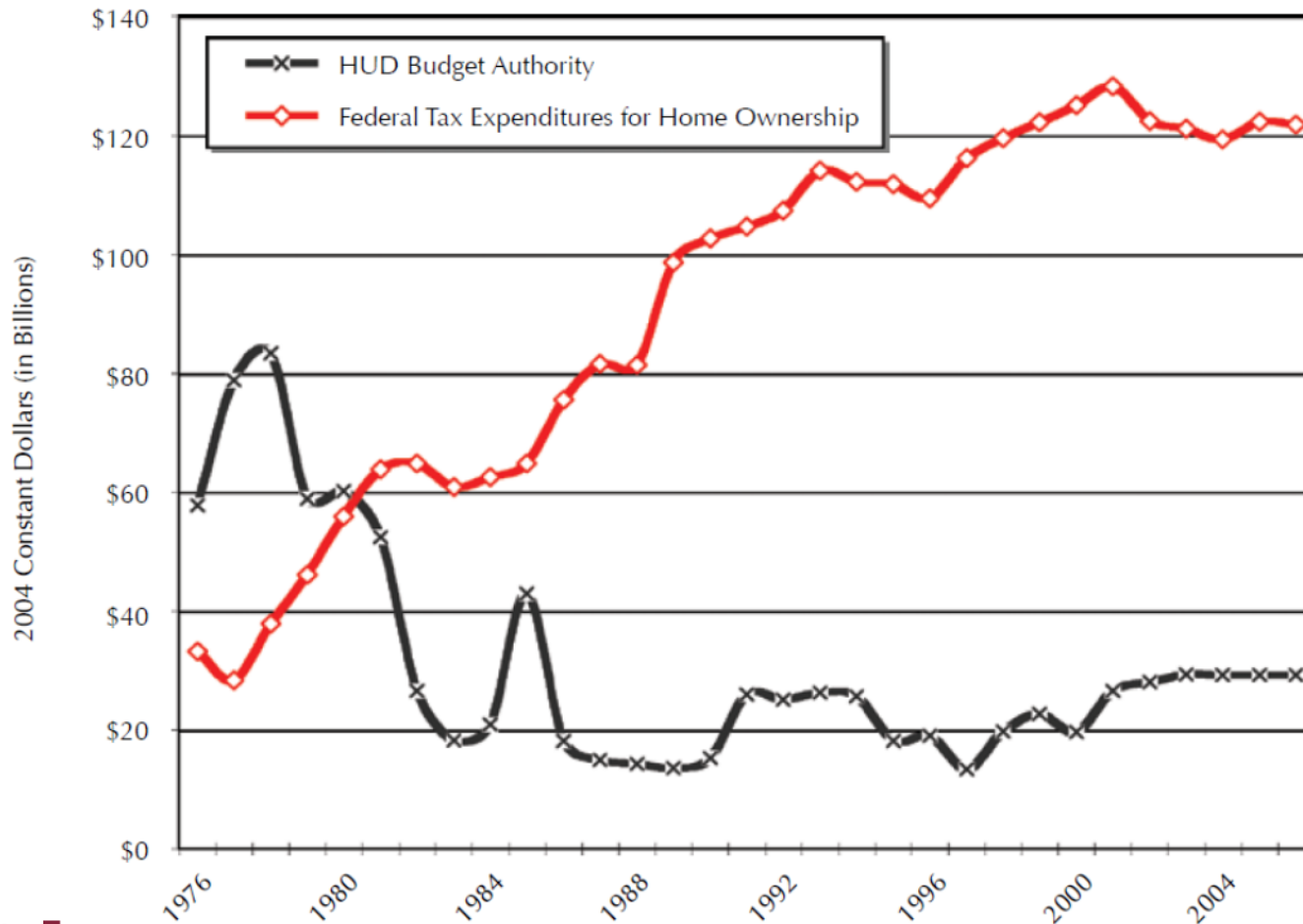
Comparison of Total Federal Outlays and HUD Outlays



Where Does Federal Housing Assistance Go?

