

# Illegal to be Homeless

## The Criminalization of Homelessness in the United States

August 2003



**NO**

Sitting, Lying, Leaning, Panhandling, Loitering, Camping,  
Obstructing the Sidewalk, Spitting, Storing Property, Street Performing

**The Police are Watching**

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**August 2003**

**The National Coalition for the Homeless**

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# Executive Summary

## *I. Introduction*

This report, “Illegal to Be Homeless: The Criminalization of Homelessness in the United States,” is the second report, after the 2002 report by the same title<sup>1</sup>. The report documents the widespread trend of the violations of the basic human rights of people experiencing homelessness in 147 communities in 42 states, Puerto Rico, and the District of Columbia. Through the passage of laws which are unconstitutional, the "selective enforcement" of existing laws, arbitrary police practices, and discriminatory public regulations, people experiencing homelessness face overwhelming hardships in addition to the daily struggle of survival. Instead of spending precious public resources and funding to address the significant lack of affordable housing in this country, local governments in urban, suburban, and rural areas divert these funds to police departments and local Business Improvement Districts (BIDs), which penalize people for being homeless. In addition to continuing to document this trend, this report documents the connections between the creation of a public environment of intolerance and the increasing danger of living on the streets that results from this attitude towards people experiencing homelessness.

This report continues to investigate and present the evidence that criminalization is not only a local issue but also a national one that demands a federal response. We have asserted and continue to assert that a pattern and a practice of civil rights violations and unconstitutional behaviors by local government authorities, including the police and other city agencies, exist in many cities around the country. These practices exact enormous economic, social, and individual costs and do nothing to alleviate the root causes of homelessness.

The Bush Administration's reduction of funding and tax cuts, the elimination of necessary services, and the continued gentrification of subsidized housing has moved this country backwards in responding to the urgent needs of deepening poverty. The status of this country's economy and the growing rate of unemployment makes the situation for many people experiencing homelessness especially grave and makes the recommendations of this report especially timely.

With the unemployment rate at the highest it has been since the early 1990's and cuts in funding for service-providing organizations, the deepening economic recession gives no indication of improving the plight of those individuals without jobs or without homes. The use of public space, including sleeping outside and in cars parked on public streets, is being increasingly limited. For those people who must live in public spaces without access to shelter, public restrooms, and places to store their belongings, the implications continue to be disastrous. In light of the state of the current economy and of the increasing hostility toward people experiencing homelessness, the National Coalition for

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<sup>1</sup> “Illegal to Be Homeless: The Criminalization of Homelessness in the United States.” Published by the National Coalition for the Homeless and the National Law Center on Homelessness and Poverty. January 2002.

the Homeless, state and city coalitions, and local member organizations believe that working toward ending the causes of homelessness, not simply removing homeless people from view, is cost effective, not to mention just.

## ***II. Background***

The National Coalition for the Homeless (NCH), established in 1984, is the oldest national organization founded to advocate on behalf of people who are homeless. NCH is comprised of local and statewide homeless coalitions, service providers, faith-based organizations, grassroots activists and people experiencing homelessness.

In 2002, NCH and the National Law Center on Homelessness and Poverty (NLCHP) released a report examining and documenting the criminalization of acts necessary to survival when committed in public space. Because people experiencing homelessness must live and survive in public space, this criminalization directly and almost solely applies to them. Since the release of that report, many of the cities examined have passed new ordinances or have become stricter in the enforcement of pre-existing legislation.

As a result of the pressure of downtown business interests and in some cases tourism, local governments regulate homelessness by attempting to reduce its visibility, through strict enforcement of “quality of life” laws as well as physically relocating people living on the streets. The enforcers of these ordinances, whether city park officials or police officers, have little to no training or knowledge of existing local resources, available services, or effective techniques for working with people who may be experiencing mental health, chemical dependency, or chronic medical issues. As free voluntary treatment options disappear, cities are choosing jail to manage the “homeless problem,” instead of addressing the root causes of homelessness.

This new report continues the effort to reveal discriminatory local practices which have frequently been challenged and modified but continue to re-emerge, often in a more aggressive and harmful form. When litigated, “quality of life” laws have sometimes been determined in both local and federal courts of law to be unconstitutional. As these continue to be utilized as solutions to the visibility of homelessness, advocates must confront them with vigilance.

## ***III. Purpose of the Report***

The purpose of this second report is to continue to evaluate the general attitude toward homelessness, by documenting the pattern of civil rights violations perpetrated against people experiencing homelessness nationwide. In addition to this evaluation, the report presents recommendations around which to organize and litigate for basic civil rights. The continuing and growing pressure on the U.S. Department of Justice to investigate hate

crimes/violence that are the result of this documentation of criminalization is a heartening reality<sup>2</sup>.

Although documenting the problem and showing that local changes are possible and worth fighting for is a first step, the growing urgency of the conditions in our towns and cities heighten the desperate need for action.

This report has been the means for the formation of linkages among communities. Moreover, it serves as a resource for activists as they work to make local public officials realize that proposed or existing laws criminalizing homelessness are unconstitutional, costly in human and financial terms, and counterproductive. Only after this realization has been made can local advocates move these officials to develop solutions. This report has and will continue to serve as a tool for both local governments and grassroots advocates as they develop both immediate and long-term just solutions to homelessness.

This new report represents the most substantive attempt to date to document the ways in which criminalization impacts people experiencing homelessness in local communities throughout the United States. Taken in the aggregate, the local reports point to a worsening pattern of unconstitutional policies and practices that is national in scope.

#### ***IV. Methodology***

Advocates in 147 communities and 42 states, the District of Columbia, and Puerto Rico responded to a general survey (see Appendix I). The members of the National Homeless Civil Rights Organizing Project, who work directly with people experiencing homelessness, local grassroots organizers and advocates, and service providers, administered this survey in the cities and counties in this report. All of the people surveyed work directly with people experiencing homelessness and monitor the enforcement of laws in ways that criminalize homelessness. As a result, this report is the most comprehensive and up-to-date attempt to document the discrimination against and criminalization of people experiencing homelessness.

#### ***V. Problem Statement***

“Quality of life” laws, or laws which make illegal activities like sleeping, sitting, leaning, cooking, storing personal belongings, urinating, and standing in public places, are discriminately enforced against people experiencing homelessness based on their housing status and criminalize behaviors which, in and of themselves, are not criminal activities. These laws specifically target people experiencing homelessness because they make illegal behaviors which homeless individuals must conduct in public places because they do not have housing.

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<sup>2</sup> “Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness from 1999-2002.” Published by the National Coalition for the Homeless. April 2003.

## ***VI. Findings***

Though this report updates and revises the previous report by examining and documenting current laws and activities, the findings and recommendations remain largely the same from the previous report due to the deepening economic recession and the increasing hostility toward visible homelessness.

- ◆ The systematic abuse of the civil rights of homeless people is used as a strategy to remove homeless people from sight by local governments and private business districts.
- ◆ The U.S. Patriot Act, passed without comprehension by the Congress in the wake of 9/11, threatens to lead to the deepening of criminalization and the intensifying of attitudes that permit and encourage hate and violence against homeless people.
- ◆ Nearly all of the communities surveyed lack enough shelter beds to meet demand. Housing costs are out of reach for most, including the working poor. Subsidized housing is being gentrified at an alarming rate to the extent that "public housing" is no longer an option for the extremely poor and people experiencing homelessness.
- ◆ The lack of access to health care, including mental health and substance abuse treatment, exacerbates homelessness, and people living with mental health issues are disproportionately impacted by criminalization in many communities.
- ◆ Communities are diverting scarce resources from solutions for homelessness to courts and to increasing criminalization.
- ◆ Model programs continue to be developed in communities nationwide as a result of partnerships between people who are homeless, their allies and local government.

## ***VII. Recommendations***

Because of the passage and enforcement of many new laws which criminalize homelessness, the general climate toward people experiencing homelessness is one of hostility and blatant unwillingness to address these issues. Thus, the recommendations of this report remain similar to those of the 2002 report.

- ◆ Support the Bringing America Home Act, H.R. 2897- 108<sup>th</sup> Congress, sponsored by U.S. Representative Julia Carson. This will include provisions and funding that will end homelessness through additional housing, universal health care, livable income, treatment on demand, and civil rights assurances.

Under this Act, communities who are receiving funds for homeless assistance and community development may not pass legislation that criminalizes homelessness. In addition, it assures all people access to housing, health care, livable income, education, and treatment instead of incarceration.

- ◆ Continue to educate people experiencing homelessness, and their allies, about their constitutional rights; engage in Bill of Rights protection campaigns across the country.
- ◆ Support local monitoring projects and data collection as well as anecdotal evidence of activities to challenge local abuses; support local efforts, and continue building a national resource data bank.
- ◆ Support the request to the U.S. Department of Justice to investigate patterns and practices of the civil rights violations of people experiencing homelessness; continue to include homelessness as a protected class/status when monitoring violence.
- ◆ Combine litigation with grassroots organizing and strengthened public education efforts.

# The Criminalization of Homelessness

## I. Introduction

### *A. A Working Definition of Criminalization*

As classism remains an accepted form of discrimination, local governments are passing regulations that criminalize activities necessary to survival when committed in public. Because people without homes have no option but to commit “nuisance” violations in public, economic and housing status is becoming a common reason for the incarceration of people experiencing homelessness. Our communities are rushing to “develop protections” from visible homelessness or from assumed threats to public safety.

The definition of criminalization is twofold in nature. First of all, criminalization encompasses all legislation that penalizes life-sustaining activities conducted by people who do not have homes. Secondly, it also refers to the discriminatory enforcement of pre-existing ordinances. When police selectively enforce laws to target a certain minority group or population, that group is being criminalized because other groups engaging in the same behavior are not penalized. Laws such as obstruction of sidewalks and public ways and sitting or lying in public spaces are largely enforced against people experiencing homelessness. This report focuses on both types of criminalization; it examines cases and individuals’ experiences with this type of selective enforcement as well as the legislation in cities across the country, which prohibits publicly-displayed life-sustaining activities and offers no viable alternative.

A common way that police further criminalize the homeless is by conducting “sweeps” in cities or downtown areas before large political, religious, athletic or entertainment events. During these “sweeps,” police stop people who they suspect to be homeless and check their identification and run warrant checks. Many people are then arrested or verbally coerced to leave the city or area.

The dangerous underlying attitude and assumption behind these actions is that homelessness is a “public safety” issue, synonymous with crime. Therefore, cities attempt to stifle visible homelessness through these “quality of life” ordinances, which seek to improve the “quality of life” of housed and higher-income individuals. The attitude of many governmental officials, neighborhoods, and business owners is that they do not want these individuals to be visible in their neighborhoods, parks, or downtown areas. Thus, criminalization becomes an expedient way to remove individuals from sight. Perhaps the worst aspect of criminalization, many people justify criminalization as a “benevolent” means of coercing individuals into services that are not voluntarily available.

The growing tendency to “track” homeless people and their use of services is an insidious means of controlling actual quantification of need as well as of classifying those people as “service resistant” or “not really homeless, but probably, criminals.”

## ***B. The Housing and Income Gap***

We are in the midst of an even more dramatic housing crisis since September 11, 2001. The loss of affordable housing in the United States, and the subsequent rise in homelessness, is directly linked to the decline in federal support for low-income housing as well as the recent and now deepening economic recession. The U.S. Department of Housing and Urban Development's (HUD's) refusal to support the National Housing Trust Fund or recognize the need to build more affordable housing serves as evidence for the Bush administration's attitude toward addressing homelessness. The inability of anyone in this country, who works 40 hours a week at minimum wage, to afford housing at fair market rent is an alarming indicator and predictor of homelessness. Additionally, the lack of affordable housing and the drastic funding cuts that nonprofit and service providing agencies have received lately has deepened the plight of people who are trying to find housing and those who must live on the streets.

Through the work of gentrification and BID's, much pressure now exists to "revitalize" communities in urban areas around the country. Gentrification includes redeveloping or rebuilding urban areas so that expensive condos and market housing replaces low-cost housing. Gentrification, including HUD's HOPE VI program, almost always results in displacing low-income and homeless families and individuals because low-cost housing is replaced with fewer and higher-cost units. The blatant gentrification of formerly "public" housing has removed the last few opportunities for affordable housing available to extremely poor individuals and families.

A BID is formed by a group of local business and property owners in a defined geographic area, often a downtown shopping district or main street. BID's fund supplemental governmental services (cleaning and maintenance), non-governmental services (landscaping and promotion), and capital investments (sidewalk repair). Many BID's privatize public space, such as town squares, and hire private security to enforce the rules created by the board of directors for the BID.

This revitalization becomes yet another excuse for removing people experiencing homelessness from visibility so that neighborhoods feel safer. The presumption of gentrification is again rooted in an attitude of criminalization because it links homelessness with crime and assumes that the presence of visible homelessness makes a neighborhood less safe.

In the fear that their neighborhoods will attract low-income, poor, and homeless people, neighborhoods restrict zoning rights so that affordable housing cannot be built in their area. The lack of rural housing and the seclusion of rural areas from employment options and social services cause many people experiencing homelessness to relocate in order to avoid becoming homeless.

### ***C. The Income/Employment Crisis***

According to many national groups, including the National Low Income Housing Coalition, in no state or local jurisdiction in this country can a person, who works a minimum-wage job, afford housing at HUD's Fair Market Rental rates. The continuing decline in real value of minimum wage income, as well as the declining availability of income supports like Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI), without the subsequent availability of public housing units, creates and exacerbates homelessness. Forty-two percent (42%) of homeless people, nationwide, are employed. However, the income that they earn is not sufficient for accessing safe, affordable and appropriate housing<sup>3</sup>.

### ***D. The Health Care Crisis***

Access to health care for individuals experiencing homelessness is incredibly limited and difficult to obtain. Medical treatment and medical adherence are extremely difficult for people living on the streets, who must deal with daily instability. This creates dangerous and life-threatening situations for people living with mental health problems and chronic illnesses like HIV/AIDS and diabetes. Individuals experiencing homelessness often do not continue to receive treatment or medication in jail. Incarceration of homeless people poses deeper health care dangers. With incarceration comes an increased risk of contracting chronic illnesses or serious health problems such as tuberculosis and hepatitis.

Because of the limited availability of mental health care facilities, many individuals with mental health problems live on the streets or are incarcerated in jails where they are unlikely to receive the treatment that they need. Due to the lack of long-term mental health services and the percentage of people with mental health problems living on the streets, police officers must assume the role of addressing the need for treatment among homeless people. Although some cities like Memphis are training special units to deal with people with mental health problems, most police officers are not equipped to handle situations involving mental illness. As a result, this approach has largely failed.

In many cities around the country, recovery and treatment for addictions cannot be voluntarily accessed. Some programs exist with entry upon a court order, but for more than half of the people voluntarily seeking treatment, it is unavailable. Cities have resorted to jailing users at a much higher cost than if they provided residential treatment with supportive housing.

### ***E. The Lack of Emergency Housing and Services***

Nearly all communities in this country lack enough shelter beds for the number of homeless people living there. Many shelters prove inaccessible because they charge

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<sup>3</sup> "Welfare to What II." Published by the National Coalition for the Homeless. 2001.

between \$5.00 and \$10.00 per night for a bed or even a mat on the floor to sleep on. Also, the poor quality of food in many shelters or soup kitchens causes malnourishment.

An overwhelming majority of communities lack sufficient social services to meet the needs of all the low-income/homeless individuals and families living there. Some communities have access to funds for services and shelters, but they do not utilize them. The recent economic recession has caused major cutbacks in funding to non-profit and service-providing organizations. Already many shelters have to operate above capacity and some have had to close, while thousands of people across the country still do not have access to a place to sleep inside. According to the 2002 report of the U.S. Conference of Mayors, requests for emergency shelter increased by 19% over the previous year, with requests by homeless families with children increasing by 20%. Of the number of people requesting emergency shelter, 30% of homeless people and 38% of homeless families were turned away<sup>4</sup>.

Illness and death resulting from prolonged exposure to the elements or exposure to extreme conditions have not been prevented. The dramatic effects of long-term exposure to the elements, even to supposed temperate conditions produce physical, mental and psychological effects.

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<sup>4</sup> “A Status Report on Hunger and Homelessness in America’s Cities 2002: A 25-City Survey.” Published by the United States Conference of Mayors. December 2002.

## II. Methodology

The Civil Rights Work Group (CRWG) of the National Coalition for the Homeless (NCH) is comprised of advocates from groups across the country. The CRWG surveyed other advocates, homeless individuals, and service providers to determine the relationship between homelessness and incarceration patterns and practices of local jurisdictions. These efforts are part of the National Homeless Civil Rights Organizing Project (NHCROP) of NCH, an ongoing project to establish systematic data collection and coordination of efforts to protect the rights of homeless people.

The 147 communities surveyed for this report represent a sampling of urban, suburban, and rural areas across the country from forty-two (42) states, the District of Columbia, and Puerto Rico. The data overwhelmingly points to the mistreatment and criminalization of the homeless population, which is one of the most vulnerable.

Local and statewide coalitions for the homeless, service providers, advocates, and homeless people contributed information about their own experiences of the practices of the cities and the police. The qualitative information from each city is reported in the form of descriptive narratives. Many of the local advocates and service providers regularly document the arrests of homeless people. These records act as a database of evidence testifying to the criminalization of people experiencing homelessness in almost every city surveyed, and the data points to the economic, civil, and political discrimination against those individuals without permanent shelter.

