

# Illegal to be Homeless

## The Criminalization of Homelessness in the United States

November 2004



**NO**

**Sitting, Lying, Leaning, Panhandling, Loitering, Camping,  
Obstructing the Sidewalk, Sleeping, Storing Property**

**NO LIVING**

**ILLEGAL TO BE HOMELESS 2004 REPORT**

# **Illegal to Be Homeless:** The Criminalization of Homelessness in the United States

**November 2004**

The National Coalition for the Homeless

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# ILLEGAL TO BE HOMELESS 2004 REPORT

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# ILLEGAL TO BE HOMELESS 2004 REPORT

## I. (A) Introduction

This report, "Illegal to Be Homeless: The Criminalization of Homelessness in the United States," is the third annual report since 2002.<sup>1</sup> The document reports the widespread trend of violations of the basic human rights of people experiencing homelessness in 179 communities in 48 states, Puerto Rico, and the District of Columbia. Through the passage of possibly unconstitutional laws, the "selective enforcement" of existing laws, arbitrary police practices, and discriminatory public regulations, people experiencing homelessness face overwhelming hardships in addition to their daily struggle for 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 local Business Improvement Districts (BIDs) and to policing, which often penalize the very people this money could help. In addition to continuing the documentation of this trend, this report emphasizes 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.

This report is an annual summary of continuous investigation with evidence that criminalization is not only a local issue that is duplicated nationwide, but is also a national concern that demands a federal response. We have asserted and continue to assert that a pattern and practice of civil rights violations and unconstitutional behaviors by local government authorities, including the police and other city agencies, exists in many cities around the country. These practices exact enormous economic, social, political and individual costs and do nothing to prevent and end homelessness that plagues individuals nationwide.

With the unemployment rate still near its highest point in a decade, and with even deeper cuts in funding for social services and housing supports than we anticipated, the immediate future for the increasing number of people experiencing homelessness is desperate. For those people forced to live in public spaces without access to shelter, public restrooms, and places to store their belongings, life continues to be disastrous. Sympathy for homeless people depends in large measure on understanding the economic causes of homelessness and the oppressive conditions of living without a private space. Legislating against the behavior and circumstances of people who have no place to go is a giant step backward in the effort to end homelessness.

It is important to note that a number of city governments continue to violate the civil rights of homeless persons. A main goal of this report is to document these policies and show that, while many of the laws criminalizing homelessness are new, and many of the cities are cited for the first time, nevertheless a number of cities cited here have been among the worst cities for civil rights violations since data began being collected. The spread of the pattern and practice of using incarceration and harassment as an apparent attempt to "deter" people from being homeless must be met by a combination of tactics and organized efforts.

## (B) A Working Definition of Criminalization

Class discrimination is still legal and acceptable in the United States. There is no protected status for those who are economically oppressed or excluded, much less those who are homeless, although homeless people are very often the targets of discrimination. On the contrary, the growing body of laws passed by local governments criminalizes activities necessary to survival on the streets. Because people without homes often have no option but to perform necessary functions in public, they are vulnerable to judgment, harassment and arrest for committing "nuisance" violations in public. For these people, economic or housing status effectively becomes the cause of their incarceration under "quality of life"

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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; *Illegal to Be Homeless: The Criminalization of Homelessness in the United States.* Published by the National Coalition for the Homeless. August 2003.

ordinances. Instead of providing affordable housing and livable wages, our communities choose to protect themselves from visible homelessness under the guise of assumed threats to public safety.

Criminalization is the process of legislating penalties for the performance of life-sustaining functions in public. It also refers to the selective enforcement of existing ordinances. Both practices are intended to harass and arrest homeless people. Laws against obstruction of sidewalks and public ways such as sitting or lying in public spaces are largely enforced against homeless people. This report focuses on both kinds of criminalization.

Police in many cities commonly conduct “sweeps” in downtown areas before large political, religious, athletic or entertainment events. Police routinely stop people they suspect are homeless, ask for identification and run warrant checks. There have been many reports of police urging homeless people to leave town or face arrest if they are stopped again.

The underlying assumption behind these actions is that homelessness is a “public safety” issue. Therefore, cities attempt to eliminate visible homelessness through enforcing “quality of life” ordinances, which seek to improve the “quality of life” of housed and higher-income individuals by removing from sight those people who look poor and homeless. Arrest and incarceration has become an expedited way of removing individuals from sight. Unfortunately, many people justify criminalization as a “benevolent” means of coercing individuals into treatment and other services that are not voluntarily available.

Desperately needed voluntary services are diverted into the correction's system, which in some communities have actually become part of the Continuum of Care, the explanation for the diversion is to provide an “alternative” to hard time. The growing tendency to “track” homeless people and their use of services is an insidious means of controlling the actual quantification of need. This tracking system also classifies some people as “service resistant” or not really homeless; the system excludes others as criminals.

### **(C) The Income/Employment Crisis**

According to the National Low Income Housing Coalition,<sup>2</sup> there is no state or local jurisdiction in this country where a person who works a minimum-wage job can afford housing at HUD’s Fair Market Rents. The continuing decline in real value of minimum wage income, as well as the dramatic reduction 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 increases homelessness.

Forty-two percent (42%) of homeless people, nationwide, work. However, the income they earn is not sufficient for accessing safe, affordable and appropriate housing.<sup>3</sup> In many cities the majority of available emergency housing or shelter costs at least \$7.00 per night. Labor Pools become the trap for homeless people who must pay for their shelter and take whatever income-producing work is available. Making the transition from labor pool to permanent, living wage employment is the only way into permanent, reliable housing.

For women and families who live on TANF benefits (Temporary Aid to Needy Families) and must work for their monthly allowance, housing in the private market at 30% of income is impossible to find.

### **(D) The Health Care Crisis**

Access to health care for individuals experiencing homelessness is limited and difficult to obtain. Homeless people with chronic illnesses often do not continue receiving treatment or medication in jail.

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<sup>2</sup> “Out of Reach 2003: America’s Housing Wage Climbs.” Published by the National Low Income Housing Coalition/LIHIS. September 2003.

<sup>3</sup> “Welfare to What II.” Published by the National Coalition for the Homeless and the Los Angeles Coalition to End Hunger and Homelessness. 2001.

Incarceration also 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 they need. Due to the lack of long-term residential mental health care services and the number of people with mental health problems living on the streets, police officers often assume the role of determining the need for treatment. Following the model Memphis has developed, some cities are training special units to specifically deal with people with mental health problems. These programs seem to be successful, but not without sufficient housing and supportive services.

In many cities residential treatment and recovery for addictions are not readily available. As a result, cities often jail users. The cost of jail time far exceeds the money spent for residential treatment with supportive housing.

### **(E) The Lack of Emergency Housing and Services**

Most communities in this country lack enough shelter beds for the number of homeless people. Many shelters charge between \$5.00 and \$10.00 per night for a bed or even a mat on the floor. An overwhelming majority of communities lack sufficient social services to meet the needs of all their low-income/homeless individuals and families. And the recent economic recession has caused major cutbacks in funding to non-profit and service organizations. Already shelters operate above capacity and some have had to close for lack of funds. Thousands of people across the country need shelter and cannot get it. According to the 2003 U.S. Conference of Mayors Report, requests for emergency shelter increased by 13% over the previous year, with requests from homeless families with children increasing by 15%. Of the number of people requesting emergency shelter, 30% of homeless people and 33% of homeless families were turned away.<sup>4</sup>

Every year hundreds of people die from exposure or from illnesses associated with long-term exposure.

### **(F) 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 the 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 public space. These groups advocate anti-homeless policies under the guise of preserving the “common good.”

The CJLF has especially targeted “begging” under the justification that whatever is good for private development is good for all urban residents. 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 work “to get guns out of schools, gangs off of street corners, drug dealers out of housing projects, porn shops out of neighborhoods, aggressive panhandlers out of ATM lobbies and put mentally ill substance abusers into treatment and off the streets.”<sup>5</sup>

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 common. Most aggressive panhandling laws restrict locations where panhandling is permitted and the way in which individuals ask for money or goods.

Public spaces like streets, sidewalks, and parks are by definition “common property” and may be used by anyone. Private property owners are often able to persuade city officials to limit the use of public space and establish Business Improvement Districts, or BIDs. These areas exclude people with no access

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<sup>4</sup> “A Status Report on Hunger and Homelessness in America’s Cities 2003: A 25-City Survey.” Published by the United States Conference of Mayors and Sodexo. December 2003.

<sup>5</sup> Center for the Community Interest’s website: [www.communityinterest.org](http://www.communityinterest.org)

to private property from public property. The CJLF and the CCI's recommendations for regulating public space limits the use of common property and seeks to justify exclusion by calling homeless people criminals and threats to public safety.

## **II. Background**

The National Coalition for the Homeless (NCH), established in 1984, is the oldest national homelessness advocacy organization. NCH is comprised of local and statewide advocates, representatives of homeless coalitions, service providers, faith-based organizations, grassroots activists and people experiencing homelessness. This year's report continues documenting local discriminatory practices which have frequently been challenged and modified, but continue to re-emerge, often in more aggressive forms. When litigated, "quality of life" laws have sometimes been determined unconstitutional in both state, and federal court. As these laws and practices continue to be used as sources to reduce the visibility of homelessness, advocates must consistently confront them.

## **III. Methodology**

This report is the product of the National Homeless Civil Rights Organizing Project (NHCROP) of NCH, an ongoing effort to establish systematic data collection and coordination of efforts to protect the rights of homeless people. 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.

The qualitative information from each city is reported in the form of descriptive narratives. These narratives serve as a record of evidence testifying to the criminalization of people experiencing homelessness in almost every city surveyed, as well as the status of struggles and conflicts in those communities. Anecdotal evidence and experience, as well as available statistics were collected, evaluated and form the basis for policy analysis and recommendations for combating the erosion of civil and human rights in this country.

In addition, the city codes for the majority of the cities were examined and summarized in a chart comparing patterns of criminalization across the nation. In most cases city code information was available electronically, generally on databases. However, in those circumstances where it was impossible to obtain an electronic document, copies were directed to city clerks' and attorneys' offices, who then provided the information. Different classifications of various ordinances are dependent upon the wording of the ordinance itself.

## **IV. Problem Statement/Consequences of Criminalization**

### **(A) Economic Consequences.**

As the country fails to provide money for housing, and as essential funds are cut from social services, the amount of money spent to jail people for "quality of life" crimes increases.

The legal challenges resulting from criminalizing homelessness have proven costly for both homeless people and for those who prosecute them. Judgments against offending jurisdictions are not sufficient payment for the loss of freedom, jobs while incarcerated, shelter spaces and for the difficulty in finding employment once you have a "record."

Although anti-homeless ordinances violate HUD's Consolidated Plan and should jeopardize any offending jurisdiction's access to Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and McKinney/Vento federal funds, few charges are brought against those cities because non-profit organizations risk their own funding if they complain. Moreover, local ordinances that discriminate against and criminalize the lives of homeless people often violate state, local, and federal constitutions, thus exposing city governments and police departments to civil liability. Ordinances that criminalize homeless people simply perpetuate the problems of homelessness.

It is more expensive to detain a person in jail than to house and offer services. According to the National Law Center on Homelessness and Poverty 2003 report, *Punishing Poverty: The Criminalization of*



Homelessness, Litigation, and Recommendations for Solutions, the cost of providing jail, excluding the cost of the police resources used in the arrest, exceeds \$40 per day. Some sources say the daily cost is as much as \$140. In comparison, the average cost of providing counseling, housing, food, and transportation for one day is approximately \$30.

In most cities there is a desperate lack of emergency and permanent housing and support. Funds that might be used to fund programs addressing the needs of homeless people are diverted to the criminal justice system.

### **(B) Social Consequences**

Criminalization masks the social exclusion of homeless people under the guise of public safety concerns. When cities warn tourists and residents not to give money to panhandlers, they create the fear of homeless individuals that leads to further discrimination. This criminalization then helps to legitimize that fear.

Persons arrested or incarcerated for “quality of life” offenses may lose access to employment, families and friends. This loss also impacts employers who lose faith in hiring homeless people because “they don’t show up,” or because they have “records.”

Once incarcerated, these homeless individuals face overcrowding, violence, abuse, or disease. The conditions in turn contribute to additional social costs when the person is released and interacts again with society.

Cities might be more successful developing programs intended to reduce homelessness if the level of animosity among police, service providers, and homeless persons were reduced. With a focus on training, police might deal more effectively and efficiently with conflicts that arise, without violating the civil rights of homeless people.

### **(C) Political Consequences**

Laws criminalizing the circumstances of poverty, as well as sanctioned or unsanctioned actions committed by law enforcement officials, may violate both state constitutions and the U.S. Constitution. For example, laws prohibiting or limiting panhandling and begging may violate the First Amendment. The seizure or destruction of homeless peoples’ property may violate the Fourth Amendment, which prohibits unreasonable search and seizure. Laws prohibiting sleep and other necessary activities in public spaces may violate the Eighth Amendment, which prohibits cruel and unusual punishment. In addition, discriminatory enforcement of such laws may constitute a violation of the Fourteenth Amendment, which assures equal protection under the law.

### **(D) Individual Consequences**

The criminalization of homelessness makes the struggle to survive on the streets even more difficult, depressing, demoralizing, and frightening, especially as the criminal justice system can itself act as a major barrier to individual efforts to escape homelessness. Regardless of the number of ordinances passed, homeless people still must eat, sleep, and survive in public because often no alternative is available to them.

Once homeless people have been arrested for “quality of life” violations, their criminal records grow, and as a result they may be excluded from jobs and housing. Anyone incarcerated at least 30 days loses Social Security benefits during incarceration. Also, if an individual receiving benefits is found to have an outstanding warrant, she or he can be denied benefits. The Social Security Administration has gone so far as to grant agencies an “incentive” of \$400 per person found to be in violation. In addition, when homeless persons do not follow through with the process of criminal justice, such as failing to pay traffic tickets or not appearing in court, warrants are issued for their arrest and they may be subjected to further charges and/or jail time. Money used to pay fines might otherwise be used for housing or other needs. Finally, it may be difficult for homeless people to maintain the mandated relationship with parole officers or with community service organizations.

Many homeless people lose all their possessions, even difficult-to-obtain IDs, when they are arrested. In addition, police harassment causes homeless people to miss appointments and/or interviews, reinforcing their status as second-class citizens. Homeless persons who are employed at the time of arrest and who are held in jail may lose their current jobs. Even when people are only given citations and are not arrested, the police may use the threat of arrest to intimidate individuals without housing. Thus, there are many hidden effects of these policies.

Policies of criminalization defeat their own goals of removing homeless people from public visibility because they simply create further barriers for survival and undermine individual efforts to escape homelessness. Such policies keep more people on the streets and increase problems related to homelessness. When individuals are released from jail, they are still homeless, and they have even more barriers and obstacles to overcome than before.

### **(E) Security Guards and the Homeless Community**

A few cities in the United States have reached legal agreements with their municipalities to put an end to police harassment of homeless people. A growing problem in the United States is the rise in private security forces that wear uniforms and mistreat homeless people. In a few cities, including Cleveland, Ohio, these security guards are often off-duty Cleveland Police officers. These privately-paid security officers are allowed to wear the uniform of the municipal police force, and have close contact with the police. They have the ability to detain homeless people and, subsequently, have them arrested. When they are off-duty, these officers do not always abide by consent decrees, legal settlements, or even the law with regard to panhandlers or the rights of homeless people. People who spend a large number of hours of the day on the streets report frequent and systematic abuse by private security guards in the downtowns of our urban environments.

There are a growing number of reports of increased tensions between homeless people and security guards from around the United States, ranging from Business Improvement District security in Atlanta, Georgia and Columbus, Ohio with their "Downtown Ambassadors." These guards patrol the streets and intervene when they see infractions of "quality of life" laws. In Reno, Nevada, conflicts arise between the downtown casinos and homeless people. Fort Worth, Texas, has made a significant effort to curtail panhandling, and has drafted neighborhood associations into the fight. In many communities, security guards are indistinguishable from municipal police officers. Often, they wear the same or similar uniforms, carry guns, and threaten arrest. It may be impossible for homeless people to distinguish between an on-duty municipal police officer and an off-duty security guard, and to negotiate the legal landscape enforced by these guards.

For example, in Cleveland, despite an agreement with the Police Department since 1999 not to "arrest, or threaten to arrest or detain, any individuals, including homeless individuals for performing innocent, harmless, inoffensive acts such as sleeping, eating, lying, or sitting in or on public property," homeless people are still being harassed by security guards, who are, typically, off-duty police. These individuals are known to keep their CPD uniforms on, while working as security guards for private businesses. This is especially a problem in the urban core where finding access to transportation, food, and a place where one can rest without being harassed becomes a difficult task.

These security guards, who patrol private buildings in their uniforms, have been engaged in harassment against homeless individuals that they encounter on public sidewalks and around the private businesses they are to guard. Phoenix, Arizona, has combined police and security outreach into one unit.

The security guards, especially since the events of 2001, play a greater role in both numbers and visibility in most American cities. Despite efforts to focus funding and attention on those who live on the streets, the number of homeless people has increased in most American cities. The security guards are employed to secure buildings and businesses, but they often become much more. Security guards provide the illusion of security to a fearful population. They are used to assure cash registers do not stop ringing because of a perceived unsafe environment. Security guards are highly visible, and many buildings pay a premium for the guards to look like law enforcement officers. Unfortunately, they have

a much different mandate that is essentially a profit motive, with little responsibility to serve the public good, as well as less accountability than on-duty officers.

Although security guards may be highly trained and respectful law enforcement officers during the day, they are paid to keep a certain appearance within a building. Homeless people are viewed as a threat to public safety. Media distortions, fear of the unknown, and misguided information often turn homeless people into the scapegoats for problems downtown. People who choose not to access the shelters, when shelters exist, are blamed for high crime rates, the flight of wealthy pedestrians and residents from the city, and the closing of businesses. Security guards are often told in no uncertain terms to move homeless people out of sight at all costs. They ignore the freedom to ask for money or the freedom to be left alone.

## **V. Model Programs**

Cities have turned to the criminal justice system for housing, treatment, and even as a means of “disappearing” homeless people.

This trend can only be reversed through the organizing of homeless people and concerned advocates to hold policy makers and business owners accountable for their actions and policies. Minneapolis, Philadelphia and Ft. Lauderdale are all spotlighted in this report for their positive steps towards ending the criminalization of people experiencing homelessness.

### **(A) Minneapolis, Minnesota**

The Public Safety and Regulatory Services Committee of the Minneapolis City Council ordered the Community Advisory Board on Homelessness (CABH) to address building code issues and homelessness. The result was the creation of a Decriminalization Task Force to “review all laws, policies, and practices that have the effect of criminalizing homelessness, and reporting back to the City and County with recommendations.”<sup>6</sup>

The Task Force sets the foundation for an increase in social services and assistance as a pathway to ending the criminalization of homelessness in Minneapolis. The following recommendations have been presented to the City Council for discussion and approval.

- 1) Ordinance changes. These include the repealing of an anti-camping ordinance and the rewording of other ordinances such as trespassing, panhandling, loitering, shelter restrictions, interference with traffic, and public urination.
- 2) Police Protocols. Training police to link homeless people to services will meet the needs of homeless people while insuring the protection of their civil rights. Changes include the requirement of a complaint before police presence, a notice to campers before eviction, referrals to providers, and improvements in the handling of property belonging to those experiencing homelessness.
- 3) Vagrancy Charges. Vagrancy laws are remnants of a previous era of law enforcement. Minnesota’s vagrancy statute should be repealed.
- 4) Public Testimony. Time should be allotted whereby public testimony is scheduled to allow advocates and people who have or are currently experiencing homelessness to come forward and speak to the City Council and Mayor on the issues stated above.

These four items are part of a serious effort to address some of the immediate issues homeless people encounter on a daily basis. At the same time, CABH began dialogue between the City Attorney’s office, the Police Department, and the Civil Rights Department to deal with long-term issues and create constructive alternatives to the criminalization of homelessness. The Decriminalization Task Force will also conduct ongoing discussions to address the following:

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<sup>6</sup> *Community Advisory Board on Homelessness. Decriminalization Task Force Recommendations. May 4, 2004.*

1) City Attorney Policies and Programs. Geographic restrictions resulting in banishment in certain areas should be halted and a less punitive approach should be taken towards people experiencing homelessness.

2) Civilian Review Authority. In its role as a police watchdog body, the Civilian Review Authority should work with homeless providers to make it easier for people experiencing homelessness to report police misconduct.

3) Police Protocols. Mental health workers should respond to calls involving those experiencing mental illness while 911 dispatchers should review procedures to see if more calls can be directed to mental health workers.

4) Police Training and Instructions. All officers should be instructed to treat every resident, even those experiencing homelessness, with respect. In addition, officers should undergo training on services that are available to people experiencing homelessness. Officers would also be issued resource cards to guide people to appropriate services.