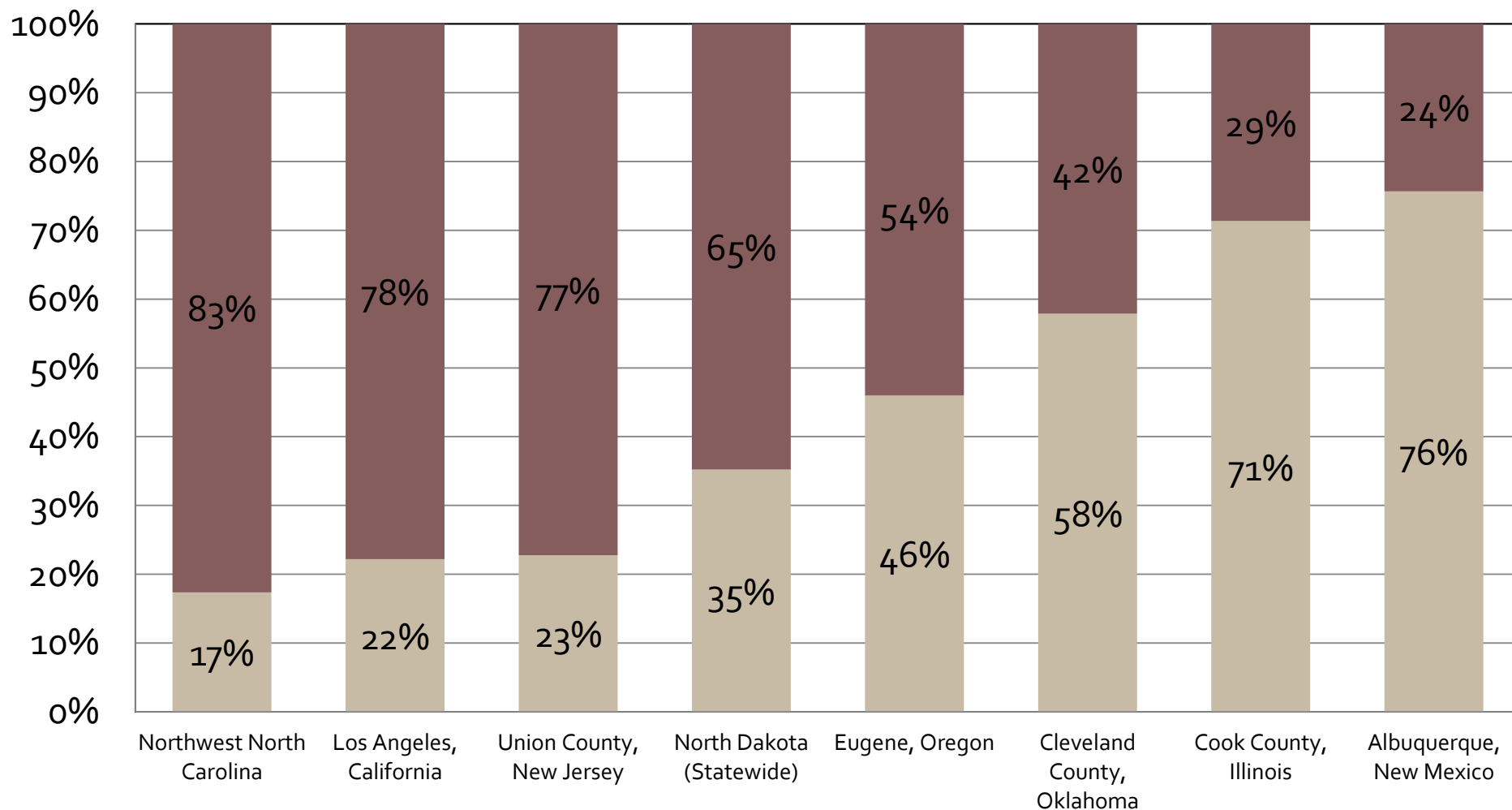
Source: Western Regional Advocacy Program, "Without Housing: Decades of Federal Housing Cutbacks..."

Comparison of Federal Tax Expenditures on Home Ownership and HUD Budget Authority



Percent of Homeless Population With and Without Available Shelter Beds

- Unmet Need: Homeless People without a Shelter Bed
- Homeless People with a Shelter Bed



Raymond West, Certified Care for the Homeless Client Advocate

- I advocate for myself and other people experiencing or at risk of homelessness
- I want to briefly tell my story, connect it to a policy issue, and advocate about it
- My story:
 - I became homeless as a teenager
 - I “earned” my problems in life, and I “own” them
 - Became addicted to drugs and lost a good part of my youth to it
 - Thrown out of my home after repeatedly taking things from home to buy drugs
 - Lucky enough to find great programs, obtain services, get nice apartment



Raymond West, Certified Care for the Homeless Client Advocate

- Homeless for several years in New Jersey, North Carolina, New York
- I've seen & experienced "criminalization" of homelessness in two ways
 - Laws or policies to disadvantage homeless people, for example laws prohibiting providing food out of religious conviction to poor/hungry people
 - Targeting enforcement of laws only to people who appear homeless



Laws Against Religious Teachings to “Feed the Hungry”

- Religious groups/individuals often aid homeless people based on their religious beliefs
- I was homeless, living in card board “camp” under bridge in N.C.: I would have gone hungry without that heroic religious service to “feed the hungry”
- NYC, police harassed/threatened Christian woman for feeding homeless people
- Despite her courage and commitment, eventually threats of arrest ended her service and our meals

Enforcing Laws Against Homeless People But Not Others

- **I've seen unequal enforcement often; walking past better dressed people doing the same thing to arrest a person perceived as being homeless**
- **And it's happened to me:** I was with another person and we were both "swiped on to the MTA subway together
 - Based solely on dress and appearance I was arrested and he wasn't bothered
 - And to prove the point – I want to tell you who he was