Anecdotal evidence and experience, as well as available statistics were collected, evaluated and form the basis for policy analysis and actions to combat the erosion of civil and human rights in this country. In addition, much of the information in the narratives has been compiled from media reports.

### **III. Criminalization as Public/Social Policy**

The pattern of legislating against homelessness by passing city and county ordinances that target homeless people can be traced back to the mid-1980's. Public drinking and intoxication laws and laws against sleeping in public, loitering, and panhandling do not seem to be discriminatory in their wording, but they are selectively enforced to discriminate against people who look homeless. For example, anti-camping and sleeping laws are cited in the arrest of homeless people sleeping in a park, while other individuals napping in the same area, who appear well-dressed and clean-cut and may be sleeping outside for things like buying concert tickets, are not disturbed by law enforcement officers. Only those people who appear to be homeless are targeted and criminalized by the "quality of life" laws because of their economic or housing status. As services and funding to service and non-profit organizations are continually cut, the trends of criminalization steadily rise, making the transition out of homelessness increasingly difficult to overcome. Criminalization is, in effect, creating economic apartheid in the United States.

Most people do not know or understand the causes of homelessness or the daily struggle for survival, much less the solutions to getting people off of the streets. The government, media, and individuals fall into the pattern of "victim blame," which is the act of blaming the individual for their plight without taking into account the hardships and the injustices of the system which creates and maintains poverty. These groups portray homelessness as synonymous with crime and view it as an issue of public safety, reinforcing the fear of homeless people and the hopelessness that the current conditions will ever change.

In many cities in the United States, community, mental health, and drug courts act as alternatives to criminal courts. These cities usually reserve existing beds and support services like addiction treatment for these courts to use as "sentencing." As a result, these precious resources are not available voluntarily but can only be accessed by those who are arrested and tried in the alternative courts.

Public safety advocates use these courts and their "alternative sentencing" as a method of "urban cleansing" to mask their practices of criminalization in seemingly-compassionate language. These courts thrive on the misconception that people who are homeless are "treatment resistant" and therefore, must be coerced into housing and social services. The idea of treatment resistance intentionally dehumanizes people living on the streets in order to lay the foundation for legislating against the very existence of these people. No mention is made of the fact that the need greatly surpasses the available resources, housing, and services. They ignore that for every homeless person who accesses these resources, at least three cannot because of the insufficient amount of housing, shelter, treatment, and jobs.

## ***A. The Expediency Factor: Out of Sight, Out of Mind***

At the same time that the growing demand for emergency beds and services remains unmet, cities have generally failed to address the root causes of poverty and homelessness. For example, homeless people frequently receive life-skills training instead of jobs that pay livable wages; case management instead of treatment; and shelters or transitional housing instead of permanent housing. Homeless people who are unable to access these limited services or who fall outside the current system are targeted as “service resistant” and become victims of more expedient solutions to their presence.

As a result, many city governments have adopted an “out of sight, out of mind” attitude that involves sweeping homeless people and their property from public areas. This attitude is synonymous with the sentiments that result in the criminalization of homelessness; it attempts to push it from view by making living outside illegal and increasingly dangerous. Once individuals become homeless they are vulnerable to countless acts of violence and injustice and are targets of violations of their civil and human rights.

Cities create legislation that gives police officers a legal reason to remove homeless people from public areas. Forcing shelters and substance abuse and mental health treatment centers out of populated areas and into lower-income neighborhoods corrals homeless people into “less desirable” areas of town. Downtown areas and bus stops have short, slanted, or sectioned off benches to prevent people from lying down on them. As cities criminalize homelessness, they eliminate public space for all people.

Though homelessness is represented as a public safety concern, BIDs simply employ this characterization in order to clean up areas to make them more palatable for developers and business owners. But, if the BIDs convince the public that homelessness is a threat to their safety, then the general public will not speak up against the criminalization and incarceration of homeless individuals.

## ***B. Economic Motivations***

People experiencing homelessness are put into jail for violating “quality of life” ordinances. Because of the lack of services and shelter, jails become warehouses of people dealing with addiction, mental health problems, or urgent human needs. But, taxpayers spend around \$100 per day in the District of Columbia to incarcerate one homeless person. Taking into account the thousands of homeless people on any given day in the United States and the repeat arrests over the course of a year, millions of dollars of tax money are being spent on incarcerating people for things like panhandling and lying down in public. To provide the necessary social services and affordable housing would cost considerably less than incarceration and would yield more lasting returns because it would target the causes of homelessness, rather than criminalize and incarcerate the victims.

### ***C. Political Rationale for Criminalization***

Criminalizing the life-sustaining acts of people experiencing homelessness without offering legal alternatives is supported by conservative think tanks like the Criminal Justice Legal Foundation (CJLF), [www.cjlf.org](http://www.cjlf.org), and the Center for Community Interest (CCI), formerly the American Alliance for Rights and Responsibilities, [www.communityinterest.org](http://www.communityinterest.org). These think tanks apply the rules of private ownership to their recommendations for ways that cities should control public space. These groups publish and advocate anti-homeless policies under the guise of preserving the “common good.”

The CJLF has especially targeted solicitation under the justification that whatever is good for private development is good for all urban residents. They publish reports and manuals that detail methods for regulating panhandling. Bans on aggressive panhandling are viewed as a means of severely restricting panhandling without violating a person’s freedom of speech. Laws or ordinances that include the language “aggressive” panhandling or solicitation are unique to each community. Most commonly aggressive panhandling laws restrict locations where panhandling is permitted and the way in which individuals ask for money or goods. Wherever possible the exact definition used by the community in question has been included in the individual narratives.

In addition, the CCI publishes anti-panhandling guides and defines itself as “a leading advocate for urban quality-of-life and safe-streets measures” that works “to protect children from sexual predators; and to get guns out of schools, drug dealers out of housing projects, porn shops out of neighborhoods, aggressive panhandlers out of ATM lobbies and mentally ill substance abusers into treatment and off the streets.” Simply in this definition, the CCI lumps panhandlers into the same category as sexual predators and drug dealers.

Public spaces like streets, sidewalks, and parks are by definition common property that may be used by anyone. Business Improvement Districts (BIDs) and private property owners are able to persuade city officials to limit the use of public space. But these limitations exclude certain people, who have no access to private property, from using the public property. The CJLF and the CCI’s recommendations about the regulation of public space limit the use of common property and seek to justify this exclusion by defining people experiencing homelessness as criminals and public safety threats.

## **IV. Costs of Criminalization**

### ***A. Economic***

The amount of tax dollars that this country is spending to arrest, prosecute, and jail people experiencing homelessness is substantively higher than what it would cost to provide housing and supportive services. Combined with the new tax cuts for the rich, the lack of funds is becoming more of a hindrance to the creation of affordable housing. As the country fails to provide money for housing through the proposed National Housing Trust Fund and as funds are cut from social services, the amount of money spent to jail people for “quality of life” crimes increases.

The legal challenges that have resulted from criminalizing ordinances have proven costly for both the prosecution and the defense. These anti-homeless ordinances violate HUD’s Consolidated Plan and should jeopardize jurisdictions’ access to CDBG, HOME, and McKinney/Vento federal funds. Moreover, local ordinances which discriminate against and criminalize homeless people often violate constitutions and expose city governments and police departments to civil liability. The legislation of ordinances which criminalize homelessness serves as an immediate solution to visible homelessness and the supposed threats to public safety. However, it simply perpetuates the problems of homelessness and fails to address the systemic causes of homelessness.

### ***B. Social Costs***

The “quick fix” solution of criminalizing homelessness fails to begin to address the complex issues and causes of homelessness. Passing ordinances that make illegal life-sustaining activities without providing viable alternatives will never correct or eliminate homelessness. In fact, by exacerbating the hardships of surviving on the streets, criminalization acts as a yet another barrier to people exiting homelessness.

Punishing homeless people for non-criminal behavior is inhumane, especially in light of the overwhelmingly insufficient resources available to individuals experiencing homelessness. Criminalization masks the social exclusion of homeless people under the guise of public safety interests.

Cities warn tourists and residents not to give money to panhandlers. In San Francisco, the Hotel Council launched a media campaign against panhandlers. They placed ads on taxis and buses that equated giving money to panhandlers with supporting drug habits and hurting local business. This criminalization of homelessness leads housed individuals to unnecessarily fear homeless individuals.

### ***C. Political Costs***

This society is certainly not one that intends to deny every homeless person's right to sleep or stand on the sidewalk, but business owners do not want homeless people near their place of business. They know that the harassment and ordinances will drive homeless people away from the business districts. The problem of criminalization worsens, then, when cities adopt this attitude toward homelessness. A time comes when they do not have anywhere else to go and must endure the harassment as they attempt to survive on the streets.

### ***D. Individual Costs***

The criminalization of homelessness makes it even more difficult to survive on the streets and acts as a major barrier to individuals trying to get out of homelessness. Once homeless people have been arrested for "quality of life" violations like obstructing the sidewalk, they have a criminal record and are excluded from jobs, rent and housing applications, and even some emergency services like transitional housing and income support.

Anyone incarcerated at least 30 days loses Social Security benefits during incarceration. Also, if an individual receiving benefits is found to have a warrant, then s/he can be denied benefits. The Social Security Administration has gone so far as to give agencies \$400 per person who they find in violation.

Many people experiencing homelessness lose all of their few possessions when they are arrested. When they lose their identification, they have to go through a long process in order to obtain a new ID. In addition, police harassment causes homeless people to miss appointments and/or interviews, reinforcing their status as second-class citizens.

Criminalization further perpetuates homelessness by diverting resources and funding from housing and services to pay for courts and jails. Paying police to conduct sweeps of downtown areas or to wipe out homeless encampments, funding private security for Business Improvement Districts, and making public spaces less habitable to homeless people (and hence all people) are just some of the ways that money is spent to criminalize homelessness rather than address its root causes.

Regardless of how many ordinances are passed, homeless people will still have to eat, sleep, and survive in the public arena because no alternative is available to them. In most, if not all, of the cities surveyed in this report, resources to assist homeless people to achieve self-sufficiency do not exist or are being diverted to pay for jail time.

Criminalization policies defeat the purpose of removing homeless people because they simply create further barriers for their survival and undermine individual efforts to escape homelessness. These policies keep more people on the street and increase problems related to homelessness. When individuals are released from jail, not only are they still homeless but they have even more barriers to overcome than before.

## V. Responses to Criminalization

Although the task is a daunting one, many local and national advocacy groups are working to fight criminalization and its effects. These groups seek to make known the dangers of living and surviving on the streets and the ways that criminalization makes survival much more difficult. Legal and organizing victories have chipped away slowly at criminalization, but the defeats still largely outnumber the victories. However, the efforts of advocacy groups as well as the legal, legislative, and organizing victories have not passed unnoticed.

Local advocates, volunteers, and homeless people are teaming up to fight criminalization in their cities. Each victory speaks for the civil rights of homeless people locally but is usually directed at the state or local governments. Organizing efforts are rarely aimed at neighborhoods and downtown business improvement districts.

Despite the efforts of these groups, criminalization is not discussed as an issue of national awareness. Individuals, government officials, and business groups have yet to recognize the civil rights of homeless people. But, local organizing groups are laying the groundwork for the discussion of criminalization.

### **Organizing Victories**

Local groups are employing grassroots organizing to raise awareness about criminalization and to change anti-homeless ordinances. Criminalization has spread to service-providing groups, and many people providing meals to homeless individuals and families are facing governmental and local opposition. Through a variety of organizing, media and legislative advocacy strategies, homeless people are gaining similar small victories in cities nationwide.

Efforts to make the voice of homeless people heard include voter registration drives, like NCH's "You Don't Need a Home To Vote," a national, non-partisan voting rights effort. Through this campaign and others like it, thousands of homeless individuals are becoming registered to vote. This is a small step toward change.

## **VI. Conclusions and Recommendations**

Gentrification and efforts to clean up urban areas have exacerbated the hardships of homelessness and have chosen homeless and poor people as scapegoats. In all types of communities in this country, whether urban, suburban, or rural, it is difficult and dangerous for people to have to live outside and attempt to survive in public. Instead of providing housing, health care, and decent paying jobs that address the causes of homelessness, cities have turned to jails to deal with urgent human needs.

Society obviously tolerates an economic and legal system that exacerbates the hardships of homelessness and continually allows the homeless population to be excluded and discriminated against. It is easy for housed individuals to write and pass policy that defines “appropriate” uses of public spaces.

This trend can only be reversed through organizing by homeless people and concerned advocates to hold policy makers and business owners accountable for their actions and legislation.

### ***A. Education and Communication***

Although some people do not want to be reminded of or faced with the realities of homelessness, they must be made aware of the horrors of criminalization and incarceration. Then, employees can question the actions of their employers and citizens can challenge the ordinances of their cities.

Monitoring and documenting the data of arrests, citations, fines and harassment of homeless people allows advocates to follow the national trends of homelessness. Thus, local homeless individuals and advocates become part of a national struggle for the civil rights of homeless people and comprise a national campaign to end the criminalization of homelessness.

After being told by police officers, government officials, and business owners that they are public nuisances, homeless people can recognize the power that they have when they see the impact of their efforts in a national movement. Thus, the participation of people experiencing homelessness in this national struggle is vital.

Local governments that continually violate civil rights of homeless people and resist correcting these violations must be named and held accountable. This annual report is part of that effort. In addition, local groups that have been tirelessly fighting the effects of criminalization must communicate their struggles and victories with other groups so that the groups can share information with each other and then with the public.

Communicating nationally and locally about campaigns that have been successful and about useful training models, funding strategies, and technical support will galvanize our movement. The public information campaign must be geared toward: 1) alerting homeless and poor people that a new civil rights movement is building along with new and subtle

dangers, and 2) alerting the general public that rights lost to any segment of our society are rights lost to all of our society. It is now a historical fact that “the war on poverty” has become a “war against the poor and homeless.”

## ***B. Organizing for Change***

Those most affected by injustice must play a leading role in identifying the problems and developing the solutions; it must originate from the people experiencing homelessness. Because their voices continue to provide a powerful witness, we must emphasize the fact of homelessness as an experience, not a type or category of individuals, e.g. “the homeless.” Organizers must be sensitive to the fact that people who are experiencing homelessness are living in crisis and are frequently unsure about a bed or a meal and must realize that people who use the “service system” are often distrustful of activities supported by service providers and advocates. They are often wary of the system that has continually criminalized their existence.

Organizing homeless people to take action must begin with extensive outreach, in which the input gathered directly from homeless people drives the working agenda. This outreach has four main purposes: 1) to provide information to poor and homeless people about their rights; 2) to record civil rights abuses, including police interaction with homeless people, through written and video documentation; 3) to provide information about opportunities for participation in the work to affect change; and 4) to gather ideas, insights and opinions about solutions to poverty and homelessness.

Through collaboration among homeless people, providers of housing and support services, members of the legal community, as well as concerned community members, the action and advocacy agenda is made. Using documented information gathered through outreach, broad community participation, and expertise, this collaboration can develop ways to change ineffective and abusive policies. These coalitions coordinate the design and development of new ways to guarantee housing and necessary services to all.

Fusing outreach, advocacy, direct action, and litigation with policy and program design produces permanent solutions to poverty and homelessness.

## ***C. Legal Remedies***

After organizing efforts, litigation is oftentimes the last resort. In the past and even now, homeless people have used and are using the legal system to fight the unconstitutional ordinances that criminalize life-sustaining activities that, for lack of alternatives, they must conduct in public. Because it is nearly impossible for people experiencing homelessness obtaining decent representation and to pay legal fees, many cities have legal aid/rights organizations that represent homeless people and give legal advice for free. The positive thing about litigation is that it shows homeless people that they have a voice and the power to get laws overturned, but the drawback of litigation is that it is a long process. Like organizing efforts, we need documentation of legal victories to strengthen our efforts.

## ***D. Policy Recommendations***

1. Support the Bringing America Home Act, H.R. 2897-108<sup>th</sup> Congress, sponsored by U.S. Representative Julia Carson. This will include provisions and funding that will end homelessness through additional housing, universal health coverage, liveable income, treatment on demand, and civil rights assurances.

The Civil Rights Provisions of the Bringing America Home Act include:

- ◆ a requirement under the selection criteria of HUD McKinney-Vento that communities receiving homeless assistance dollars must guarantee through formal certification they are not criminalizing homelessness through laws, ordinances or policies.
- ◆ a requirement that cities receiving Community Development Block Grants (CDBG) and HOME Investment Partnership Program (HOME) funds shall not pass ordinances that have a disparate impact on homeless people or that punish homeless persons for carrying out life-sustaining practices in public spaces when no alternative public spaces are available; or relating to curfews for adolescents and that result in homeless youths being adjudicated delinquent.
- ◆ a requirement that cities receiving CDBG and HOME funds shall not pass zoning ordinances and/or make zoning decisions that have the effect of preventing the siting of facilities designed to serve people in homeless situations or low-income people.

2. All people will be assured housing, health care, with treatment on demand, livable income, education and access to public and private accommodations, spaces, and services, regardless of race, ethnicity, national origin, immigration status, age, gender, religion, familial status, sexual orientation or gender identity or expression, health status, socioeconomic status, or housing status.

- ◆ Protected class for socioeconomic status.
- ◆ Right to register and vote for all, including homeless people.
- ◆ Pass “hate crimes” legislation using protected class status.
- ◆ Immediate relief from harassment and arrest.
- ◆ Immediate access to treatment on demand outside the criminal justice system.
- ◆ Immediate access to treatment instead of incarceration.

