Law Enforcement & Homelessness: Forging Fruitful Partnerships

April 12, 2018
D. Michael Durham, MTS
Jeff Yungman, JD, MSW, MPH
Eric Tars, JD
Who we are

• Michael Durham
  NHCHC
  Nashville

• Eric Tars
  NLCHP
  Philadelphia

• Jeff Yungman
  One80 Place
  Charleston
Who are you?

• Poll:
  • Law enforcement
  • Health Care for the Homeless employee
  • Direct-service provider for people living homeless
  • Advocate
  • Consumer, someone with lived experience
  • Public official
  • Other:
Why this webinar?

• Police and people experiencing homelessness often interact.
• Homelessness is criminalized across the country.
• There’s increasing demand in NHCHC Technical Assistance work.
• Encampments are proliferating nationwide, as is homelessness in general.
• Communities are tackling this issue in noteworthy ways, so we should learn from them.
Goals of this webinar

• Provide an overview of homelessness nationwide and its drivers, with a focus on the rise of encampments.
• Highlight a South Carolina community doing exemplary work, with insight from a former police officer
• Survey models of police-provider collaboration across the country
• Offer general recommendations for your own communities and opportunities to learn more
Homelessness in the USA

- How many? Depends on whom you ask
  - HUD Count: 553,742 in 2017
    - Increase from 549,928 in 2016; first increase since 2010
  - HRSA Health Centers: 1,262,961 in 2016
  - Other estimates: up to 3.5 million

Source: 2017 AHAR
Racial composition

For comparison:
26% of people in extreme poverty are Black
13% of the general population is Black

SPARC Phase 1 Findings: Center for Social Innovation, 2018

Source: 2016 Uniform Data System Analysis
Health disparities

TWO IMPORTANT FACTS

People who are homeless have higher rates of chronic disease and live on average 12 years less than the general US population (66.5 vs. 78.8 years)*

Prevalence of Specific Health Conditions among the Homeless Population in Comparison to the General US Population*

<table>
<thead>
<tr>
<th>Condition</th>
<th>Homeless</th>
<th>General US</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diabetes</td>
<td>18%</td>
<td>9.3%</td>
</tr>
<tr>
<td>Hypertension</td>
<td>50%</td>
<td>29%</td>
</tr>
<tr>
<td>Heart attack</td>
<td>35%</td>
<td>17%</td>
</tr>
<tr>
<td>HIV</td>
<td>20%</td>
<td>0.6%</td>
</tr>
<tr>
<td>Hepatitis C</td>
<td>36%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Depression</td>
<td>49%</td>
<td>8%</td>
</tr>
<tr>
<td>Substance use disorders</td>
<td>58%</td>
<td>16%</td>
</tr>
</tbody>
</table>
The nexus of homelessness and health

- Homelessness complicates treatment and recovery
- Health problems cause homelessness
- Homelessness causes health problems

Connection between Homelessness and Health

Housing Not Handcuffs
National Law Center on Homelessness & Poverty
Shelter arrangements

By Household Type and Sheltered Status, 2017

Source: 2017 AHAR

HCH Patient Shelter Arrangements

- 30% Shelters
- 29% Transitional Housing
- 12% Street
- 12% Doubled up
- 9% Other
- 8% Unsheltered

Source: 2016 UDS analysis

HOUSING NOT HANDCUFFS

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY
Encampments
Encampments are growing rapidly

The number of homeless encampments reported by the media has increased by 1,342% in the last ten years. However, two-thirds of this growth came after the Recession of 2007-2012 was declared over.
Encampments Are Growing Bigger
Encampments are becoming semi-permanent
Encampments are under threat

3/4 of homeless encampments reported by media are not legally sanctioned and are under constant threat of eviction

Housing Not Handcuffs

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY
Cities are responding...

Many Cities are Failing to Protect Encampment Residents

97% of cities do not require alternative housing be provided when an encampment is cleared

89% of cities don't require storage of personal property collected during sweeps

89% of cities don't require any notice period before clearing encampments

nlchp.org

HousIng not handcuffs

National Law Center on Homelessness & Poverty

National Health Care for the Homeless Council
...but many with criminalization
...prohibiting camping in public

33% of surveyed cities prohibit camping in public city-wide

50% of surveyed cities prohibit camping in particular public places

nlchp.org

HOUSING NOT HANDCUFFS

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY
...and other forms of criminalization.
Criminalization harms individuals and communities...