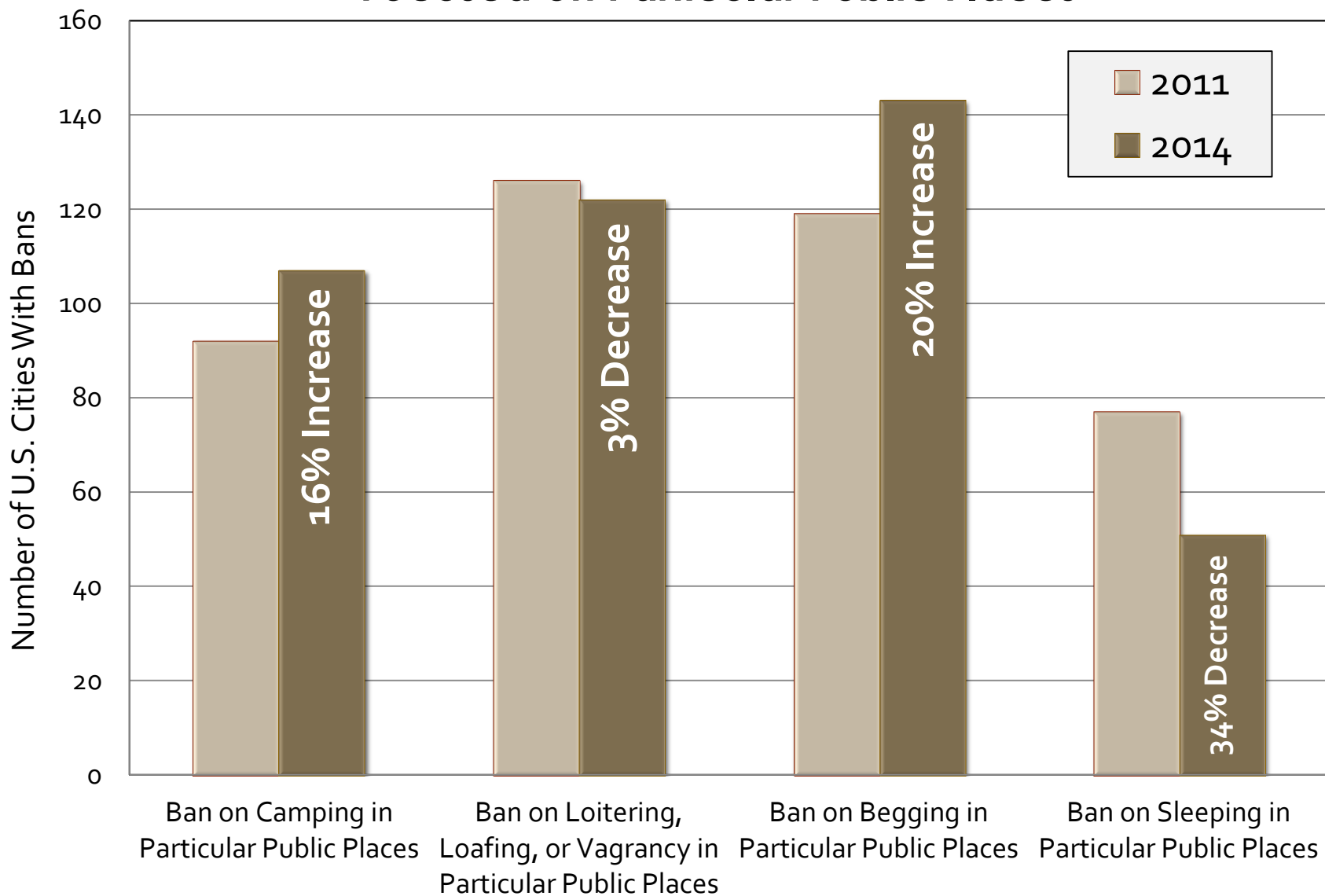
Many Cities Make it Illegal to be Homeless

- **Laws prohibiting “camping” in public:**
 - 34% of cities impose city-wide bans on camping in public.
 - 57% of cities prohibit camping in particular public places.
- **Laws prohibiting sleeping in public:**
 - 18% of cities impose city-wide bans on sleeping in public.
 - 27% of cities prohibit sleeping in particular public places, such as in public parks.
- **Laws prohibiting begging in public:**
 - 24% of cities impose city-wide bans on begging in public.
 - 76% of cities prohibit begging in particular public places.

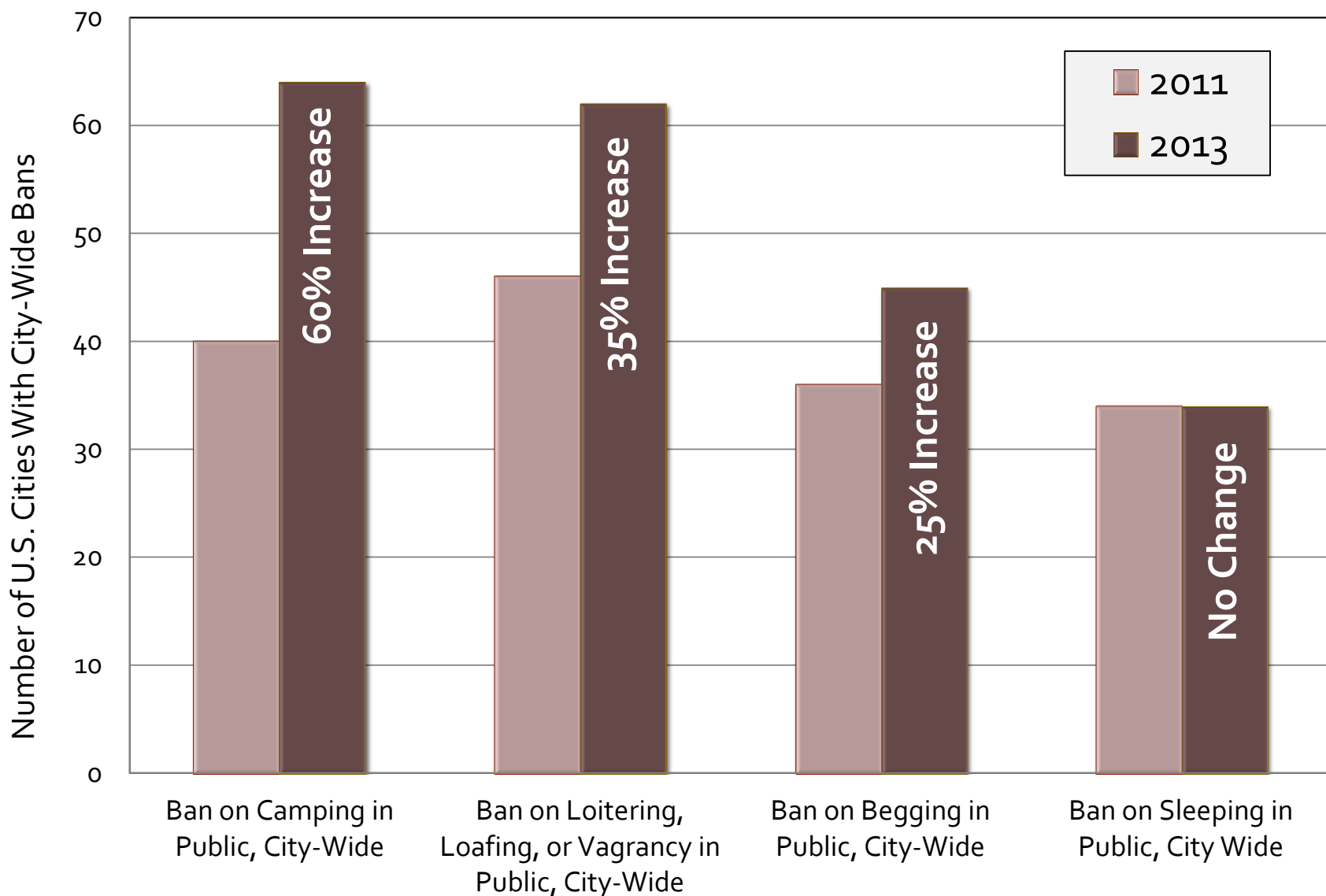
Many Cities Make it Illegal to be Homeless