3. All people will be assured safe, decent, accessible, affordable, and permanent housing.

- ◆ Immediate access to housing for homeless people.

## Cities Researched for the 2003 Report

### **Alabama**

Mobile

### **Alaska**

Anchorage

### **Arizona**

Mesa

Phoenix

Tucson

### **California**

Arcata

Barstow

Chico

Corona

El Cajon

Fresno

Gardena

Glendale

Long Beach

Los Angeles

Manteca

Oakland

Petaluma

Placer County

Pleasanton

Sacramento

San Diego

San Francisco

San Jose

San Mateo County

Santa Barbara

Santa Cruz

Santa Monica

Santa Rosa

Stanislaus County

Union City

Van Nuys

Victorville

### **Colorado**

Boulder

Colorado Springs

Denver

### **District of Columbia**

Washington

### **Florida**

Atlantic Beach

Brevard County

Clearwater

Daytona Beach

Fort Lauderdale

Gainesville

Hollywood

Jacksonville

Jacksonville Beach

Key West

Lakeland

Miami

Miami Beach

Ocala

Orlando

Palm Beach County

Pompano Beach

Sarasota

St. Augustine

St. Petersburg

West Palm Beach

### **Georgia**

Athens

Atlanta

Augusta

Decatur

Valdosta

### **Hawaii**

Honolulu

**Illinois**

Aurora  
Chicago

**Indiana**

Indianapolis  
Jeffersonville

**Iowa**

Davenport  
Des Moines

**Kentucky**

Covington  
Lexington  
Louisville

**Louisiana**

New Orleans

**Maine**

Portland

**Maryland**

Baltimore  
Frederick

**Massachusetts**

Boston  
Fitchburg  
Hyannis

**Michigan**

Ann Arbor  
Detroit  
Pontiac

**Minnesota**

Minneapolis  
St. Paul

**Mississippi**

Biloxi

**Missouri**

Kansas City  
St. Louis

**Nebraska**

Omaha

**Nevada**

Las Vegas  
Reno

**New Hampshire**

Manchester

**New Jersey**

Atlantic City  
Jackson  
Trenton  
Union City

**New Mexico**

Albuquerque

**New York**

Buffalo  
New York

**North Carolina**

Asheville  
Charlotte  
Greensboro

**Ohio**

Cincinnati  
Cleveland  
Columbus  
Dayton  
Toledo

**Oklahoma**

Oklahoma City  
Tulsa

**Oregon**

Eugene  
Medford  
Portland

**Pennsylvania**

Philadelphia  
Pittsburgh

**Puerto Rico**

Rio Piedras  
San Juan  
Santurce

**Rhode Island**

Pawtucket  
Providence

**South Carolina**

Charleston  
Columbia

**South Dakota**

Sioux Falls

**Tennessee**

Memphis  
Nashville

**Texas**

Austin  
Corpus Christi  
Dallas  
Denton  
El Paso  
Fort Worth  
Houston  
Montgomery County  
San Angelo  
San Antonio

**Utah**

Salt Lake City

**Vermont**

Burlington

**Virginia**

Norfolk  
Richmond  
Virginia Beach

**Washington**

Lynnwood  
Marysville  
Olympia  
Seattle  
Vancouver

**Wisconsin**

Madison  
Milwaukee

**Wyoming**

Cheyenne

<b>Meanest Cities</b>	
1. Las Vegas	11. Sacramento
2. San Francisco	12. Milwaukee
3. New York City	13. Santa Cruz
4. Los Angeles	14. Miami Beach
5. Atlanta	15. Jacksonville Beach
6. Cincinnati	16. Hollywood , FL
7. Key West	17. Santa Monica
8. Austin, TX	18. Nashville
9. Orlando	19. Honolulu
10. New Orleans	20. Boulder

<b>Meanest States</b>
1. California
2. Florida

## **Criteria for Selection of the Meanest Cities**

1. Number of anti-homeless laws in that city. (See *Prohibited Conduct Chart*.)
2. Enforcement and severity of penalties.
3. General political climate toward homeless people in that city.
4. Local activist(s) or organization(s) supported the “meanest” designation.
5. The city was surveyed or studied in this report.
6. Criminalizing legislation is pending or enacted in that city.

## **Narratives from Cities Surveyed**

### **Albuquerque, NM**

The police have been increasing sweeps and using targeted enforcement against the homeless population.

### **Anchorage, AK**

Neighborhood community councils and the police are forcing homeless men and women to find new places to live. At least 25 – 30 people live in the wooded area around Goose Lake. Some people have been living in the area for two years. Officers are beginning to make sweeps through the camp informing the residents that they will have to tear down their camps and move on. The limited shelter capacity in the area will make it hard for people to find alternative living situations.

### **Ann Arbor, MI**

Peter Marshall, the owner of English Language Arts Inc., wants to eliminate panhandling in the business district. Residents complain that his interests are to promote retail and commerce in the area by “hiding” the homeless. Some argue that the elimination of panhandling will cause those more fortunate citizens to forget about the homeless and their need for humanitarian support.

### **Arcata, CA**

Bob Ornelas, Mayor of Arcata, and the majority of the City Council defend their position to crack down on camping on city property. A homeless man named Tad recently staged a protest by camping on the Arcata Plaza. The land that Tad had been living on was recently purchased by the city. The van he had been living in was removed by police shortly after. Dave Merserve, the only Councilman to oppose the no camping law, is urging the city to find a solution that will benefit the residents of Arcata and be fair to the homeless.

Police are cracking down on illegal conduct such as blocking sidewalks, public drunkenness, drug use or sale, illegal camping, littering, and relieving oneself in public. Officers claim this is not a homeless issue, but rather it’s about crime. This form of “tough love” treatment of the homeless is considered to be a controversial plan because while it does hide the problem it does not solve it. Lawrence Wood, a homeless man, is enraged by this and explains that being arrested does not intimidate him.

## **Asheville, NC**

The downtown business community in Asheville is concerned about loitering around restaurants and stores. Business owners see the homeless as a threat and some want the police to take a greater role in controlling the homeless population. This past November the City Council voted unanimously to pass a law that bans all panhandling, loitering, and public urination. The panhandling law will cover all groups from Girl Scout troops to homeless individuals. Advocates fear that selective enforcement of these laws will become the norm. Holly Jones, a councilwoman, brought up the discussion of additional funds for a downtown shelter and more public restrooms only after the ordinance had been passed.

## **Atlanta, GA**

The City of Atlanta escalates its criminalization of homelessness initiatives under yet another facade. A "Mayor's Homelessness Commission" was created late in 2002 and continues as the newest attempt to supercede an already existing collaborative of shelter and service providers that was created by the Metro-Atlanta Task Force for the Homeless over 20 years ago.

Atlanta's new Chief of Police espouses the "broken windows" theory of law enforcement – arresting or citing people for petty crimes such as jaywalking or loitering in an effort to prevent more serious crime. This policy is utilized in New York City as well as Los Angeles.

In that vein, increased enforcement of "quality of life" ordinances has been decorated with catch phrases like: 1) cleaning up the streets 2) cracking down on crime and 3) stepping up public safety. These laws have been inappropriately named "quality of life ordinances," and they do nothing to improve the quality of life for anyone. Instead, they cater to the prejudices of those people who would rather not see or interact with homeless people. Vocal business people claim that homelessness is bad for business. Exposing the reality of the deprivation that exists amidst the affluence in Atlanta is not the picture advertised by the Chamber of Commerce.

The police department regularly enforces ordinances such as criminal trespassing, public urination, urban Camping, removing or abandoning shopping carts, begging or soliciting, loitering or "prowling", staying in a vacated building, and jaywalking on those people without housing in order to remove them from the public eye. Other ordinances punish the simple behaviors of entering a bathroom, littering, and walking in the roadway.

Since there are no "public restrooms" and business establishments deny the use of their facilities to anyone other than patrons, one would have to ask where a person without housing would go to use a toilet? Where would they sleep, stand or even sit?

Besides making it illegal to carry out bodily functions without providing a place where they can be performed privately, there are also ordinances such as "DC-6, Occupying a

Dive" and "blocking a public sidewalk" that are used during sweeps of poor and homeless individuals from the streets of Atlanta.

"Occupying a dive" involves being in a drug traffic zone. Individuals can be arrested for being in the wrong area of town. This ordinance is often used throughout the course of a night to arrest up to 20 or 25 individuals. Homeless individuals are often the targets of arrest because they have no choice but to be outside in these high drug traffic zones after they have been run out of the "better" neighborhoods.

The "Idle and Loiter for Illicit Sex" is also a "streets-sweeper" ordinance. There are countless instances of undercover APD officers luring individuals into their cars with promises of money or a free ride and then pulling around the corner to where a paddy wagon is waiting to take them to jail for allegedly propositioning the officer for sexual acts. This ordinance has also been used to pick up 20 or 25 individuals within several hours. APD officers will then often add the charge of "Solicitation of Sodomy" (Sodomy, in Georgia, includes any act of oral sex) to insure that individuals arrested will receive jail time or have something to plead down to in court. During the summer of 2003 the U.S. Supreme Court ruled that the Texas sodomy law was unconstitutional, therefore overturning all state sodomy laws.

The selective enforcement of these ordinances, coupled with entrapment and stopping homeless people without probable cause, asking for identification and running a criminal records check to look for outstanding warrants, creates an environment of prejudice and abuse.

Recent newspaper articles, columns and editorials in Atlanta's only newspaper undo 15 years of advocacy and policy work by defining homelessness as a public safety issue.

If you no longer have private space of your own, you must cease to sit, stand or urinate while awake and sleeping in public is strictly prohibited.

Incarcerated homeless people confirm that APD officers conduct systematic sweeps of homeless people near housing projects and in parks as often as twice a week. The sweeps are intensified immediately before major events and conventions in Atlanta. One homeless man was arrested for public urination the day of the second major league playoff baseball game. The officer told the man that the order had come from City Hall East to arrest anyone carrying a bag or who looked homeless. The public official who issued the order told the officer that if homeless individuals were arrested and harassed enough, maybe they would leave town.

Community courts (largely funded by downtown foundations and businesses) routinely sentence homeless people to outpatient drug treatment, even if there is no evidence of drug use or related charges. When the defense attorney objected that her client did not use drugs and that drug use bore no relationship to the charge, the presiding judge claimed that all homeless people need drug treatment.

Treatment is often part of the sentence, but the difficulty in this alternative sentencing is that services are being diverted to people whose very service needs have become the target of criminalization ordinances. In other words, the community court is becoming the general "intake and referral" system for poor and homeless people who need mental health care and substance abuse treatment and routinely request that treatment, but are denied it until they are arrested. Once released from treatment, they stand little chance of getting housing because of the criminal records.

The community courts sentence homeless individuals to community service through a shelter facility when they cannot pay the fines for committing "quality of life" ordinance violations. Community service hours are given out liberally. Thus, those who were swept from the streets of Atlanta today may in, short order, be sweeping the streets themselves, and they may have lost their jobs in the process.

### **Atlantic Beach, FL**

Beach officials have reported that the number of homeless people on the beach has risen about 50% compared to last year. City officials voted to ban sleeping on the beach between the hours of 11 PM and 6 AM. Use of public parks for any reason was also banned between sunrise and sunset or 8 PM and 6 AM, whichever is later.

### **Augusta, GA**

City officials have banned all forms of panhandling. It is unclear whether only aggressive panhandlers will be arrested despite the fact that the ordinance covers all people asking for money. If arrested they could be charged for disorderly conduct, which is a misdemeanor.

### **Aurora, IL**

McCarty Park has been a well known "hang-out" for the homeless population in downtown Aurora. Beginning during the summer of 2002 residents are now making it uncomfortable to stay in the park by putting dividers in benches, boarding up a gazebo, and pulling out bushes where people stored their belongings. These efforts may clean up the park but homeless advocates say they are just moving homeless people elsewhere. A woman, who provides free weekly lunches, has been strongly encouraged not to. Locals hope that police will support their cleanup efforts by forcing people to leave the park. James Cooper, a 45 year-old homeless man, has come to the park everyday for eight years, "It's the only place we can come and feel safe and not be bothered by anyone."

### **Austin, TX**

Panhandling is now illegal within 25 feet of crosswalks and ATM machines. A homeless man named David Colbert has been ticketed for violating these laws. He argues that the police have invaded his rights since he claims he was 25 feet from a crosswalk and they "pick" on him because he is homeless. Flyers around Austin warn people to not give money to panhandlers because they will more likely than not use it for drugs and alcohol.

The flyers encourage people to report panhandlers by calling 911 and inform them of food and shelters.

Homeless rights advocates are considering legal action against the city for ticketing people who are sleeping in public. Currently people are receiving these tickets under the no camping ordinance, but the City Council struck the sleeping reference in 2000. Officers are allowed to give tickets to people who are blocking sidewalks or doorways but homeless people are being given tickets regardless of where they are sleeping.

### **Baltimore, MD**

City Hall, the state attorney's office, the police department, and the business community have pushed for a crack down on nuisance crimes such as public intoxication. Homeless advocacy groups argue that nuisance crimes will simply create a "never-ending cycle" of homelessness.

### **Barstow, CA**

Business owners and police and code enforcement officers contend that a segment of the homeless population creates a negative image for the city and health hazards for the entire community. The city spokesperson, John Rader, cites the homeless population as a barrier to marketing the city for tourism. Local residents are discouraged to give money to panhandlers.

### **Boston, MA**

A community in South Boston is attempting to ban a homeless outreach van from coming to their neighborhoods. The Pine Street Inn, the region's largest homeless shelter began sending out teams of social workers and nurses to the neighborhood in 1986. The vans have always been controversial. A Pine Street Inn spokeswoman said, "The real mission of the van is to establish relationships with the most vulnerable groups, and to encourage them to come off the streets." The City Council member James M. Kelly, who represents the district, said, "They [the van] could come back, so long as they take the derelicts with them." An agreement was reached between the Pine Street Inn and the neighborhood but it does not appear promising. Kelly stated that the van would be able to return if the outreach workers only supplied medical care. A spokesperson for the Pine Street Inn firmly stated that the van would continue to distribute blankets and food in addition to the medical care they provide.

### **Boulder, CO**

New panhandling laws went into effect in February 2003. The City Council passed a law making it illegal to spend any more time on a median, or an island next to a highway ramp, than is "reasonably necessary" to cross the street. Protesters took to the medians the morning after the vote but were not given tickets by passing police officers, therefore adding to the belief that the law will be selectively enforced against homeless individuals.

The city council also restricted panhandling on Pearle Street Mall and the University Hill business district, the two main shopping districts. The restrictions create zones free of spoken begging around buildings, restaurant patios, and vending carts.

A recent study conducted by the Colorado Daily, a newspaper, found that one out of every five people who appear in the city's Municipal Court for a minor infringement of the law is homeless. The study also found that more than half of the homeless people who stand accused of quality-of-life crimes such as sleeping are jailed as a result.

### **Brevard County, FL**

Homeless advocates were able to successfully reduce the impact of a city ordinance that originally planned to prohibit sleeping in public, including sleeping in a car. The ordinance that passed the City Council made it illegal to sleep on a county controlled beach between 10pm and 5am except in those areas where camping is permitted. The ordinance also states that no arrest can be made if a shelter bed is not available. Brevard County has a homeless population of 2,400 and fewer than 100 emergency shelter beds. The City Council also agreed to match funds for a proposed 56-bed shelter.

### **Burlington, VT**

Activists argue that city officials are taking an "out of sight, out of mind" approach to the homeless. Police and code enforcement officers forced a group of homeless men to move several times after neighborhood concerns arose. The men originally inhabited an area near the city dump in makeshift shelters, and were told to move to a remote area along the river. The police gave the men maps to the new campground. The camp along the river was far away from all emergency services. The mayor and city attorney, however, are forcing the men to move again, stating that camping is not allowed in that area and the city cannot sanction their campground for liability issues.

### **Charlotte, NC**

Restaurant and business owners feel panhandlers threaten their businesses. Police patrolling on bikes are attempting to keep the panhandlers away from customers.

### **Cheyenne, WY**

Residents of one neighborhood feel the increasing homeless population is making the town unsafe for the children. Pat Wilkinson, a local resident, is leading the charge against the homeless population and has requested city officials to erect an eight-foot fence to keep the homeless population out of her neighborhood. Police officers made it clear that no one will be arrested unless a law is broken.

## **Chico, CA**

The Internal Affairs Committee passed a proposal to the City Council that would ban aggressive and deceptive panhandling. The City Council voted unanimously to pass the new ordinance. The regulations define aggressive and deceptive panhandling as: between sunset and sunrise, approaching a person within three feet, following people, blocking or interfering with the passage of pedestrians or vehicles, touching a person or vehicle without consent, using violent gestures, approaching people in groups of two or more. Panhandling would also be banned from bus stops, within 15 feet of a building entrance or exit, and a crosswalk or any fence. The ban extends to 50 feet from banks, ATMs, and vending machines. Panhandlers could not solicit while seated on or leaning against any public bench, planter, monument, or public property.