5) Police Positions/Services. A police officer should be assigned to help homeless people who are perpetrators or victims of crime and a mental health specialist position should be created to provide training and services.

The action taken by CABH is a model proposal that all cities should take to address and solve the criminalization of homelessness in cities across the nation.

## **(B) Philadelphia, Pennsylvania**

In contrast to many other cities across the nation, the City of Philadelphia has reportedly found ways to reduce the number of homeless people in the city without infringing on the civil rights of people experiencing homelessness. Instead of pushing the problem around the city, marginalizing people, or busing individuals to jail or out of town, the city requires police officers to contact a social worker who will respond within 20 minutes. For instance, homeless people sleeping outside are referred to local shelter and transitional housing services rather than being fined or arrested for camping or trespassing.

Through a combination of permanent housing, counseling services, dedicated workers, and multiple 24-hour shelters, Philadelphia has found a way to help the chronically homeless people of the city. Responsibility for this progress is credited to Sister Mary Scullion, a nun who lives and works with the people she dedicates her life to help. Her constant pestering of local officials resulting in the building of hundreds of housing units dedicated to help those with special needs. While reports indicate Philadelphia has indeed removed nearly 75 percent of its chronically homeless population from the streets, what this report intends to highlight is the City's method. Although Philadelphia may have criminalized homeless people in the past, the City has decided to solve the problem by providing homes instead of jail.

## **(C) Fort Lauderdale, Florida**

An outreach program in cooperation with the police department and local services is comprised of one formerly homeless individual and one police officer. After publicizing the pick-up point through street contacts and service providers, the pair goes out each afternoon, where they assess individuals one by one. Some individuals are sent to a shelter for the night, some are given bus tickets to reunite with family, and others are enrolled in long-term programs. By helping individuals get off the streets and into shelters, the impact of criminalization has been significantly decreased. Other police officers in the community are also taking individuals to shelters rather than jail. Police are currently conducting their own trainings, and educating officers about homelessness.

## **VI. Conclusions and Recommendations**

### **(A) Education and Communication**

Monitoring and documenting arrests, citations, fines and harassment of homeless people allow advocates to present evidence of violations of civil rights, costs of incarceration to the public, and loss of opportunities for employment and housing for homeless people.

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

In addition, local groups who have been tirelessly fighting the effects of criminalization must communicate their struggles and victories with other groups, so all organizations can share information with each other and with the public. Public information campaigns must be geared toward:

- 1) alerting homeless and poor people that a new civil rights movement is building along with informing them of new and subtle dangers that currently exist,
- 2) alerting service providers to the serious effects of these laws, especially before the process of drafting law is in motion, and
- 3) alerting the general public that rights lost to any segment of our society are rights lost to all members of our society.

### **(B) Organizing for Change**

Those most affected by injustice must play a leading role in local monitoring projects and collection of data, as well as collection of anecdotal evidence of activities to challenge local abuses.

Organizing homeless people to take action begins 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 force to affect change; and
  - 4) to gather ideas, insights and opinions about solutions to poverty and homelessness.
- Combining outreach, advocacy, direct action, and litigation with policy and program design produces permanent solutions to poverty and homelessness.

### **(C) Legal remedies**

Homeless people and advocacy groups continue using the legal system to fight unconstitutional ordinances that criminalize life-sustaining activities performed, necessarily, in public. It is important to compile and share documentation of legal victories to strengthen our efforts.

The national maintenance of a database of ordinances and a cataloging of experiences is necessary for sharing efforts and resources.

Broadening the campaign to request the U.S. Department of Justice investigate patterns and practices of the civil rights violations of people experiencing homelessness, and including homelessness as a protected class or status when monitoring violence, are imperative.

### **(D) Security Guards**

1. Cities should make it illegal for their police officers to wear official police uniforms while they are not on duty.
2. All security guards should be licensed by the local municipality with added scrutiny to those carrying a firearm. Homeless people should be easily able to file a complaint with the municipal government concerning the actions of guards. A guard or official system should be required to address these complaints in order to renew the license.
3. All security guards should wear identifying information including their city issued license number.
4. All complaints delivered to the City should be forwarded to the management or the entity hiring that guard.
5. Security guards in places that come into frequent contact with homeless people should be required to receive awareness training, as well training on the laws that apply to homeless people. Crisis intervention training for dealing nonviolently with mental illness conflicts is also recommended.

### **(E) Policy Remedies:**

1. Support the Bringing America Home Act, H.R. 2897-108th Congress, sponsored by U.S. Representatives Julia Carson and John Conyers. This bill includes provisions and funding that will end homelessness through additional housing, universal health coverage, universal livable income, treatment on demand, and civil rights assurances.

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

- A. A requirement under the selection criteria for HUD McKinney-Vento that communities receiving homeless assistance dollars must guarantee through formal certification they are not criminalizing homelessness through laws, ordinances or policies.
  - B. 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 activities in public spaces when no alternative public spaces are available; or relating to curfews for adolescents and that result in homeless youths being adjudicated as delinquent.
  - C. A requirement that cities receiving CDBG and HOME funds shall not pass zoning ordinances and/or make zoning decisions have the effect of preventing the siting of facilities designed to serve people in homeless situations or low-income people.
2. All people should be assured access to affordable 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.

To assure those rights, we recommend acceptance and reiteration of the following values and principles:

- a. Protected class designation for socioeconomic status;
- b. The right to register and vote for homeless people;
- c. Passage of “hate crimes” legislation using protected class status;
- d. Immediate relief from harassment and arrest in every American city;
- e. Immediate access to treatment on demand outside the criminal justice system;
- f. Immediate access to treatment without first being incarcerated;
- g. Immediate access to housing for all homeless people.

# ILLEGAL TO BE HOMELESS 2004 REPORT

## Cities Researched for the 2004 Criminalization Report

*(Documented either in the Narratives section or the Prohibited Conduct Chart)*

<b>Alabama</b> Birmingham Mobile	Santa Barbara Santa Cruz Sonoma County South Lake Tahoe Union City Venice	Palm Bay Sarasota St. Augustine St. Petersburg Tampa Tallahassee	<b>Louisiana</b> New Orleans
<b>Alaska</b> Anchorage			<b>Maine</b> Portland
<b>Arizona</b> Flagstaff Glendale Mesa Phoenix Scottsdale Tempe Tucson	<b>Colorado</b> Boulder Colorado Springs Denver Grand Junction Greeley Lakewood Longmont	<b>Georgia</b> Athens Atlanta Augusta Savannah Valdosta	<b>Maryland</b> Baltimore Elkton Frederick
<b>Arkansas</b> Eureka Springs Fort Smith Little Rock	<b>Connecticut</b> Middletown Norwalk	<b>Hawaii</b> Honolulu Lihue	<b>Massachusetts</b> Boston Plymouth Springfield
<b>California</b> Bakersfield Berkeley El Cajon Encinitas Escondido Fairfield Fresno Long Beach Los Angeles Modesto Oakland Pasadena Redondo Beach Sacramento San Bernardino San Diego San Francisco San Jose	<b>District of Columbia</b> Washington	<b>Idaho</b> Idaho Falls	<b>Michigan</b> Detroit Kalamazoo Lexington Township Pontiac
	<b>Florida</b> Bradenton Clearwater Daytona Beach De Land Fort Lauderdale Fort Myers Gainesville Hallandale Beach Jacksonville	<b>Illinois</b> Avondale Chicago	<b>Minnesota</b> Minneapolis St. Paul
	Key West Kissimmee Miami Naples Orlando	<b>Indiana</b> Indianapolis Jeffersonville	<b>Mississippi</b> Biloxi
		<b>Iowa</b> Davenport	<b>Missouri</b> Kansas City St. Louis
		<b>Kansas</b> Lawrence	<b>Montana</b> Billings Havre
		<b>Kentucky</b> Covington Lexington Louisville	

**Nebraska**

Omaha

**Nevada**Las Vegas  
North Las Vegas  
Pahrump  
Reno**New Hampshire**Manchester  
Portsmouth**New Jersey**Atlantic City  
Trenton**New Mexico**

Albuquerque

**New York**Buffalo  
Ithaca  
New York  
Rochester  
Syracuse**North Carolina**Asheville  
Charlotte  
Durham

Raleigh

**North Dakota**

Fargo

**Ohio**Cincinnati  
Cleveland  
Columbus  
Dayton  
Toledo**Oklahoma**Oklahoma City  
Tulsa**Oregon**Ashland  
Beaverton  
Detroit  
Eugene  
Portland  
Salem**Pennsylvania**Philadelphia  
Pittsburgh**Puerto Rico**Caguas  
Rio Piedras

San Juan

Santurce

**Rhode Island**

Providence

**South Carolina**Charleston  
Columbia  
Myrtle Beach**South Dakota**Rapid City  
Sioux Falls**Tennessee**Memphis  
Nashville**Texas**Amarillo  
Austin  
Corpus Christi  
Dallas  
Denton  
El Paso  
Fort Worth  
Houston  
San Antonio**Utah**Ogden  
Salt Lake City  
St. George**Virginia**Norfolk  
Richmond  
Roanoke  
Suffolk  
Virginia Beach**Washington**Longview  
Olympia  
Seattle  
Spokane  
Tacoma  
Woodinville**West Virginia**Huntington  
Martinsburg**Wisconsin**Eau Claire  
Madison  
Milwaukee**Wyoming**

Cheyenne



## ILLEGAL TO BE HOMELESS 2004 REPORT

Meanest Cities	
1. Little Rock, Arkansas	11. Sarasota, Florida
2. Atlanta, Georgia	12. Key West, Florida
3. Cincinnati, Ohio	13. Nashville, Tennessee
4. Las Vegas, Nevada	14. Berkeley, California
5. Gainesville, Florida	15. Dallas, Texas
6. New York City, New York	16. Fresno, California
7. Los Angeles, California	17. San Antonio, Texas
8. San Francisco, California	18. Milwaukee, Wisconsin
9. Honolulu, Hawaii	19. St. Paul, Minnesota
10. Austin, Texas	20. Manchester, New Hampshire

Meanest States
1. California
2. Florida
3. Hawaii
4. Texas

### 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 and has a history of criminalization.
6. Criminalizing legislation is pending or enacted in that city.

# ILLEGAL TO BE HOMELESS 2004 REPORT

## Narratives of the Meanest Cities

### #1 Little Rock, Arkansas

In February of 2004, homeless service providers recruited the police to assist in a count of the homeless population, and were assured when the question was asked, that the police would not use the knowledge of the locations of the camps to go back and clean the camps out. The police reassured the service providers they would not use the knowledge of the locations to do sweeps in the future. Several service providers showed the police where the camps were on a map, and a formerly homeless camper guided the police to camps that she knew of. A month later the providers started hearing that the city was going to do sweeps of these same camps.

A major effort was planned to remove homeless camps across the city. Police identified at least 27 areas in May 2004, which they wanted to target by issuing a 3-day notice to campers before sending in teams and code enforcement officers to clear out remaining belongings. The sweeps were expected to occur in June and locations for the proposed sweep included wooded camps, alleyways, abandoned buildings, and a parking deck. While sweeps occur at various times, most take place before major events. The opening of the Clinton Presidential Center in November seemed to be one such event that was a factor in the proposed displacements. According to Sandra Wilson, executive director of the Arkansas Supportive Housing Network, the city is attempting to remove homeless people from the downtown area to please businesses and to promote tourism. When Mayor Jim Dailey was asked whether the sweeps had anything to do with tourism, he said, "Absolutely," but also said that tourism was only one of many factors.

Local advocates called on the city to delay the sweeps until after a homeless outreach fair set for September 25, and explained there was not enough shelter room. Some shelter directors were also concerned they had not been alerted in advance of the proposed sweeps. The City assumed that homeless providers would go into the camps assisting the police and "help clean them out." The providers declined not only because they were not included in the process, but because there was nowhere they could have assisted the displaced in going, nor was there any plan in place by the City as to where they would go. Advocates withdrew support from the city by presenting a written resolution. However, city officials asserted the camps should be shut down sooner rather than later and stated their concerns of loss of public "credibility" if the sweeps were not conducted. In a surprising turn of events, the City called off the sweep in early August to "retool" the process less than a week before sweeps were to start. Advocates were pleased that the sweep was postponed. "Hallelujah," said Sandra Wilson, the executive director of the Arkansas Supportive Housing Network, "I hope this means we can actually sit down with the city and work out a long-range plan. It really sounds like they're committed to coming to the table and working with us."

Patty Lindeman, the founder of Hunger-Free Arkansas maintains, however, "the sweeps of the camps are nothing new," those sweeps are conducted on a routine basis. However, this was "the first time they [were] going to post legal notices."

In July of 2004, police raided a homeless camp during the day when most of the residents were absent. They went in without notice, postings, or warrants and as they searched, they threw property into the river. Sandra Wilson noted the raids occurred

after the city had agreed to the process of a legal notice and a timeline. The homeless have also been told not to gather at picnic tables under the Broadway Bridge before or after local providers arrive to give out food because it is private property and it belongs to City Hall.

The Executive Director of the River City Ministry said the “ideal situation would be to have enough beds to at least give the homeless a place to go,” and what he sees happening is “the resources that could be used to provide these beds are being used to police these camps.”

A census by the Central Arkansas Team Care For the Homeless (CATCH) was released in August of 2004, and reported that the Central Arkansas homeless population has increased by 15% in three years.

A member of CATCH, which conducted a homeless census in conjunction with the police, said the City has also agreed to work with CATCH for a long-range plan, has offered \$250,000 toward the establishment of a full-service day center, and is considering a nearby safe zone in which homeless people could camp. The member seemed very surprised and pleased that the plan to clear the camps was reversed. It also seems apparent that the considerable opposition from the community had an impact on the postponement of the sweeps. Some advocates expect that the old policies will resume after the topic is out of focus of the media.

On September 17, 2004 National Law Center on Homelessness & Poverty (NLCHP) wrote a letter to Mayor Jim Dailey.

Tulin Ozdeger, the Civil Rights Staff Attorney, said the NLCHP is “deeply troubled by recent news accounts that the City of Little Rock intends to embark upon a campaign of sweeps of areas inhabited by homeless Little Rock residents. NLCHP wishes to register its concerns regarding the harmful consequences such actions would have on the constitutional rights of these residents. Further, we urge you to work with local advocates and service providers to find a more constructive and effective way of approaching the problem of homelessness in your community.”

“By conducting sweeps of areas where homeless people are living, the City not only places itself in jeopardy of being legally liable for illegal actions, but it does nothing to solve the underlying problem of homelessness. With inadequate housing options and shelter space, clearing out these areas only moves people from around to different locations. Instead, the City should aim to find solutions that will help homeless persons move permanently off of the streets and into self-sufficiency.”

“Instead of pursuing measures that lead to civil rights violations and consequent costly and burdensome litigation, Little Rock should be dedicating more time and resources to developing jobs at a living wage, affordable housing, increased access to healthcare for low-income persons, and other solutions to homelessness.”

Ozdeger concludes by stating, “NLCHP urges you to take this opportunity to do something constructive to help bring about an end to homelessness. Taking actions that violate the civil rights of Little Rock residents in need will not solve the problem of homelessness.”

Mayor Daily has stated his impatience with the delays in getting the camps cleaned out. “I want these camps cleaned up, and I will say that loudly and clearly.”

“We have to be trying to deal with the sensitivity issues of those who truly have needs, but as far as I’m concerned we need to run off those individuals who are the chronic homeless that don’t want services provided to the them” or who “expect they’re going to victimize the community with their panhandling or other crimes,” Dailey said.

Dailey explains allowing certain camps would “send the wrong message” and draw more homeless people to the city, which he said is already viewed as accommodating.

He also said the city should consider requiring homeless people who benefit from city services to do chores such as mowing grass or picking up trash.

“If you’re not willing to do something for the community in exchange for the handouts that are given to you then you don’t belong here,” Dailey said.

When asked by Sandra Wilson in a public forum about where homeless people would go, the Mayor replied, “I don’t know.”

Andre Bernard, the city’s director of housing and development, said he expects case management teams to enter three or four camps shortly after the September 25 homeless outreach event on North Little Rock’s waterfront.

“You’ll probably see something happening within the next couple of weeks,” Bernard said. “It may take some time to address all 27 (camps).”

Philip Mangano, executive director of the U.S. Interagency Council on Homelessness, spoke on September 22 at a statewide homelessness conference in Little Rock. He said Little Rock needs to find a solution that’s not “punitive,” but moves the homeless into the services they need.

On September 25, the Stand Down homeless outreach fair provided services to 800 homeless individuals. Five hundred volunteers assisted in the day’s activities.

One of the services offered at the outreach event was a homeless court where public defenders helped homeless people clear up their misdemeanor charges.

According to Estella Morris, program manager for the U.S. Dept. of Veterans Affairs in Little Rock, “We have so many homeless clients who get charges for small things like vagrancy, loitering and things like that. A lot of it is nuisance charges that will make them afraid to apply for jobs.”

Local homeless advocates report the Mayor and the City Manager have not backed away from going forward with the sweeps. The advocates speculate the sweeps will happen either before or shortly thereafter the November opening of the Clinton Presidential Library.

An “annual satirical stage show” put on by the Pulaski County Bar Association depicted officials “driving away helpless residents of the camps.”

Beginning November 1, a 50-cent fare is planned on the Central Arkansas Transit (River Rail) streetcar that will travel through both Little Rock and North Little Rock. Advocates say the fare is intended to keep homeless people off the trolley.

## **#2 Atlanta, Georgia**

In September of 2003, the Mayor of Atlanta, Shirley Franklin, issued an executive order prohibiting feeding people in public. The pretext offered for the order, that “feeding the hungry is a health hazard,” angered local advocates including Anita Beaty. In spite of the fact the Mayor’s order lacked the legal authority to prohibit public feeding, the publicity surrounding the issue produced the desired results. Many church groups and individuals believed they faced arrest if they continued offering food in parks to hungry homeless people, so they discontinued the practice. However, Atlanta City Councilman Derrick Boazman and State Senator Vincent Fort resisted the order along with members of the Open Door Community, Concerned Black Clergy and the Task Force for the Homeless.

Mike Casey of the Open Door Community reports that homeless people are routinely criminalized in the city. Central Atlanta Progress, a downtown business

organization, has for years pushed for policies and ordinances to rid the downtown area of homeless people. Representatives of CAP brag that arrests for “quality of life” ordinances have increased 239 % in the past year. These ordinances include prohibition against “urban camping” or sleeping outside, aggressive panhandling, and panhandling in most downtown areas.

The Atlanta “Downtown Ambassadors,” a quasi-police force, continues to be a source of harassment to people experiencing homelessness. Every morning “Ambassadors” and police awaken homeless people at 6:45 a.m. An Atlanta Journal Constitution article reported that, “the wake-up crew is forceful and polite, but their job is to keep a lid on the homeless who use the streets as their bathroom and bedroom. It's a bit of downtown housekeeping to make the homeless problem more palatable for the well-scrubbed, who drive into town for the business day or to visit.” Police say that the teams arrest perhaps one person a month but awaken approximately 30 people a day. Participants in the teams admit that they do little to “get people off the streets.” Workers also pilot Tennant 4300 All-Terrain Litter [Vacuums], which suck up litter, including the “blankets and trappings” of homeless people, all before 8:30 a.m. when business employees go to work.

A homeless man was interviewed and said that “moonlighting cops working security for hotels harass the homeless” when they try to sleep at particular public parks. He was charged with disorderly conduct for sleeping in a park. “I can't be disorderly if I'm asleep,” he said. “They dragged me off in handcuffs.” The police officers justified this action by asserting that the disorderly conduct law is broad enough to include sleeping in the wrong place.

Mayor Franklin’s Commission to End Homelessness has raised \$10 million for a 24-hour facility in the jail. Casey feels this facility will provide a political excuse for judges to “sentence” individuals to the shelter. The City’s policy is obviously to remove all services from the downtown area and sanction only the jail facility, called conveniently “The Gateway” as the central intake and tracking facility.

City Councilman Lamar Willis advocated for an extension of the panhandling ordinance to include all forms of begging within a “no-panhandling zone” covering the entire business district. Persons arrested three times for panhandling could receive up to six months in jail. Lenders in the hospitality industry promoted the zone to prevent panhandlers from asking conventioners for money. The Council considered including panhandling “blue boxes” where people could panhandle within a certain zone. Debate around this ordinance appears to have stalled it.

During two months of 2003, the Task Force for the Homeless tallied arrests of homeless people from computer lists of people and charges. A shocking 1,100 to 1,400 homeless people were arrested for “status offenses” or “quality of life” citations each month.

Exclusionary zoning regulations also prevent the location of low-income housing and group homes in the downtown area. Local neighborhood groups are empowered to recommend applications or deny them. City Council can override these recommendations or use them for political cover.