- **Laws prohibiting loitering, loafing, and vagrancy:**
 - 33% of cities make it illegal to loiter in public throughout an entire city.
 - 65% of cities prohibit the activity in particular public places.
- **Laws prohibiting sitting or lying down in public:**
 - 53% of cities prohibit sitting or lying down in particular public places.
- **Laws prohibiting sleeping in vehicles:**
 - 43% of cities prohibit sleeping in vehicles.
- **Laws prohibiting food sharing:**
 - 9% of cities prohibit sharing food with homeless people.

Changes in Number of Cities with Bans Focused on Particular Public Places



Trends Show Overall Increase in City-Wide Bans



Living in Vehicles



- 119% increase in laws prohibiting living in vehicles
- Examples:
 - El Cajon, CA
 - Las Vegas, NV
- *Desertrain v. City of Los Angeles*, No. 11-56957, 2014 WL 2766541 (9th Cir. June 19, 2014)
- Loss of belongings

Food Sharing

- 9% of cities prohibit sharing food with homeless people
- Need for food services
- Expands liability to homeless service providers and volunteers
- **Example:**
 - Dallas, TX
- *Big Hart Ministries v. City of Dallas*, 2011 WL 5346109 (N.D. Tex. Nov. 4, 2011)

NO SHARING ALLOWED



17 of the cities surveyed have ordinances that **restrict individuals & private organizations** from sharing food with homeless people

Other Enforcement

- Jaywalking
- Littering
- Turnstile jumping/swiping
- Trespass
- Sweeps
- Bad odor



The screenshot shows a web browser displaying a news article. The browser's address bar shows the URL: www.nydailynews.com/news/national/wash-city-stinking-crime-article-1.1943558. The page header features the 'DAILY NEWS' logo and navigation links for 'NEW YORK', 'NEWS', 'POLITICS', 'SPORTS', and 'ENTERTAINMENT'. Below the header, there are sub-navigation links for 'U.S.', 'WORLD', 'CRIME', 'THE WEEK', 'NEWS PICS', and 'BLOGS'. A promotional banner for 'Georgetown Master's in Nursing' is visible. The main article title is 'Washington city makes body odor a crime', with a sub-headline: 'Burien passes law making smelling bad illegal. Stinking added to forbidden list including cursing and wearing skimpy clothes.' The author is listed as 'BY DEBORAH HASTINGS' and the date is 'Wednesday, September 17, 2014, 8:30 PM'. Below the article text, there are social media sharing buttons for Facebook (41 shares), Twitter (3 tweets), and Reddit, along with a 'SHARE THIS URL' field containing 'nydn.us/1r2cGni' and a 'COPY' button. The bottom of the screenshot shows a partial image of a shirtless man's torso.

Criminalization Laws are Expensive

- Temporarily cycles people through costly criminal justice system
- Providing housing is far more cost effective
- **Examples:**
 - Utah
 - Albuquerque, NM
- Exposes cities to expensive litigation

Reducing Costs with Housing First		
	One Year <u>Before</u> Housing First Program Cost	One Year <u>After</u> Housing First Program Cost
Hospital Inpatient	\$946,874.22	\$153,003.48
Emergency Room	\$208,439.74	\$181,272.62
Medical Outpatient	\$524,568.17	\$319,711.58
Mental Health Inpatient	\$21,732.62	\$54,089.00
Mental Health Outpatient	\$47,391.66	\$31,790.87
Shelter	\$117,948.92	\$0.00
Social Services Costs	\$27,272.36	\$155,264.74
Jail	\$51,540.30	\$18,448.89
Jail-Based Treatment	\$3,844.79	\$4,133.67
Housing First Program Housing Costs	\$0.00	\$309,706.37
Housing First Program Services Costs	\$0.00	\$106,473.07
Total	\$1,949,814.78	\$1,333,894.29
Annual Savings with Housing First Program		\$615,920.49

Costs of Criminalization in Central Florida

- The Cost of Long-Term Homelessness in Central Florida (2014), a report by Rethink Homelessness found:
 - **Osceola County** spent **\$6,417,905** over 10 years to arrest and jail 37 individuals (1,250 arrests).
 - **Orange County** spent **\$3,509,088** over 10 years to arrest and jail 37 individuals (1,320 arrests).
 - **Seminole County** spent **\$1,712,246** over 10 years to arrest and jail 37 individuals (520 arrests).
 - Average annual cost to be homeless (including jail and hospitalizations) was \$31,065 per person per year.
 - Providing permanent supportive housing for individuals cost an average of \$10,051 per person per year, an annual cost savings of \$21,014 per person, or a reduction of 68% per person, per year.