## **Cincinnati, OH**

Laws affecting panhandlers are increasing in Cincinnati. A law that went into effect in April 2002 prohibits panhandling in any public transportation vehicle or at a bus stop, within 20 feet of an ATM or bank entrance, from the operator of a motor vehicle or a person entering or exiting a motor vehicle, within 20 feet of a crosswalk, from a person waiting in line to enter a commercial establishment, or on private property without permission. It also prohibits people from representing themselves in a false or misleading way or panhandling before sunrise or after dark. The city now also requires panhandlers to have a permit for verbal solicitation. The permits could be revoked based on complaints and aggressive panhandling. If someone panhandles aggressively, or solicits verbally without a license, they face up to \$250 in fines and 30 days in jail. A media campaign centered on discouraging people from giving money to panhandlers is also underway. Mayor Charlie Luken is insisting that the 28 year-old Drop Inn Center denounce panhandling and refuse service to those that commit crimes. Luken has suggested that the center's state and city funding could be cut which would severely affect the center's budget.

The radio station 700 WLW and the DJ Bill "Willy" Cunningham conducted what they called a "Derelict Round-up." This was a publicity stunt during which they ran an ongoing live broadcast from a bus taking "bums" to West Chester, supplying them with "malt-liquor" and "cheap wine." When the Greater Cincinnati Coalition for the Homeless protested this dehumanizing stunt Cunningham screamed at them telling them to "go to hell" and hung up the phone. Cunningham continued on the air saying how filthy homeless people are and how they are "degenerates."

As this report was going to print, Cincinnati was threatening to remove people experiencing homelessness from underneath bridges. The Ohio Department of Transportation (ODOT) originally stated that the removal of people from under bridges was not permissible under existing laws. The land belongs to the state, therefore the city had no authority to remove the people living there. However, ODOT later changed their tune and sent a letter to the city stating that the city had the authority to remove people from underneath the overpasses. The Police began posting No Trespassing signs on July

14 and informed everyone living under the expressways that they had till 1 p.m. on July 18 to move. Local advocates, supporters, and social service workers arrived at the camps early on the 18th to help with relocation and to protest the city's actions. Shortly before 2 p.m. Jennifer Kinsley, a local lawyer, arrived at the largest camp and produced a temporary restraining order to keep the police from moving or arresting anyone. Kinsley filed a lawsuit against the City of Cincinnati charging that the city has a pattern of violating the rights of homeless people. The suit also addresses the anti-panhandling regulations as unconstitutional. A federal judge ruled against the city and is allowing the case to be heard. The sweeps will be postponed at least 20 days. The panhandling complaint will be heard separately.

The ACLU of Ohio also recently announced plans to work with Kinsley to file a class-action suit against the City of Cincinnati over the current panhandling ordinance.

### **Clearwater, FL**

Bob Decaire, the coordinator of TLC Ministries, has been charged with trespassing after a warning, a first-degree misdemeanor. Decaire was cited after rain and lightning forced his weekly feeding program for homeless people into a parking garage. The police chose not to arrest all 75 homeless people and volunteers for trespassing. The parking garage is only for people conducting city business. Police were concerned about garbage being left behind, and upholding the rule that charity groups have designated areas in the city to feed the homeless. The feeding program usually occurs on a patch of land near the police department. Decaire claims a police officer told him he could use the garage during rain several weeks before the incident.

### **Cleveland, OH**

The Northeast Ohio Coalition for the Homeless signed a consent decree with the City of Cleveland to settle a lawsuit, which prevents police from arresting or threatening arrest to any homeless person for the purely innocent behavior of sitting, sleeping, standing, or eating on the sidewalk. Reports from homeless people on the East Side of Cleveland state that officers are upholding the decree, but police on the West Side continue to harass homeless individuals. The larger problem of private security guards, who have no legal authority, forcing homeless individuals to "move on" still exists. Many of these security guards are off-duty police officers and wear their police uniforms while they work as security guards.

### **Colorado Springs, CO**

The City Council wants to amend an existing ordinance to make tougher laws targeted at aggressive panhandlers. For example, panhandling 20 feet from an ATM is prohibited as well as after dark and while someone is entering or exiting a car. The City Council is addressing this matter because of complaints from business owners and residents. A media campaign to encourage people to donate to service providers is also underway.

## **Columbus, OH**

The Columbus Coalition for the Homeless reports that homeless persons who loiter are repeatedly treated unfairly and arrested. Many are arrested for possessing an open container, particularly when the person is known as an alcoholic and does not willingly enter treatment. Over the past few years the city has closed down several homeless camps when they posed a “serious health/safety threat.” In most cases city officials will contact the Community Shelter Board prior to the sweep and allow time between notification and execution of the sweep. The efforts to develop a city protocol if a homeless camp is encountered, has not materialized despite the promise to create one.

## **Corona, CA**

The City Council approved several new laws that will negatively affect homeless individuals in November 2002. Any agency serving the homeless on public property will be required to obtain a \$20 permit from the city. All agencies that attract a dozen or more people more than once in a 90-day period will have to get a permit or face fines up to \$1000. The initial ordinance was supposed to include private property as well, but local advocates reached a compromise with the city. Laws against loitering and sleeping in public were also tightened. It is now illegal to sleep anywhere on public property including a car parked on a public street or in a garage. The harshest new law requires all people who receive any type of services, including meals, to apply for an eligibility card. This process will be handled by the police and requires everyone to fill out a form, submit to a background check, and have their picture taken. The cards will list a person’s citizen status, as well as declaring whether they are a drug or sex offender. Anyone without an eligibility card will be denied services from the local homeless shelter as well as private groups that feed on public property.

## **Corpus Christi, TX**

Policemen issued trespassing warnings to homeless people inhabiting a privately owned empty lot. If they do not leave the police will physically remove them or arrest them if necessary. While the homeless people are upset and have claimed a common law right to the area, they did find the police to be “very friendly.” The lot will be cleared of all brush and trash after the people leave.

## **Covington, KY**

Homeless “camps” along the riverbed were swept away with backhoes and dump trucks under the orders of Mayor Callery, city officials, and the police. The camps were considered to be a health hazard and unsafe because of fire risks from campfires and human feces found in clothing and bedding. The homeless people who inhabited this area were outraged because their personal belongings such as photos, bibles, and clothing, were removed and in some cases destroyed without warning. Lawsuits have been filed against the city and there have been demonstrations, with the aid of the National Coalition for the Homeless, outside the City Hall by homeless rights advocates as well as homeless people.

Mayor Callery has also been criticized for vetoing plans to construct the Life Learning Center, a “multi-faceted facility to help homeless people change their lives.” The mayor did not approve of its location in the downtown business area because he believes it will diminish property values and attract homeless people from all over the area. There are approximately 3,000 homeless people in the city and only 50 shelter beds. The homeless people who inhabited the riverbed thought of the area as their home. They were outraged that the city could take their belongings simply because they lived outside.

### **Dallas, TX**

The police continue to conduct sweeps of homeless camps on a regular basis. These sweeps often force people to leave their belongings, which are sometimes later destroyed with bulldozers. Selective enforcement of laws and an obvious reduction of public space is occurring all over the city. Two church groups, that were feeding homeless people, were harassed and threatened with arrest if they did not leave a public square. Organizers from the National Coalition for the Homeless recently traveled to Dallas to facilitate meetings between city officials, homeless rights activists, and the homeless.

The City Council banned panhandling within 25 feet of banks, ATMs, self-service gas pumps, car washes, pay phones, and public transportation stops. Violating the ordinance can result in fines up to \$500.

### **Davenport, IA**

The police are clearing out homeless camps after the murder of a homeless woman, Paula Sue Heiser. The police want to work with homeless rights advocates and social workers to make sure they clear the camps with “compassion and dignity” and encourage the homeless people to get the help they need. There are roughly 15 such camps in the county.

### **Dayton, OH**

The downtown area is in the process of being revitalized thus displacing many people experiencing homelessness. Government-subsidized housing is either being removed or replaced. A law passed a few years ago requires that those wishing to panhandle register with the city. Daily meal services and social service agencies are being re-located.

### **Denton, TX**

The increasing homeless population is troubling business owners and residents. Meetings have been planned between business owners, residents, and service providers to discuss the best plan of action for the homeless population.

## **Denver, CO**

An advertising company began handing out laminated signs to homeless panhandlers. The signs had messages like “At least I’m not Spamming your E-mail” and “Hell, It beats a Cubicle.” The signs also included a plug for their company. The panhandlers were not paid for holding the signs. John Parvensky, President of the Colorado Coalition for the Homeless, said “We’re trying to create lasting solutions to homelessness, and certainly panhandling, and promoting that, are not going to get up there.”

## **Des Moines, IA**

Des Moines is taking an “out of sight, out of mind” approach to their homeless situation, the causes of poverty, and their lack of affordable housing. Police are cracking down on clearing out homeless campsites. Apparently most of the belongings confiscated in the sweeps have been thrown away or dumped in the river near the campsites. There is a shortage of shelter beds for the number of homeless people in the city, and affordable housing and transitional housing options are non-existent. It is hard for people to get into housing because many of them have criminal records from arbitrary arrests. Shelter space and housing is especially needed in this area because the winter weather is so brutal.

## **Detroit, MI**

There is a large homeless population that congregates around Wayne State University. Public Safety officers blame the students who are so generous toward the panhandling on campus. Since it is a public university and it is not a crime to panhandle, they are allowed to be there.

## **El Cajon, CA**

The city has not built a shelter for two years, but has tried to shut down a homeless camp at St. Albans Episcopal Church. Attorney Scott Dreher filed a lawsuit on behalf of the church. The lawsuit alleges that the city has violated the church’s civil rights, the U.S. Constitution and a federal law protecting religious land use decisions by trying to shut down the growing homeless camp at the church. City Attorney James Lough claims the city is not obligated to build or support a shelter, and that they have set aside sites for a shelter, which is the extent of their responsibilities. Dreher has also warned other cities in the area of lawsuits if they do not build shelters. The City Council is planning to get a court injunction against the church and the campers for municipal code violations. Rev. John Conrad refuses to move the homeless campers from his church until the city builds adequate shelters. He is going to install a portable toilet and a shower at the camp so they do not violate any health codes. In response to the lawsuit Mayor Mark Lewis presented a plan for a shelter and asked the church to donate some money into a trust fund.

## **Eugene, OR**

It is illegal to camp anywhere within city limits. Homeless people have been protesting in downtown in order to make the city address the problem.

### **Fitchburg, MA**

City Council member, Matthew Straight filed a petition with the City Council to examine ways to deter loitering along Main Street. Straight said the petition is a result of complaints from business owners.

The city has allocated \$30,000 for a new interfaith hospitality network that will provide services to homeless families.

### **Fort Lauderdale, FL**

Homeless advocate Arnold Abbott sued the city when he was told to stop feeding the homeless on the beach. He was asked to move his feeding site to a stadium, which is eight miles from downtown where people experiencing homelessness gather. He won the case, arguing religious freedom, saying Judaism motivated him. His Wednesday night dinners, on the beach, that he has been holding since 1991, will continue.

### **Frederick, MD**

Homeless man Donald Trombley was surprised to find an eviction notice in an area of the woods where he lives. Frederick Brick Works Inc. has ordered the homeless that live in a wooded private lot to leave or they will be removed by force. Some of the residents have been living there for 10 years. The company stated that they are planning to do work in the area and do not want to risk anyone getting injured.

### **Fresno, CA**

The perception of homeless people as disruptive and associated with crime are the reasons why the city wants them out of the downtown area, Police Chief Jerry Dyer admitted. “For the most part those people are harmless. But it is the perception that hurts downtown,” said Dyer. Despite admitting that the problem is mainly one of misperception, the city continues to force homeless people to move. Pressure is being placed on the shelter downtown, and police are confiscating shopping carts belonging to homeless individuals when they are left unattended. The problem is that no one is, “worried about the perception that Fresno has a heartless attitude” toward his or her homeless population. Fresno owns an All – American designation in part for how it cares for its “downtrodden.”

Panhandlers could now be fined up to \$1,000 or be sent to jail for 6 months if they ask for money in places prohibited by a new ordinance or use aggressive tactics. Many argue this new law is unconstitutional, since it specifically targets the homeless.

### **Gainesville, FL**

A group of University of Florida students were told that they can no longer operate a feeding program outside of City Hall. Gainesville Police threatened the group with arrest and told them that they could no longer serve meals. Assistant City Manager, Carl Harness, initiated the change when he informed officers to stop anyone from giving out handouts in the City Hall Plaza. The plaza is public property but city officials say they have the right to regulate public areas, if they feel this regulation is necessary.

There is great debate over the location of a “safe space” offering services to the homeless since residents in both the eastern and western parts of the city do not want it interfering with their businesses and parks. The debate is causing the delay in the building of a shelter, which could mean that it will not be ready next winter.

### **Gardena, CA**

A law to ban sleeping in cars on public streets between the hours of 10p.m. to 6a.m. was passed by the City Council. Sleeping in a car is now a misdemeanor punishable by up to 6 months in jail. City leaders said that a growing number of people were using public roadways as campground sites and the law was needed to curb the problem.

### **Glendale, CA**

A city ordinance bans all forms of aggressive panhandling. The ordinance defines aggressive as: action that would make a reasonable person fearful, touching a person or his/her property without consent, blocking a person’s path, using violent or threatening gestures, following a person, and using profane, offensive or abusive language. The ordinance also bans panhandling from within 15 feet of any banking institution including ATMs. Panhandling in parking lots after dark is prohibited as well as panhandling on public transportation. Violating this ordinance once could result in a fine up to \$100, a second offense will result in a fine up to \$250. A third violation is classified as a misdemeanor which could result in a \$500 fine and six months in jail.

## **Greensboro, NC**

The City Council voted unanimously to place harsh restrictions on panhandling. A permit is now required to panhandle. The permits are free but a person must present photo identification and reapply every three months. A fine of \$50 will be issued to anyone panhandling without a license. The council also put restrictions on where people could panhandle. The ordinance will prohibit people from panhandling at bus stops and on any public transportation. It is now a misdemeanor to approach a person within three feet to solicit, follow a person after they have said no, soliciting in groups of two or more, and to use deception to solicit.

## **Hollywood, FL**

A neighborhood policing team has made it a “priority” to displace homeless camps. They have adopted a zero tolerance policy that they enforce with daily sweeps. They have stopped many individuals and made several arrests.

Police Chief James Scarberry went over the City Commissioners’ authority and stated that his officers would begin to enforce a state law that prohibits soliciting in roadways. This ban will affect everyone from firefighters to homeless individuals selling the local homeless newspaper. Advocates feel that this ban specifically targets the homeless population. The City Commissioners have defeated two previous police driven attempts to ban roadway solicitation.

## **Honolulu, HI**

The downtown business district and Hawaii Pacific University asked the city to clean up their area. The city responded by removing public benches and replacing them with new benches that have bars in the middle that will prevent homeless people from sleeping on them.

Residents are concerned about litter left by homeless people living out of their cars. City officials remind them “it’s not illegal to be homeless.” The only things they can do is cite people for sleeping in their cars or littering, and ask the homeless people to move and encourage residents to pick up litter in their area.

## **Houston, TX**

The City Council voted to ban “dumpster diving,” aggressive panhandling, and sleeping on downtown streets between 7 a.m. and 11 p.m. Police officers will not arrest anyone committing these acts, but will rather refer them to social service agencies that can help them. The major problem with the anti-dumpster diving rule is many homeless people make a living collecting cans from dumpsters and survive on food found there as well. The City Council has defined aggressive panhandling as “asking for money within eight feet of ATMs, pay phones, parking meters, gas pumps, or people who object.”

## **Hyannis, MA**

There are serious concerns regarding homeless camps in the town and their effect on local businesses and tourism. Police will begin “aggressive patrols” and “force them to remove belongings.” Police intend to arrest homeless people who “act up” and will take intoxicated people into protective custody. Some of the camps’ residents have been banned from the local shelters that have a policy against admitting intoxicated people. Homeless advocates said that they had a plan to have social workers help to clean up the camps while encouraging the residents to get treatment. The city’s plan will occur before they have a chance to act.

## **Jackson, NJ**

A little used town ordinance dating back to 1971 will now be strictly enforced. The ordinance bans year-round camping including camping in small trailers and RVs. Many low-income residents have been living in small trailers for years because it is the only place in town that they can afford; the monthly rent at the campground is between \$400-\$500, which is half the price of an apartment. Residents will only be allowed to stay at the campgrounds for 15 consecutive days. Many people say they have no way of moving their trailers or anyplace to go if they are forced to leave their homes. It is unclear how the law will be carried out.

## **Jacksonville Beach, FL**

A Community Response Team (CRT), a special police unit, performs regular sweeps of the beachfront, boardwalk, plazas, and several of the city’s wooded areas. Since the creation of the eight-member team in 1999, 1,000 arrests of “transients” have been made. Homeless individuals are given one warning and a ticket before they are arrested. Every time an officer encounters a homeless person they fill out a contact card with the person’s personal information on it. This information is entered into the police database, which keeps track of how many warnings a person has received and if they should be arrested or ticketed. The officer calls the station to check on a person’s status. “It used to be like shooting fish in a barrel, now it’s harder to find them because they know we are out there,” said a CRT officer.

City officials are considering putting up video cameras on light poles as a way of discouraging the homeless population from being present on downtown streets. Laws have been passed against sleeping in public (including in cars), aggressive panhandling, and drinking in public. Police state that wherever there is legal justification for an arrest one will be made. One homeless man was cited for sleeping in public while he sat on a beach. The man had a toothbrush in his back pocket and other personal items in his bag, but was not asleep at the time of the citation. He was cited at 9:30 a.m. The anti-sleeping law only applies between 11 p.m. and 6 a.m. Councilman Fland Sharp said, “They [homeless people] are fat and happy. They just want to lay around and drink all day. I have no sympathy for them whatsoever.”