A computer tracking system is required of all residential and supportive service providers using any public money in Atlanta. The tracking system impacts the way services are offered to homeless people, with the possibility of agencies sharing information that homeless people provide. The Task Force for the Homeless reports several incidents in which homeless people were excluded from service or shelter because of information shared by service providers.

The City of Atlanta plans to close shelters that currently house homeless women, children and families in spite of the fact that an average of 50 homeless single women and women with children wait in the Task Force offices nightly for a shelter bed.

### **#3 Cincinnati, Ohio**

In the summer of 2003, the city of Cincinnati began threatening to remove people experiencing homelessness from underneath highway overpass bridges. The Ohio Department of Transportation (ODOT) first stated that the removal of these individuals was not permissible under existing laws, but later ODOT changed its position and sent a letter to the city stating that the city did have the authority to remove people from underneath overpasses.

The police began posting “No Trespassing” signs in July of 2003, giving individuals 72 hours to move from their encampments. In a response organized by homeless people living under one of the targeted bridges, local advocates, social service workers, and other supporters came to the homeless camps to protest this action and assist with relocation efforts. A local lawyer, Jennifer Kinsley, and the ACLU filed a temporary restraining order to keep the police from moving anyone at that time and postponing the sweeps for 30 days. Kinsley also filed a lawsuit against the City of Cincinnati charging that the City has a pattern of violating the rights of homeless people. As a result, the Cincinnati Police have changed their procedure and now always give notice of 72 business hours to individuals living in homeless encampments. Police also forward all trespassing notices to the Greater Cincinnati Coalition for the Homeless (GCCCH) so that individuals can be referred to the appropriate outreach workers.

In September of 2003, the City Council passed a resolution calling for the removal of all homeless people living under bridges and highway overpasses. While the police continued to follow the written procedure described above, this resolution encouraged the relocation of many homeless individuals who were camping in visible areas. The City of Cincinnati continues to target individuals camping in public spaces. Since the passage of the police trespassing notice policy in August 2003, 17 camps have been swept, affecting 43 separate individuals. Five people have had their camps swept twice.

In response to a proposed ordinance that would require panhandlers to wear a license, the Greater Cincinnati Coalition for the Homeless proposed that the city hire an outreach worker to work with panhandlers to help them find alternatives to panhandling. Although the City rebuffed the request, Downtown Cincinnati, Inc. created such a post. Since September of 2003, DCI’s outreach worker has assisted 78 individuals in moving off the streets.

The City of Cincinnati renewed an aggressive panhandling ordinance in May of 2004 for two years, with a 5-4 vote. The ordinance forbids anyone from verbally asking for “money, goods or any other form of gratuity” after dark or before sunrise, within 20 feet of a crosswalk, in any public transportation vehicle or 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, from a person waiting in line to enter a commercial establishment, or on private property without permission. The city created an ordinance in May of 2003 requiring panhandlers to obtain a permit for verbal solicitation. A panhandler considered aggressive or one who is caught panhandling without a license could face a \$250 fine and 30 days in jail. These ordinances led police to arrest a homeless man on charges of improper solicitation after he asked a plainclothes officer for

ten cents. According to Andy Erickson, of the GCCH, most of the panhandlers arrested are taken to jail because they cannot pay the initial fine. Police have made 155 arrests since the city council passed the license law.

In August of 2003, two homeless men who lived beneath a bridge were given no advance warning when their possessions were bulldozed to make room for parking for the City's annual Riverfest event. Their situation was rolled into the above lawsuit, settled out of court, and the men were given financial restitution for the loss of their belongings.

#### **#4 Las Vegas, Nevada**

In a sweep conducted outside a branch office of the Salvation Army, police and Las Vegas Neighborhood Services personnel confiscated shopping carts that contained the personal property of about 20 homeless people. The shopping carts, said Duane Sonnenberg, coordinator of homeless services for the Salvation Army, were obstructing a handicap access ramp. Sonnenberg added that these shopping carts were considered stolen goods, as stipulated in a Las Vegas ordinance regarding the removal of shopping carts from commercial property. A spokeswoman for Las Vegas Neighborhood Services said that anyone who was present when the sweep occurred could have taken their property from the carts. However, no homeless people were there at the appointed time. They had not been given advanced warning of the sweep.

A judge agreed to dismiss charges against Gary Norris for panhandling. Norris received a ticket for sitting on a sidewalk and displaying a sign reading, "The Lord is My Shepherd."

It was reported in July of 2004 that the city attorney's office is pushing to increase the amount of jail time imposed on repeat offenders of misdemeanors in the downtown area. Civil libertarians believe this course of action targets the homeless. In some cases, the plea agreements offered by the city attorney's office relating to repeat offenses of "vagrancy" are being increased from 45 to 90 days in jail. Robert Langford, defense attorney for the accused, says, "It is the most asinine thing I've ever heard of, and the city taxpayers should be outraged." County Clark Sheriff Bill Young said such policies were meant to combat the "revolving door" syndrome in the criminal justice system.

It was reported in August of 2004 that the number of homeless persons in the city has increased 18 percent. This report has caused the city attorney to "crack down on homeless 'criminals'" as part of a "downtown cleanup effort," according to a Fox TV affiliate. This is an effort to combat old policies, in which homeless people were let back on the street and then re-arrested for other offenses later.

Although Las Vegas is a "magnet" for homeless teens from across the nation, it was reported in August of 2004 that there are few places for homeless runaways to hang out, and that Metro police work hard to keep tourist areas like the Strip and Fremont Street free of panhandlers and homeless kids.

#### **#5 Gainesville, Florida**

City Commissioners tabled a proposal to build a temporary picnic pavilion where homeless people could eat free meals and voted unanimously to research ways the city should address homelessness.

A new panhandling ordinance greatly limiting the area where panhandling is allowed was complimented by a brochure that focuses on aggressive panhandling and explains the reasons that giving to panhandlers is bad. The Gainesville Public Safety Committee promoted the ordinance in February of 2004. The Florida Coalition for the

Homeless responded by creating a one page handout about panhandling and addressing natural questions raised about giving money to strangers.

According to Jennifer Wiley, a local homeless advocate and journalist, Ed Braddy, a city commissioner, spoke in favor of the city's tougher stance. He said, "If Gainesville becomes less hospitable to panhandlers and transients, then I'm ok with that." In addition, Braddy said, "I don't want to give comfort to misery; sometimes tough love is called for." Sergeant Keith Kameg noted that, "Our panhandlers are criminals; we want to make Gainesville a safe community."

According to Arupa Chiarini-Freeman of the Home Van outreach organization, Gainesville laws make it essentially illegal to sleep if one is homeless. Homeless people are sometimes woken up three or four times a night and told to move on, or be arrested. People frequently sit in jail for weeks, or even months, on charges like open container or trespass. When their case finally gets to court they are sentenced to "time served."

Chiarini-Freeman notes Gainesville provides no public restrooms after sunset, and has ignored repeated requests by local service providers that adequate restrooms be installed. Despite the lack of restrooms homeless people are repeatedly arrested for public urination.

A petition has begun to stop the City Plan Board and City Commission from limiting the number of meals served by St. Francis House and the Salvation Army. The limit of 75 per facility would only address the needs of 5% of the local homeless population. According to advocate/journalist Wiley, this number represents significantly fewer meals than the St. Francis House has served in the past and is a serious limitation.

As there are insufficient shelter beds in Gainesville a number of homeless people live in the woods. In February 2003, at a training for counting homeless people the Alachua County Coalition for the Homeless and Hungry, Inc. asked the Gainesville Police Dept. to send an officer to talk about safety issues, etc. when heading out into the woods. The entire gist of his "safety lesson" was to wear sterile latex gloves if you touch anybody who is homeless, and to carry a bottle of disinfectant with you to clean yourself off after any interaction with homeless folks. According to local homeless advocates, this is fairly typical of the lack of sensitivity by the local police toward homeless people.

In the spring of 2004, City Commissioner Long visited a homeless camp named Sweetwater Branch in the woods near SW Williston Rd. City Commissioner Long asked the residents what services they would want. Among those requested was a cleanup of the land to clear it of litter, much of which was dumped there illegally not by homeless people, but by residents of the surrounding area.

In June of 2004, a group of homeless persons were forced to relocate from a Sweetwater Branch camp without any assistance or suggested locations. The county sheriff's office became involved and took this action, reportedly at the private landowner's request, after the property owner was appraised of "illegal activity on his land" and was asked if he had given permission for homeless people who were engaged in "illegal activity" to be on his land. A local homeless aid worker reported that the sheriffs took pictures of residents and arrested three people who had outstanding warrants. Some believe the eviction comes from sanitation and trash issues; it is also believed that a new housing development is planned for the land in question. Also, the sheriffs may have visited several camps and taken aerial photographs. It is assumed that the goal is to close these camps as well.

According to advocate/journalist Wiley, a campus Christian organization from the University of Florida that serves food and shares fellowship with homeless people on Friday evenings were asked to move from the Downtown Plaza, ostensibly to avoid



conflict with a series of Friday evening concerts sponsored by the City of Gainesville. In February of 2003 these students were “kicked off” the steps of city hall, and relocated to the courtyard of the Holy Trinity Episcopal Church.

Alachua County Poverty Reduction Director John Skelly was quoted as saying, “We need to take a hard look at how we’ve got services organized and how we can do a better job at it. Our population has been increasing dramatically, and so has the percentage of people at the bottom of the barrel. Raw numbers have grown, but our capacity to serve people has not grown.” Skelly notes that there are only 100 to 150 beds available, while the homeless population is estimated at over 1000. Unfortunately, the City of Gainesville will most likely be forced to cut its funding for social programs in 2005 because of reductions in Community Development Block Grant funds.

## **#6 New York City, New York**

Aggressive policing practices in New York City have not decreased during 2003/2004, and in fact, due to activities surrounding preparations for the Republican National Convention (RNC) significantly increased. Homeless New Yorkers are subject to being harassed by several law enforcement entities, including the New York City Police Department, the Metropolitan Transit Authority (covering subways, buses and transit facilities like Penn Station and Grand Central Station), Amtrak Police, Long Island Railroad Police, private security firms patrolling business improvement districts and the Department of Homeless Service police, which is a unit comprised of peace officers who can arrest and/or write criminal tickets within the shelter system, currently serving 38,000 homeless New Yorkers.

John Jones, a homeless New Yorker and leader of the Civil Rights committee at Picture the Homeless has been personally affected by getting tickets and arrested for violating ordinances banning sleeping on park benches and the subways, as well as for disorderly conduct for refusing to leave a public park. There are many rules in fact, rather than laws, that people are arrested for violating, but which end up leading to criminal records, Jones states. For instance, the fact that Central Park closes at 1:00 am is a rule, not a law. Falling asleep on a subway and taking up more than one seat is ticketed as “stealing a fare,” while sleeping on a park bench is “misuse of park property.” Tuesday and Thursday nights have become known as “sweep nights,” and there is an increase in quality of life ticketing and breaking up of encampments.

Jean Rice, a homeless activist, Civil Rights leader and Board member of Picture the Homeless notes that business people or students are not arrested or ticketed for the same conduct as homeless New Yorkers, constituting an illegal police practice – selective enforcement. In Central Park, homeless people are arrested for drinking or camping, while concertgoers on blankets drinking wine in the same space are excused. Disorderly conduct is a frequently used charge, and is a mostly uncontestable charge, so it creates a real problem for people who want to defend themselves. The situation at Penn Station/Madison Square Garden also highlights this double standard. Many homeless people are harassed or ticketed for drinking in public. However, Penn Station is connected to Madison Square Garden, and people attending a Madonna Concert or basketball game are not held to the same standard. Similarly, commuters can buy a beer and drink it on the platform of the Long Island Railroad while waiting for their train.

Lynn Lewis, Co-Director/Civil Rights Organizer of Picture the Homeless, states the selective enforcement of laws used to target homeless people serves a political agenda to move homeless people from areas including public sidewalks and parks. There were significant ongoing sweeps in preparation for the Republican National Convention

scheduled in late August, 2004. Even as early as January, 2004, the NYPD and MTA police were harassing and “sweeping” people experiencing homelessness in Penn Station. During the Convention, much of the area around Penn Station and Madison Square Gardens was shut down to traffic, and sometimes the public, in the security area. Homeless people and advocates for the homeless were concerned about the effect this might have on the homeless community, because there are many life-sustaining services for homeless New Yorkers in this zone, including drop-in shelters, soup kitchens, and the general delivery post office.

During the months preceding the RNC, Picture the Homeless conducted extensive surveys (more than 200), among homeless New Yorkers about interactions with the police, primarily in midtown Manhattan. Although a thorough analysis remains to be done, it is obvious that police harassment mostly occurs through issuing “Quality of Life” tickets against homeless people, often as a result of performing life-sustaining activities such as sleeping in the subway, on a bench or on the sidewalk. Many arrests are the result of warrants which in turn are often a consequence of not being able to pay the fines for Quality of Life tickets. Places known to be gathering spots for homeless people are regularly combed by warrant squads arresting people with outstanding warrants. The survey also documents several incidents of homeless and race-related insults, economic and racial profiling in public spaces (such as parks and trains stations) as well as police brutality.

Another problem the convention presented to people experiencing homelessness was tighter security, not only by the regular police and security forces, but also by the Secret Service and Department of Homeland Security. We received reports of more frequent checking of ID’s and were told bags would be subject to search. Due to a recent U.S. Supreme Court ruling, police may now request ID on demand, and in New York City, police do not have to accept public assistance cards as an official ID, though it is government-issued, has a photo ID and requires a fingerprint to obtain one. The Holy Apostles Soup Kitchen, which is the largest in the city, issued identification cards during the convention for volunteers and homeless people. The Bread of Life Program, which serves 500 people every Wednesday, closed during the convention, and the pantry gave people extra food the week before.

Convened by leaders of Picture the Homeless, over 40 service providers and advocacy groups gathered together with the Department of Homeless Services, the NYPD and RNC planners to minimize the negative impact of the RNC on people experiencing homelessness in a number of ways, in a campaign known as Operation Cardboard Box. As a result, we pressured the Post Office to expand the hours for General Delivery Pick up during the RNC, received a verbal commitment from the NYPD to accept public assistance benefits cards as photo ID and the name of a point person within the Homeless Outreach Unit to call if homeless New Yorkers experienced harassment during the RNC. Picture the Homeless believes that without the advance planning spearheaded by homeless New Yorkers there would have been a far greater negative impact on homeless New Yorkers by the RNC.

Picture the Homeless also created an alternative to shelter for New Yorkers who regularly reside outside in the RNC area by working with places of worship to provide sanctuary. Advocates worked with the city police commissioner to try to relax curfews in parks and other places in the city so displaced people could have somewhere to go during the convention. There was large amount of negative press, which was seen as an attempt to demonize homeless people, and allow the public to tolerate the expected mass arrests. During the convention parks were closed and swept by police after protesters

were driven into the area. Homeless people may also have been affected by the indiscriminate mass arrests in which the police closed off streets and arrested all in the area.

Many day labor sites, several near homeless shelters, have been targeted by the police. NYPD issued homeless day laborers waiting for work near the Bedford Atlantic Men's shelter in Brooklyn 228 summonses in 28 days. Complaints from the community about crimes in the area, references to traffic hazards are invoked in order to justify hitting "preventively" on day laborers with charges such as trespassing (even though people live in the shelter), loitering, disorderly conduct and impeding pedestrian traffic. Within the first week of Picture the Homeless members doing outreach at the site, one member was arrested, and another was issued a summons for standing on the sidewalk engaging in a conversation with the day laborers. Clearly, this ticketing policy is not enforced on other sidewalks with non-homeless appearing passersby.

The New York Police Department put an officer on trial in July of 2004, for refusing to arrest a homeless man who was sleeping in a parking garage in 2002. The officer's attorney accused officials of punishing his client for "following his conscience" and says the officer "saw the homeless as people and showed them dignity and respect." The lawyer for the police department argued the officer's personal beliefs are "completely irrelevant." However, others note the officer had previously arrested "vagrants" and had possibly had other concerns at the time that he did not arrest the man.

## **#7 Los Angeles, California**

According to Frank Tamborello, of the Los Angeles Coalition to End Hunger and Homelessness, the Los Angeles Police Department conducts "sweeps" to move homeless people out of various areas.

In May of 2003, the L.A. City Council approved a contract with Hanover Justice Group, Inc. for \$60,000 for consultation on the issue of homeless people in downtown L.A. This group advised on a strategy of law enforcement pressure on homeless people to move them out of downtown Los Angeles.

Frank Tamborello reports the LAPD Legal Training Unit created a lesson plan on "Right of Privacy in a Temporary Shelter" relating to searches of homeless encampments. They determined if such temporary shelters as "cardboard condos" were located on public sidewalks, they were in violation of municipal ordinances and their tenants were subject to citation or arrest for loitering or blocking the sidewalk. These lawyers believed a search of a cardboard structure was legal in spite of the owner's claim the cardboard was his "home" and therefore protected by the Fourth Amendment. They declared the owner "must show that the expectation of privacy is reasonable."

In Skid Row during the period January 1, 2003, to March 5, 2004, LAPD had made 1,424 arrests for violation of LAMC 41.18(d), which prohibits camping or sleeping on a sidewalk. 358 of those arrests were made in the first 64 days of 2004. Overall, from July 1, 2003, through March 31, 2004, there were 611 cases filed on 41.18(d) of a total of 867 "quality of life" offense cases filed in that period.

Frank Tamborello reports in spite of the enforcement of the law the number of encampments actually increased. Even when the number of cases filed increased, the number of encampments continued to increase. By December there were over twice the number of encampments as in May, in spite of 902 cases filed under the law in that time period.

Frank Tamborello also reports the policy has been coupled with “cosmetic changes” such as an extension of the winter shelter program that is now year round and the implementation of the Streets or Services (SOS) Pilot Program. This program offers homeless individuals an alternative to incarceration by providing a one-time “opportunity” to enroll in social services.

The city council passed an ordinance making it illegal to urinate or defecate in public, promising more public toilets would be built where needed. If a violator is near a public toilet, a \$1,000 fine will be issued.

In December of 2003, the city razed a temporary encampment where about 100 people lived. Los Angeles Police Department had posted notices warning the camp would be dismantled and offered beds in shelters. Four displaced homeless people accepted the offer. The camp was broken up at the request of local businesses.

In August of 2004, it was reported Los Angeles County inmates with medical problems were being forced to sleep on jailhouse floors because of severe overcrowding and staff shortages. One inmate who was forced to sleep on the floor, without a pad or a blanket, was Mitchell Hart, who had been arrested for panhandling at a freeway off-ramp. Hart is missing his left arm. He reportedly said, “I thought since I’m handicapped, I should have been given a bed,” and, “They treat a dog better.”

The Los Angeles City Library Commission voted 3–1 to alter the municipal code that states people can be on “limits of library” from 10 p.m. – 5 a.m. They want to change that to 9 p.m. – 9 a.m. because librarians feel uncomfortable stepping over homeless people who are sleeping in the doorway of the public library. This recommendation will go to the full City Council.

Some homeless advocates called the proposed law counterproductive. “It’s just one more example of being short-sighted, and rather than being proactive in the community in providing safe places for people to sleep, you criminalize the activity,” said Bob Erlenbusch, executive director of the Los Angeles Coalition to End Hunger and Homelessness (LACEHH).

The LACEHH has joined with the American Civil Liberties Union and many other groups to create a Jails Advocacy Task Force. This Task Force will focus on creating effective discharge planning. Thirty-five thousand people are released from the L.A. County Jail every year. A bus route runs every hour on the hour from the release point directly to Skid Row. And then the police do sweeps, arresting people who are around other parolees—a violation of their parole.

## **#8 San Francisco, California**

In a two month period, the San Francisco Police Department issued over 3,500 citations for illegal lodging and used the threat of citations to keep countless others from sleeping, eating, and sitting in public places. In 2003, the San Francisco Police department issued 10, 570 “Quality of Life” citations not including illegal lodging.

A new anti-panhandling law (Proposition M), passed in November of 2003, it went into effect at the end of May 2004. This law “tightens” the rules of panhandling and defines aggressive panhandling for the city. While aggressive panhandling was already illegal, this law will tighten restrictions against panhandling near ATMs, traffic dividers, and highway ramps.

Police and outreach workers are now asking panhandlers to move along.

But according to Hilda Kissane, a local resident who works across from City Hall on Van Ness as an assistant manager for the San Francisco Symphony, “The only trouble is that all I have to do is walk a couple of blocks way, and there they all are.”

Due to the passage of Proposition M, Mayor Gavin Newsom said he will continue to direct police and outreach teams to keep telling homeless people what the law says –and each time they do so, to also offer whatever help they need to get off the street and into housing.