Photo credit: Ben Burgess//Street Sense Media
...but does not reduce the number of people on the streets.
Living in encampments is not by choice of individuals...

“\text{I learned from other homeless people that the shelters were usually full... Going and seeking out shelter would have meant losing many of my things... I’d be risking a lot of my property just to try to get a shelter space for one night. Plus, with my cancer diagnosis... It was cleaner on the street than it was in any of those shelters.}

\text{Rather than sacrificing my health and my dignity, I focused on moving on and making do with what was stable: a tent.}”

-Tammy Kohr, formerly homeless in Houston, TX
...but because of our collective choices.
But some are choosing a better way
Encampment Principles & Practices

<table>
<thead>
<tr>
<th>Principle 1: All people need safe, accessible, legal places to be, both as night and during the day, and a place to keep their belongings until permanent housing is found.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Develop community protocols for housing and services, and create a service-provider functional task force to support services and housing afforded for all community members. Ensure encampments are not a permanent feature of the community.</td>
</tr>
<tr>
<td>2. Expand or stop enforcing counterproductive municipal ordinances and state laws that criminalize sleeping, camping, and storage of belongings.</td>
</tr>
<tr>
<td>3. Provide safe, accessible, and legal places to sleep and store belongings, both day and night. Provide clear guidelines on how to access these locations.</td>
</tr>
<tr>
<td>4. Create safe storage facilities for personal belongings: encourage the use of storage facilities to store belongings or on a short-term basis.</td>
</tr>
<tr>
<td>5. Offer services that are sensitive and appropriate with respect to race, ethnicity, culture, disability, gender identity, and other characteristics, and use a trauma-informed approach.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principle 2: Delivery of services must respect the preferences of people living in encampments. Homeless people are the experts of their own condition.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Be guided by frequent and meaningful consultation with the people living in encampments. Ensure people are the experts of their own condition.</td>
</tr>
<tr>
<td>2. Make sure that no one is excluded from services.</td>
</tr>
<tr>
<td>3. Offer services in a way that is sensitive and appropriate with regard to race, ethnicity, culture, disability, gender identity, and other characteristics, and use a trauma-informed approach.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Principle 3: Encampments are not a solution or a substitute for permanent housing programs that protect individuals.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Create clear procedures for ending homelessness for people living in encampments.</td>
</tr>
<tr>
<td>2. Make a commitment to serve all residents who need and want assistance with the transition.</td>
</tr>
<tr>
<td>3. If there are pilot projects or required interventions of financial assistance, ensure that residents are given clear legal relief to go and assist them with the transition.</td>
</tr>
<tr>
<td>4. Provide sufficient notice to residents and healthcare/social service workers to be in alternative housing needs and need them (recommended minimum 30 days, but longer if needed).</td>
</tr>
<tr>
<td>5. Assist with moving and arrange to support residents to retain their possessions as they transition either to housing, shelter, or alternative encampments.</td>
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</table>

Beyond these specific recommendations, in order to create the long-term housing solutions communities need to permanently and encampments, we also encourage individuals and organizations to look at the model policies of the Housing Not Handcuffs Campaign; housingnothandcuffs.org.
Encampment Principles & Practices

Principle 1: All people need safe, accessible, legal place to be, both at night and during the day, and a place to securely store belongings—until permanent housing is found.

1. Determine the community’s full need for housing and services, and then create a binding plan to ensure full access to supportive services and housing affordable for all community members so encampments are not a permanent feature of the community.

2. Repeal or stop enforcing counterproductive municipal ordinances and state laws that criminalize sleeping, camping, and storage of belongings.

3. Provide safe, accessible, and legal places to sleep and shelter, both day and night. Provide clear guidance on how to access these locations.

4. Create storage facilities for persons experiencing homelessness, ensuring they are accessible—close to other services and transportation, do not require ID, and open beyond business hours.
## Encampment Principles & Practices

| Principle 2: Delivery of services must respect the experience, human dignity, and human rights of those receiving them. | 1. Be guided by frequent and meaningful consultation with the people living in encampments. Homeless people are the experts of their own condition.  
2. Respect autonomy and self-governance for encampment residents.  
3. Offer services in a way that is sensitive and appropriate with regard to race, ethnicity, culture, disability, gender identity; sexual orientation, and other characteristics. Use a trauma-informed approach. |
| --- | --- |