Police officers entered the woods in order to collect cans for a Boy Scout fundraiser, but they ended up finding several homeless individual's belongings. They confiscated all the items, which included a brand new tent, boots, clothing and other personal property. Police said that people could pick up their belongings at the police station.

Three homeless people and the Emergency Services and Homeless Coalition of Jacksonville Inc. filed a suit in the U.S. District Court challenging a 1999 law that prohibits sleeping, lodging, or camping in public places. The suit calls for a permanent injunction against the ordinance and compensatory damages for property that police officers have confiscated or destroyed.

### **Key West, FL**

There is no city run shelter in Key West and city officials made a proposal that would have paid transportation costs for homeless individuals to travel the 150 miles to Miami-Dade. They also offered money to shelters and homeless outreach centers in the Miami-Dade area to take these individuals in. Officials in Miami-Dade said they were insulted by the offer and could never handle a large influx of people into their shelter system. The protests from Miami-Dade stopped the proposal from occurring.

A City Commissioner requested a video to be taken of homeless people both during the day and the early morning hours. City workers will film groups of homeless people during the day and then again around 4 a.m. to document the problem of homelessness. The video project is specifically targeted at the individuals that the city considers "chronic public nuisances."

An ordinance that bans all forms of panhandling from three major tourist spots passed the City Council. Aggressive panhandling is already illegal, but this new law covers all forms of panhandling, even people who simply hold up a sign. Technically this law will cover Salvation Army volunteers around Christmas and Girl Scouts, but homeless advocates doubt if the law will be enforced for anyone but the homeless. The penalty is a fine up to \$500 and jail time. The City Council is looking to expand this ordinance to other areas of the city.

A small stretch of public beach was closed to prevent homeless people from camping there. Public restrooms and showers near the beach were also closed.

The city closed homeless camps in the wetlands, stating that they pose an environmental and health risk. If people remain in the mangrove fields they could be charged with a third degree felony. The penalty is a \$500 fine and 60 days in jail. The city promised advocates and homeless men and women that enforcement of this law would be delayed until a shelter with a minimum of 25 beds could be built. City officials called a meeting of residents to discuss the location of the new homeless shelter. Approximately 200 people came to the meeting, mainly to protest any shelter being built in their neighborhood. The Mayor, Jimmy Weekly, proposed building a shelter under the jail. While the city

struggles to find a location for the shelter, the police began enforcing the anti-sleeping ordinance in late July.

The mayor and the assistant city manager had stated that there would be a moratorium on homeless harassment until a permanent shelter had been built or and temporary safe camping ground with showers and toilets had been created. Despite this statement the city cleared an empty private lot where several homeless men were sleeping. The men did not have an opportunity to clear out their belongings before the city cleared the land with a bulldozer. The men lost family pictures, a wedding ring, and identification cards. The city gave two of the men bus tickets to Springfield Massachusetts and Napa California and \$500 in cash.

The county and state officials forced that last residents of “Houseboat Row” to move to city owned marinas. They were forced to move because the boats did not have sewer hookups. Houseboat row began in the 1950’s as summer homes for high society, but in the 1970’s it “deteriorated.” The city voted to keep the houseboats but the city owns the water under the sea wall and therefore had the authority to move the boats.

### **Lakeland, FL**

City Commissioners passed an ordinance banning aggressive panhandling. The ban restricts panhandling from within 20 feet of a public restroom, while under the influence, at bus or train stations or within six feet of an entrance to a building without the permission of the owner. It also bans using aggressive tactics. Penalties include fines up to \$500 and 60 days in jail.

### **Las Vegas, NV**

In most cities the police violate the rights of the homeless by unfairly targeting them for unequal treatment. Police officials claim they are merely seeking to ensure that everyone obeys the law. Those who are caught, they say, are just the ones who refuse to play by the rules. In Las Vegas, the Mayor and the Metropolitan Police Department are more brazen. In typically shameless fashion, they proudly announced that they’d conducted dozens of downtown “sweeps” in which jaywalking, pedestrian obstruction, and other quality-of-life ordinances were used as an excuse to stop people and “clean up” the area. If violators were “tourists” or “businessmen,” they were given a friendly warning. But if they were among the more than 1,000 “undesirables” who were snagged, the Mayor and officers bragged, they were cited and often carted off to jail to languish for days and even weeks while awaiting court appearances and trials.

Jail is no picnic anywhere, but in Las Vegas it is more abhorrent than it is in many places. According to a 1997 report by the United States Justice Department, conditions in the Clark County Detention Center (CCDC) were so bad that they systematically violated inmates’ rights. The report surprised few who were familiar with the jail.

Overcrowding, inadequate medical care, and nearly non-existent mental health care have long made CCDC particularly dangerous and inhumane. Unfortunately, it has also long

been the state's largest public "mental health facility," the place where the homeless who are mentally ill are routinely warehoused when they are repeatedly arrested for minor infractions. While incarcerated, they are often left to wander in general population, where they are especially vulnerable and receive no treatment to speak of.

Mayor Oscar Goodman had harsh remarks regarding homeless people during his State of the City Address in January 2002. "They're robbing people, raping people, and killing their own." Goodman admitted that it would be improper to paint any group with a "broad brush" and claimed that his remarks were targeted at a specific section of the homeless population.

A homeless encampment of approximately 175 people (about 30 of whom had been evicted from a smaller encampment earlier in the month) was ordered to disband in late March 2002. The majority of the people left in the middle of the night just before police arrived to force them to move. The mayor and city officials cited concern over public health as the primary reason for closing the camp. The clean up cost \$11,000, an amount that could have paid for three weeks of shelter space at the Salvation Army shelter that was previously forced to close for lack of funds. Later that morning, a second camp of 100 people arose on a vacant lot overlooking Las Vegas Boulevard. The police forced them to leave this camp too, and Mayor Goodman arrived to personally oversee the operation. The homeless scattered in all directions, with no destination. A flier that informed people that shelter beds were available had been handed out, and most shelters stated that they could provide two to five beds. But homeless advocates learned that some beds already in use by others were cleared the previous night in order to prepare for the police sweep. In any event, those beds filled up quickly, and homeless men and couples reported being turned away from the shelters. The American Civil Liberties Union of Nevada said that the city's claim that enough shelter beds were available was a lie.

A small new camp of about 30 people formed in a nearby location. Advocates obtained donations of garbage bags and other cleaning supplies from the MGM MIRAGE and a Franciscan Friar, Brother David Buer, raised funds to rent a porta-potty in order to maintain a clean camp. Homeless men and women were also sweeping and raking the camp. However, the city forced Brother Buer to remove the porta-potty, stating that it blocked pedestrians. The porta-potty was located against a fence near which there was virtually no pedestrian traffic. Shortly after removing the porta-potty the city closed the camp citing a public health concern, especially due to human waste. Previously, advocates who came by to visit the homeless were questioned by police.

Gary Norris, a homeless man, was cited for soliciting businesses or contributions from people in passing cars. The sign read, "The Lord is my Shepard." Norris says that he was not soliciting at the time of the citation and plead innocent during his arraignment. He planned to fight the citation until it was dismissed.

The Las Vegas Review-Journal conducted an unscientific online poll that asked, "How should the city handle the homeless problem?" The choices and percentages were as follows: "Find or build more shelter space" 28.9%; "Break up encampments as soon as

they form" 20.1%; "Designate a 'tent city' district out of public view" 14.4%; "Give them bus tickets out of town" 36.5%.

A Metro police officer kicked Michael Steele, a homeless man, while he slept on a sidewalk. The officer then pulled a gun on Mr. Steele until he showed his hands from under his blanket. Steele was also issued a trespassing citation.

Over the last year, basic services to the homeless continued to decrease. In October 2002, the MASH transitional housing facility closed. In April 2003, Catholic Charities closed a 200-bed emergency shelter for men. In June 2003, the highly-regarded Crisis Intervention Center at the MASH site was closed for lack of funding. The MASH winter tent for homeless men, which had contained 250 beds, was permanently removed in 2002, after four winters of use.

### **Los Angeles, CA**

The legal battle over downtown LA is in full force. A 50-block radius, known for years as Skid Row, is coming to the attention of the city. A downtown revitalization project that is attracting high priced loft apartments and art galleries has caused the city and the police force to turn their attention to the homeless population. A Business Improvement District (BID) was formed and hired private security firms to help patrol.

A small homeless camp was closed in August. The camp was located near a golf course east of Los Angeles. The city cited several fires and trash problems as the reason for the closure.

In response to a group of downtown civic leaders, business owners, and residents who complained to the city and police department that the homeless population on "skid row" had become a health problem and a safety catastrophe the police began "Operation Enough." One of the main requests was to enact an anti-encampment ordinance. Less than 48 hours later the LAPD working with the California Department of Corrections, California Youth Authority, FBI, U.S. Marshals Service, and other state law enforcement groups began "Operation Enough." More than 250 officers moved through skid row in raids that began before dawn on a Wednesday and continued Thursday evening and Friday morning. Police arrested 108 people on Wednesday and 84 on Thursday and Friday; the names of those arrested were withheld. The police insisted that they were not targeting the homeless, only those people that were violating parole and in possession of weapons or drugs. About 60% of those arrested were for parole violations.

The American Civil Liberties Union filed a suit with the National Lawyers Guild against the city of Los Angeles, the Los Angeles Police Department, Chief William Bratton and one of his top officers, Capt. Charlie Beck. The lawsuit asked that the court put an end to the recent sweeps of "skid row" and pay the plaintiff's court cases. A federal judge issued a temporary restraining order prohibiting the police from conducting sweeps in search of parole violators. Recently the city has agreed to pay nearly \$170,000 to dozens of homeless people who were caught in the sweeps.

A meeting was held between business owners and the LAPD in Westwood to discuss how to best address the homeless population that business owners claim is harming their businesses. The police stated that they would identify the specific laws that the homeless are breaking and begin to strictly enforce them. Police officers suggested that people call a non-emergency line or 911 if they found someone breaking the law. The owners were also told that they could perform a citizen's arrest if they found a homeless person breaking the law. The community was encouraged to take action against those individuals breaking the law. People were also given "A Trespass Arrest Authorization" form, which may force homeless people to leave a business for at least 24 hours.

A Municipal Code 41.18, was passed that prohibits "anyone from sitting, lying or sleeping on any public sidewalk, street or alley at all times anywhere." The code is rarely enforced outside of downtown LA. The American Civil Liberties Union has filed a federal lawsuit seeking to stop police from citing people in violation of 41.18.

### **Lynnwood, WA**

A new law makes it illegal for anyone to camp on city streets, in the local parks or wooded areas. This law will apply to individuals who are forced to live in their cars. A conviction could result in fines up to \$1,000 or 90 days in jail or both.

### **Manchester, NH**

After two fires, one major and one minor, occurred under the Notre Dame Bridge, the city is considering erecting a barrier to prevent people from camping beneath the bridge. The first fire was attributed to vandals and a homeless man who had fallen asleep while smoking caused the smaller fire.

No new laws have been passed recently that target the homeless population but the police have begun to arrest more people and forcibly move them from downtown and along the river. The police now have two horse patrolmen and make use of them and officers with unleashed dogs to patrol looking for homeless camps. The City has also begun cutting trees and brush clearing out green spaces throughout the city, and closing homeless camps in the process. The police have also refused all attempts made by advocates to conduct trainings with their officers and local homeless advocates on the homeless population and their needs.

The Manchester police department has begun taking pictures of homeless individuals sitting in the parks. The police and mayor's office stated that the pictures were taken to determine who sits in the park just in case there is future damage in the park. Police officers are also asking for IDs from individuals who sitting in the park who simply appear homeless. If citations are issued people face fines up to \$100.

### **Manteca, CA**

The City Council voted unanimously in January 2003 to ban all forms of camping on public property. The ordinance is a misdemeanor that is punishable with up to one year in jail and a fine of \$750.

### **Marysville, WA**

Marysville does not have a homeless shelter, the closest shelter is in Everett. As a result a small number of homeless individuals have made camp under the freeway. Mayor David Weiser said that the homeless are a traffic hazard and must be moved. The residents of the small camp were forced out of the camp. City workers were instructed to continue to visit the camp until no homeless people remained.

### **Medford, OR**

Jackson County is beginning discussions about creating a free campsite for the homeless that would be on county land. People would be able to camp at the site legally and for an extended period of time. Current policy requires the city to close all illegal campsites. A notice is posted 24 hours in advance of the closure. All the residents must take their belongings and leave the site permanently.

### **Memphis, TN**

Every year before the Church of God in Christ conference in downtown Memphis, the city hires police from the neighboring suburbs to assist the Memphis Police Department to sweep the entire downtown area, conducting warrant searches and forcing homeless people to leave the area. They are told that “they can go north, south, or east, but they cannot stay downtown.” In addition, police use the obstruction of public way ordinance to arrest homeless people standing on the sidewalk, who will not “move along” when asked.

### **Miami Beach, FL**

In a move to improve “overall quality of life,” City Commissioners voted six to one in favor of a law that would prohibit people from living in public spaces. The ACLU called this law a “thinly veiled attack on the homeless.” Police officers must offer violators a chance to stay in a homeless shelter and those that refuse may be arrested or fined. If beds are not available, officers are not permitted to arrest offenders or order them to leave. The majority of shelter beds are in Miami, and many homeless do not want to travel over the bay to Miami and often refuse shelter.

In a Miami Herald readers poll 19.4% thought that “Cities shouldn’t harass their less fortunate citizens. Leave them alone.” 32.7% of people thought that “The homeless are a public nuisance. Most of them don’t want help. They need to be driven off the street.” 48.0% said, “Arrests don’t work. We need more social programs to help the homeless.”

## **Milwaukee, WI**

In an unprecedented action a church was declared a public nuisance. St. James Episcopal Church allows the homeless to sit outside of the church and sleep in the yard at night. The church also holds a breakfast inside every morning that feeds around 200 people a day. The declaration of public nuisance means that the church will be fined every time the police are called to the church because of nuisance activity there. The police were called to the church ten times between May and August. The church is between a middle class apartment building that caters to students and a Marquette University residence hall.

## **Minneapolis, MN**

Reports of police harassment and brutality are common among the homeless population in Minneapolis. Homeless men and women report that their property is routinely confiscated and that the police often physically harass them during sweeps.

The Minnesota Department of Transportation and the city's Department of Public Works began installing "transient barriers" under bridges and elevated freeways where homeless people sleep. The barriers are made of rebar and bolted into the concrete. They are placed just below the road surface at either end of a bridge. The DOT estimates they have spent \$12,000 installing the barriers, the city does not have a cost estimate. This past April Minneapolis shelters lost the funding for 100 beds. Over 1,000 people are turned away from shelters every night due to lack of space.

## **Mobile, AL**

Homeless advocates report that during last year's tri-centennial birthday celebration the police pressured the homeless by forcing them to leave and arresting them with old laws. Two people were arrested for "wandering abroad" a law that dates to the civil rights era and prohibits a person's unauthorized presence in or on any piece of private property. It is unclear how it pertains to public spaces. The city and police denied that the arrests or pressure on the homeless to leave downtown has nothing to do with the expensive public celebration.

## **Montgomery Co, TX**

A commissioner's court approved \$1,100 to put combination locks on the restrooms in county buildings to prevent the homeless from using the facilities. All county employees will be given the combination as well as others that are using the buildings and need the restrooms. A county Judge, Alan B. Sadler, said the number would be given to anyone unless "they walk in with a suitcase."

## **Nashville, TN**

The event “Fan-Fair” which is a country music appreciation day where the country stars come to town for autograph signings and concerts sparked over 300 arrests of homeless people. In five days, 340 people were arrested and lodged in jail on loitering and trespassing charges. After the event was over they were taken to court. If they pled guilty they were given time-served and released, if they pled not-guilty the charges were dropped as to not “clog up the courts.”

## **New Orleans, LA**

The historic French Quarter is being “cleaned up” by the City Council and the police force. City Councilwoman, Jacquelyn Brechtel Clarkson, and Police Captain, Louis Dabdoub III are leading the charge to rid the French Quarter of people they consider public nuisances. This group includes homeless people, street performers, young children that tap dance, and tarot card readers. Clarkson’s first step was to remove the benches in Jackson Square across from the St. Louis Cathedral. Clarkson did not want to return the benches but eventually will replace them with four new bars installed to prevent people from lying on the benches. The space for a person to sit will be 24 7/8 inches wide. The total cost of refurbishing was \$36,000.

From June through July 2002, when Dabdoub took command of the police in the 8<sup>th</sup> district, which covers the French Quarter and the majority of the downtown area, there were 3,200 arrests. This is four times the number of arrests made during the same period the previous year. People are arrested most often for public intoxication, loitering, aggressive panhandling, and an old law, declared unconstitutional in 1986, which prohibited unauthorized public habitation. Homeless people are reporting being falsely arrested and incarcerated for weeks at a time on minor charges -- such as obstructing a public place, and very rarely is any evidence of the charge presented in court.

Dabdoub also has suggested the creation of a “tent city” that would eventually become a permanent shelter. The criminal sheriff would run the camp initially. There are no known tent cities that are controlled by the police in the United States.

## **New York City, NY**

Mayor Bloomberg and New York City Police (NYPD) Commissioner Raymond Kelly made the removal of homeless New Yorkers out of public spaces and public view through arrest and harassment one of their first priorities upon taking office in January 2002. Mayor Bloomberg had campaigned on being tough on crime and cleverly joined his tough anti-crime stance with a vow to not allow New York City’s Quality of Life to deteriorate even though “many so called Quality of Life crimes are not crimes at all, they are simply violations of Rules and Regulations,” states John Jones, leader of Picture the Homeless. These violations, when enforced against homeless New Yorkers often result in arrest or turn into warrants for homeless people unable to pay fines which then may lead to having a criminal record.