The Mayor also has city workers clearing benches and planters to the edges of Market Street to make the walkways wider, and putting up portable barriers in spots where homeless people have traditionally clustered to keep them away.

The Proposition M patrols began in the spring of 2004, with officers simply chatting with homeless people, telling them the ordinance officially took effect May 25. Then in the summer of 2004, they started handing out written warnings, called “admonishments,” and telling homeless people if they saw them panhandling again in the same day, they would get a citation issued.

The “admonishments” carry no penalty and were created by Prop M. The citations can result in arrest and sentences of three months of community service or jail time if a person gets three in a year.

Police Deputy Chief Greg Suhr said officers have written 1,000 admonishments, but just nine citations since Prop M began. Nobody has been arrested.

In October 2004, teams of police and outreach workers increased their patrols along Market Street—deliberately walking its full downtown length three times a day, with street cleaners on motorized sweeps following along. The main job of the street cleaners is to clean the streets. But a byproduct of the patrols is to force anyone sleeping or sitting on the sidewalk to move.

Homeless advocates have complained since the spring of 2004, spraying down streets is harassing sidewalk sleepers. And while they applaud Newsom’s reluctance to jail panhandlers, they doubt the street crackdown will have any permanent effect.

L.S. Wilson, Jr. of the Coalition on Homelessness in San Francisco, said, “Everyone knows those people who get moved are just going a few streets over.”

The stated plan of the city is to begin providing treatment through the criminal justice system. Instead of going to jail, offenders will be visited by social workers with the hope of being transferred into alcohol or drug rehabilitation programs. However, Wilson, Jr. believes these programs may simply be displacing other people who are already on the waiting list for such facilities. In other words, programs needed by people on a voluntary basis are only offered to those people if they are arrested.

The city also launched a welfare reform measure after it was passed in November of 2002. The program, known as “Care Not Cash” reduces cash welfare payments in favor of permanent housing. The California Supreme Court denied the appeal of the measure on July 21, 2003, and so the program remains in effect.

According to L.S. Wilson, there is a Department of Public Works program known as “Operation Tenderloin Scrub Down,” which uses water trucks with water cannons to wash down the city’s sidewalks two and three times a day. If homeless people are not moving fast enough they may get sprayed, and their belongings may get wet.

A San Francisco police officer noted the possible futility of criminalization programs when he commented that, “They don’t disappear, they just go from one area to another, a lot of them. You wake them in one area; you’ll go to another area and get another call on them. So you’re just moving them all day long.” San Francisco police officers in the Tenderloin district report that many of the complaints they handle in a day refer to the homeless.

## **#9 Honolulu, Hawaii**

At the end of May 2004, the State of Hawaii adopted one of the nation's severest penalties to discourage people from living on public property. Act 50, which relates to criminal trespassing, charges an individual with criminal trespass in the second degree if the person enters or remains on public property after receiving a written request to leave. The law makes it de facto illegal to live on public property and bans individuals for a year from public areas where they are cited. Violation of the ban can lead to arrest and a \$1000 fine or up to 30 days in jail. State Senator Robert Bunda, who introduced the law, says that it is directed at squatters who have lived on the beaches of Mokule'ia; however, the law applies statewide and makes no specific reference to Mokule'ia. Governor Linda Lingle, who signed the law, instead hopes to deal with the homeless population by supporting affordable housing.

In 2003, barbed wire was placed under highway bridges and around the Nimatz viaduct to exclude homeless people. A television news source reports the strategy "hasn't worked."

There is a State Park's policy for their maintenance workers to take the belongings of homeless people if left unattended. That means the people living in the park who work are most at risk of losing all of their belongings on a regular basis.

In Waianae Beach homeless people had their belongings (e.g. tents, clothes, kids' toys) bulldozed into the ground by Parks employees working in conjunction with the police.

The number of homeless people in Ala Moana Park is rising, and many of the shelters are either full or near capacity with people camping in the park. Some residents fear the homeless are monopolizing certain areas by publicly urinating and abusing drugs in the restrooms. Either way, police estimates show 50 people illegally camp in the park every night. Police have not issued tickets because they do not wish to push the problem around, but to solve it. "How long," Governor Lingle asked attendees of the 2004 annual meeting of the Chamber of Commerce of Hawaii, "will condos across from Ala Moana Park retain their \$750,000 value if the homeless people in the park multiply and seek shelter on the other side of the boulevard? How long will the tourists come when they find homeless people living on the beach? How long will shops along Fort St. Mall survive when the benches are removed because homeless people are using them?"

## **#10 Austin, Texas**

A group of social service agencies launched the "Real Change" initiative in January of 2004 to discourage people from giving spare change to panhandlers. Instead, the suggestion is that people who want to help the poor should donate their time or money to local service providers. Richard Troxell, of House the Homeless, opposed the campaign. "It gives the impression that all people have to do is ask for services and they will get them," said Troxell. "The reality of it is just the opposite. We have a desperate need for social services, including substance abuse treatment and health care."

Joel Rhodes, a homeless veteran, was pronounced not guilty of violating the "no camping" ordinance in December of 2003. The presiding judge said the language of the law was too vague to enforce judiciously. He also said that what the law made illegal, namely "sleeping" and "the laying down of bedding for the purposes of sleeping," were lawful acts.

Police have been hassling homeless people who sell a street newspaper called the *Austin Advocate*, a newspaper article reported. One vendor, Robert Stevenson, was issued a \$250 ticket for "begging in a public place." Upon further inquiry, it was discovered that

no such offense exists. The charge against Mr. Stevenson, an 81-year-old man and veteran of WWII, was subsequently dropped.

### **#11 Sarasota, Florida**

In Sarasota during the past two years there have been three bans passed which are specifically targeted at their homeless population: one against camping, one against public defecation, and a panhandling ban, advocate Sandy Baar reports. According to Baar homeless persons have been regularly convicted. In January of 2004, it was reported 217 people had been arrested in 2003 under Sarasota's anti-camping ordinance.

According to Baar, there is a newly established exclusionary district of a 6-mile radius in downtown, which prohibits new social services. It does not, however, throw out the existing social services, but it is trying simply to create a certain kind of downtown.

Baar reports the bay-front sweeps of a colony of people who live on houseboats has continued.

In addition, in August of 2004, the city passed an ordinance regulating large groups that gather in parks, requiring permits and insurance. A group that feeds the homeless, "Gift From God," had been criticized previously for feeding homeless people in the park and leaving litter. Supporters of the law say it will help prevent abuses of the park. However, the head of the group says he will apply for a permit to serve there.

### **#12 Key West, Florida**

City Manager Julio Avel recommended a plan in December of 2003, to fingerprint and photograph homeless people sleeping in city streets and parks. Avel signed an executive order instructing police officers to carry out the plan before he brought it to the attention of the city commission. Several commissioners stated they were not in favor of the program. Assistant City Manager John Jones claimed the program would help keep homeless people from trespassing after being banished from city property. Civil liberties groups objected to the proposal, pointing out the city has no legal right to fingerprint homeless people who have not been accused of a crime. As of February 2004, the commissioners had not vetted the plan, but were still discussing the issue. However, in August 2004, John Jones reported the plan had been "scrapped" and the only photographing of homeless persons were for a free bus pass, in which the photographing was similar to that of a regular identification card.

It was reported in January 2004, the landmark 1988 Pottinger case originating in Miami had placed restriction on the city's ability to remove homeless people from city streets and parks unless there is an alternate place to send them, such as a shelter. This decision was made after the city had "essentially banned" homeless people from an area that included famous tourist bars, hotels, and restaurants.

Homeless people had taken to living in the mangrove wetlands of the area, but the area has been declared an endangered wetland. Interestingly, Avel promoted a plan in 2003, in which homeless people would be allowed to sleep in these wetlands, until a "safe zone" is created, but the plan encountered criticism from citizens. The city decided to enforce an ordinance that prohibits anyone from trespassing in endangered wetlands, after it was reported to have "gathered dust" because of the restriction on removing people. In addition to the concern for the wetlands, the city is also concerned with its appearance as a tourist-friendly location. Police issued warnings to people sleeping in the area and then forced them out two days later issuing tickets and threatening arrest.

Without legal authority, Key West police raided and dismantled a homeless camp before a passed ordinance took effect. “That [raid] is certainly not sanctioned by the police department or my office,” said Julio Avel.

A homeless “safe zone” was proposed for Monroe County in January of 2004. The proposed zone would be located behind the jail and near a landfill and would be in place “by the end of [2004].” Assistant City Manager John Jones expected the camp to accommodate 120 people, but expected fewer to camp there. He noted, “This is the only area right now that everybody agrees to put them, except the people we’re going to be putting there.” He also said the City “came up with different places to put them, out of the way, which raised a real furor. Nobody wants them in their back yard. Nobody.” However, Jones also noted police were not able to move persons sleeping on public land (aside from areas of special concern, such as the wetlands) without providing another place for them to go; this policy may have changed after the initiation of the “safe zone.” Monroe County voted in March of 2004, to approve the “safe zone.” The City and County will share the \$120,000 construction cost. An article notes anyone found sleeping on public land would now be required to go to the zone, go to jail, or leave the island.

The City of Key West and Monroe County opened the 120-bed tent city on July 1, 2004. The facility has four military tents, several washers and dryers, and about a dozen private showers and baths. The Safe Zone is located right next to the county jail. A separate portable shower facility is located adjacent to the Key West Police Department. Rules at the facility call for people to leave the shelter with their belongings every day by 7:30 a.m., and check in at 7 p.m.

In August of 2004, John Jones said the city is concerned about the lack of affordable housing in the area, but he is happy some of those camping in the wetland have been able to find care. However, Jones worries about the island’s physical capacity to house new campers this winter. Many campers are attracted by the same characteristics that “[drive] the crucial winter tourism,” according to a February 2004 article. Jones noted the island is very small.

Key West reportedly has few emergency shelters. In previous years, it had promoted a failed plan to send homeless people to shelters in Miami.

It was reported in February of 2004, a law concerning panhandling was legislated in 2003 and went into effect for the Duval Strip and Mallory Street, severing a main source of sustenance for the homeless and leading to a number of arrests.

### **#13 Nashville, Tennessee**

In late fall of 2003, numerous citations were issued to homeless people for “disorderly conduct.” However, the reason for one citation read “subject has an army issue pack sac and sleeping bag on the wall at the Church Street Park.” Another citation read, “Subject seen by officer blowing snot out of nose onto sidewalk plaza.”

The Nashville Homeless Power Project reported that it expected criminal citations and arrests to increase significantly in April of 2004, at the end of “Room at the Inn,” a winter shelter program.

Matt Leber expects it is likely that Councilman Jameson will file in September of 2004, for the first reading of an ordinance prohibiting panhandling in the nighttime, panhandling in certain areas, and aggressive panhandling.

### **#14 Berkeley, California**

Police cracked down with renewed vigilance in Berkeley, as arrests of homeless people increased sharply in August and September of 2003. The Berkeley Police



Department made 87 arrests in a two-week period of which 34 were for trespassing. Officers also illegally searched homeless youths for no apparent reason and enforce nonexistent laws, specifically targeting people because they appear homeless. Instead of addressing a 15 percent cut in homeless services, Mayor Tom Bates raised awareness by sleeping outside for a night with homeless people.

A 2004 report by Suitcase Clinic Legal Services describes incidents where the police roused people during rainstorms and on cold nights and forced them out of temporary shelters on the grounds they were trespassing. At the same time, the report cites an incident in which a mother and son were forced out onto the street because there were no shelters in the city that would house them. High-ranking city officials and local providers got together to help her find a home and could not find one. Police issued the woman over 12 tickets for sleeping on the sidewalk thereafter.

### **#15 Dallas, Texas**

Empowered by an anti-solicitation ordinance passed in March of 2003, the Dallas City Council was geared up to pass two new ordinances in 2004 that would adversely affect poor and homeless people. The first proposal targets persons carrying personal belongings in a shopping cart, and it passed. A local reporter commented on the ingenuity of homeless people in the area who began constructing their own carts to escape punishment. The second proposal would allow only one centralized location for organizations to provide free food, and according to city officials it had not passed as of August 2004. An August 2004, article reports that agencies have been pressured to stop feeding the homeless in a parking lot across the street from the library. The feedings now take place at the Day Resource Center, which, the reporter states, was not designed for that purpose.

In her mayoral race Laura Miller urged a ban on panhandlers and prompted police officers “to go over and enforce the law” on panhandlers standing across from a local 7-Eleven. In July of 2004, an “investigative” television news team reported that this law is not being enforced as fully as it could be. In the twelve months prior, the police had issued 4,800 citations for panhandling but had made only one arrest. However, those receiving citations are apparently still being asked to pay a fine. Many people cited have not paid their fines.

Citizens of Dallas passed only half of the original funding proposed for a 24-hour homeless shelter. At the same time, \$11 million was passed for an animal shelter.

The Mayor of Dallas is quoted in an article saying, “For a while I would roll down my window and yell at them (the homeless) to get off the streets.” The same article stated that 258 arrests had been made and six campsites were destroyed and relocated. Police officers in cities that surround “anti-panhandling” cities such as Dallas say the laws have forced panhandlers to migrate around North Texas. This may have fueled the drive for the new anti-panhandling ordinance in Denton.

The new version of Dallas’s “Downtown Advisors” program, run by the Downtown Improvement District, directs tourists and is currently primarily composed of a “hospitality team.” The Team is being trained in how to conduct morning sweeps to roust the homeless out of doorways and intervene when panhandlers confront downtown patrons. The new team will be in action by mid to late September, 2004.

A March, 2004 article noted there is a lack of enforcement of aggressive panhandling laws by police, but enforcement by private security officers, or “rent-a-cops” is high. This practice is the result of the idea that the public will not challenge such

enforcement. The street newspaper that had monitored some of the civil rights abuses in the city went out of business in 2003.

It was reported that, after being coerced to move by the city, and after services relocated, homeless people have moved to a location very close to City Hall. Homeless people near City Hall said they were followed from place to place, honked and yelled at by the police to keep on moving, and roused from steps. In late August 2004, a “roundup” was conducted in which hundreds of homeless people were awakened at between 4 to 5 a.m. Six people were arrested for having outstanding warrants. Officers conduct similar sweeps two times a month and arrest people after they have been cited three times for sleeping in public.

### **#16 Fresno, California**

In June of 2004, it was reported the city council moved forward to build an outdoor “drunk tank” with a chain-linked, razor wire fence, in which persons would be put on public display for being intoxicated. The city said it is an “innovative” method of saving money. Advocates such as Liza Apper, question the safety of an outdoor facility where temperatures can reach 112 degrees in the summer and there is little planning for restrooms and adequate medical attention. It also appears, according to the Street Spirit newspaper, that Fresno taxpayers will be sponsoring the Rescue Mission, but a Christian group is staffing the location, to proselytize those placed inside. The city has defended its creation, saying it will prevent people from going to jail when drunk and save city money. In addition, advocates feel certain this is intended solely for the homeless community, as it is built in a poor area. The city council denied this.

The city is attempting to revitalize itself, which, Apper states, has often resulted in the poor getting pushed out. People who attend the Catholic Worker House’s soup line report being arrested, in downtown Fresno, for sitting on walls (loitering), sleeping outside (trespassing), and possessing a shopping cart (stealing). An anti-panhandling law was backed by a public relations campaign to stop people from giving to panhandlers. The public was reportedly told homeless people would use the money to buy drugs and alcohol. According to a June, 2004 article, an anti-panhandling law had been passed in recent time.

According to Apper, there were two separate sweeps of homeless encampments. One was in front of service provider and the other sweep occurred several blocks away on H St., in the downtown area. Approximately 300-400 people resided in the first encampment and another 100 people resided on H St. City workers under the supervision of Fresno Police Department threw all of the tents and personal belongings in front of the service provider away. The city had notified the residents of this encampment using flyers and posted signs; but had kept the exact day and time of their “raid” a secret, therefore taking the people by surprise giving them no time to gather their belongings. CalTrans workers with no prior warning destroyed the H St. encampment.

One of the missions now has a “Tent City” where 44 people can stay. At first, those wishing to stay there had to show a photo id and be fingerprinted. Now people wanting to live in this “tent city” must be “voted in” by the current residents. Still, this only serves a fraction of the original encampment population.

Apper maintains the city, under redevelopment, does not want to see or deal with the homeless.

Longs Drugs Stores in Fresno bought a K2000 device, which locks the wheels of a shopping cart after it is taken 100 yards beyond the front door of the store.

Recently some of the advocacy groups for the homeless, Food Not Bombs, St. Benedict Catholic Worker and the Sleeping Bag Project have formed a coalition and are meeting to discuss ways in which they can support the homeless community in Fresno and stem the tide of "meanness" that seems to be overtaking city attitudes and policies toward the homeless and poor.

### **#17 San Antonio, Texas**

Police are sometimes unfair in their enforcement and frequently harass homeless people. They regularly issue multiple tickets for loitering, panhandling, and public drunkenness, reports local legal advocate Ana Novoa. Tickets are also issued for jaywalking, sleeping in the park and urinating in public, which is often categorized as "illegal disposal of waste" or "littering." Homeless people in San Antonio are especially singled out for jaywalking, something she says everyone does, but only homeless people seem to be ticketed for. The clinical program is often able to convert the tickets from fines -- which the clients cannot pay -- to a community service sentence, or to have the tickets thrown out altogether. Arrests also occur on occasions when the city is having a special event, such as the *Cinco de Mayo* festival.

San Antonio merchants are proposing a crackdown on urban camping and panhandling. In April of 2004, City Councilman Roger Flores Jr. offered proposals to ban "aggressive panhandling," including soliciting donations at intersections, sitting or lying on sidewalks, camping in parks, and urinating in public. An employee of one of the city's largest service providers said, "If you don't have an alternate place for these people, I don't know how effective [the ordinance would be]." The office of Councilman Flores reported none of the ordinances had been passed as of August 2004.

In contrast, Councilwoman Patti Radle offered a proposal in August 2004, of a "Compassion Zone," in which people would be free from the aforementioned restrictions, so there would be a place for people to go to escape being harassed by the police. "The people have a constitutional right to panhandle," she said on a local radio station. Radle is a long-term poverty worker and advocate for homeless rights. Councilman Roger Flores said Radle's "heart is in the right place," but he questions her suggestion. He said that the council should not give homeless people special rights to camp that are not provided to "ordinary citizens." Radle also proposed the creation of "compassion cards" with suggestions of where to go to find help, shelter, and meals.

### **#18 Milwaukee, Wisconsin**

Laws combined with intense enforcement create a "hostile situation that is almost overwhelming," reports shelter director Holly Gardemier in Milwaukee. The laws against loitering, panhandling, and sleeping outside are strongly enforced in areas where homeless people frequent, but not in other areas. Gardemier says individuals waiting for the feeding areas to open are often ticketed for loitering. The panhandling laws have succeeded; there is now almost no downtown panhandling. "Obstruction of public access" is a charge commonly used, a charge which can cover many areas.

Last year's report, **Illegal to be Homeless: The Criminalization of Homelessness in the U.S. (August 2003)** spotlighted St. James' Church because it had been declared a public nuisance for allowing people to sleep on its property. A year later, though city efforts have not been stepped up, they have not stopped either.

The city systematically closed all encampments under bridges and roused an encampment in a public park on a frigid February morning. There are a few encampments remaining, but Gardemier feels it is only a matter of time before they too,

are targeted. The city has no plan to deal with the displaced people after the sweep and the shelters are turning away people every night, Gardemeir states. Advocate Joel Volk disagrees, noting that homeless advocates are usually contacted before sweeps, so the individuals can be placed in some sort of shelter.

### **#19 St. Paul, Minnesota**

Advocate Fred Woods reports police conduct sweeps of outdoor encampments on a bi-weekly basis, breaking up camps, and throwing away belongings. Woods also states, police have taken ID's of loitering individuals and were not giving them back, creating a huge problem for individuals with no resources to obtain another ID.

Downtown business security patrols and police strictly enforce the anti-loitering and trespassing laws, especially in the skyways.

### **#20 Manchester, New Hampshire**

Advocate Cindy Carlson reports police enforce laws arbitrarily against homeless people in Manchester. For example, people found publicly urinating might be cited for a sex offense—like indecent exposure. Homeless people commonly receive citations for sleeping in public/or park curfew violations, public lounging and storage of property on public property. These laws, Carlson states, are enforced strictly against homeless people because people who do not appear homeless will not be cited for lounging or public storage. Police also regularly check ID's and search bags of homeless people.

There is a downtown bus station (now called a "welcome center") that has an overhang roof. On bad weather days many of the homeless people gather there on park benches. These benches have now been removed. Ironically, the park is named Veterans Park.

Consistent harassment of people in encampments pushes the camps further into the woods, making it difficult for service providers to reach those in need. A new criminal justice block grant, the "Weed-and-Seed" program, seeks to "weed out" the "bad" people by tearing down underbrush and trees camouflaging homeless encampments.