Criminalization Laws Do Not Work



- Collateral consequences of criminalization
 - Criminal records
 - Loss of photo identification and other needed belongings
 - Employment
 - Housing
 - Public Benefits
- Access to justice

Criminalization makes things worse

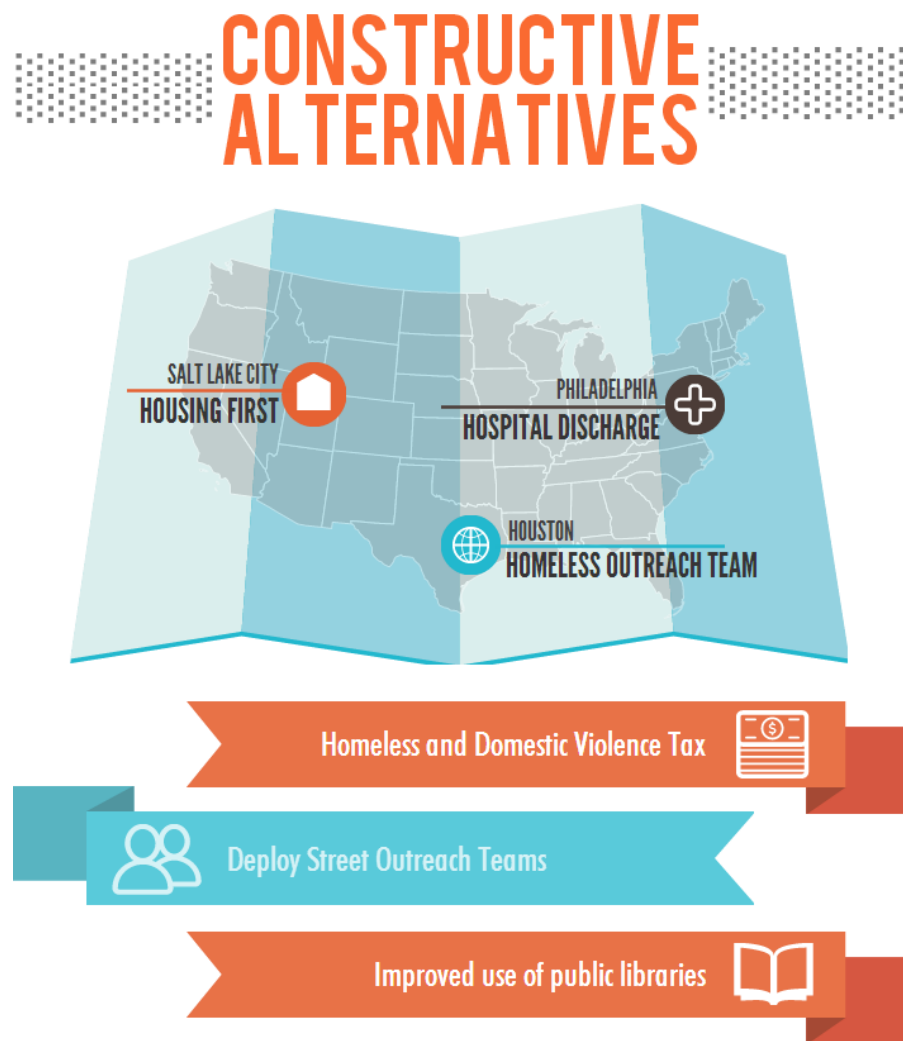
- Costs to communities take away resources that could be spent ending homelessness
- Costs to individuals creates further barriers to exiting homelessness
- Creates illusion of “doing something” but “homelessness unsolvable”

NEWYORK EXPERIENCE

- According to NYC's Independent Budget Office, annualized cost for jail is \$170,000 per year, about three times the cost of sending someone to Harvard
- Differential Treatment – First-hand view
- Jerome Murdough Tragedy

Constructive Alternatives to Criminalization

- Devote more resources to affordable housing and needed services
 - National Housing Trust Fund
 - Miami-Dade County's Homeless and Domestic Violence Tax
- Improve efficient and effective service delivery
 - Housing First in Utah
 - 25 Cities Initiative
- Improve Police Training and Practices
 - Homeless Outreach Team in Houston, TX
- Improve Transition Planning from Jails and Hospitals
 - Respite care in Philadelphia, PA



There is More to be Done

- Federal responsibility to combat the criminalization of homelessness
 - *Recommendations to U.S. Dept. of Housing & Urban Development:*
 - Ensure fewer McKinney-Vento dollars go to communities that criminalize homelessness
 - Take additional steps to ensure that criminal convictions do not prevent access to housing benefits
 - *Recommendations to U.S. Department of Justice:*
 - Ensure community policing grants are not funding criminalization practices
 - Investigate police departments for civil rights violations of homeless people
 - *Recommendations to Federal Housing Finance Administration:*
 - Immediately fund the National Housing Trust Fund

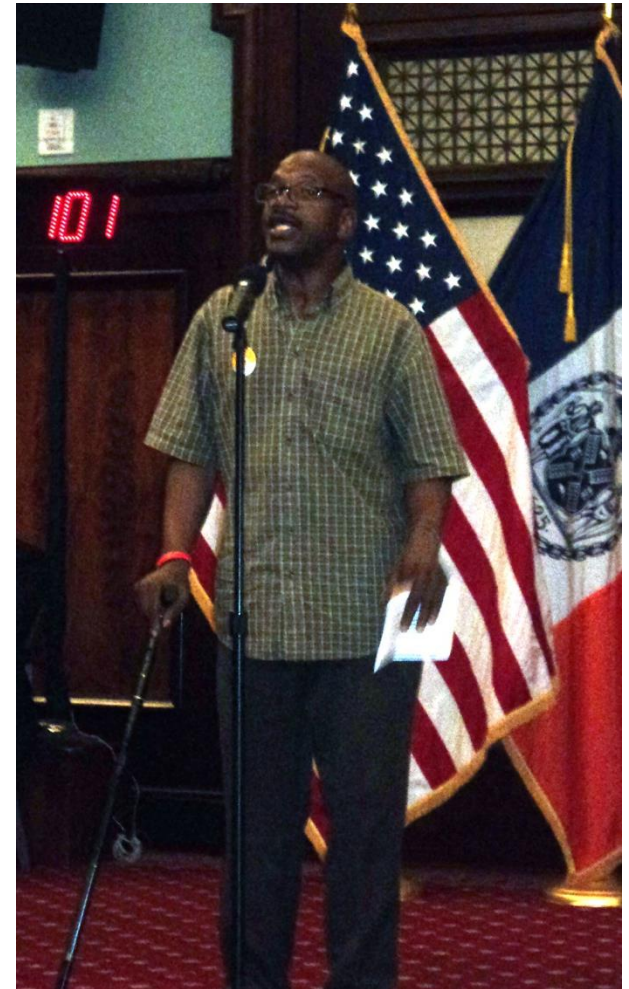
Recommendations to State and Local Governments