**Housing Not Handcuffs**

**National Law Center on Homelessness & Poverty**
## Encampment Principles & Practices

<table>
<thead>
<tr>
<th>Principle 3: Any move or removal of an encampment must follow clear procedures that protect residents.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Create clear procedures for ending homelessness for people living in pre-existing encampments, including:</strong></td>
</tr>
<tr>
<td>1. Make a commitment that encampments will not be removed unless all residents are first consulted and provided access to adequate alternative housing or—in emergency situations—another adequate place to stay.</td>
</tr>
<tr>
<td>2. If there are pilot periods or required rotations of sanctioned encampments, ensure that residents have a clear legal place to go and assistance with the transition. Pilot periods or requiring rotation of legal encampments/parking areas on a periodic basis (e.g., annually or semi-annually) can help reduce local “not-in-my-back-yard” opposition, but shorter time periods hinder success.</td>
</tr>
<tr>
<td>3. Provide sufficient notice to residents and healthcare/social service workers to be able to determine housing needs and meet them (recommended minimum 30 days, but longer if needed).</td>
</tr>
<tr>
<td>4. Assist with moving and storage to enable residents to retain their possessions as they transfer either to housing, shelter, or alternative encampments.</td>
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Encampment Principles & Practices

Principle 4: Where new temporary legalized encampments are used as part of a continuum of shelter and housing, ensure it is as close to possible to fully adequate housing.

1. Establish clear end dates by which point adequate low-barrier housing or appropriate shelter will be available for all living in the legal encampments.

2. Provide access to water, personal hygiene (including bathrooms with hand washing capability), sanitation, and cooking services or access to SNAPS hot meals benefits, to protect public health.

3. Provide easy access to convenient 24-hour transportation, particularly if services are not co-located.

4. Statutes and ordinances facilitating partnerships with local businesses, religious organizations, or non-profits to sponsor, support or host encampments or safe overnight parking lots for persons living in their vehicles can help engage new resources and improve the success of encampments.

5. Do not require other unsheltered people experiencing homelessness to reside in the encampments if the facilities do not meet their needs.
Encampment Principles & Practices

Principle 5: Adequate alternative housing must be a decent alternative.

1. Ensure that emergency shelters are low-barrier, temporary respites for a few nights while homeless individuals are matched with appropriate permanent housing; they are not long-term alternatives to affordable housing and not appropriate in the short term for everyone. Low barrier includes the “3 P’s”—pets, possessions, and partners, as well as accessible to persons with disabilities or substance abuse problems.

2. Adequate housing must be:
   a. Safe, stable, and secure: a safe and private place to sleep and store belongings without fear of harassment or unplanned eviction;
   b. Habitable: with services (electricity, hygiene, sanitation), protection from the elements and environmental hazards, and not overcrowded;
   c. Affordable: housing costs should not force people to choose between paying rent and paying for other basic needs (food, health, etc.);
   d. Accessible: physically (appropriate for residents' physical and mental disabilities, close to/transport to services and other opportunities) and practically (no discriminatory barriers, no compelling participation in or subjection to religion).
Encampment Principles & Practices

Principle 6: Law enforcement should serve and protect all members of the community.

1. Law and policies criminalizing homelessness, including those criminalizing public sleeping, camping, sheltering, storing belongings, sitting, lying, vehicle dwelling, and panhandling should be repealed or stop being enforced.

2. Law enforcement should serve and protect encampment residents at their request.

3. Law enforcement officers—including dispatchers, police, sheriffs, park rangers, and private business improvement district security—should receive crisis intervention training and ideally be paired with fully-trained multi-disciplinary social service teams when interacting with homeless populations.
NHCHC Encampment Statement Forthcoming

• Recommendations
  • As health care providers
  • partners with government
  • As advocates

• Check out our session at the NHCHC conference, May 16, 1pm
# Case studies

## Addressing Existing Encampments
- Charleston, SC
- Indianapolis, IN
- Charleston, WV
- Seattle, WA & San Francisco, CA

## Integrating Encampments
- Las Cruces, NM
- Washington State
- Vancouver, WA
- Other approaches
  - safe parking
  - tiny home hosting
How did we get here?

- History of modern homelessness
  - 1980s HUD cuts
  - Housing discrimination and segregation
  - De-institutionalization
  - Poverty
  - Mass incarceration

- Continuing drivers of homelessness
  - National housing deficit
  - Wage stagnation and unemployment
  - Structural racism
  - Health care access, inequity
  - Domestic/Interpersonal Violence
  - Continued housing discrimination
  - Opioid epidemic, addiction
  - Social isolation, “Network impoverishment”
  - LGBTQ+ discrimination
  - Adverse Childhood Experiences, trauma
Homelessness is not a personal characteristic. People without homes are not another genre of person.