Carlson notes that sweeps occur every time there is an event at the Verizon Civic Center, which is located only a few blocks from major homeless service providers. Police move people along, and former havens by the river are now being cleaned up as a new walkway is being put in. A cemetery where many homeless people stayed is now refurbished, making this haven off limits as well.

# ILLEGAL TO BE HOMELESS 2004 REPORT

## Narratives of the Other Cities

### Albuquerque, New Mexico

An ordinance called “Safety in Public Places” passed in January of 2004. Under that law panhandling is banned in both the downtown and the Nob Hill area during daytime as well as nighttime. A total of 29 restrictions were placed on panhandlers. During the public meeting when the ordinance was passed, Robert McGoey, homeless advocate, said, “I believe the intention is not what they call public safety, but to silence the poor, encourage police harassment, and sweep the homeless out of downtown.”

When the ordinance was originally proposed in October of 2003, Sig Olson of Albuquerque Health Care for the Homeless said he did not believe such an ordinance was necessary because truly “aggressive” panhandling would qualify as either assault or battery. However, some service agencies were not so critical. Joy Junction, a homeless shelter, released a press release in January 2004, in which its director, Jeremy Reynolds, said he supported the ban and warned the public not to give money to homeless people and not to give homeless people personal information.

As a result of a lawsuit filed by the ACLU, the ACLU negotiated the provisions of the ordinance with local attorney advocate Scott Cameron of the New Mexico Center on Law and Poverty, and a revised law was passed in May of 2004. The original panhandling law had been halted by a judge’s order after the lawsuit was filed. Now, panhandling is banned after dark in two main tourist areas, and police officers must first give a warning and only cite individuals after a second incident occurs within six months. “Passive” panhandling in the nighttime is allowed.

Many ordinances are unfairly enforced says Scott Cameron, he quotes, “Enforcement is intended to clear the streets and decrease the visibility of homeless people.” The police target homeless people at bus stops, check IDs and bags, and generally harass people. Cameron believes these actions make it illegal to be on the streets. Business and tourist interests are trying to “revitalize” downtown and often blame much of the area’s problems on homeless people. There is a growing culture of fear amongst homeless people in the community, which causes them to avoid public spaces because of susceptibility of being harassed and targeted by law enforcement.

Homeless people’s belongings are regularly being thrown away by police. For a couple of months police used a trailer next to the jail that was assigned for belongings. Recently, however, homeless people report incidents of having their belongings discarded. The cycle of citations, warrants, and missed court dates keeps these homeless people unstable and often in the criminal justice system.

Homeless advocates are working with the Westside police command area in a positive step toward developing alternatives to this cycle of arrest. In March of 2004 the Albuquerque Police Department’s Westside Area Command Captain, Conrad Candelaria, said he was working to implement a plan called the 111 Coors POP (Problem Oriented Policing) Plan in which several officers would heavily patrol areas in the West Side for three days in late March. The officers would not necessarily arrest the homeless persons they found, but would try to refer them to service providers. Candelaria noted that law enforcement is not always the final answer, and said, “For a long term solution, we need to break the cycle. We need to make sure [the homeless] get

the help they need.” However, he also stated the West Side was, “left out of the picture,” when Albuquerque passed its law targeting aggressive panhandling in Nob Hill and Downtown, so the “problem” was “transferred” to the West Side.

In December of 2003, Cameron defended a homeless veteran, Hugh Shadoan, who fought a panhandling citation and won the case. The man was passively holding a sign on a freeway off ramp that said, “Homeless Vet. Help.” He was arrested and charged with “obstructing movement”, but the judge dismissed the citation. Panhandling citations are rarely if ever contested in Albuquerque, and the positive ruling may be a landmark.

The Nob Hill area was the site of four violent incidents between March and December 2003. The city closed several motels in months prior to February 2004, in an attempt to push crime out of the [Nob Hill and surrounding] area. Albuquerque’s “Community Enforcement and Abatement Division” has implemented practices to crack down on transients in the area [of Nob Hill] and hotels are now required to perform criminal background checks on all guests.

### **Amarillo, Texas**

In June of 2004, residents near Ellwood Park began to express mixed feelings concerning homeless persons living in the area. One woman had no problem with homeless people as long as they “behave in a proper and decent manner.” The police have the capacity to cite people for public urination, littering, and breaking the park’s midnight curfew. Some residents are concerned that homeless persons cannot be arrested simply for being in the park. The park is located near social service providers and thus draws a number of people during the day. Some residents have suggested fencing the park to ease neighborhood worries at night, while others suggest that the city look into finding solutions to homelessness instead of avoiding it altogether.

### **Anchorage, Alaska**

Advocate Hilary Morgan reports that racial discrimination is one of the most significant problems homeless people in Anchorage face. Businesses have photographed and subsequently blacklisted people who, they said, appeared homeless; most of these individuals being Alaskan Natives. Subsequent media attention and advocates’ efforts have put a stop to the racial and economic profiling.

A local liquor storeowner tore down and destroyed several homeless encampments.

The downtown business district employs a group of people who refer homeless people to service providers in the area, Morgan reports.

In 2003, the city passed an anti-panhandling ordinance introduced by West Anchorage Assemblyman Dan Sullivan, which made it illegal for panhandlers to leave the curb and step into traffic. Sullivan introduced his second anti-panhandling ordinance in July of 2004; this ordinance bans “aggressive panhandling”, where assembly members unanimously approved the new ordinance. Becky Beck, executive director of the Downtown Partnership, supports not only this new law as a control of behavior, but also a program called “Change for the Better,” in which the city would convince people that it is better to contribute to nonprofit agencies than to panhandlers. Nonetheless, she says, “No city [she knows] of has a great solution.”

### **Asheville, North Carolina**

Philip Mangano, executive director of the United States Interagency Council on Homelessness, declared at a press conference that instead of shifting the homeless population around, communities “should reconsider the social infrastructure that keeps people homeless.” The City Council created a committee to begin working on a plan with the majority representing local service providers for social issues. Local businesses are encouraged to join in to help generate ideas and motivate change.

According to the Asheville Homeless Network, Asheville passed its current set of laws unfriendly to homeless people between 2002 and late spring, 2003. These include ordinances banning sleeping on public property, panhandling, solicitation, and loitering.

### **Ashland, Oregon**

Ashland’s anti-camping ordinance has led police to target “The Willows,” a well-known homeless campsite. Police officers also reportedly stop homeless people from using signs to solicit donations.

### **Athens, Georgia**

According to Lynne Griever of the Georgia Task Force for the Homeless, though there are positive relationships among representatives of the police, local government and homeless service providers through the Northeast Georgia Homeless Coalition, there is a very heavy police presence in Downtown Athens. Griever asserts many young people and homeless folks no longer feel comfortable there.

Mary O’Toole, Director of the Northeast Georgia Coalition, reports that downtown police, merchants and homeless advocates came together in February of 2003 in support of converting parking meters into coin depositories. A policeman who knew about a similar effort in Nashville suggested the program. The money is directed towards public services funded through the coalition. O’Toole believes that the accompanying information and education have sensitized the community. An Athens-Clarke County police officer reports the hope that the parking meters will curb “aggressive panhandling.”

A homeless resident said that she thought that the city should take the signs down because she is concerned that the signs might give Athens residents the wrong message about panhandlers. She said that people should decide for themselves whether or not to give to panhandlers. However, she is glad that the city is not pursuing a plan of criminalization and says that she will continue to panhandle. She said that she frequently asks for money to get food, while other homeless people stressed the need to panhandle for survival.

“The signs seem to make using the meter the responsible thing to do,” Griever stated. “The signs imply that people who say they need help right away are lying. Granted, some may be lying, and some may not even be homeless, at all, but it just seems cold and totally disassociates the need from the response.”

### **Atlantic City, New Jersey**

People experiencing homelessness are given citations for drunkenness and aggressive panhandling but are not usually incarcerated. Sweeps are conducted a few times a week, but officers are careful not to harass homeless people, according to Bill Southrey of the Atlantic City Rescue Mission. These sweeps usually occur around the Boardwalk, Pacific Avenue, and Atlantic Avenue. New Jersey participates in what

Southrey describes as “Greyhound Therapy,” where various other counties such as Ocean County, Camden County, and Cumberland County bus homeless people to Atlantic City. The Atlantic City community is not completely accepting, but not hostile, either.

### **Augusta, Georgia**

According to Georgia Task Force’s Lynne Griever, there are not many homeless people visible in downtown Augusta. Many folks show up for the meal at Sacred Heart Church or for a bed at the Salvation Army in the evening. Mercy Ministries has opened a Day Service Center outside of the downtown area. Otherwise, the downtown area appears to be without a “visible” homeless problem.

Major Weaver at the Augusta Police Department says there are very few arrests of homeless people. He says arrests are a last resort and he’d like to be able to educate police officers to the services available to those down on their luck so the police can better serve the needs of those on the streets.

Maria Beard, who works at the Augusta Task Force for the Homeless, says the police have brought many folks to the Task Force for assistance rather than put them in jail.

Griever reports that until May of 2003 homeless people could enjoy the downtown park. Since last May, however, ordinances prohibiting activities such as loitering, panhandling, vagrancy, and other routine activities, have been strictly enforced. Now, it is illegal to rest in the Park after lunch or until the evening meal is served.

Initially, Maria Beard reported, clients were outraged and tried to fight the whole situation. Shortly after though, everyone just did what was necessary to stay out of jail, which was to go away from the downtown area. The police have cleared out campsites that have been there for years. “They reappear,” Major Weaver states, “so we just have to go back periodically and clean it up again.”

“I wish that I could see a little more compassion,” Maria said. “These people are having a hard time, and they just need help right now.”

Major Weaver, who reminded us that he did not make the rules, wants to help, but will have to do that within the constraints of laws that make it illegal for the homeless to be downtown.

### **Avondale, Illinois**

In August of 2004, the City of Avondale demolished a blighted 41-condo development that was found to be unsafe because of “60 percent deterioration in its masonry, floors, frames, plaster and glazing.” Some community members were happy with the removal of the building, and one resident said that it was a “fresh start for the community.” However, there is mention that a group of six homeless people lived in the building and no information of whether or not the former residents were given adequate shelter or relocation assistance.

Two homeless men who lived in the property for months said if the builders “had a permit, none of this would have happened.”

### **Bakersfield, California**

International Square Park in Bakersfield was demolished in January of 2004, and the homeless people who once gathered there scattered to other parks around the city. Councilwoman Sue Benham proposed the park be demolished because it was a setting



for illegal activity, and maintenance costs were too high. No additional services or affordable housing were offered in compensation for the destruction of the park.

### **Baltimore, Maryland**

Downtown business owners, including the Downtown Partnership of Baltimore Inc., a “quasi-city agency,” and its offshoot, the “Baltimore Safe Street Coalition,” which was started in January, 2004, pushed a law to make it illegal for homeless people to sleep on downtown sidewalks. The group suggested it would hire its own “outreach teams” to deal with violators of the [proposed] law. Some community groups opposed the proposition because they feared it would drive homeless people into their neighborhoods, and advocates feared that it would criminalize homelessness. Councilman Robert Curran said the measure could cause “displaced homelessness.” The Baltimore City Council said in April of 2004 that it would “kill” the “hotly contested proposal.” City Councilman Robert Curran said, “the sidewalk law will have a respectable death in committee.” Jeff Singer, president of Health Care for the Homeless, said, “the bill wouldn’t have solved any of the underlying problems that cause homelessness.” A representative of the Downtown Partnership of Baltimore reported in August of 2004 that there were no plans to promote the initiative in the future and they have recently hired a new staff member to look into issues of homelessness, mental health, and substance abuse.

Panhandlers can be fined up to \$100 if they panhandle in the city between dawn and dusk, according to a law passed in late April of 2004. The city has forbidden “aggressive panhandling” since 1994.

### **Beaverton, Oregon**

The Oregon Department of Transportation (ODOT) had agreements with several police agencies that allowed officers to exclude panhandlers from ODOT property. At least 84 individuals had been “excluded for life” from ODOT property. Recently, two panhandlers, who were banned from Oregon highway ramps, settled a federal civil rights suit with the City of Beaverton and ODOT to the tune of \$1000 apiece. While the settlement prohibits police officers from banning people from ODOT property, they still have the authority to give tickets for what is called an “unlawful position” with a possible \$75 fine.

### **Billings, Montana**

The reported number of homeless people in Billings doubled between 2001 and 2003, and some business owners and security guards say that panhandling and “aggression” have increased. Social service programs to help homeless people and others have been cut in past years. Some homeless people say if their panhandling has become more intense, it is because of the increased severity of mistreatment. One homeless man who began to cry said, “I get harassed because of the color of my skin and the way I dress.” He had been beaten by a group of teens earlier in the week. In the fall of 2003, police pushed for ordinances banning panhandling and loitering, but unfortunately these ordinances were “derailed.”

In May of 2004, it was reported that some business owners were concerned with the presence of the Empire Bar, which, they said, attracts homeless people. The city, however, was not making moves to criminalize these people. State laws prohibit Billings from enforcing vagrancy ordinances, and there is no law against public drunkenness in the city. Billings City Administrator Kristoff Bauer said new laws might not be the

solution to the problem: “This is a societal problem. It takes the community to fix it. It’s not a problem, I think, you can just look to the city to address through police or other activities.” In October of 2003, Bauer had reported that the local jail was overcrowded.

### **Birmingham, Alabama**

A Birmingham city councilman withdrew his proposal in October of 2003 to prohibit sleeping in the doorways of buildings between 8 p.m. and 6 a.m. Homeless advocates decried the proposal, saying that it unfairly targeted homeless people. “That seems to be morally wrong,” said Steve Freeman, executive director of the Old Firehouse Shelter in Birmingham. “It’s going to make it difficult for someone who is arrested and homeless on the street; now they’re going to have a record. It’s going to make it harder for them to get housing, harder to get employment.”

Elias Hendricks, the councilman who introduced the bill, defended its intent. “It’s not about homeless people,” Hendricks said. “This is about improper behavior. We are having a real problem, not just downtown, but all over. The police have no power to tell people to move on. It doesn’t matter whether you’re homeless or not, but if you’re sleeping in a public place you need to get up and get out of there.”

### **Boston, Massachusetts**

As in other American cities, the lack of public restrooms in Boston sets up a situation where homeless people are routinely harassed, ticketed, and arrested, says Rufus Goodwin. Public urination is considered a sexual offense. Loitering, trespassing, and littering charges are also used to target “undesirables,” Goodwin states. Major sweeps were predicted prior to the Democratic National Convention in July of 2004.

The city is adamant it did not conduct sweeps leading up to or during the Convention and they did not move homeless people. However, many homeless people appear to have relocated during that time. The city’s efforts were instead directed at informing the homeless people they would be allowed to stay at shelters during daytime hours, and encouraging them to do so to avoid the crowd. A director of a local church was quoted as saying, “No matter how gentle the touch, the idea was to sanitize the area, and they succeeded – just as they’ve done everywhere else where they’ve had these events.” Homeless people reported in several news articles that personal donations from delegates were scant.

Maureen Feeney, City Councilor, announced in August she will hold a hearing on whether or not to ban aggressive panhandling and may subsequently introduce the issue to the Council. She says this is in response to an increasing number of people who stand in the middle of streets and ask people in stopped cars for donations.

### **Boulder, Colorado**

A February 2003, panhandling ordinance has led to aggressive enforcement, which has in turn pushed homeless people out of some areas of town. Authorities issue citations for panhandling and trespassing on a regular basis.

### **Bradenton, Florida**

In July of 2004, it was reported that 14<sup>th</sup> Street West in Bradenton has been “changing” because of a “crackdown by Bradenton police in the past few years.” A January 2004, article reports that the city has been trying to “clean up” the area. However, a local business owner reports, “a big problem remains,” complaining about, among other things, the homeless, calling them “vagrants,” and claiming, “people sleep

on the sidewalks of your property.” Business owners are also concerned with prostitution and drug use in the area. The city reportedly made a nearby service provider, Our Daily Bread, reduce the size of its new building in 2003, as a part of the push to “clean up” the area.

The city council tabled a proposed “No Camping” ordinance in January of 2004 for an indefinite time to allow the City to explore possible housing and mental health treatment options, and because of nearly two hours of testimony against it. The ordinance would have banned sleeping outside between sunset and sunrise without the permission of property owners. Violators could have been fined \$500 and sentenced to up to 60 days in jail. No action had been taken as of August 2004, according to city officials. If the law had passed, the city might have been forced to provide housing for homeless people, in accordance with the landmark 1988 Pottinger Case originating from Miami and limiting the displacement of homeless people in Florida if there is no other place for them to be relocated to.

Manatee County is home to approximately 2,000 homeless residents. There is one shelter in Manatee County, with 144 beds, which offers a specified amount of free time, after which homeless persons must pay a fee of \$8 per night and show proof that they are in the process of obtaining employment.

### **Buffalo, New York**

“The largest civil rights violation homeless people face is housing discrimination,” said local advocate Bill O’Connell. Many of the people experiencing homelessness in Buffalo find housing in vacant buildings, so there is little visibility of the issue and thus little public resistance.

There is significant harassment for camping, public urination, and presence in the Greyhound station, advocate Kelly Bobbitt reports. She reported the businesses in the area sometimes harass, and yet, at other times are extremely helpful to homeless people.

### **Charleston, South Carolina**

According to advocate Gayle Smith, homeless people found panhandling or sleeping outside are not usually arrested for the first, second, or third offenses. After three or more warnings though, persons can be charged with a misdemeanor.

Smith is frustrated that police ignore the drug activity close to her shelter because it has a negative impact on the low-income community.

People are asked to move along in sweeps of the downtown stores and tourist areas. Local advocates hope to implement awareness training for police in the future, especially about methods for treating the mentally ill.

### **Charlotte, North Carolina**

Charlotte has enacted a ban on aggressive panhandling, redesigning a previous law that limited nighttime panhandling, interactions with persons being solicited, and the area in which panhandlers can solicit. Reports indicate that police officers increased enforcement of the ban in late 2003. A local columnist said, “This is an issue because panhandling makes those of us who are fortunate enough to attend plays and eat at restaurants uptown uncomfortable.” The columnist also noted that in past months and years, the city has moved soup kitchens out of downtown and installed dividers on benches, in addition to “stepping up the enforcement of the ban on aggressive panhandling.”

### **Cheyenne, Wyoming**

Virginia Sellner reports that there is not a problem of criminalization of homelessness in Cheyenne and that she hopes that such a trend never emerges in the future. She comments that possibly “some cop in some little town” is committing abuses of the law, but she has not come across those problems. She reports that there are no laws against panhandling, and that panhandlers are generally only asked to move if they are impeding a roadway and putting themselves or others in danger. She also reports that there has been a community service officer working in the Cheyenne Police Department whose primary function seems to be helping to resolve disputes and acting as a point of communication between non-homeless people, people without homes, and the police. She says that while some homeless people have talked about being targeted during “Frontier Week,” she does not think this either occurs frequently or is a serious problem.

### **Chicago, Illinois**

In January of 2004, the City of Chicago tentatively agreed to pay \$99,000 to people who were arrested or fined for panhandling, as well as \$375,000 to the lawyers who represent them. About 5,000 people are entitled to a share of the settlement. Those who were arrested may file a claim for \$400; those who were ticketed may file a claim for \$50. Although the law involved in the settlement was enacted in 1991, under the statute of limitations, only those arrested or ticketed after Sept. 6, 1999 were eligible for payment.

In September of 2004, the City Council passed a law aimed at deterring aggressive panhandling. The ordinance states asking for money would no longer be permitted within 10 feet of a bus shelter, CTA bus stop, ATM machine or entrance to a bank or currency exchange; in any public transit vehicle or station or at a sidewalk café, restaurant or gas station. The ordinance also bans panhandling “in any manner that a reasonable person would find intimidating,” including touching someone, blocking an individual’s path or using profane or abusive language.” Violators could be fined \$50 for first and second offenses, and \$100 for subsequent violations.

### **Clearwater, Florida**

Police have been harassing homeless people, reported Richard Hruska, in January of 2004. Police checked homeless people’s identifications and repeatedly asked them questions without obvious prompting.

### **Cleveland, Ohio**

The City of Cleveland had assigned a liaison to the homeless community by the Cleveland Police. During recent budget cuts this officer was transferred. During this time without a liaison things began to slide back, and advocate Brian Davis reports increased enforcement for an ordinance against feeding the pigeons in Public Square, which naturally targets homeless individuals. Disorderly conduct rules have also been broadly applied towards people experiencing homelessness as well. The liaison was reappointed in mid 2004, and tensions have calmed in the downtown between police and homeless people. Outreach efforts were also cut back by the mental health community because of budget cuts.