- State governments should enact and enforce Homeless Bill of Rights legislation that prohibits the criminalization of homelessness
 - Example:
 - California
- Local governments should:
 - Immediately cease enforcement of existing criminalization laws
 - Repeal existing criminalization laws
 - Stop enacting criminalization laws
- Local governments should pursue constructive alternatives to criminalization

Anthony Williams, Certified Care for the Homeless Client Advocate

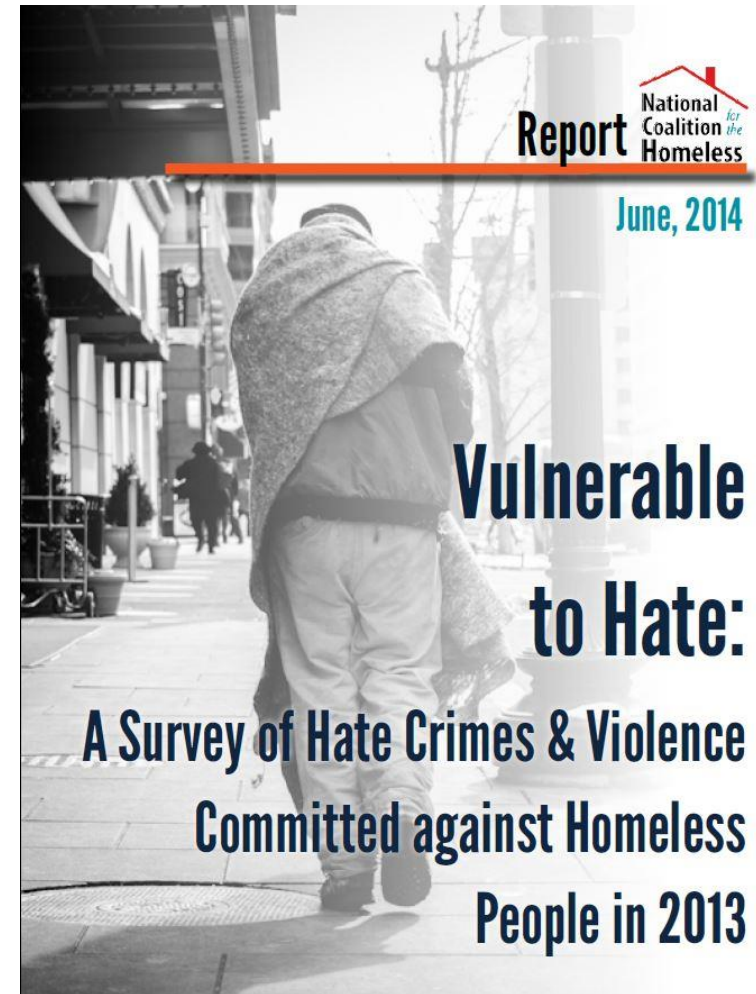
My story: I'm an expert on stigmatization

- Grew up poor and black in Alabama in the 1960s
- Involved in a felony crime at 15 - Sentenced to life – incarcerated 13 years
 - Story of court case and release - execution of low IQ co-defendant
- Moved to NYC to escape stigma of poverty, race, criminal record
- Few opportunities in NYC; “homeless” for a long time before I realized I was homeless
- And then, I was diagnosed with HIV
 - Imagine stigma: deep poverty, Southern racism, felony record and incarceration, homelessness and being HIV positive!



Stigmatizing and Criminalizing Homelessness

- Lengthy U.S. tradition of stigmatizing a group, then abusing/attacking them
 - We've done by race, ethnicity, religion, national origin, gender, sexual orientation...and more
- “*No Safe Place*” annual report: for 15 years, always more attacks/more brutal
 - Perpetrators are almost always the same: young, male *and poor*
 - Attacks are always caused by the same thing: stigma