Homelessness is a housing status.
Trauma & homelessness

- Most people without homes have experienced traumatic events
- Homelessness itself is traumatizing and re-traumatizing
- Trauma makes it harder to escape homelessness
- Effects of trauma:
  - Estrangement
  - Feelings of powerlessness
  - Change in “world view”
  - Fear, loss of sense of safety
  - Shame, guilt, and stigma

Source: Delivering Trauma-Informed Services (2010)

Half of people who have experienced homelessness were victims of violent attack while homeless

Trauma-informed care 101

- The goal of TIC is to avoid re-traumatization and exacerbation of trauma symptoms.
- “What happened to you?” versus “What’s wrong with you?”
- Core principles of a trauma-informed culture
  - Safety
  - Trustworthiness
  - Choice
  - Collaboration
  - Empowerment

Source: Delivering Trauma-Informed Services (2010)

See also: SAMHSA National Center for Trauma-Informed Care
Case study: Charleston, SC
One80 Place Homeless Justice Project

• A program of One80 Place, the homeless shelter on Meeting Street
• Begun in 2007 in partnership with CSOL, Charleston Pro Bono, and Nelson Mullins
• Staffed by two attorneys, one a former police officer, and a paralegal
• Provides free civil legal services to anyone in Charleston who is experiencing homelessness
Panhandling

• Cities target poor and homeless individuals by passing laws that prohibit panhandling
• First Amendment issue
• Courts have found begging to be protected by free speech — a form of communication
• Cannot target speech based on its content or form
Panhandling in Charleston

• October 2013, panhandling ordinance in Charleston challenged by the ACLU and the Homeless Justice Project as an unconstitutional violation of free speech
Panhandling in Charleston

• 1975 ordinance forbade a person from placing “himself in any public way or place to beg or receive alms for himself.”
• Police would regularly stop and ask pedestrians, “what did that person say?” then ticket the panhandler
• “Don’t Feed The Bums”
Panhandling in Charleston

• 2007, Charleston retooled the ordinance adding a requirement that “beggars” obtain a permit to solicit—few came forward to do so

• March 2014, new ordinance enacted allowing panhandling on city streets, but not “aggressive panhandling” or panhandling within 50 feet of an ATM
Public Reaction to Ordinance Change

• “Charleston intersections are overrun with panhandlers”
• The “image of the city” declined due to panhandlers being “unofficial greeters” to tourists
• Allowing panhandlers “contributes to a negative perception” of Charleston
• Pressure put on elected officials to re-enact 2007 ordinance
Public Reaction to Ordinance Change

• Facebook group, “Holy City Pan Handlers” formed to “expose the professional pan handlers that infiltrated our city on every street corner”

• Group members would videotape and harass people who were panhandling

• Launched “Operation-Bum Free Corners” designed to raid panhandling locations to push panhandlers out of Charleston
Reaction to Ordinance Change

• One80 Place – “It’s not our problem” – a missed opportunity to address reasons for homelessness

• Police department-mad4e sure panhandling was conducted in a safe and lawful manner or connect them to homeless support services

• City Council-succumbed to pressure and enacted new ordinance as a “public safety” issue
Reaction to Ordinance Change

• New ordinance prohibited anyone from passing items to or from the occupant of a vehicle on a roadway or traffic lane
• Maximum penalty of 30 days in jail and a fine of $1,092.00
• 30 day education campaign by police handing out explanation of ordinance rather than citations
• Soon to come – an unintended consequence to the new ordinance
Sleeping in Public

• When there is inadequate shelter space, people who are homeless have no alternative but to sleep in public spaces

• Arresting those who do so violates their Eighth Amendment right to be free from cruel and unusual punishment
Sleeping in Public

• City sweeps of areas where people live outside can violate Fourth Amendment right to be free from unreasonable search and seizure and due process rights (Boise/Department of Justice-2015)
Charleston’s “Tent City”

Post & Courier, 2016

Salvation Army: My Carolinas, 2016

Charleston City Paper, 2016
Charleston’s Tent City

• Unintended consequence of new panhandling ordinance—people who would panhandle to pay for a hotel room, now resorted to living in encampments
• September 2015, individuals began setting up tents in an area owned by the Department of Transportation
• By December 2015, up to 120 people were living in “Tent City”
Public Reaction to “Tent City”