Off-duty police officers hired as private security officers present a large civil rights threat to the homeless community, states Davis. Police officers know and respect the

consent decree saying all people, including homeless people, can use the sidewalks in the city without fear of arrest for innocent behavior like standing, sitting, sleeping or eating on the sidewalk. However, off-duty officers who are employed in uniform as security officers often ignore this decree, resulting in harassment.

The guaranteed access to shelter provided to men and women was disrupted by budget cuts, but was reinstated in early 2004.

The Ohio Department of Transportation signed an agreement that the homeless coalition that will give a two-week notice to homeless encampments under freeway overpasses on all sweeps so that outreach teams can help to relocate the homeless individuals—a positive step.

There was a continued onslaught of opposition to locating homeless programs in certain neighborhoods of Cleveland. There is an on-going dispute about certain neighborhoods disproportionately addressing the shelter and food needs of homeless people. This has made it difficult to locate affordable housing, social service programs that serve homeless people. There were many public meetings, letters to the editor, and public demonstrations of repugnance and the distribution of myths about homelessness over the last year.

### **Colorado Springs, Colorado**

Vigorous enforcement of a recent aggressive panhandling ban has really discouraged *all* panhandling, reported advocate Steve Handon. There is a heavy police presence in the parks and the downtown areas that homeless people frequently visit. Police and city employees conduct regular sweeps under bridges and in encampments every two to three months. Though there is usually a warning a day or two before, authorities throw away all remaining belongings. Handon stated that police seem to target homeless people who are not in shelters more frequently than those who are. All of these efforts, Handon noted, are really part of a larger effort to reduce the visibility of homeless people in this tourist community. In his opinion, the main motivation is to ensure that those who eat at a local soup kitchen do not interfere with the planned revitalization of downtown.

### **Columbus, Ohio**

Kent Beittel of the Open Shelter reported the shelter's closing. The shelter served 1,331 people during the course of the year, but the city owns the building and declared the shelter is not needed. Beittel says the shelter was full, and every time a bed was open, many more applied for the vacancy. On July 1, 2004, the shelter closed its doors, but is expanding its outreach services and searching for a new site. With the closing of the Open Shelter, considered a more tolerant facility than most others, there are concerns whether many of its former residents will be able to adjust to the more stringent policies in other shelters. The concern is a number of individuals may be forced to stay outside if they do not make the transition. The city has bulldozed camps and eliminated existing communities under the freeways in Columbus, making it extremely difficult to survive outdoors.

The city uses ordinances dating from the 1950s through the mid-1990s concerning loitering and panhandling. Downtown signs read, "Don't give to panhandlers," and some "Downtown Ambassadors" even carry the message on sandwich boards. Would-be donors, thus, are intimidated into avoiding panhandlers.

The city had promised developers of some newly erected condominiums an unobstructed view for their residents overlooking the river and the city, therefore, several encampments of homeless people who live on these public lands were cleared.

### **Corpus Christi, Texas**

Local business owners made agreements with the police in May of 2004, to crack down on trespassers and “vagrants” in front of their stores. Police officials report that officers involved in enforcing these agreements typically issue warnings before making arrests. The agreements were developed in response to an increase in complaints from businesses to the city government. The businesses also began hanging no-trespassing signs in front of their buildings.

### **Covington, Kentucky**

In October of 2003, the 14<sup>th</sup> annual Sleep-Out for the Homeless was denied a camping permit for their awareness-raising event in Goebel Park. The permit was denied under a July 2002 law banning camping in Covington parks and along riverbanks. Activists coordinating the event noted that re-enactors of the Lewis and Clark journey were awarded a similar permit for three nights a week before the protest camp permit was denied. The activists moved to camp at a federal building instead.

Five homeless people, whose encampment had been removed in 2002 by city authorities, won a settlement worth \$1,000 each in December of 2003. Jay Fossett, attorney for the city, stated that “there’s no admission of wrongdoing, and I can tell you that the primary reason for settling it was an economic reason.”

### **Davenport, Iowa**

Advocate Kate Ridge reports local advocates and the Chamber of Commerce formed a “Homeless Project Team” to better address how the businesses and the tourist areas could be sensitized towards the homeless community.

### **Dayton, Ohio**

One week before the city's November, 2003, sweep of Vietnam Veteran Park, where twenty to thirty homeless people were staying, city officials and a homeless outreach team talked with several of the homeless people who were staying there, and notices of the upcoming sweep were posted. The next week, city officials, including a city planner, were present as city workers cut down the trees at the site, put everyone's unclaimed belongings in large trash bags, threw them in a dump truck and bulldozed the area. Dayton's deputy director of community development, Charles Meadows, said the city waited to clear the camp until a new winter shelter was opened, but also acknowledged that Dayton lacks sufficient services for its homeless population.

### **Daytona Beach, Florida**

Panhandlers are no longer allowed to solicit money within ten feet of Daytona Beach's busiest roads because of an ordinance passed in September of 2003. The new ordinance, in combination with an already-standing ordinance against loitering, may mean the city provides no place to go during the day, since there are no day centers for Daytona's homeless population.

As of August 2004, Daytona is dealing with a crisis in terms of numbers of people without homes after Hurricane Charley. The executive director of the Volusia-Flagler Coalition for the Homeless says that, “the resources are not there.”

### **Deland, Florida**

The city commission voted to permanently ban panhandling on busy city streets, an ordinance it had considered in December of 2003. The city has a standing law that prohibits beggars, prostitutes, anarchists, “habitual [disturbers] of the peace,” and others from being found in the city. There are also laws punishing “vagrants.” The city said it was considering approving the new law because of safety concerns.

### **Denton, Texas**

In July of 2004, the Denton City Council unanimously approved a citywide ban on panhandling in any public place. The ordinance is very broad and includes people who, orally or in writing, ask for a ride, employment, goods, services, financial aid, monetary gifts, or any article representing monetary value, for any purpose in any public place. In April of 2004 it had revised its solicitation ordinances to include a ban on solicitations within 50 feet of banks and ATMs. Police began enforcing the panhandling ban in August of 2004, and had issued one ticket in a week. Mayor Euline Brock says the ordinance is aimed at “professional beggars who aren’t homeless.” Homeless residents have voiced concern with the number of “aggressive panhandlers” in the area, some of whom may have relocated after nearby Dallas passed an ordinance banning panhandling in 2003. Officers would be encouraged to give panhandlers information on local services. Many City Council members say that they “hope” the ordinance will not be used against homeless people. Although some service providers are supportive, a homeless resident says, “That might stop some artificial dudes that have five dogs and live in a house, but for the real homeless, it’s just a hardship.” The council added a mechanism to review the ban six months after its creation.

### **Denver, Colorado**

Denver arrested 498 people for panhandling in 2003 and 261 people in the first seven months of 2004.

A Native American woman went to use the bathroom after waiting at a bus stop and was followed by a male security officer who invaded her privacy and forced her to leave with the threat of arrest for trespassing.

According to Dallas Malerbi, the Denver Tent City Initiative challenged the city’s urban camping laws and the lack of shelter space. Malerbi reports that the city’s curfew and no camping laws are heavily and aggressively enforced. Although the group had held meetings with city officials and agencies had developed a specific proposal for the creation of a tent city and had held numerous media events, netting national coverage, the Mayor’s Commission in May voted down the proposal. The group is currently pursuing other methods for creating a tent city.

Skyline Park was renovated and reintroduced in July of 2004; the area is now on the same level as the street, and more open. In addition, the Park is hiring seasonal ambassadors to guide visitors and report wrongdoing. Skyline Park was formerly a site of “begging and loitering.”

A proposal was made to the Denver Homeless Commission to enact a panhandling ban in Downtown Denver, in addition to the citywide aggressive panhandling ban. However, this ban, considered “divisive,” was eventually rejected. Members of the commission had provided documentation of the idea that such a ban would not stop panhandling, but would simply displace panhandlers.

John Parvensky reports that the Downtown Denver Partnership and the Denver Metro Convention and Visitor's Bureau partnered to hire an outreach worker and eight "ambassadors" who address panhandling complaints. Parvensky reports that the city's "ambassadors" seem to be attempting to "move homeless persons from the mall to more 'appropriate' settings." Another member of the Denver Homeless Commission reports that ambassadors have been invited to tour facilities that serve homeless people and that the ambassadors have referred homeless people to a clinic and other service providers.

According to Parvensky, Denver conducts regular sweeps of the Cherry Creek and South Platte River. However, the Parks and Recreation Department provides 14 days prior notice and makes attempts to help those removed find alternate housing. In May, a sweep of Clear Creek was conducted by the cities of Wheatridge and Arvada, suburbs of Denver. Most of the approximately 100 persons living on the river moved prior to the sweep.

### **Detroit, Michigan**

Detroit is preparing to host the Super Bowl in 2006, and local advocate Ed Bell maintains that officials want to present the most positive view of the city by "cleaning up areas that look bad to them." Bell says, however, that this is being done with sincerity and a "humane handling of the homeless."

Other conditions are bad, though; Bell reports some people commit crimes just to get housing. The mentally ill, especially, are lacking resources.

The City's Building and Safety Engineering Department ordered the removal of a man's shack that has been in the area for almost 20 years. Ralph Thomas had one hour to move his belongings before the site was bulldozed. The incident was reported in July of 2004.

### **Detroit, Oregon**

Detroit District Ranger Paul Matter said that in August of 2004, new restrictions were placed on campsites. The number of campers, tents and cars will be limited, and visitors who are not staying at the campsites must leave by 10 p.m. A limit of 8 people has been placed upon single-occupancy sites, and a limit of 12 people has been placed on multiple-occupancy campsites. The officer alternated between saying that the laws were put in place because of lack of infrastructure to accommodate campers, and these laws were an attempt to ward off "crazies" and control parties.

### **Durham, North Carolina**

In 2003, the Mayor Pro Tem Lewis Cheek of Durham proposed a plan to ban begging outright in that city. Instead, in November of 2003 the Durham City Council approved a new law that requires homeless people, or anyone else who asks for money on the street, to pay a \$20 license fee. The fee also applies to street vendors. Panhandlers must also be at least 16 years old, cannot ask for money during the nighttime, and cannot try to stop vehicles. The law also requires panhandlers to wear reflective vests. The application requires panhandlers to provide their Social Security number and a physical address. The city will not conduct background checks. A woman affected by the new law said, "I'm just trying to do my best and get on my feet. I'm not hurting anyone." A violation of the law carries a \$50 penalty.

It was predicted that the new law might limit contributions to the Durham firefighters' drive for money for muscular dystrophy.



In January of 2004, one day after the ordinance took effect, five panhandlers were licensed by the city.

### **Eau Claire, Wisconsin**

Eau Claire Police reported in August of 2004 that more people are complaining about panhandling in the area. Panhandling is not illegal in Eau Claire, but officers report that if they note the person using profanity, he or she can be arrested. The City Council President notes the growing homeless population.

### **El Cajon, California**

In September of 2003, the El Cajon City Council banned, by unanimous vote, both day and night sleeping in Judson Park, adding it to a list of places where it is already prohibited to camp or sleep. Violators of the ban incur a \$50 fine for the first conviction. A reporter noted that this law made it roughly as expensive to sleep in a park, as it is to rent a hotel room. In addition, El Cajon renewed both of its laws generally prohibiting sleeping and camping.

The city also passed a law in September of 2003, by unanimous vote, that made it a criminal offense to store personal belongings (camp paraphernalia) in a park.

As of August 2004, the city is moving forward to create a transitional housing center at the “Fabulous 7 Motel.” However, the plan faced opposition from residents that said it would bring more homeless people to El Cajon and that individuals not fully treated might end up on the streets in the area. In addition, in the summer of 2003, a group of residents and business owners filed a lawsuit against the city claiming that it had ignored environmental laws. A judge ruled in the city’s favor in December of 2003.

### **El Paso, Texas**

Police have the option of bringing individuals to a central resource center, which includes an emergency shelter, rather than to jail (usually at night).

Advocates have been proactive with the city and the police to promote understanding of the issues around homelessness and mental health.

The City’s anti-panhandling ordinance, however, has also limited the collections of fire fighters contributing to the Muscular Dystrophy Association. 2004 was the first time in two years that the officers were allowed “back on the streets” to collect. City Representative John Cook says that the cause does not matter, and that all street solicitors must be on the medians and may not step into the streets. Nonetheless, he suggested that a “possible solution” might be a permit that allowed groups to panhandle on the streets after safety training. Presumably, although it is not necessarily likely, this permit and training should also apply to homeless people.

### **Elkton, Maryland**

It was reported in April of 2004 that the ACLU assisted homeless people in returning to an outdoor mall. In December, 2003, owners of the property asked police to start a ban in the area against homeless people, and the police delivered letters to the homeless persons and persons in transitional housing purporting to have banned them from the property. The ACLU argued that only the current tenants of the property, and not the owners, could ban people, and also insisted that a person cannot be banned simply for being homeless. Merchants raised various arguments concerning other criminal acts. The police lifted the ban allowing homeless people to return to such areas as the Social Security office, a dentist’s office, a pharmacy, and a dollar store.

### **Encinitas, California**

In February of 2004, the city council unanimously authorized an ordinance that prohibits camping trailers and other vehicles “being used for habitation purposes” from being parked on city streets, as well as an ordinance that extended the prohibition of camping on public property from “the hours of darkness” to the full day. In addition, the city designated areas of the city in which urban camping is more prevalent and mandated that signs be posted in those areas alerting potential campers to the parking laws.

City Councilman Dan Dalager said, in January, “We have provisions that say people can’t camp, but people will come in and park their oversize vehicles, and when the cops come and knock on their doors, they don’t answer.”

In January of 2004, a woman who lives in a van in Encinitas was reduced to tears thinking of the prospect of the new law. She said, “We’re not trying to invade anyone’s space. We’re just trying to have a little of our own. Maybe if they want to work with us instead of against us we wouldn’t have this problem.”

From January 1, 2003, to January 8, 2004, before the new laws were passed, police responded to 198 calls to “investigate suspected illegal campers.”

Peter Norby, executive director of the Downtown Encinitas Main Street Association, reported his opinion that the previously “lenient” restrictions in Encinitas attracted homeless people to their city.

It was reported in August of 2004 that sheriff’s deputies are working as lifeguards to cut down on various behaviors on beaches, such as overnight camping. Deputies are patrolling the beach during both the night and the day. Encinitas lifeguard Captain Larry Giles reports that, “there’s been quite a bit of camping going on... It’s not allowed at all.”

### **Escondido, California**

In August of 2004, City officials reported they stepped up enforcement in Grape Day Park, targeting crimes such as drinking, littering, loitering, urinating, camping and “general misuse of the park.” Police officials say that they are not targeting the homeless, but several homeless residents said they believe the enforcement is focused on them. Patrols increased during August. Grape Day Park is next to City Hall and an arts center. One homeless woman was given a “(camping) ticket for eating ice cream, sitting on a blanket in the park, in the afternoon.” Another homeless woman reported that she was told, while she was drawing with her three year old daughter, that the mayor didn’t want her in the park

### **Eugene, Oregon**

Linn Antis of the Eugene Mission reports that there are occasional sweeps along the river where many homeless people reside. According to Tim Rockwell of the First Place Family Center, a law was passed to allow up to three homeless people to park on certain property. However, in Eugene there are about 40 legal areas to park. Police usually take action against homeless people after receiving a complaint from the neighborhood, but recently there have been accounts of increased targeting.

### **Eureka Springs, Arkansas**

In August of 2004, the City Council passed an ordinance prohibiting people from sleeping on public property. The police are concerned with camp sties that have been set up near springs in the area. An owner of a local pub talked about the “emergency” that the city was facing. He said, “Five people have been dropped off in town, and they are

creating havoc. They are making messes and creating habitats in caves. They need professional help, and they won't get it here." He also said that, "they aren't doing damage or vandalism, except for the damage they do to the business when they stand in front begging for money and customers are afraid to pass them. We just need an ordinance that will help us keep these people moving."

### **Fairfield, California**

In August of 2003, the City Council approved a video system that will cover all of Allan Witt Park, Lee Bell Park, and Dover Park, as well as the Fairfield Community Center. The goal of the city is to limit loitering, "unwanted after-hours activity," and homeless camping, among other offenses. There will also be an audio system installed that will allow officers to broadcast messages to people in the parks.

### **Fargo, North Dakota**

The Police Chief of Fargo, Chris Magnus, said in August of 2004 that the department's Downtown Resource Officers (DROs) work closely with social service providers, mental health personnel, and other local treatment professionals to identify homeless people in Fargo and to determine how to work together to coordinate services. He refers to the city's actions as following a "case management" approach and reports crime rates in Fargo are very low. However, the city will still arrest persons found to be aggressively panhandling or disorderly.

Magnus said, "Consistency and immediacy when it comes to enforcing the law and making sure these persons are at least briefly incarcerated is the best way to deter some folk's illegal behavior (aggressive panhandling, open intoxication, disorderly conduct, etc.)."

### **Flagstaff, Arizona**

In March of 2004, two men were forced out of a cave they made in the U.S. Coconino National Forest. They were given two days to remove their belongings. A Forest Service spokesman said the people who live in the forest create litter and sanitation issues.

In August 2004, it was reported the police in Flagstaff have a practice of making regular contact with people they refer to as "public intoxicants," as a part of the Flagstaff police chief's strategy, which is based on the "broken-windows theory." A local newspaper almost excessively detailed the crimes of five such men, many of whom are assumed to be homeless. One such man had been arrested 15 times in the past six months, and others had been arrested a similar number of times. However, many of the "crimes" are almost by definition "status offenses." The people were arrested for loitering to beg, criminal trespassing, consuming liquor in public, obstructing a public thoroughfare, criminal littering, and criminal nuisance, among other offenses. They also had several convictions for failing to appear for court hearings.

### **Fort Myers, Florida**

Residents of Altamont Park want police to do more to keep transients and vagrants out of their neighborhood according to news reports.

Religious groups feeding homeless people in nearby Lions and Centennial Parks and Nabi Biomedical Center's paying people for plasma contribute to vagrants hanging around the neighborhood, said Deborah Kelly, coordinator for Altamont Park's neighborhood watch program.

Mayor Jim Humphrey said city officials have asked religious groups to stop feeding homeless people in city parks, but so far to no avail.

"It seems like we're seeing more and more derelicts," he said. "It's something we need to address."

Police agreed to continue extra patrols in the neighborhood.

From January 1 to September 15, 2004, there were 76 requests for extra patrols in Altamont Park, according to police records.

### **Fort Smith, Arkansas**

After an assault by a homeless person on an employee of a local business, public sentiment about homelessness began to sour. It was reported in August of 2004 that officials, business leaders, and service providers met with the Police Chief Randy Reed, who decided to locate a police substation in a new building near the downtown. The group also decided on programs that can help the "deserving homeless." One of the leaders of that initiative, Fred Williams, whose employee was accosted, and who is on the board of the local Salvation Army, said that he is concerned the town may be attracting less deserving homeless people. He said, "The word is out that Fort Smith is a good place to come and not miss a meal... As a result, we are attracting vagrant thugs who are aggressive, bold, ignore people's fences and run in packs. These are not the kind of folks you reach with soap, soup, shelter, and salvation." Some residents want the Fort Smith Bus Station to move out of downtown.

### **Fort Worth, Texas**

Advocate John Suggs reports an increase in public pressure to prevent homeless people from camping. This pressure, he says, is coming from the citizens, business leaders, and redevelopment forces that are gentrifying the downtown near area shelters. Panhandling is strictly enforced, especially under the influence exerted by neighborhood associations.

### **Frederick, Maryland**

In September of 2003, city officials considered a plan to spruce up downtown Frederick that plans to remove city benches from a busy street. The Rev. Brian Scott, executive director of the Religious Coalition for Emergency Human Needs, disapproved. "There probably needs to be more benches, not less, in the city," Scott said. In August of 2004 a city official reported three benches were removed, but those benches were in disrepair. The official also noted several new benches were being installed in a nearby area. He did say these benches have the mid-bench armrest incorporated into the design, a modification that can be perceived as unfriendly to the homeless. However, the city official was careful to state such benches were for use by "all income levels" and the new benches were located near community agencies serving homeless people.

### **Glendale, Arizona**

Glendale enacted a law banning urban camping on private and public property in July of 2003. This law was described as a preventative measure, and a Glendale police spokesman reported that homelessness is "not an epidemic" in Glendale, "but (that they are) are trying to deter (that type of activity)."

### **Grand Junction, Colorado**

In 2003, the Grand Junction City Council directed its police force to break up homeless camps within city limits. As a result, many homeless people have moved outside of the city's jurisdiction to Mesa County or onto private property. The city launched an anti-panhandling campaign, called "Giving Spare Change Won't Make a Change," in July of 2004, which encourages citizens to donate money to charities instead of giving it to panhandlers. According to John Parvensky, President of the Colorado Coalition for the Homeless, the city is sending 23,000 fliers with its utility bills.