Stigmatization is the Prelude to Criminalization

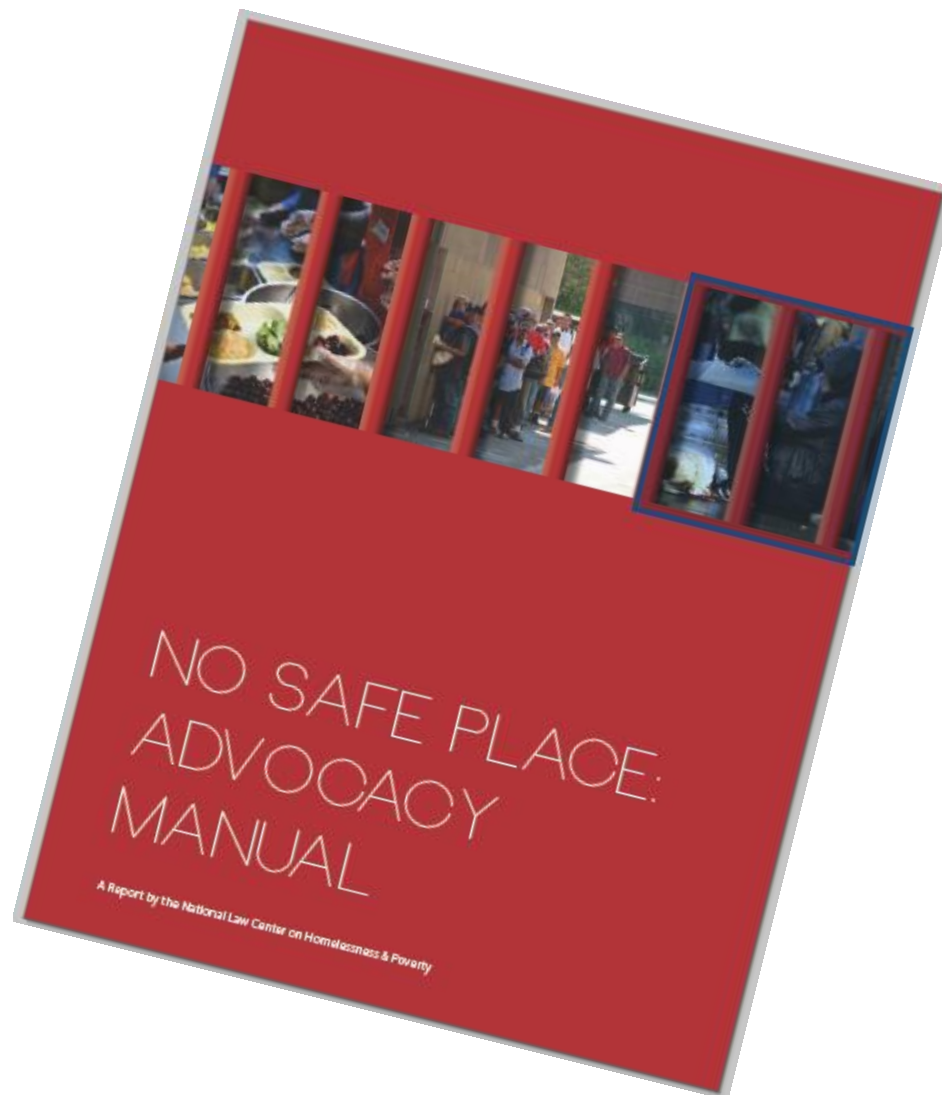
- **It's a Process, Stigmatize, Criminalize and Attack**
- **It can be laws aimed at poor or homeless people**
 - **Sleeping, vagrancy or public solicitation of money laws**
 - **Moving people along and taking their bags (all their possessions in the world)**
- **Or, status neutral laws enforced arbitrarily**
 - **NYC subway rules enforcement: Taking two seats or turnstile violations**

To fight discrimination, criminalization and senseless attacks We must talk about and deal with stigmatization of poor and homeless people

- When people in general public know or get to meet people who are or were homeless, their perceptions and attitudes change
- It's why it's so important for us to advocate for ourselves and tell our stories

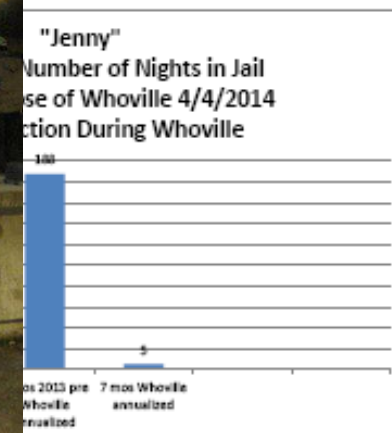
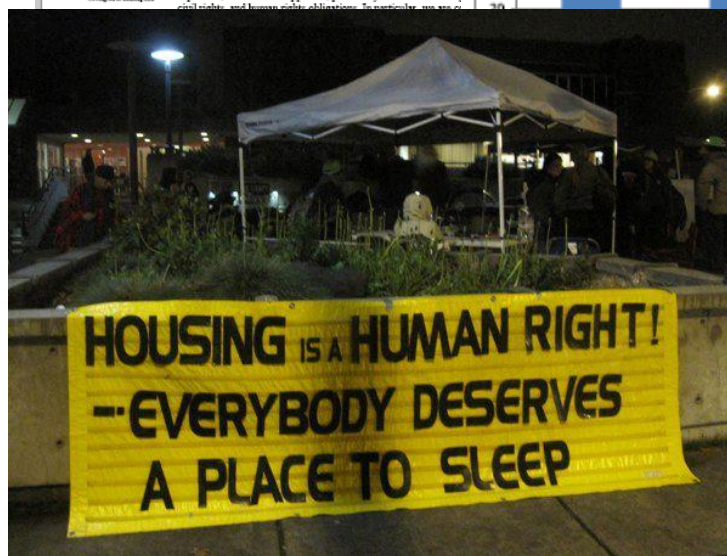
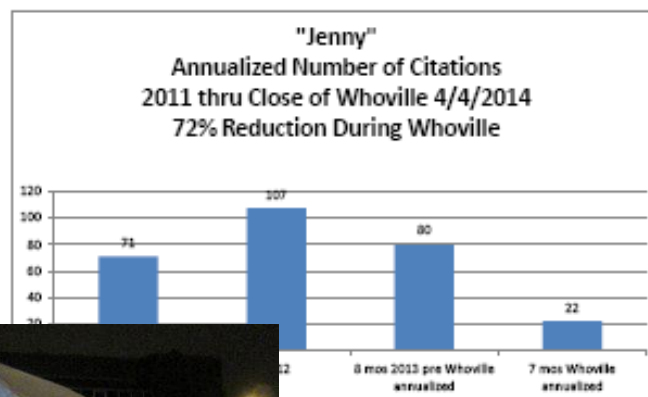
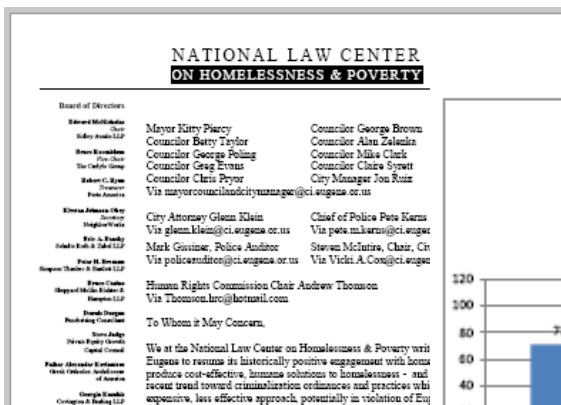
Countering Criminalization

- Policy Challenges
- Legal Challenges



Countering Criminalization - Policy

- Start early
- Dispel myths
- Show costs
- Provide a better way
- Organize!