Shaken by the fears produced by 9/11 and the economic crisis, some New Yorkers welcomed his vow to be tough on crime and maintain the current Quality of Life. A poll conducted by The Citizens Crime Commission showed that New Yorkers strongly support the enforcement of these laws. Many other New Yorkers however, including homeless and poor New Yorkers, knew that Bloomberg's promise to "not let squeegee men take over our streets" was code for making sure that homeless people were made invisible.

Mayor Bloomberg continued a public fight from the Guiliani Administration against the fifth Ave. Presbyterian Church. The Church had allowed homeless people to sleep in the entrance way to the church, including the church steps and adjacent sidewalks. Federal Judge Lawrence McKenna struck a compromise between the Church and the Administration by ruling that the prohibition against camping on sidewalks does not apply to entrance ways of church buildings. The church had sought sanctuary designation for a five foot wide section of the 16 foot sidewalk that the church owns. The Judge declared this space public and not allowable for use by homeless men and women for sleeping. Homeless people and church officials report that police officers continue to force people sleeping on the Church steps to move.

In January 2002 Mayor Bloomberg and Police Commissioner Ray Kelly held a press conference where they identified the "Seven City Sins" that would not be tolerated under the broader Quality of Life policing and media campaign: prostitution, illegal street vendors, public urination, drinking or smoking in public, drug dealing, aggressive panhandling, and homelessness. A local paper, *The Daily News*, titled this effort A New War on Public Pests. Of the Seven City Sins listed, only homelessness is not against the law, but as a result of this public campaign, homelessness became further criminalized in the eyes of many New Yorkers.

The Mayor created a toll free hotline for NYC residents to call and report "quality of life" crimes under the name Operation Clean Sweep. Operation Spotlight was developed to target repeat offenders of "quality of life" crimes in order to give harsher jail time to people who have three or more arrests in one year and at least one conviction.

In targeted areas, such as Greenwich Village, a series of community forums held by community boards and the police promoted this "get tough approach" targeting homeless people. FIERCE, a grass roots organization of LGBT (Lesbian, Gay, Bisexual and Transgender) youth, many of whom are homeless, held several protests, disrupted community meetings and educated their community about their rights through outreach, video and teach-ins .

Picture the Homeless, an organization founded and led by homeless New Yorkers began a legal clinic for homeless people in conjunction with NYC Police Watch in the Spring of 2002. After hearing hundreds of reports of tickets for Quality of Life offenses as well as the more generic disorderly conduct charge, Picture the Homeless began conducting surveys of homeless people regarding their interactions with the NYPD. Over 500 homeless people were interviewed and the findings documented that 81% of homeless

people were given tickets or arrested for doing the same things as other people who didn't appear to be homeless (such as lying down in a park), 46% of homeless people lost their property either by their belongings being thrown away by the police or being unable to claim their belongs for lack of a voucher or identification and 63% reported being stopped and frisked for no reason. Many interviewed stated that they felt they were targeted because they were Black or Latino as well as being homeless.

In October of 2002, the NYPD began a highly publicized crackdown on homeless people in public spaces, widely reported in the press shortly after business leaders made complaints about an increase in homeless people in commercial and tourist areas. Homeless New Yorkers also reported increased harassment in public spaces such as parks, mass transit facilities and on the streets from the NYPD as well as private security guards working for BIDs or private buildings. Tickets for taking up more than one space on a subway or bench on a subway platform, trespassing, erecting structures on public sidewalks, misuse of parks property for sleeping on a park bench or having a bag on a park bench, public urination and disorderly conduct were common violations. NYPD Commissioner Kelly was quoted in the *New York Times* (10/13/02) saying, "The number of homeless people arrested for such offenses (public nuisance laws) this year has increased by more than 300%."

Picture the Homeless organized an action in early November in Penn Plaza in response to the increased harassment. Penn Plaza is open to the public but is not a city park. It is a large space with benches in front of an office building across from Penn Station in Midtown Manhattan. This action was in support of the right of homeless people to be in public spaces and was attended by about 30 homeless people who frequent the park. Major media outlets covered the event. The message was clear: "Just because a person is homeless does not mean he/she is excluded from the public," said Mike Slater, leader, Picture the Homeless.

During the action there was a heated confrontation with a private security guard from the building who insisted that people disperse. The guard attempted to physically remove a Columbia University law student from the park as she was interviewing one of the leaders of the action, and the NYPD were engaged to protect the rights of the homeless protesters. Two days after this protest, one of the leaders, a John Jones, was approached by the police and told to move. When he refused, he was told by the police officer that he didn't care "how much @#!&@\$# press you bring here, you still can't stay in this park" (reported by Andrea Thomas, member Picture the Homeless) and arrested him for disorderly conduct.

The NYPD consolidated and substantially expanded the size of the Department Unit charged with interacting with the homeless and instructed members of that unit that their primary mission no longer was to offer services but instead was to arrest the homeless. In the first month of the homeless arrest initiative approximately 250 homeless people were arrested for minor offenses. Many of the arrested were held overnight in jail and lost personal property as a result.

Even the Police Union denounced the new policy. “It’s lunacy and the poor cops are stuck between a rock and a hard place. It’s become organized harassment and it’s wrong,” stated Albert O’Leary, PBA spokesman. Another cop quoted in the *New York Post* on November 14, 2002, who refused to give his name stated that “Homelessness is not a crime – but we’re treating it as a crime. We’re treating them differently than any other citizen...(city officials) don’t want to see them. They want us to harass them so much that they will be driven to the outer boroughs.”

Eduardo de la Cruz was one police officer who refused to arrest a homeless man for sleeping in a parking garage and was suspended without pay for 30 days by the NYPD. The Latino Officers Association held benefits to help him financially, and \$3000.00 in funds were collected by homeless men and women, other concerned New Yorkers and advocates in support of Officer De La Cruz. Formal charges were filed against Officer de la Cruz in March and he will be tried on whether his refusal to arrest the homeless man was lawful. He is in jeopardy of losing his job as a police officer. Two other officers were caught in a “homeless call sting” after they refused to respond to a quality of life call, and were punished. Many police officers reported that they were threatened with disciplinary actions, including being transferred to less desirable precincts or shifts if they failed to arrest homeless people.

The New York Civil Liberties Union filed a lawsuit against Police Commissioner Ray Kelly and the NYPD on behalf of members of Picture the Homeless on November 25, 2002. The lawsuit was filed in the United States District Court, Southern District of New York and alleged that the NYPD’s policies and practices of targeting and singling out the homeless for arrest violates the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

As soon as the lawsuit was filed, the NYPD indicated that it wanted to settle the case. A groundbreaking settlement was approved on April 1, 2003. Michael Williams, member of Picture the Homeless was quoted in the *New York Times* as saying “The lawsuit is important to let people know that homeless people and our civil rights are not to be overlooked. We are showing that homeless people will stand up to defend our civil rights, and we are also standing up for the civil rights of all New Yorkers.”

As a result of the lawsuit filed by the NYCLU on behalf of Picture the Homeless, for the first time the NYPD developed written policies against selective enforcement of the law specifically targeting homeless New Yorkers. The directive to the NYPD Homeless Outreach Unit and the NYPD Transit Bureau was provided to each officer within these units and read at ten consecutive roll calls. The directive was negotiated between members of the Civil Rights Committee of Picture the Homeless in consultation with attorney Christopher Dunn, NYCLU attorney and the City of New York. The settlement stipulates that “Violations are to be enforced evenhandedly against any person observed violating the law regardless of whether the person is homeless or not.” A memorandum to the Transit Bureau commanders states “The importance of non selective enforcement cannot be overstated. Please ensure adherence and compliance at all times.” Homeless

Outreach Unit police are now receiving training in offering assistance instead of arresting homeless people

Harassment of homeless New Yorkers continues, by the NYPD, the Port Authority and Amtrak police, the police force within the Department of Homeless Services (DHS), and private security forces. An example of the ongoing types of profiling and harassment is what happened to Nathaniel Howard: “I was in the Port Authority Bus Terminal on the second floor of the south building...Just outside that room there is a kiosk machine. I was standing in front of that kiosk along with a couple of other people. While I was waiting a turn, two Port Authority officers were passing by. The one that was closest to me brought his fist up...gesturing to me. I didn’t move. They took a few more steps, stopped and stood directly in front of me. The one that was making a thumbing sign said to me “take a walk.” I asked the police, “Why should I take a walk? I’m not in a restricted area and I’m not breaking any regulations. He shot back asking if I was a lawyer. The officers did not approach any of the other people waiting in line and when I asked why I was singled out, they told me that ‘I looked like I was about to do something.’ I was threatened with arrest if I refused to leave, handcuffed and taken to their station house inside the Port Authority. I stood chained to a wall for over an hour, given a summons and released. I returned to the line in front of the kiosk. When the officers approached me again they informed me that I could stay in line because I had ‘paid for that’. With those words I felt so violated. I appeared in court and my case was dismissed.”

Homeless families inside the Emergency Assistance Unit (EAU) regularly complain about civil rights violations on the part of the DHS police and DHS staff. DHS police are peace officers and routinely issue tickets for disorderly conduct if clients complain about services or don’t follow procedures. The staff relies on DHS police to maintain control and compliance from clients. Reports of physical assaults by DHS police are routine, as well as searches by male officers of homeless women without female DHS police present. Other civil rights violations in the EAU include free speech violations which prohibit homeless people from taking in or distributing materials about their rights or organizing meetings. Homeless children are prevented from attending their schools of origin, or often attending school at all, by the bureaucratic regulations. Information is generally only provided in English, although a significant number of clients do not speak or read English.

Another area of concern in New York is the excessive penalty for minor violations, including arrest and jail time, for persons without government-issued photo ID’s with valid addresses. Homeless people by definition will not have these types of ID’s and based of internal NYPD procedures, anyone without this type of ID can be detained until their identity is verified.

Picture the Homeless has implemented many solutions to counter the current anti-homeless environment. They have developed a “Know Your Rights” pamphlet that is distributed by homeless people, drafted a bill to expand acceptable forms of photo ID to include non government issued IDs, operate a legal clinic, file indecent reports documenting harassment by the police, organize people experiencing homeless to participate in direct actions, and develop public education campaigns.

### **Norfolk, VA**

A city ordinance prohibits “begging, soliciting, accosting and aggressive manner of all citizens and makes it a Class 2 misdemeanor.” The public library attempted to keep the homeless population out of the library by adopting a behavior policy, but advocates has the policy dismissed; the library now has a full time security guard.

### **Ocala, FL**

The City Council unanimously passed an ordinance banning sleeping and camping in city parks.

### **Olympia, WA**

Homeless advocates and local business owners were successful in defeating an ordinance that would have banned camping in a car. They also received a grant of \$13,000 to establish a hotline that the public can use in place of calling the police when a homeless person is causing a disturbance. An outreach worker will come to the scene to help the individual.

### **Orlando, FL**

Homeless people can no longer sit or lie on sidewalks in Orlando. The City Council unanimously passed the ordinance that makes exceptions for medical emergencies, dining at sidewalk cafes, participating in protests, watching a parade, sitting on authorized benches, and waiting in line to enter a business or to buy tickets. The exceptions to the ordinance make it clear that the ordinance targets the homeless population. People violating the ordinance can be fined \$50 and sentenced to 60 days in jail.

Private landowners are being forced to close homeless camps on their property. If the owners do not shut down the camps they will face fines of \$1,000 a day, the original fine was \$250 but is was raised shortly after the landowners were notified that they must close the camps. Twelve landowners were notified and as of August six had complied with the city ordinance.

Orlando Police have increased their enforcement of nuisance laws in the downtown district. Over a six month period from April to September police officers issued 235 trespass warnings, an increase of 62% from the previous six months. The warnings ranged from throwing a cigarette butt on the ground to public consumption of alcohol. The warnings carry a maximum one-year ban from the park where the violation occurred. If a person is found in the park where they are banned they can be jailed.

City code-enforcement officials informed Faye Edwards Hunter that she could not use her empty lot to distribute food out of the Second-Harvest truck. The property is zoned residential and officials say that the food program makes the property a de facto social-service facility, a code violation.

The largest meal program in Orlando moved from its 12-year location, a downtown park, to a city owned parking lot. The Ripple Effect operates the feeding program that serves 80 – 140 homeless persons a week. The move was a compromise between the city, business owners, and homeless advocates.

The city is considering restricting the number of weekly meals that homeless advocates can provide in city parks. Permits would be required to serve food and groups would be restricted to four times a year.

### **Palm Beach County and West Palm Beach, FL**

The County Commission passed a law banning all activity on county medians. The Sheriff's Department noted that solicitors on the medians posed a safety problem and residents complained of the harassment from panhandlers.

The mayor of West Palm Beach, Joel Daves along with downtown business owners, wants the police to stop a group of college students from feeding homeless individuals at a downtown fountain. One of Daves' complaints is that the students do not have a special events permit. The leader of the group, Matt Doyle, requested a permit two months earlier and has heard nothing from the city concerning his request.

### **Pawtucket, RI**

The police are aggressively patrolling areas that are frequented by homeless people. The number of homeless on the streets increases dramatically during the warmer summer months. If people are found living on the streets they are forced to move.

### **Petaluma, CA**

The Sonoma County sheriff deputies in a partnership with the Golden Gate Bridge, Highway, and the Transportation District are clearing homeless camps along the railroad tracks between Petaluma and Healdsburg. People living along the tracks have a month to move. The sweeps were prompted by complaints from local businesses of littering and theft.

### **Philadelphia, PA**

A new law attempts to develop relationships between outreach workers, the homeless population and police officers. The current law, entitled the Sidewalk Behavior Law (SBL), requires officers to give a verbal and written warning before calling outreach workers to the site. If a person refuses to move or stop panhandling in a prohibited area they are issued a ticket, no one is arrested. Some City Council members want to make the law stricter so that aggressive panhandlers could be targeted and arrested.

## **Pittsburgh, PA**

City workers cleared several homeless camps in downtown and along the North Side. Outreach workers had been sent out earlier in the month to inform the residents of the camps that they would have to move. Outreach workers said they were frustrated because there were few shelter beds available for the people to go to.

After a church started a drop-in center for the homeless on Sunday afternoons, City Councilwoman Barbara Burns proposed a bill that would require churches, personal care homes, medical clinics, domestic violence shelters, and other facilities to receive approval of the city zoning officials before beginning new programs. The planning commission member, Clifford Levine narrowed the bill to only apply to drop-in centers. The bill also requires that “all aspects of the [homeless aid] activity take place within the confines of the church, school, or community center.”

The ACLU reached a settlement with the city on the proper procedures for cleanup of homeless sites. The city is now mandated to provide a week’s notice at all homeless encampments that will be cleared as well as notifying social service agencies. Any personal items that are confiscated must be stored for up to a year so they can be reclaimed.

## **Placer County, CA**

City officials are closing down homeless camps instead of providing a permanent shelter or affordable housing. When the first camp was closed the city used a bulldozer to pile the residents’ personal belongings into a dumpster. No one was allowed to remove their personal belongings because of health concerns and because residents had previous instructions to vacate. The major health concern stemmed from improper disposal of sewage. The city stated that they would continue to close homeless camps if health concerns arose.

## **Pleasanton, CA**

Yun Hee Murphy was arrested for repeatedly sleeping on a picnic table in a city park. She had been kicked out of churches and homeless shelters. She has repeatedly asked the judge and her public defender to allow her to remain in jail because she has nowhere to go when she is released. Her initial bail was set at \$1,500 but the judge lowered the bail to \$1 and gave her the dollar so she could leave when she chooses.

## **Pompano Beach, FL**

The City Council is in the process of rewriting an ordinance that would restrict street vendors from the city’s busiest intersections. Complaints of harassment and a rise in accidents involving vendors brought about the possible ordinance. The initial ordinance was denied after the city attorney instructed that the ordinance should be rewritten to focus on public safety.

## **Pontiac, MI**

Two Pontiac Police officers robbed a 41-year-old homeless man. The officers approached the man and he told them he was selling guitar strings. The officers took his strings after showing him their handcuffs and police identification. The homeless man was able to flag down a Detroit police officer who found the two men in a nearby restaurant. The officers have been suspended without pay pending an investigation.

## **Portland, OR**

There continue to be reports of police brutality against homeless people in Portland. Doc Waite, a homeless man, has reported that he has been harassed a number of times by the police. On one occasion his possessions were confiscated and his identification was destroyed. He was given a trespassing ticket illegally, and even assaulted by officers. Mr. Waite was represented by a public defender on his trespassing ticket and the Oregon Law Center represented him on the park exclusion ticket.

The Oregon Law Center has initiated litigation against the Oregon Department of Transportation, challenging its practice of giving local police forces the power to ban people permanently from ODOT property who are caught holding signs asking for money or work at off-ramps. Once banned, if they return to solicit anywhere on the ODOT highway system, individuals are arrested for criminal trespassing or interfering with a peace officer. Portland police officers also continue to issue citations for violating a state law banning solicitation on or near a highway, even though that law was declared to violate the Oregon constitution in 1996.