In addition, liquor laws are enforced in ways that have negative impacts on homeless people.

### **Greeley, Colorado**

In July of 2004, Weld County commissioners gave initial approval to a measure restricting panhandling on public rights of way. The commissioners voted on the ordinance in late August 2004, and the law went into effect in September. The Greeley Tribune suggests that panhandlers would be able to collect donations on private property. However, the newspaper's editorial board questioned whether or not panhandlers would have the funds to pay a fine.

### **Hallandale Beach, Florida**

In August of 2004, Hallandale Beach passed an ordinance that prohibits people from soliciting or vending on roads or street medians. A group named Helping People in America, which operates a shelter in Hollywood and sells the *Homeless Voice* newspaper, voiced its opposition to the law. Hallandale Beach had previously settled out of court with the group on a different issue concerning the newspaper.

### **Havre, Montana**

In September of 2004, the Ordinance Committee of the City Council is presenting an ordinance banning campers and recreational vehicles from parking on city streets. The previous law states that it is "unlawful to store, park, or inhabit" a trailer, but police said the law was not enforceable, and it was originally written to prevent transients from taking up residence on Havre streets. The new ordinance would give police more specific authority.

### **Houston, Texas**

In August of 2004, Houston approved a "civility ordinance," expanding the area in which it is prohibited to lie, sit, or place personal belongings on the sidewalk to include the Midtown area. A similar ordinance was passed for the downtown area in 2002.

The media and advocates watched during the 2004 Super Bowl to see if the city would refrain from sweeps as it had promised. There were no sweeps—a victory for advocates. The Houston Police Department and the Houston City Council include the Coalition for the Homeless of Houston/Harris County in their decisions about the implementation and enforcement of the civility ordinance.

The city is piloting a positive program to reduce the number of homeless people who are jailed unnecessarily. A case manager will be in court prior to arraignment so individuals can be assessed and assisted rather than jailed.

There is a significant "Not in My Back Yard" attitude present, especially among citizens in the midtown area, where many people experiencing homelessness reside. Similar attitudes in suburban areas have produced the large homeless population found

in Houston. Outlying cities and even other states give homeless peoples bus tickets to come into the city of Houston.

### **Huntington, West Virginia**

It was reported in June 2004, that the Huntington Police Department had begun a program to target panhandlers and public-nuisance offenders. Teams of officers, working overtime hours, patrol for four hours daily, in groups of two, to arrest the offenders. Within a week, the city had arrested over 25 people. The program began after complaints from visitors to the downtown area who said the area looked “dirty.” The City Municipal Court says that crimes of panhandling or public nuisance offenses are punishable by a fine up to \$1,000 or three days confinement; this information was distributed to officers in a memo. Those arrested for public intoxication, however, are taken to a treatment center where they are kept until they are sober and evaluations of how to help them are made.

### **Idaho Falls, Idaho**

In July of 2004 it was reported that Idaho Falls officers Josh Deede and Lincoln McDonald routinely check the known places where transients stay, often hidden in thick brush or large groves of trees. When they find people camping, they make them leave or cite them for trespassing on city property. Officer Lincoln McDonald said, “That’s pretty much their life; they’re used to it. They’re used to being contacted by police and having to move on to the next place.” A local business owner who has had people camping behind his store, said, “They’re kind of troublesome because they bother the tourists and customers and things.” Police say that local agencies’ ability to help is limited, and many people are turned away.

### **Indianapolis, Indiana**

This city sees only occasional problems, says advocate Donnie Robinet, such as new police officers awakening sleepers in the Pan Am Plaza. The greatest need, Robinet states, is for public bathrooms. Another occasional problem, reports advocate Dan Shepley, is less tolerance to those camping outside. A few encampments have been roused, though some were investigated because of violence occurring within the camps.

### **Ithaca, New York**

In August of 2004 two police officers were suspended from their jobs after trashing a homeless tent site. The officers destroyed the tents, broke the picnic table, threw chairs into the water, and threw away many of the belongings of the people living in the camp, known as “the Jungle.” The District Attorney’s office will decide whether to press charges, and the officers were put on paid suspension. Some people in the area were concerned about alcohol consumption, but Ithaca Deputy Police Chief Tom Granziani said that alcohol consumption does not allow officers to take such excessive action.

### **Jacksonville, Florida**

Three homeless men challenged a drinking ordinance in June of 2004 because of its vagueness, and because the law will be waived for a future event. The argument concerned a 2.5-mile entertainment zone that will be designated for 18 days before the 2005 Super Bowl in which all laws on public drinking, noise pollution, and outdoor sales will be lifted. This area includes the park in which the men were arrested. The public

defender, Tyler McKinney, is asking that since Jacksonville lifts the law to prevent the arrests of big name guests to the city, others should not be arrested.

### **Jeffersonville, Indiana**

This small town has no laws on the books that criminalize homelessness, but there is “a lot of NIMBY[ism],” or Not in My Back Yard, states advocate Barbara Anderson. Jeffersonville is located across the river from Louisville, Kentucky, and there is a mix of resistance to a perceived influx of people from the city and a movement to remove homeless people from the town.

### **Kalamazoo, Michigan**

In December of 2003, District Court Judge Paul Bridenstine found a homeless woman guilty of sleeping in a park where “overnight” camping is illegal. He ordered the woman to pay a \$50 fine.

### **Kansas City, Missouri**

As of December 2003 and April 2004, officials of the Jackson County Prosecutor’s office and business leaders wanted to ban petty offenders from an eight-block “safe zone” near the city’s new \$40 million library. Designers of the proposal saw it as targeting criminals and not the homeless, specifically. However, a conviction for aggressive panhandling would lead to banishment from the library zone, as a condition of probation. As libraries are public spaces often used as resources by the homeless population in Kansas City, exclusion would be punitive.

In August of 2004, however, a Kansas City Police representative reported that she was not familiar with the safe zone.

### **Kissimmee, Florida**

Kissimmee passed an ordinance requiring stores with more than 20 shopping carts to install a device, such as an alarm or a barrier that would curb shopping cart theft. Winn-Dixie Stores complained that the city hadn’t demonstrated there is an underlying problem requiring the regulation.

In May of 2003 Kissimmee police outraged homeless advocates by posing as homeless people to catch drivers running red lights. The sting was known as “Operation Vagrant.” The officers wore fake teeth, dressed in tattered clothing, and pushed shopping carts, reinforcing homeless stereotypes. They also carried cardboard signs that read, “Sheriff’s traffic sting in progress. Buckle up.”

### **Lakewood, Colorado**

John Parvensky, President of the Colorado Coalition for the Homeless, reported that Lakewood passed an aggressive begging ordinance in August of 2004, and it is modeled on Denver’s ordinance. The ordinance places very specific restrictions on the manner in which begging and panhandling can be carried out, but it does not ban begging entirely. “(Panhandling) hasn’t really been a problem, but we don’t want it to become one,” said city spokesman Steve Davis. “The ordinance was drafted in hopes of having it in place before it would be needed.”

### **Lawrence, Kansas**

In August of 2004, city workers roused homeless campers from three sites in the woods along the Kansas River and leveled their make-do shelters with earth-moving

equipment. A local camper said, “It’s all gone, everything. I know a grown man ain’t supposed to cry, but this is the last straw. Ain’t nobody read the Ten Commandments, the part where it says ‘thou shalt not steal? That’s what they did, they stole every thing I had.” The campsites were cleared without any warning, and the residents only had 10 minutes to vacate the area. One resident lost a guitar that he used to earn tips. He said, “I have no way to replace my guitar. I can’t work. My back is bad, I got a bad heart. I have no money.” The City Manager had assumed that the residents would be given a 24-hour notice, although they were not. Lawrence has no formal policy for breaking up illegal campsites.

Two weeks later, in mid-August, city workers roused homeless campers from sites along the Kansas River. City Parks Director Fred DeVictor said, “We put up signs, giving everybody a 24-hour notice... It looked like everybody had pretty much gotten his or her stuff out of there. It was mostly trash that was left.” The city has reported to social service officials complaining about how the earlier rousting was conducted that a 24-hour notice will be issued in the future.

### **Lexington, Kentucky**

Hedgerows on the perimeters of public places have been cleaned out to deter camping in those areas. There have been some community concerns about the prominence of homeless people in public areas like the library, reports advocate Carol Stevenson. Overall, Ms. Stevenson feels that, with increased advocacy and a better public awareness of the issues on both sides, workable solutions can be found.

### **Lexington Township, Michigan**

The township banned overnight camping, and, in 2001, was sued by the Sanilac County Parks Commission, which argued Lexington Township laws should not apply to county parks such as Lexington County Park. The law was stopped in the original lawsuit, but the city overturned the ruling on appeal, and camping was again prohibited. The county filed papers in August of 2004 to bring the issue to the Michigan Supreme Court.

### **Lihue, Hawaii**

In October of 2003, Mayor Bryan Baptiste issued a press release stating all people camping in city parks without a valid permit must find other shelter. One month after the order was issued, most of the campers who had no permit left the parks. Only two citations for camping without a permit were handed out.

### **Long Beach, California**

The police regularly ticket people for camping outdoors—clearly, those who cannot afford to pay, notes homeless advocate Mike Giard. Arrests and other ticketing sometimes occur as well. The ticketing activity definitely becomes more prevalent before and during the local Grand Prix races and other special events that take place.

Police conduct sweeps in parks where homeless people often congregate. During these sweeps, people are ticketed, told to move along, scared away, or arrested. There are extremely strict homeless laws in Long Beach, according to Giard, and the enforcement is equally strict.

An August, 2004, article notes there is conflict between some business owners and the residents of high-end lofts near Lincoln Park, and the people who serve food to the homeless in the park, as well as the park’s homeless residents. One business owner said



the feedings created a “magnet” for homeless people. One of the people serving the food said, however, that the groups serve in the park because the homeless population is already there, and so it is logical to serve in the area.

### **Longmont, Colorado**

In December of 2003 Longmont prohibited solicitors, including charities, from making requests in or near a street or highway, in December of 2003. Council members and police say panhandling increased in Longmont after Boulder passed its own ordinance. Police officers cited safety concerns for panhandlers.

### **Longview, Washington**

In February of 2004, the Longview City Council approved an ordinance prohibiting people from removing items from waste bins. Some people are concerned the ordinance could be used to target homeless people. Violators would face a fine of \$125, but could not be sentenced to jail. Police say the ordinance is aimed at curbing identity theft. Police Chief Bob Burgreen said homeless people and the poor are “not the people that [they are] targeting, but [they are] going to be talking to people if they are in [residents’ dumpsters].”

### **Louisville, Kentucky**

According to Jackie Floyd, loitering is one of the few things which homeless people are sometimes unfairly arrested for in Louisville. Also, Floyd says, homeless people are sometimes picked up for public intoxication and held to detoxify in jail even though there are detoxification services available at other, alternate facilities. These persons are not held under arrest, but are detained until sober. However, the homeless advocacy group and the police have a strong working relationship. Advocates go through police training and new police recruits learn about and visit shelters and mental health institutions.

### **Madison, Wisconsin**

Drinking in some Madison parks is against the law, and though there are few arrests, reports homeless advocate Judith Wilcox, attentive monitoring by the police is common.

Many high-school-age youth are involved in aggressive panhandling, though they might not be homeless themselves, and they have sparked complaints from local residents. As Wilcox puts it, “they reinforce a homeless stereotype even though they are not homeless.”

In March of 2004, the Governor of Wisconsin, Jim Doyle, signed a law raising the penalty for stealing a shopping cart from \$50 to \$500.

ReachOut, a program designed to reduce panhandling and homelessness without resorting to criminal enforcement measures has been around for two years on State Street.

Funded through a mix of public and private sources, the program has helped get people off the streets and into housing and addiction treatment programs, organizers say.

The program received a 2003 award from the National Law Center on Homelessness & Poverty for its alternative approach to addressing homelessness.

Since April of 2004, the program has helped 14 people turn their lives around, according to the ReachOut organization.

### **Martinsburg, West Virginia**

The Martinsburg Police Department Chief Ted Anderson said in a speech in August of 2004, to business owners and city officials that, “alcohol consumption, panhandling and prostitution” continue to be some of the main concerns in downtown Martinsburg. The city passed an anti-panhandling ordinance in the early 1990s. Anderson said, “The best way to drive out the wrong kind of people is to drive in the right kind.” He indicated that the people sitting in the City Council chambers were the “right kind” of people.

### **Memphis, Tennessee**

The local homeless coalition conducts awareness training with the police department, which according to advocate Constance Graham has been successful. Police are supposed to refer people to agencies or shelters rather than take them directly to jail.

According to Graham, the AutoZone Redbirds Stadium, built a few years ago, precipitated a new effort to “revitalize” the surrounding areas. New condominiums are going up, and the poor being pushed to other parts of town. There is significant concern that the new basketball arena, the Fed Ex Forum, which is being built in the poorest zip code in Memphis, will quickly gentrify the surrounding neighborhoods.

Graham feels that any success service providers have come from collaboration between the HIV/AIDS coalition, the independent living center, legal services, and homeless advocates. A Mayor’s Task Force to End Homelessness and a new informational advertising campaign are also helpful.

### **Miami, Florida**

In May of 2004, the City Commissioner of Miami opposed the feeding of homeless people in the downtown area, and said 76 organizations, “including religious groups,” must stop feeding. He has offered to provide transportation to and from the churches providing the services. The director of homeless programs for the city cited garbage and rats as part of the concern behind the prohibition against feeding outdoors. However, some homeless people have complained about the quality and freshness of the food provided in such facilities. The Mayor, however, added teeth to his comments by insisting that organizations would be forced to pay fines and face arrest for serving homeless people. If a response was not heard from the churches, then the commissioner threatened to pass the ordinance making feeding illegal.

### **Middletown, Connecticut**

In August of 2004, a Middletown reporter volunteered to spend three nights on the street to learn what being homeless felt like. Aside from noting the criticism and disdain of young people, he also reported that it is a criminal offense to solicit spare change. He said that while he thinks Middletown has adequate food and shelter services, he does not think they are sufficient to get “people off the street.” In addition, he reported anecdotes that were told to him by homeless people detailing police strip searches and people being arrested for cursing at police. He was arrested for sleeping in the park, released, told not to return to the park lest he be arrested for trespassing. The officers attempted to refer him to a shelter, but found that no spaces were available. In August of 2004, it was reported that the city’s only homeless shelter is “always at capacity.”

### **Minneapolis, Minnesota**

In March of 2004, a homeless man challenged a Minneapolis anti-begging ordinance and won. The ordinance declared begging illegal, but the judge decided in favor of the man, stating his begging was no different than a state-registered charity asking for money and that it is considered free speech and thus protected by the First Amendment. The City decided not to appeal the unconstitutionality of the old ordinance. However, in May of 2004, the City Council reworded the panhandling ordinance as well as the no-loitering ordinance. The Legal Aid society of Minneapolis had suggested striking the words “or any other act prohibited by law,” to improve the constitutionality of the ordinances.

According to Margaret Hastings, The Community Advisory Board approved the Decriminalization Task Force Recommendations with changes for clarity. These recommendations will now move to the Minneapolis City Council for approval.

In addition, Margaret Hastings reports that in March of 2004, a man with no permanent address was arrested for “dancing in the street.” The city law stipulates, “No person shall dance or engage or participate in any dancing upon any public street or highway in the city.” In addition, in 2004, people with no permanent address were arrested for vagrancy. The police report noted that they “looked” like they were not employed and could not provide proof of employment to the arresting officers.

### **Mobile, Alabama**

In the fall of 2003, a few police officers resurrected an old “Wandering Abroad” ordinance from the 1880’s to convict homeless people who were in certain neighborhoods, reports advocate Dan Williams. Police arrested one individual for public intoxication although the individual in question actually suffers from epilepsy. However, after advocates contacted the Deputy Police Chief these arrests have ceased. “Good strategies,” Williams says, “are key in this small community to preventing criminalization problems.”

### **Modesto, California**

The Modesto City Council enacted a revised ordinance in July of 2003, outlawing panhandling near banks, ATMs, restaurants, parking garages, bus stops, intersections with traffic signals and anywhere people are standing in line. The ordinance also bans aggressive panhandling and carries a misdemeanor penalty.

In a town meeting in August of 2004, a local business owner reported, “The street people are scaring our customers away.” The Modesto Police Chief, Roy Wasden, reminded the resident that an aggressive panhandling ordinance had been passed and that homelessness is a more complicated issue.

A Modesto Food Not Bombs chapter demonstrated in August of 2004, to protest the city’s treatment of homeless people. The protest was directed at an alleged police practice of driving homeless people out of Tower Park. A group of advocates also held a “Know Your Rights” workshop in the park.

### **Myrtle Beach, South Carolina**

In July of 2004, Myrtle Beach’s new anti-loitering law went into effect. In August of 2004, after the first month, police had written 13 tickets. Police have been told not to enforce the law “too strictly.” A city councilwoman, Susan Grissom Means, lamented the presence of homeless people in parks and cited their presence as one reason why she supported the law. While loitering laws around the country have been stricken down for

vagueness, the Myrtle Beach law ties loitering to “criminal intent,” “loitering with harmful purpose, loitering for prostitution or loitering for drug traffic,” among other categories.

### **Naples, Florida**

In August of 2003, a homeless man received a 12-year prison sentence for spitting on a sheriff's deputy. While being transported in the back of the officer's patrol car, David Hird coughed up phlegm on the deputy. At the time, Hird was under arrest for trespassing.

### **New Orleans, Louisiana**

Instead of arresting homeless people, police officers now summon a “homeless assistance unit” that guides homeless people to a shelter, hospital or substance abuse clinic. The unit consists of graduate students in social work.

However, in July of 2004, a body was found in the Mississippi River that was identified as a 25-year-old resident of New Orleans. This man had previously had five felony arrests, and his most recent arrest was for begging in the French Quarter in June.

### **North Las Vegas, Nevada**

In 2002, North Las Vegas passed an ordinance “requiring retailers to establish mechanisms to prevent shopping-cart theft.” The City then hired a company that retrieves abandoned carts for a fee of \$3 and passes the cost along to stores.

In the greater Los Vegas area, Clark County Sheriff Bill Young has been accused of arresting homeless people unnecessarily, among other things.

### **Norwalk, Connecticut**

The SoNo Alliance, a “neighborhood improvement group,” has been pressuring the city to deal with the loitering and littering behavior of homeless people in the vicinity of a shelter. The police department reported there are few laws that police can enforce to curb the behavior aside from laws against littering, public drinking, and blocking sidewalks. However, in August 2004, it was reported that the city was drafting an ordinance “to crack down against panhandling.”

### **Oakland, California**

Shelter director Steve Krank reports the 1,600 men who come into the shelter are reporting many stories of harassment. On some days, Krank reports, everyone sleeps during the day—citing the regular sweeps of their encampments as the culprit. There was recently a sweep in mid-June, in the downtown area.

New efforts by Mayor Jerry Brown and the city to redevelop downtown have created a move of homeless and poor people away from downtown.

### **Ogden, Utah**

In August 2004, it was reported the city had made 62 arrests on the street for public intoxication, trespassing, drinking, and public urination since January 2003.

In addition, in August of 2004, the city debated a proposed ordinance concerning banning the sale of single cans of beer, or “class A licenses” for businesses on 25<sup>th</sup> Street, to tackle the problem of “inebriated transients.” Nearly two dozen people criticized the proposed ordinance, including representatives of businesses that would be shut down by its passing, saying larger businesses like Wal-Mart would be able to sell the same

products, but stay in business. The city said it would further study the issue and hold another public hearing in October. The ordinance was seen as a way to clean up "Historic 25<sup>th</sup> Street."

### **Oklahoma City, Oklahoma**

There is a complaint-only basis for enforcement of panhandling in Oklahoma City. Therefore, a person who panhandles is not bothered or questioned unless someone, such as a storeowner, makes a formal complaint to the police. This is usually infrequent, stated Dan Straughan, until a particular issue arises.

### **Olympia, Washington**

A new county commissioner created an inter-jurisdictional committee on homeless issues to work on effective changes. Bread and Roses has created a new advocacy center that helps those cited for public disturbances, says Selena Kilmoyer, but these citations are not common occurrences. As a result of public pressure after several incidents, the city was trying in 2002, to enact several anti-homeless measures. Due to interaction between homeless advocates and the police force, these ordinances have not been put into play.

However, there is prejudice against homeless people in the city. A homeless advocate from Seattle who serves food reported that in Olympia "people come down and harass us for feeding the homeless."

### **Omaha, Nebraska**

Not many ordinances have been passed this past year, and ordinances such as panhandling are not enforced very often. However, there is a sense of mounting pressure on the homeless population.

The police are more actively enforcing panhandling ordinances. The lunch programs sponsored by local churches feed large numbers of homeless people, so pressure was placed on these churches to end the programs, but no legislative action has been taken yet.