Countering Criminalization - Legal

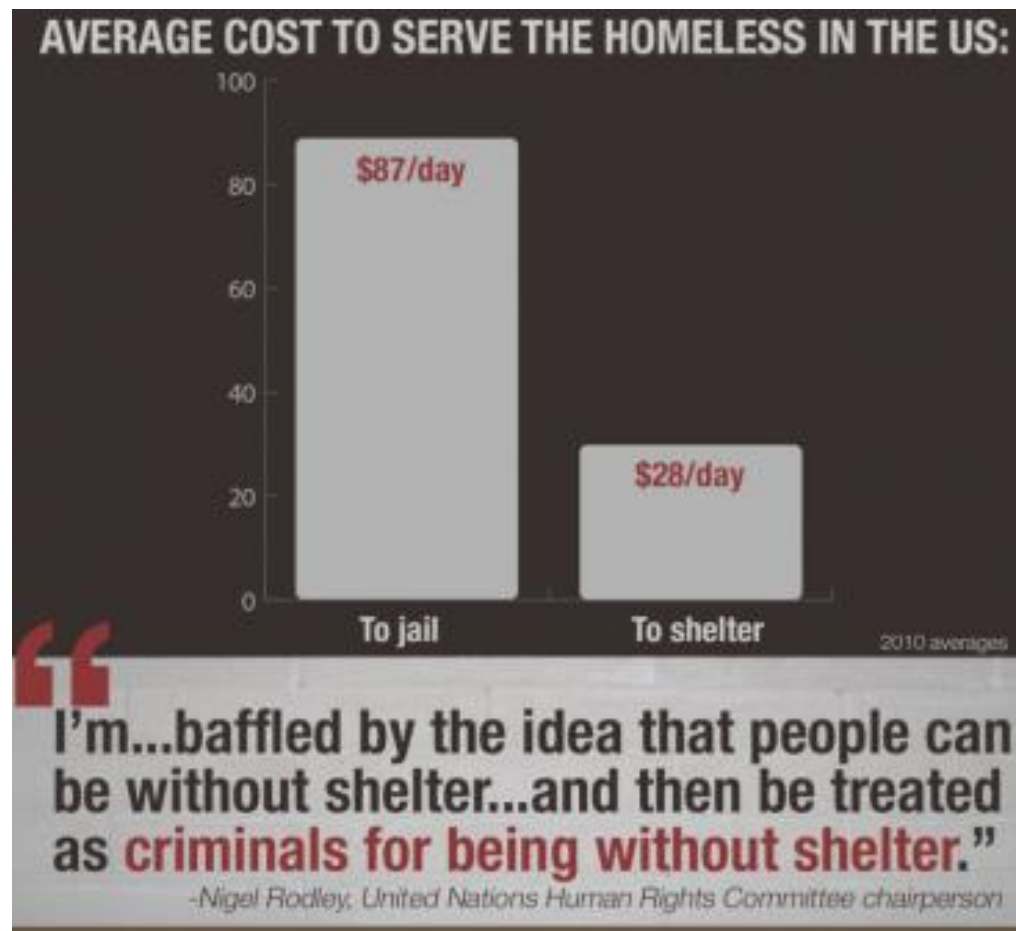
Since 2011 favorable results were obtained in:

- 100% of cases challenging laws restricting food sharing
- 71% of cases challenging laws restricting camping and sleeping in public
- 66% of cases challenging laws restricting begging and solicitation



Countering Criminalization – Human Rights

- All three UN human rights bodies in 2014 critiqued criminalization in the U.S.
- “The Committee is concerned about reports of criminalization of people living on the street for everyday activities ...[and] notes that such criminalization raises concerns of discrimination and cruel, inhuman, or degrading treatment.” U.N. Human Rights Committee.



Countering Criminalization – Human Rights

The screenshot shows a web browser window displaying the USICH Blog. The address bar shows the URL: usich.gov/blog/3-reasons-to-address-homelessness-as-a-human-right. The page header includes the USICH logo, the text "United States Interagency Council on Homelessness", and the tagline "No one should experience homelessness. No one should be without a safe, stable place to call home." Navigation links include "Resources", "USICH Blog", "Opening Doors", "Partners", "Take Action", "Media Center", and "About USICH".

The main content area features a "USICH Blog" section with a "SHARE THIS PAGE" button. The featured article is dated "04/14/2014" and titled "3 Reasons to Address Homelessness as a Human Rights Issue" by Liz Osborn, USICH Management and Program Analyst. The article text reads: "Last week, I was honored to take part in a Department of Justice roundtable, focused on domestic violence, sexual assault, non-discrimination and human rights. I was there to address action steps for collaboration, drawing on USICH's experience working with the **National Law Center on Homelessness and Poverty** to **promote human rights as a framework to prevent and end homelessness**".

To the left of the article is a "Categories" list with the following items and counts: Department of Labor (11), Department of Health and Human Services (20), Department of Housing and Urban Development (35), Department of Veterans Affairs (24), Department of Agriculture (1), Department of Education (8), Department of Justice (6), Social Security Administration (1), Department of Commerce (1), Department of Defense (2), Department of Energy (1), Department of Homeland Security (1), and Department of Interior (1).

At the bottom of the browser window, a search bar contains the text "rodley" and options for "Highlight All" and "Match Case".



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NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Questions?

No Safe Place:

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available at nlchp.org/reports