In late August of 2002, the Mayor of Portland, Vera Katz, wrote new rules that would allow the police to arrest people who are sitting, lying, or standing in groups anywhere on city sidewalks. The rules were a new interpretation of the City's existing "Sidewalk Obstruction" ordinance, which had never before been applied to people. Advocates objected that the rules were vague and would only be enforced against homeless and low-income people. In response to these objections, the rules were limited somewhat to apply only to the downtown business area and to sitting in a manner that actually obstructs the flow of pedestrian traffic. Earlier in the year, the Mayor had tabled a similar proposal put forward by the downtown business association and vowed to work with community leaders and homeless advocates to develop a fair plan. The new rules came as a surprise to many in the community.

Largely due to a handful of business and homeowner complaints, police insisted that St. Francis of Assisi Catholic Church sign a formal nuisance abatement agreement that would govern conduct by the largely homeless and low-income visitors to St. Francis Park, a church-owned property. The park is immediately adjacent to Portland's largest meal program and Portland's only daytime drop-in center for homeless and low-income people. If an agreement could not be worked out the police would ask the city to file suit to seize the property under the city's Chronic Nuisance Property Ordinance. Under the terms of the agreement, St. Francis was forced to close the park (not the meal program) for 180

days and work with a committee of local residents and police to set new park rules. The church also agreed to provide increased security services on site. The park reopened in June of 2003. The new rules, among other things, ban fixing bicycles in the park and having a shopping cart in the park. Violators are subject to being banned from coming within 200 feet of the park.

Homeless people are being woken up late at night and told to move on by Portland police officers. People are being roused, and in some cases ticketed, no matter how inconspicuously they try to camp. Portland, like most cities does not have nearly enough shelter beds and has a long waiting list for shelters. The officers are using spotlights and loudspeakers to force the homeless to move away from bridges and empty lots. One officer was quoted as saying “The homeless are too lazy to work. They don’t understand being homeless is their fault and are always blaming someone else. The reason there are so many homeless in Portland is because we have social services here. Other cities, like Seattle and Denver, don’t have a homeless problem because they don’t offer any social services.” Crossroads, a local grassroots people’s movement led by individuals experiencing homelessness, recently staged a sleeping-bag giveaway in front of City Hall to protest Portland’s anti-camping ordinance, and discussions are underway with City Council to find a more appropriate response to the needs of homeless campers.

A local Legal Aid attorney, Julie Stevens, successfully argued that Portland’s anti-camping ordinance was unconstitutional as applied to homeless people. A higher court would have to issue a ruling in order to set a precedent. The law is now in “legal limbo” and is still being enforced.

### **Providence, RI**

A city ordinance banning aggressive panhandling passed the City Council without a public hearing. The ordinance defines aggressive panhandling as following a person, speaking in a volume unreasonably loud under the circumstances, and behavior that causes a reasonable person to fear bodily harm.

### **Sacramento, CA**

William “Billy” McManus challenged his three illegal camping citations on the grounds of necessity. His lawyer argued that Mr. McManus was forced to break a law because no other alternative was provided. The city prosecuted almost 900 people for illegal camping in 2002. Most of the prosecutions came after the city began to crack down on homeless camps along the American River Parkway, a stretch of land along the river. Sacramento County owns the parkway but the city maintains anti-camping laws. There are an estimated 1,600 homeless people that are without shelter every night. The city and county do not provide enough shelter beds to accommodate everyone. In the case of Mr. McManus a jury acquitted him on his first charge and was deadlocked on the second two. The city appealed the case and won. McManus was sentenced to 30 days in the sheriff’s work project and three years on informal probation. The judge stayed the sentence pending an appeal.

St. Francis of Assisi allows 25 homeless men and women to sleep on their steps from 6pm to 6am everyday. The church began to distribute 25 two-week passes for access to the steps in an attempt to limit the large crowds that neighbors were concerned about. Identification cards are checked each night. Permits are issued to the people that they serve. The church also runs the Steps Ministry program that sets guidelines for behaviors that include no drugs or alcohol on church property. The city is attempting to force the church to close their steps to the men and women they serve. The church states that the city is violating their first amendment rights by attempting to dictate how their land can be used.

County law enforcement agencies put together a mug-shot book of the city's worst "habitual or common drunkards" and distributed it to local bars and liquor stores. There is a California state law dating back to 1872 that allows cities to fine liquor stores or bars, up to \$1,000, for selling to anyone labeled a "habitual drunkard." A total of nine men and one woman made the list. After threats of lawsuits from civil rights groups, the city decided to take back the mug shot books and stop the threat of fines. The city plans to ask the courts to make sobriety a part of defendants probation and then distribute mug-shots of those people to local bars and liquor stores asking them to help enforce the person's probation.

Homeless men and women were denied an application to apply for the use of land for a tent city where homeless individuals could camp.

### **St. Petersburg, FL**

The City Council banned aggressive panhandling in April. The ordinance bans all panhandling at night, at bus stops, on buses, within 15 feet of ATMs and at sidewalk cafes. The ban also includes several downtown streets, where tourists frequent. The ordinance passed unanimously.

County Commissioner Barbara Sheen Todd is suggesting creating a task force to address the homeless population. The task force would consider solutions as well as disciplinary measures to handle those who refuse help. They would also consider changing zoning rules to prevent soup kitchens from being close together and new vagrancy laws targeted at the "problem" homeless men and women off the streets. Sheriff Everett Rice suggests a "preferred arrest policy" that would target repeat offenders.

The staff of the City of St. Petersburg is asking the Florida Council on Homelessness to support state legislation that would raise multiple violations of municipal ordinances to the level of first and second-degree misdemeanors. The legislation would make five violations in twelve months in the same jurisdiction a second-degree misdemeanor; 19 violations would be a first-degree misdemeanor. This change would allow judges to impose jail time, probation, and larger fines.

## San Francisco, CA

With San Francisco already being notorious for its systematic abuse and intolerance of homeless people, it is the overall sentiment of homeless advocates in the city that the situation is still worsening. Through increasing use of homeless sweeps, property theft, and anti-homeless police citations, the city of San Francisco has made a notably aggressive attempt over the past three years to decrease the visibility of homelessness in order to cater to the discreet tastes of rich tourists and the upper class.

Since the visibility of homeless people has been speculated to have a negative effect on tourism and business, homeless people are routinely displaced and told to “move on,” as an attempt to make them less visible to those who spend money in the city. Large-scale homeless “sweeps” are frequently used as a tactic to accomplish this. In the past year, three large homeless encampments developed in unused parts of the city were destroyed. The encampments were allowed to grow for long periods of time, but they only became a problem once they became visible as a group of homeless people living together in a community. Although they were organized and kept clean by the inhabitants, the police department and the Department of Public Works dismantled these encampments. Working under alleged orders from the mayor’s office, people living in the areas were forced to leave while being offered nothing more than symbolic services. Fences were then erected around two of the areas, as if fencing off areas of the city would solve the problem.

Aside from physically forcing a group of people out of a certain area of town, the city has also found it useful to sweep certain areas of the city by intensifying the levels of police and legal harassment. Laws are evoked and adapted to criminalize homeless people for doing what they need to do to survive. In 2000 and 2001 there were over 27,000 infraction citations given to homeless people for offenses such as urinating in public, sleeping or camping in the park, trespassing, disobeying park signs, and drinking in public. In addition, many of the infractions have been replaced with misdemeanors, which are much more difficult to oppose in court. The San Francisco Police Department arrested or cited over 1,800 homeless people charged with “illegal lodging” from Oct. 2001 to Oct. 2002. This was mostly a form of harassment and to put it more to the point the district attorney stated he feels “this is a good way to move homeless people around the city so other neighborhoods can share the pain of seeing homeless people in their neighborhoods”. The DA has now started prosecuting people on 647(j) Illegal Lodging and people can spend up to six months in jail.

One member of the Board of Supervisor, Gavin Newsom, who is also a mayoral candidate for the next election, has made repeated attempts to put out even more anti-homeless legislation. A measure entitled “Care Not Cash” was introduced by Gavin Newsom, which passed a citywide vote by nearly 60 percent.

A Superior Court judge ruled that only city officials could enact such a law. The Board of Supervisors will make their final decision in late July. If the measure passes it will cut the cash assistance checks that homeless people receive from up to \$395 to as little as \$59.

The Care Not Cash legislation is supposed to give people who receive general assistance shelter, food, health services, job training, substance abuse and mental health treatment in exchange for cutting people's general assistance check.

Gavin Newsom is also attempting to reintroduce his ban on panhandling directly to voters. He wants to amend a 1992 law that bans aggressive panhandling. Newsom wants to extend the ban to median strips, parking lots, near schools, and at bus stops. Violating the proposed law would result in fines up to \$100 or community service. He has also proposed a program called "San Francisco Cares" that would make vouchers for services such as food and clothing available for the public to buy and give to homeless people instead of cash.

The Hotel Council of San Francisco has launched an advertising campaign that targets panhandlers. The ads feature pictures of tourists and San Francisco residents that say, "Today we rode a cable car, visited Alcatraz, and supported a drug habit. Giving to panhandlers doesn't help, it hurts." Other ads show cups that have disparaging statements like "Desperate for Crack." The total cost of the ad campaign was \$65,000. The ads can be viewed at [www.wewantchange.com](http://www.wewantchange.com).

In order to access some shelters and services a person must have finger scanning done. Finger scanning or imaging is the same as finger printing.

Renee Saucedo of the Day Laborers Program states that day laborers are frequently pushed off of a stretch of road leading into the city in the name of traffic safety. Such occurrences pose a very serious threat to undocumented immigrants, for whom any contact with a police officer could mean potential deportation. This makes it unsafe for day laborers to obtain the work that they need to survive.

LS Wilson of the San Francisco Coalition on Homelessness states harassment of the homeless population in San Francisco also comes in the form of property confiscation. Both the Department of Public Works and the police department have teamed up to employ this tactic in order to put pressure on homeless people.

Mara Raider of the San Francisco Coalition on Homelessness reports that at this point, individuals have been put into a place of apathy and complacency surrounding this issue. Having their property stolen is no longer a surprise but an expectation. If they haven't had all of their sentimental belongings stolen by either the DPW or the police department in the past, they don't expect to hold onto anything for long.

The biggest change over the past two years is the presence of more anti-homeless cops. Whereas before, a few police officers could be identified as being specifically abusive toward homeless people, there are now many anti-homeless cops spread out over the city. Basically, no place is safe for homeless people to reside to do the things that they must do in order to survive. They are forced to constantly move away from the harassment. This represents an endless cycle that is currently occurring in San Francisco. Once a group of people ends up in another place, they will then be forced to leave their new location

because of a different type of harassment. This allows homeless people absolutely NO stability and has only spread out the larger encampments, thus making the population less visible as a cohesive group. This harassment, in combination with the consequent legal fines and court appearances, makes it very difficult for homeless individuals to maintain any sort of stable living or financial situation.

Homeless individuals are also frequently victims of hate crimes and violence in general. There has been an uprise in the amount of anti-homeless rhetoric one encounters in the media, politics, and in everyday discourse. Homeless people are constantly depicted as being dirty, lazy, drug-addicted, drunks, and a general nuisance to the city.

LS Wilson (COH) reports a group of well-organized housed residents around Dolores Park have applied pressure on a drop-in center for the homeless inside Golden Gate Lutheran Church and forced it to close down. This same group targeted a shower program in the area at Mission High School. Metropolitan Community Church Foundation runs the shower program out of the high school and their contract was up for renewal on June 30, 2003. The shower program is only open on weekends for poor and homeless individual, it provides showers, clothing and some toiletries. The housed residents rallied to try and get the school board not to renew the contract. After a long hearing and lots of public testimonies the school board agreed to renew the contract for another year and try to expand the services throughout the city. These housed residents feel if they close down all services to homeless people, homeless people will not hang out in Dolores Park.

This March, a man was woken up by a police officer and before being cited for trespassing, was punched in the face and slammed on the ground, having posed no danger to the officer. There was another case where a vehicular lodged man pulled to the side of the road and fell asleep because he did not have access to his medication. While an officer was beginning to fill out a form for a suspected DUI case, the man woke up confused and was tasered in the head by the officer. The man was detained and arrested, and he was denied access to medication the entire time, resulting in a trip to the emergency room.

In June a woman was dragged out of her vehicle taken to jail in her nightclothes without shoes. She was charged with illegal lodging. She was released from jail in the early morning before daylight with no shoes and when she complained the officer told her it was not his problem. The Office of Citizen Complaints (OCC) sees this harassment and attack as retaliation from the police officer because of an ongoing investigation of a number of dog shootings. These attitudes have often turned into violence, most notably at the hands of the San Francisco Police Department.

The city has actually succeeded in spending very large amounts of money dealing with homelessness in its own way. An audit of homeless services reported in fiscal years 2000 and 2001, the city spent \$30.8 million on incarcerating homeless people. Some private groups around the city are tackling the problem in a similar way. The Golden Gate Restaurant Association recently ran a \$50,000 billboard campaign urging San Franciscans to vote in favor of the recently proposed welfare cuts. After all of this spending, last year's budget included cuts to services and treatment offered to homeless people.

The San Francisco Coalition on Homelessness Civil Rights Project collects infraction citations issued to homeless individuals and defends them in court. Over 90% of these citations that are collected by the COH are dismissed in court. COH, however, simply does not have the resources to represent a significant percentage of the citations.

### **San Juan, Puerto Rico**

Police officers will often hose down places where the homeless sleep in order to deter them from staying there for the night. People are sometimes taken by police in the night and left in other cities.

### **San Mateo County, CA**

A couple, Thelma Caballero and Besh Serdahely, have lived in a small hut inside an oak tree for 12 years. A new land survey discovered that the oak tree was on county property. The county has responded with serving the couple with an eviction notice. They had 30 days to leave the property. Shortly after the eviction notice was posted, police arrived to arrest Serdahely on a five-year old misdemeanor warrant. He was released five days later. Mary Burns, director of the County Parks and Recreation Department, said, "Parks are not for housing. We want to be as sensitive as possible, but we must also provide safe parks and be good stewards to the land." Local environmental groups support the couple, saying that they are helping to keep non-native plants out of the area.

### **Santa Barbara, CA**

The city council passed a law that bans RVs from being parked on city streets for more than two hours. There is a complete ban on parking between the hours of 2 AM and 6 AM. Each parking citation carries a \$23 fine, after the fifth ticket the vehicle will be towed to an impound lot. Homeless advocates have filed a suit against the city alleging that the law is unconstitutional. An estimated 400 individuals/families live in RVs in the Santa Barbara area.

### **Santa Cruz, CA**

The city council voted unanimously to expand an outdoor seating area between two food kiosks. The city will erect a railing to mark off the eating area. This expansion will force several panhandlers and street musicians, that hang out around the kiosks, to relocate. Many of the people that will have to move are homeless youth.

Groups of homeless men and women can now camp in three designated parks for two weeks at a time. The groups cannot be larger than fifteen. In return for the right to camp, people will have to do community service such as clearing streams and trash cleanup.

After months of requests from business owners in downtown Santa Cruz the city council passed a series of new laws. Many of the new laws were suggested in a petition that was collected by a group of business owners. The council voted to:

- Increase the distance that panhandlers must stay away from building entrances, kiosks, drinking fountains, telephones, mid-block crosswalks and fences from six to fourteen feet.
- Ban hackysack, football, baseball, Frisbee-throwing, beach ball tossing, and other sports downtown.
- Make it illegal to lean against the front of a business after being told by the owner or “other person in charge” to knock it off.

Homeless activist Becky Johnson and artist Tim Rinker were found guilty of defacing a city sidewalk with chalk. They wrote slogans such as “Vandals don’t use chalk” and “Sleeping is not a crime.” They were sentenced to serve 23 hours of community service.

### **Santa Monica, CA**

An ordinance passed the City Council by a vote of 5-2 that limits free outdoor meals by requiring groups serving 150 or more people to adhere to community event laws and county health standards. Individuals are limited to three permits within a 90-day period. The health department will also be required to conduct inspections. A second ordinance passed unanimously that makes it illegal to sit or lie in doorways between 11p.m. and 7 a.m. if the business owner posts a sign to that effect. Violating either ordinance could result in a \$1,000 fine or up to six months in County Jail or both.

### **Santa Rosa, CA**

A man received a \$450 fine for watching television in his van. The man was threatened with the suspension of his driver’s license if he could not pay the fine. The van is his home so he also faces being arrested for driving if his license is suspended.

### **Sarasota, FL**

After months of complaints from business owners and downtown residents the City Council voted to ban panhandling, public urination, and sleeping outside. The Council defined the ban on panhandling as, all areas downtown, within 20 feet of an ATM, at public parks, beaches and bus stops. Sleeping is defined as outside after sunset in a tent, under blankets, on a piece of cardboard or with any other form of temporary shelter. Between February and July 16, 2003 the police arrested 120 people for overnight camping. This is a dramatic increase since the previous year. Mid-February marks the peak of the arrival of people from the north that winter in Florida. The police have also arrested over 210 people for open container and curbside drinking. The people arrested for camping spend an average of two days in jail at a cost of \$60 a night, the total cost so far for 2003 is \$14,000. The police have not been directing anyone to social services though local advocates are working with them to develop a program that would train officers on the services available.

### **Sioux Falls, SD**

Mayor Dave Munson proposed that the city make it illegal to sleep outdoors. The suggestion came after downtown merchants began complaining of the increasing homeless population. There were no initial plans to act on the mayor's suggestion.

### **Stanislaus County, CA**

The Board of Supervisors approved an ordinance that would ban panhandling, asking for jobs, or selling things on public streets, highways and private parking lots. The first offense will cost \$100, a second offense \$200, and a third offense is a maximum penalty of \$400. The ban will not extend to the county's nine cities.