• Opposite reaction to the panhandling issue
• Churches and other organizations began providing nightly meals
• Clothes, hygiene supplies, and additional tents dropped off by well meaning people almost daily
• Conflict between two competing philosophies – enablers vs. solvers
Reaction to “Tent City”

• Partnership between One80 Place, Lowcountry Homeless Coalition, the City of Charleston, and others created a plan to find services, shelter, and permanent housing for those in “Tent City”

• Strategy designed to resolve the situation humanely and in a way that benefits the city, neighborhood residents, and those living in “Tent City”

• Beginning February 2016 one encampment at a time was cleared out
Reaction to “Tent City”

• 120 people in Tent City at its peak.
• Out of those:
  • 22 went to One80 Place
  • 23 went directly to permanent supportive housing
  • 40 went to Transitional Housing Center
• Remainder went to family or other encampments
• 0 citations, arrests, or destruction of belongings
Reaction to “Tent City”

• The Homeless to Hope fund (later named “The Hat Fund”) was established to allow private citizens to make donations to support efforts to address homelessness in the city.

• Mayors’ Commission on Homelessness and Affordable Housing was created to come up with strategies to provide more affordable housing and services to the homeless population.
Sample of Police Training Programs

<table>
<thead>
<tr>
<th>City</th>
<th>Contact</th>
<th>Police Training</th>
<th>Training Notes</th>
<th>Existing Partnerships</th>
<th>HOT Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albuquerque, NM PD</td>
<td>N</td>
<td>Goodwill industries</td>
<td>Homeless strategic Outreach team is composed of officers, health care outreach workers, job counselors from Goodwill Industries, and a psychiatrist. The team goes out for 2 hours, 3x a week to areas in the city with large concentrations of homeless people.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anaheim PD</td>
<td>714-765-7970</td>
<td>Y</td>
<td>HOT and PERT officers receive training on interacting with and supporting those suffering from mental illnesses.</td>
<td>City Net, Coast to Coast Foundation, OC Mental Health, and others</td>
<td>Psychological Emergency Response Team (PERT): 2 officers patrol full time with an Orange County mental health clinician. PERT results in more rapid identification of available bed space and treatment options for those most vulnerable and most likely to generate additional police calls for service.</td>
</tr>
<tr>
<td>Atlanta PD</td>
<td>404-546-5650</td>
<td>Y</td>
<td>Officers receive training through the crisis intervention training from licensed psychologists. They’re also trained to become a referral system to various local social service agencies.</td>
<td>NAOMI, Gateway, Limited Way, Salvation Army, Veterans Administration</td>
<td>Homeless Outreach and Proactive Enforcement (HOPE): goal is to eliminate encampments by placing individuals in short or long term housing. Team also works to de-escalate situations involving a mentally ill person.</td>
</tr>
<tr>
<td>Austin PD</td>
<td>Y</td>
<td>City of Austin</td>
<td>Homeless Outreach Street Team (HOST):</td>
<td></td>
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</table>
Law Enforcement Support for Housing Not Handcuffs

Law Enforcement/Criminal Justice Professionals

- NYC Council Member Stephen Levin
- Salt Lake County Mayor Ben McAdams
- Seattle City Council Member Mike O'Brien
- Vancouver City Council Member Ty Stober
- City of Tallahassee Commissioner Gil Ziffer

National Organizations:

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY
GUEST COLUMN: 'Out of sight, out of mind' policy damages homeless

By: Carrie Roberts and Maria Foscarinis · March 15, 2018 · Updated: March 15, 2018 at 4:05 am
General Recommendations

• Law enforcement: find your local service providers, engage in the local continuum of care
  • Services providers: recruit your PDs!
• Health Care for the Homeless providers: use your consumer Board members or CABs to help train police.
• Consider Homeless Outreach Teams
• Establish training programs for all police recruits
• Preach trauma-informed care
• Advocates: support decriminalization
Questions & Discussion
Where to learn more

- On Trauma-Informed framework:
- Encampments: https://www.nlchp.org/Tent_City_USA_2017
- Criminalization: http://nlchp.org/criminalization
Thank you!

• Endorse the *Housing Not Handcuffs* Campaign at www.housingnothandcuffs.org

• Get support from the National Health Care for the Homeless Council at www.nhchc.org/ta

• Follow us on Twitter:
  @NatnIHCHCouncil
  @NLCHPhomeless
  @One80Place
  @HNHCampaign