### **Union City, CA**

People that live in vehicles, including mobile homes, but park them on city streets and in private parking lots can now be cited by the police. If a vehicle is parked for more than two hours, whether the owner is sleeping or simply parked, the police have the right to tow the vehicle.

### **Union City, NJ**

Several homeless camps will be cleared out when the warm weather arrives in 2003. During the winter months several crimes, including two murders, occurred in the camps along the Palisades cliffs. The police plan to assign additional teams of officers to the area in an effort to prevent residents of the camps from returning.

### **Van Nuys, CA**

A recent rise in the homeless population led the police to organize a sweep of the downtown government complex. The officers woke those that were sleeping outside and removed their possessions. Some homeless men and women that have lived outside in Van Nuys for years blame the recent sweeps in Los Angeles for the rise in the homeless population. Until recently the police have not bothered the homeless individuals.

### **Vancouver, WA**

The City Council is considering an ordinance that would ban aggressive panhandling. The city plans to base their ordinance off of the 1988 Seattle ordinance that restricted aggressive panhandling. The ordinance would define aggressive panhandling as aggressively begging in a public place or obstructing pedestrian or vehicular traffic.

## **Victorville, CA**

Police officers raided a homeless encampment in the Mojave riverbed. Everyone who was present at the time was arrested for trespassing, taken to the West Valley Detention Center and then released. Members of the Sheriff's Department destroyed their belongings, slashing tents and sleeping bags. There is only one shelter available in town and it requires two forms of I.D.s, allow no belongings, and will not allow homeless individuals with a felony on their records.

		Prohibited Conduct														
		Sanitation		Begging			Sleeping/Camping				Sitting/Lying	Loitering		Vagrancy	Other	
		Bathing in public waters	Urination/Defecation in public	Begging in public places city-wide	Begging in particular public places	"Aggressive" panhandling	Sleeping in public city-wide	Sleeping in particular public places	Camping in public city-wide	Camping in particular public places	Sitting or lying in particular public places	Loitering/Loafing/Vagrancy city-wide	Loitering/Loafing in particular public places	Obstruction of Sidewalks/Public places	Closure of particular public places	See end notes
Albuquerque	NM	X				X			X				X	X	2,11,15	
Anchorage	AK	X	X	X			X		X	X				X	2	
Athens	GA	X				X			X	X			X	X	2,9	
Atlanta	GA	X		X	X		X	X		X		X	X	X	1,2,6,7,12	
Atlantic City	NJ			X	X	X	X	X		X		X	X	X	1,2,14	
Austin	TX	X	X			X		X	X	X		X		X	2	
Baltimore	MD	X		X	X		X				X	X	X	X	1,3,14	
Biloxi	MS	X		X								X	X	X	1,2,4,14	
Boston	MA			X	X	X				X		X	X		9	
Boulder	CO	X				X		X	X				X		2,11	
Buffalo	NY	X		X			X	X				X	X	X	1,2,6,7,14,17	
Charleston	SC			X	X		X		X	X			X	X	1,4,5,11,14	
Charlotte	NC	X		X	X		X			X		X	X	X	5,14	
Chicago	IL			X									X	X	1,3,4,6	
Cincinnati	OH	X	X		X	X				X			X	X	1,2,14	
Cleveland	OH			X			X					X	X	X		
Colorado Springs	CO	X	X						X	X	X	X		X	2,4,5	
Columbia	SC			X		X				X	X		X	X	2	
Columbus	OH			X	X			X		X		X	X	X	1,2,4	
Corpus Christi	TX	X		X					X			X			1,2,11	
Covington	KY	X	X	X			X		X				X	X	2,3,5,8,10,14	
Dallas	TX	X	X		X	X	X	X	X			X	X	X	2	
Davenport	IA	X	X						X			X	X	X	2,4,5	
Dayton	OH	X	X	X	X	X					X		X		2,8,12,14	

		Sanitation		Begging			Sleeping/Camping			Sitting/Lying	Loitering		Vagrancy		Other
		Bathing in public waters	Urination/Defecation in public	Begging in public places city-wide	Begging in particular public places	"Aggressive" panhandling	Sleeping in public city-wide	Sleeping in particular public places	Camping in public city-wide	Camping in particular public places	Sitting or lying in particular public places	Loitering/Loafing/Vagrancy city-wide	Loitering/Loafing in particular public places	Obstruction of Sidewalks/Public places	
Daytona Beach	FL	X			X	X	X	X	X	X			X		1,2,4,14
Decatur	GA		X					X	X	X	X		X	X	5,14
Denver	CO	X	X		X	X		X				X	X	X	1,2,4,14
Detroit	MI			X	X						X	X	X	X	1,2,5,7,14
El Paso	TX		X		X				X			X	X	X	1,2, 6,10
Eugene	OR		X					X	X	X			X	X	6
Fort Lauderdale	FL		X	X	X			X		X	X	X	X		2,4,11
Fort Worth	TX			X	X						X		X		2,4,8,14
Fresno	CA	X	X		X	X		X		X	X	X	X		2
Honolulu	HI								X			X		X	
Houston	TX		X			X		X		X	X		X	X	2,9
Indianapolis	IN	X		X	X	X		X			X		X	X	1,2,4
Jacksonville	FL	X		X	X	X	X	X	X	X		X	X		1,2,4,7,11,16,17
Jeffersonville	IN														
Kansas City	MO				X	X			X			X	X	X	1,2,4,14
Key West	FL					X				X			X	X	1
Las Vegas	NV				X	X		X		X			X	X	1,2,3,11,14
Lexington	KY	X		X	X		X					X	X	X	1,2,4
Long Beach	CA		X	X				X	X				X		2
Los Angeles	CA	X			X	X		X		X	X	X	X	X	2,3,7,17
Louisville	KY		X	X			X	X				X	X		2
Lynnwood	WA		X					X	X			X	X	X	2,3,5,11
Madison	WI		X		X	X		X		X	X	X	X	X	1,2,5
Manchester	NH						X		X	X		X	X	X	2,4
Memphis	TN				X	X							X	X	
Mesa	AZ	X	X				X			X			X	X	1,2, 5
Miami	FL	X				X	X	X		X		X	X	X	4,11

		Sanitation		Begging			Sleeping/Camping			Sitting/Lying		Vagrancy		Other	
		Bathing in public waters	Urination/Defecation in public	Begging in public places city-wide	Begging in particular public places	"Aggressive" panhandling	Sleeping in public city-wide	Sleeping in particular public places	Camping in public city-wide	Camping in particular public places	Sitting or lying in particular public places	Loitering/Loafing/Vagrancy city-wide	Loitering/Loafing in particular public places	Obstruction of Sidewalks/Public places	Closure of particular public places
Milwaukee	WI	X				X	X		X	X	X		X	X	1,2,3,5
Minneapolis	MN	X		X	X			X	X	X		X	X	X	1,2,5,10,11,14
Nashville	TN	X			X				X	X		X	X	X	1
New Orleans	LA			X			X							X	
New York	NY	X	X		X	X	X		X	X			X	X	
Norfolk	VA	X	X	X	X		X				X		X	X	1,2,3,8
Oakland	CA	X		X	X		X	X	X	X		X	X	X	1,4
Oklahoma City	OK	X		X	X		X		X			X	X	X	2,8,14,15
Olympia	WA		X		X	X				X	X		X	X	1,4
Omaha	NE			X			X						X		4,8,17
Philadelphia	PA		X		X	X				X		X	X		1,2,3,4
Phoenix	AZ		X	X	X	X	X	X	X	X	X	X	X	X	2
Pittsburgh	PA	X			X	X			X				X	X	1,2
Pontiac	MI				X	X						X	X		1,2
Portland	ME	X	X	X		X					X	X	X		2,6,9,14
Portland	OR	X	X		X		X	X		X			X	X	1,2,4,5,6,8,9,11,12,15
Providence	RI	X	X			X	X			X			X	X	9,14
Reno	NV	X	X		X	X	X		X	X		X	X		2,3,4,5,11
Richmond	VA		X			X		X		X		X	X	X	1,2,4
Rio Piedras	PR	X	X				X	X	X	X			X		
Sacramento	CA		X		X	X		X	X			X	X	X	1,2,5
Salt Lake City	UT	X	X				X		X	X		X	X	X	2,15
San Angelo	TX						X		X			X	X		1,2,5
San Antonio	TX	X			X							X	X	X	1,2,9
San Diego	CA	X		X	X	X	X		X			X	X		1,2,8
San Francisco	CA			X		X	X		X			X	X		2,3,4,11,14
San Jose	CA		X		X					X			X		2

		Sanitation		Begging			Sleeping/Camping				Sitting/Lying	Loitering		Vagrancy		Other
		Bathing in public waters	Urination/Defecation in public	Begging in public places city-wide	Begging in particular public places	"Aggressive" panhandling	Sleeping in public city-wide	Sleeping in particular public places	Camping in public city-wide	Camping in particular public places	Sitting or lying in particular public places	Loitering/Loafing/Vagrancy city-wide	Loitering/Loafing in particular public places	Obstruction of Sidewalks/Public places	Closure of particular public places	
San Juan	PR	X	X				X	X	X	X	X			X		16, 17
Santa Cruz	CA	X	X	X	X	X	X		X		X			X	X	2,9
Santurce	PR	X	X				X	X	X	X				X		
Sarasota	FL		X		X		X	X	X	X		X	X	X	X	1,4,5,9,11
Seattle	WA	X	X			X			X	X				X	X	4
Sioux Falls	SD		X	X								X	X	X	X	2,4
St. Augustine	FL		X			X							X	X		1,4,7
St. Louis	MO					X						X		X	X	1,2,3,6,13
St. Paul	MN	X	X	X	X	X		X				X		X	X	1,2
Toledo	OH			X	X								X	X	X	2,4,9
Trenton	NJ		X			X	X	X					X			
Tucson	AZ	X	X		X	X		X		X			X	X	X	2,8,14
Tulsa	OK				X	X		X	X					X	X	1,2,11,14
Valdosta	GA						X				X			X		
Virginia Beach	VA		X	X			X	X				X	X	X		2,4,11
Washington	DC				X	X						X				2,7,8
* 1) Spitting, 2) Minor Curfew, 3) Having/Abandoning merchandise carts away from premises of owner,																
4) Failure to disperse, 5) Maintaining junk/Storage of property, 6) Making music on the street/Street performers,																
7) Washing automobile windows, 8) Prohibition to enter vacant building, 9) Rummaging, 10) Creating odor,																
11) Vehicular residence, 12) Walking on highway,13) Bringing paupers/Insane persons into city, 14) Peddling,																
15) Public Nuisance, 16) Charging for car wash, 17) Washing cars																

## Appendix I

# Survey Questions

**Advocates, service providers, and/or people experiencing homelessness were surveyed in each of the cities and asked the following questions:**

- (1) How has your city's treatment of homeless people changed over the past two years?
- (2) How are anti-homeless ordinances, laws that prohibit acts that homeless people have to do in public because they live outdoors (e.g. camping, sleeping, panhandling) or any laws that are aimed at clearing the streets of homeless people, being enforced in your city?
- (3) Are there any more general laws (e.g. drug-free zones, jaywalking, or sitting on the sidewalk) used or misused to target homeless people? Please cite examples.
- (4) Have there been any recent sweeps of homeless people in your city and are they conducted in certain areas? Please cite examples.
  1. Are local government officials seeking to decrease visibility of homeless people and are there any laws being considered or used that do that?
  2. If your city has any Business Improvement Districts (BIDs), how are homeless people treated within these districts?
  3. Are sweeps connected to any major athletic, political events or other special occasions?
  4. Other?
- (5) How many anti-homeless citations/arrests were issued in your city over the last two years?
- (6) Is there anyone in your city bringing litigation challenging anti-homeless laws or policies? If so, do you have any contact information?
- (7) Are there any constructive alternatives?
  1. police sensitivity/awareness trainings? Who provides the training?
  2. successful public education or grassroots organizing campaigns?
  3. other?

Please provide quotes from homeless people, advocates and/or service providers that describe civil rights abuse issues in your city.

The following questions are optional depending if this information can be easily accessed (anecdotal information is fine):

1. Have there been any incidences of violence and/or hate crimes against homeless people?
2. What is your city spending to arrest, cite or harass homeless people compared to providing emergency services (e.g. shelter, food, benefits) or long-term solutions to homelessness (e.g. affordable housing, treatment on demand, etc.)?
3. How many homeless people have died in your city over the last two years?
4. What resources, or lack thereof, does your city have for homeless people with substance abuse or mental health issues?
5. Is your city considering creating special courts that target homeless people with mental health/chemical dependency issues?
6. Where else in your state are there civil rights abuses occurring toward homeless people? Do you have any contact information for groups that are documenting, organizing or advocating around homeless civil rights issues?
7. Anything else you want to add?

## Appendix II

# Incident Report Forms (English and Spanish)



National Coalition for the Homeless  
1012 14<sup>th</sup> Street, NW, Suite 600 ● Washington, DC 20005-3471  
Phone: (202) 737-6444 ● Fax: (202) 737-6445  
Email: [info@nationalhomeless.org](mailto:info@nationalhomeless.org) ● Website: <http://www.nationalhomeless.org>

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### INCIDENT REPORT FORM FOR VIOLENCE OR HARRASSMENT OF PERSON EXPERIENCING HOMELESSNESS

The purpose of this incident report form is to assist advocates and people experiencing homelessness in tracking cases of abuse and/or mistreatment. The victim's signature at the end of the form indicates his/her consent to use the information in reports and/or presentations to various groups, including the media. The victim should not sign the form if s/he does not consent. (See signature instructions at the end.) This report can also be filled out online by going to NCH's website, <http://www.nationalhomeless.org/civilrights/criminalization.html>

Information of Victim (optional)

Name \_\_\_\_\_

Address or Way to Contact \_\_\_\_\_

Phone number or way to contact ( \_\_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

**Victim's identity/characteristics (optional) *This information will help to determine factors that have played a role in the incident. Fill out any applicable category.***

Race \_\_\_\_\_ Religion \_\_\_\_\_

Ethnicity/National Origin \_\_\_\_\_ Sexual Orientation \_\_\_\_\_

Gender \_\_\_\_\_ Disability \_\_\_\_\_



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**Contact Information of Person filling out this report, if someone other than the victim himself/herself**

Name \_\_\_\_\_

**Address or Way to contact** \_\_\_\_\_

**Phone number or way to contact** ( \_\_\_\_\_ ) \_\_\_\_\_ **Email** \_\_\_\_\_

Your signature immediately below indicates your consent for us to use the information on this form in reports and/or presentations to various groups, including the media. This refers to information only. Actual names/identification of individual victims will be withheld as a matter of course unless otherwise agreed to in advance. You DO NOT have to sign here if you do not consent.

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Resolution/Outcome (if any)**

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**Reported by** \_\_\_\_\_

**Date** \_\_\_\_\_

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National Coalition for the Homeless  
1012 14<sup>th</sup> Street, NW, Suite 600 ● Washington, DC 20005-3471  
Phone: (202) 737-6444 ● Fax: (202) 737-6445  
Email: info@nationalhomeless.org ● Website: http://www.nationalhomeless.org

**REPORTE DE UN INCIDENTE DE HOSTIGAMIENTO O VIOLENCIA EN CONTRA DE UNA PERSONA SIN HOGAR**

El propósito de este reporte es para ayudar a los personas sin hogar y sus abogados a identificar y documentar casos de abuso y/o de maltrato. La firma de la víctima al final de esta forma indica su consentimiento en que se use su información en reportes y/o presentaciones que se hagan a diversos grupos incluyendo los medios de comunicación. La víctima no debe firmar este documento si no da su consentimiento de que la información se comparta. (Favor ver instrucciones sobre la firma al final del documento)

**Información para poder contactar a la víctima (opcional)**

Nombre \_\_\_\_\_

Dirección o lugar donde se puede contactar \_\_\_\_\_  
\_\_\_\_\_

Número de teléfono ( \_\_\_\_\_ ) \_\_\_\_\_

Dirección Electrónica (Email) \_\_\_\_\_

**Identidad de la victima y sus características (opcional). Esta información ayudará a determinar factores que puedan haber afectado el incidente. Llene cualquier categoría que aplique.**

Raza \_\_\_\_\_

Religión \_\_\_\_\_

Origen nacional/étnico \_\_\_\_\_

Orientacion sexual \_\_\_\_\_

Género \_\_\_\_\_

Incapacidad \_\_\_\_\_

**Lugar del Incidente**

Ciudad, Fecha y Hora \_\_\_\_\_

**Lugar: Sea tan específico(a) como pueda, por ejemplo, en la esquina de tal calle con tal calle, entre la estación de transportación pública y la cafetería X.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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Su firma, inmediatamente abajo, indica su consentimiento a que usemos la información que está en este documento en reportes y/o presentaciones a varios grupos incluyendo los medios de comunicación. Esto se refiere solamente a la información; los nombres/identidad de las víctimas se mantendrá secreta a menos de que haya habido un acuerdo distinto. Usted no tiene que firmar aquí si no quiere dar su consentimiento.

**Firma:** \_\_\_\_\_ **Fecha:** \_\_\_\_\_

**Resultado/consecuencias (si alguna)**

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**Reportado por:** \_\_\_\_\_ **Fecha:** \_\_\_\_\_

## Appendix III

# NHCROP Regional Field Sites