Several recent events have made Mike Saklar of the Siena Francis House wary of impending legislation. Saklar has received warnings that police will start to ticket for jaywalking, but there has been no evidence of action thus far. The city closed down a motel that offered cheap rentals, displacing over 100 people. Recently a homeless camp near an arena convention center, home to about 21 people, was cleaned out and the area bulldozed. The downtown library has attracted a larger homeless population, and though the director of the library appears sympathetic, Saklar is concerned that policies might change in the future.

### **Orlando, Florida**

Orlando police said they would go undercover to catch panhandlers who beg for money outside of 32 designated zones where panhandling is allowed. Violation of the anti-panhandling ordinance in Orlando carries a \$500 fine and imprisonment for up to 60 days. As of September 2003, the stings had netted only one arrest.

### **Pahrump, Nevada**

In November of 2003, the Pahrump Town Board enacted a law that made it a misdemeanor to accost people in a public place, to beg or solicit alms, to go begging door-to-door, to loiter, to prowl or wander on private property unlawfully, to loiter or

sleep on any street, sidewalk, alley, building or automobile without the owner's permission, and to loiter around a public toilet in a lewd manner. Some claimed the law is far too broad and vague, extending to any public place. "People have a right to walk down the street and not be asked for money," said Sheriff Tony DeMeo. The town board member who introduced the law cited a confrontation with three aggressive panhandlers as the impetus for drafting the bill.

### **Palm Bay, Florida**

In July of 2004, twelve homeless persons were rousted from camps on private property "deep in the woods." These camps were considered "advanced" and had running water and alarm systems. Families were living in such camps. Brevard County is currently experiencing a shortage of emergency shelters for families.

### **Pasadena, California**

In August of 2004, Pasadena business owners near the Union Station shelter still opposed the 20-bed expansion of a woman's shelter. The project to build an extension was denied in July of 2004, by a zoning hearing officer who said it could negatively impact public safety, health, and welfare. The officer referenced "passionate testimony" from "dozens" of affiliates of business, who described the failure of the shelter to fully patrol and clean up waste in the area. The shelter defended its policies, saying it had a "daytime security guard who patrols the area, policing the homeless and talking to business owners." However, later in August the appeals board unanimously approved a new permit to allow the shelter to expand, but stipulated the shelter must clean the trash and patrol the area.

### **Philadelphia, Pennsylvania**

Over the past few years, Philadelphia has dramatically reduced the number of chronically ill or addicted homeless people on the streets. They did this not by forcing them out, imprisoning them, or busing them. Instead, they helped them acquire what they needed: help and housing. With teams of outreach groups, a build-up of affordable housing, and 24-hour shelters, Philadelphia began telling people experiencing homelessness the city could help, and this time, the offer had teeth. The City of San Francisco is doing research in an attempt to duplicate the services that Philadelphia provided to its chronically sick and addicted homeless population.

However, advocate Roosevelt Darby notes that accessing programs for homeless people is sometimes more complicated than is necessary. He reports that individuals often have to be screened into the "New Keys" program, and that some people targeted for help cannot be found by the time they are accepted. Darby commented that self-reported success is not always the most accurate record of results and that people should carefully determine the actual results from the programs.

Darby also said many homeless people realize that if someone doesn't want to be hassled then he/she doesn't spend all of their street time in the city center. "The street population is more mobile these days. They know when to hit a feeding downtown for example, and then how to disburse and become 'invisible' to avoid the hassle," said Darby. The conclusion might be that homelessness has not been reduced as much as dispersed and, therefore, hidden.

Robert V. Hess, the city's deputy managing director for special needs housing, said the city would urge food providers to move their operations indoors. In general, Hess said, the policy seeks to move homeless people off the streets and into shelters, not

jails. A 1998 law bans aggressive panhandling from the sidewalks; other laws bar certain kinds of public behavior, such as loitering and lewdness. Hess said the city has usually sought to address homelessness as a social, economic or medical problem.

### **Phoenix, Arizona**

Riann Balch reports the police and advocates have made extremely positive strides in changing community policing from arrests toward services. “A small police force, for a city of this size, with priorities other than harassment, helps,” reports advocate and Dr. Louisa Stark.

Stark notes a new “connection to care” program where police officers team up with social workers and service providers to arrest everyone in one night who is trespassing—large numbers of homeless people. They are then taken to a “general command post” where all the service providers in the town are available: detox, food, blankets, mental health, among others. These providers give them “tasks.” If someone shows up at an appointment, the charges will disappear; if the person does not, the individual will be convicted.

Stark reports the original intent was positive: to prevent criminalization of people experiencing homelessness. The original concern involved helping rather than incarcerating. However, there is now an unfortunate “either-or” situation: they can either comply with the service providers, or face criminal charges.

Riann Balch points to another positive initiative of “care teams”, which are diverse outreach teams of behavior specialists, police officers, court workers, and others. They go out and interact with homeless people and then network to share resources.

A new Human Services Center is being built, which will centralize all of its services, making it easier, perhaps, for clients to access them. However, it will also decrease homeless people’s visibility in the greater community, making it a way to push the homeless individuals out of sight, Balch states. Stark notes the Center is a “homeless campus”, which consolidates services and frees up the valuable, prime real estate the social services currently inhabit. So, a supposedly convenient centralization can also be viewed as paving the way for downtown development.

In August of 2004, an “investigative” television news team reported “at least a half dozen men” were arrested for aggressive solicitations during the past year. The article reports that a Phoenix Police lieutenant said of panhandlers, “some of these people do not have the mental capacity to make judgments or have conversation... You are not going to have anything positive resulting from that kind of conversation.” However, the article also refers to new training for officers to better assist homeless persons.

The Police department has significantly reduced its rate of fatal shootings, in part by incorporating crisis intervention training for officers, an anonymous source noted.

### **Pittsburgh, Pennsylvania**

Advocates for the homeless accused Pittsburgh officials of flouting a court settlement on how to handle the private property picked up in sweeps of makeshift encampments. Under the agreement the city must give homeless people access to the belongings that had been confiscated in the three days following a sweep. However, some say that homeless people must call for an appointment to claim their belongings.

In January of 2004, the city targeted a homeless encampment for demolition—the same encampment the city had dismantled in November.

Downtown advocates have been trying to combat the seedy atmosphere of Market Square, where panhandlers and “vagrants” stay. While the police are trying to

combat drug problems around specific bars, some residents cite the homeless population in general as the issue. William Bochter, former commander of the Hill District police station, says part of the strategy is a visible police presence to counter non-aggressive panhandlers and “well behaved vagrants.” In July of 2004, local restaurant and business owners were concerned a long-standing mobile meal program for the homeless was “bad for business.”

### **Plymouth, Massachusetts**

Safe Haven, a shelter that has been open for a year, will be closing in the fall of 2004, due to lack of funding. Shelter space is limited in the suburban areas of the city. Plymouth Police Captain Charles Chandler said police become involved with people in camps only when someone complains of a disturbance. Chandler said, “There just aren't many places to take these people, and some don't request shelter.” Chandler also said people are only taken into protective custody if they are considered a danger to themselves or others.

In July of 2003, leaders of the Church of the Pilgrimage “reluctantly cut down shrubs encircling the nearby church activity center” because of the actions and presence of homeless people in the area.

### **Pontiac, Michigan**

According to Willie Redmond, there are occasional arrests for vagrancy of individuals found in parks, under stairs, in doorways, etc. Businesses often respond negatively to large groups of homeless people, but do not bother other individuals. Police sometimes help homeless people to shelter when there is a need.

### **Portland, Maine**

Advocate Steve Houston reports police often use the charge “obstruction of a public way” to prosecute homeless persons. For example, panhandling is legal, and therefore, homeless people cannot be ticketed or arrested for that activity. However, an individual standing on the sidewalk to panhandle can be cited for obstruction of a public way instead. Loiterers are often arrested or ticketed as well.

“Solicitation of a motor vehicle” is illegal, but enforcement is selective and specifically targeted at homeless people. A person who posts a sign or holds a sign could be ticketed or arrested. However, high schools, Girl Scout troops and other groups often use carwashes for fundraising and hold signs to attract cars, but the ordinance is never enforced on them.

A new hospital is being built in one of the few downtown areas where homeless people often congregate, and the nearby encampments are being cleared. On the east end of Munjoy Park, where many homeless people camp, there are massive sweeps in preparation for the Fourth of July and other special events. There are few public restrooms, and there is extreme discrimination against homeless people using private businesses' restrooms.

### **Portland, Oregon**

A homeless woman reported that while she slept, a policeman kicked her repeatedly, awakening her, and took her into his patrol car. He drove her to a police station, where he attempted to book her for camping in public, but a fellow officer told him that he could not do this, so he dropped the homeless woman off without giving back her personal possessions.



A new voucher program, “Real Change, Not Spare Change,” was enacted in 2004, by the Portland Business Alliance. The program suggests that vouchers for 25-cents be given to panhandlers to redeem at one of four local social service providers. The four providers see very few of the vouchers come through and weren’t sure of the value of the program.

In March of 2004, the Right to Sleep Alliance protested the city’s camping ban, hosting a rally. This group was aware the “no sleeping on sidewalk ordinance” is lifted the night before the Grand Floral Parade so people can grab an early seat. In June of 2004, the Right to Sleep Alliance and homeless individuals, used the temporary lifting of the ordinance to make their point by rousting parade watchers. They issued fake tickets early in the morning so those awaiting the parade would understand what a normal day was like for someone experiencing homelessness.

In June of 2004, a county judge, Marilyn Litzenburger, overturned a law that made it illegal to block a portion of the sidewalk, the “obstructions as nuisance” ordinance. The law was declared unconstitutional for limiting rights given by the First Amendment, as a result of the trial of three anti-war protestors. A spokesman for the mayor is considering appealing the decision and the city is expected to rewrite the law.

Portland’s “Dignity Village,” a camp community, enters its third year of existence. One columnist says that Dignity Village, while not the solution to homelessness, “gives hope, a sense of self-worth and community to people who come there from complete isolation on the streets.” Portland has also included \$11 million in new long-term financing for low-income housing.

### **Portsmouth, New Hampshire**

It was reported in August of 2004, that homeless people camping in the woods near the town are sometimes asked by police to move along, and, if the location where they are camping is city property, the police clear the campsites.

### **Providence, Rhode Island**

In 2002, homeless advocates in Providence were unsuccessful in preventing the passage of an aggressive panhandling ordinance. The advocates have made progress communicating to the Providence police when shelters are full and that at least one has closed in the past year.

A new downtown merchant association’s attempt to “clean up” the area, a move advocates were afraid meant homeless people would be pushed out, actually resulted in the hiring of some homeless people to newly-created maintenance jobs for the business district.

Cathy Rhodes, a local advocate, stayed at the same corner for a number of days to test the police response for herself. She was arrested after about a week, the police and others citing her for disorderly conduct and the potential safety hazard of her location. The charge was dismissed in court.

Complaints of panhandling drove Providence police to close down a homeless camp in August of 2003. Police gave the campers warning the night before they intended to close the camp. “We gave them time to move out,” a police officer said. The camp had existed throughout the summer and hosted between three and ten tents at a time. One officer helped a homeless couple return home.

It was reported in January of 2004, that some police patrol the streets to try to prevent homeless people from freezing to death. The police do not have the authority to move people, but an EMT accompanying them can declare a medical emergency. The

article reported that homeless people seemed afraid that the officers were stopping them to arrest them for panhandling.

### **Raleigh, North Carolina**

Two police officers are being disciplined for dismantling a set of homeless camps in March of 2004. They wrecked the camps, scattered belongings and slashed tents. After this episode, a fire began; investigators claim the fire began hours after the two police officers left the site. Details of the disciplinary actions are being withheld at this time, and proper restitution is being considered for the owners of the camps. A new policy requires persons living in camps be given 24 hours to tear down their own campsites. Officer training is also now being required.

In August of 2004, new storefront signs in Raleigh discouraged giving to panhandlers. One reads, "Promote real change, not spare change." The campaign was created by the Downtown Raleigh Business Alliance. One local businessman says the signs reduce the number of persons entering the restaurant to beg for money, but also many homeless individuals have expressed unhappiness with the campaign.

### **Rapid City, South Dakota**

In November of 2003, forty-nine business owners presented a petition to the city asking it to impose tougher laws on panhandling, drunkenness, and loitering. Rapid City Council's Legal and Finance Committee voted to send the petition to the ordinance review committee. However, as of August, 2004, Jason Green, city attorney, said there had been no action taken on the issue.

### **Redondo Beach, California**

Responding to complaints from the public, undercover police arrested dozens of day laborers in late October 2004 under a local ordinance that prohibits soliciting for employment in public.

Police, posing as people seeking to hire workers, made 58 arrests over three days at two intersections, police Capt. Joe Leonardi said.

So far, 10 of those arrested in the three operations in October have pleaded guilty and received three years summary probation, a 180-day suspended sentence, ordered to pay a booking fee of about \$300 and ordered to stay away from the intersections used by the laborers, Leonardi said.

The police plan to stage additional undercover operations against the laborers and also against people who hire them, Leonardi said.

Many cities have ordinances prohibiting day laborers from soliciting work in public but arrests are rare, said Thomas Saenz, vice president of litigation for the Mexican American Legal Defense and Education Fund. "In general, our position is that ordinances that prohibit day laborers from soliciting work from public areas are unconstitutional," Saenz said.

Redondo Beach has in the past looked into creating a place for day laborers to gather, but this suburban community has not been able to spare the expense.

### **Reno, Nevada**

Police are being trained to deal with some problems the homeless community faces, such as substance abuse and mental illness. The police now look to providers for help in directing individuals towards services rather than arresting people. However, there are normally sweeps in the city during the tourist season, especially late summer.

Hotels that often serve as affordable transitional housing often kick out their low-income occupants for other visitors during the city's annual "Hot August Nights."

A program called "chronic offender mapping" was initiated in November of 2003. Police patrol the streets to identify offenders they consider to be good targets. Persons with a history of misdemeanor charges are given two options: receive a suspended sentence and stay away from downtown or go to jail.

Businesses in Reno, including the 4<sup>th</sup> St. Business Corridor group and casinos, have been extremely hostile towards attempts by elected officials, police and service providers to develop a multi-service shelter. A group of Reno business owners sued the city in March of 2003, challenging the decision to locate the shelter in a "struggling area." The pervasive negative attitude by business even led one individual to assert that no money should be spent to house people. After an almost epic thirty-year struggle between these two opposing groups, a shelter is scheduled to be built, contingent on additional funding.

### **Richmond, Virginia**

According to advocate Mark Lewis, there are no anti-homeless laws, except a prohibition against panhandling on medians -- for safety concerns. Leslie states he doesn't see or hear of many violations at all.

### **Roanoke, Virginia**

In October of 2003, a 46-year old homeless woman incurred a fine of \$10 for sleeping on a public bench in downtown Roanoke. She stated she intends not to pay it and quotes, "I had been pushing that buggy, and, I tell you what, it wore me out." The officer who arrested her in September of 2004, said she was "unsightly."

### **Rochester, New York**

In May 2004, the city passed an aggressive panhandling law. Many people attending the council meeting objected to the law, calling it cruel and pointless. Adam McFadden, a council member who voted against the ordinance, said, "To fix a problem like [aggressive panhandling], you need a true task force that will study why people are begging for money and how to get people the help they need." The passage of the law coincided with large cuts to public assistance by New York Governor George Pataki.

In August of 2004, the first people facing charges, many of them homeless and with no money, came to court to settle the charges. One of the defendants who eventually got a warning said, "They say it's best to ask than to take, so that's what I do. I'm not the type that likes to take from you, so I ask you." Many others may be having their fines reduced.

Rochester's panhandling law will also adversely affect the city firefighter's drive for Muscular Dystrophy. Firefighters are considering other means to collect the funds, so they don't have to "put police in an uncomfortable situation."

### **Sacramento, California**

Local advocate, Paula Lomazzi, reports Sacramento continues to ban camping and police have even recently harassed people for merely possessing camping gear. At least two jury trials for camping tickets are currently ongoing. In the nearby community of West Sacramento a few people actually went to jail for having their possessions in carts after they were told to vacate camps and their possessions were thrown away.

In 2003, and 2004, homeless people safely slept on the grounds of St. Francis

Church after a compromise was reached among the church, city officials, and the local neighborhood. The church agreed to limit the number of homeless people on the grounds. St. Francis also built some new fencing to allow access to their bathrooms and hired a security guard to protect the campers from being attacked.

In November of 2003, a young homeless man was arrested for verbally assaulting an officer after he said the officer was “being discriminatory against the homeless.”

### **Salem, Oregon**

A television news company reported in the summer of 2004, that “residents and business owners in Salem say that they [were] getting fed up with the growing number of panhandlers in the city.” Salem Mayor Janet Taylor says there are currently no laws regarding panhandling. Police Lieutenant Bill Kohlmeyer says Oregon did have a law against panhandling, but it was declared unconstitutional by the Oregon Supreme Court. The law was still in existence in October of 2003, although the Oregon Supreme Court staff reported they could find no such ruling in August of 2003.

The Oregon Capitol Inn that houses the working poor will be razed within the next two years, and a new, \$25 million, mixed-use development will move in, displacing the former residents. Residents will now have to look for other places to live, although the business still has a year’s lease. A local opinion columnist reported in August of 2004, that these residents are “one notch above homelessness.”

Salem’s volunteer park patrol has been in operation for ten years and aims to combat criminal activity. In August of 2004, it was reported residents saw fewer people camping in parks. A resident said, “You don’t see that (homeless camping) anymore. I feel that the park patrol has really taken care of them.” One volunteer said, “Our job is to get the police there. We’re the eyes and ears; we’re there to discourage bad behavior.”

### **Salt Lake City, Utah**

Local businesses in the downtown area pressured the police to issue citations to homeless people for trespassing. Even while waiting in line for food at the St. Vincent de Paul outreach center, people were cited.

Bill Tibbitts, an advocate at the Crossroads Urban Center, met with 100 homeless individuals before taking proposals to a committee to search for a solution to the growing tendency to target homeless individuals. The outcome was only a description of Salt Lake Police Department policy, but Tibbitts says, “This [proposal] is at least a step in the right direction.” Bill Haydock, a homeless resident in Salt Lake, says that jobs are what are needed most. He said, “Being out of work creates an opportunity to get into trouble. Money is really the only solution.”

A study conducted by the Crossroads Urban Center and led by advocate Joe Hudson found that 52 percent of the homeless people interviewed had been arrested within the past 6 months. In addition, the number of citations given out by the city was considerably higher in the Pioneer Division, which covers a downtown-shopping district.

It was reported in June of 2004, that Salt Lake City operates a “homeless court” every Friday at the Catholic Community Services Weigand Resource Center for the Homeless. Judge John Baxter will waive people’s warrants for public nuisance citations if the people charged agree to perform community service helping other homeless people.

### **San Bernardino, California**

Day laborers who gather near the Home Depot on 21<sup>st</sup> Street and Highland Ave. say they have been unfairly targeted for violating city codes.

According to City Attorney James F. Penman, the police department has been hearing dozens and dozens of complaints for over a year.

But Mayor Judith Valles said she was unaware of any problems with day laborers near the Home Depot. "I have a hard time believing they were cited for being on the sidewalk," said Valles.

Between August 26 and September 15, the police issued tickets to 21 people for blocking the sidewalk while trying to solicit work from passing motorists on the street outside the store, Penman said.

The workers face fines of up to \$340 per person.

Workers have requested the help of Libreria Del Pueblo, a nonprofit immigrant assistance organization in the city. They have formed an informal union to press their concerns. Eventually, the workers want the city to help them open a day labor center.

Workers say they are tired of playing cat-and-mouse with police and Home Depot employees.

When employees see them in the parking lot, they are asked to leave. So they move to the sidewalk, but quickly disperse when police arrive. Most are back again the next day and the same scenario plays out.

Most citations were issued on August 26, when a large group of men surrounded an unmarked police car in the middle of the street and asked for work.

Workers who continue to violate city codes can expect to be prosecuted under a new ordinance approved by the City Council in September of 2004. The ordinance, which would prohibit aggressive begging and solicitation, goes before the Council in early October 2004. If signed by the mayor, the law would take effect 30 days later.

## **San Diego, California**

Advocate Sandy Maynes reports in late May of 2004, a sign was posted in a prominent park where many homeless and low-income people gathered which read, "No Camping, Sleeping, Drinking, Pets," among a long list of other prohibited activities.

Back in the summer of 2003, the coordinated "Bread of Life" program that fed almost 300 people was forced to terminate its program because its land, rented from the city, was reclaimed for renewal. A new condominium complex is going up next door.

The new Padres baseball park was built recently in a formerly low-income area. A group of homeless people held a demonstration to protest the construction.

In August of 2003, it was reported that the Downtown San Diego Partnership and other groups have "turned their focus to making sure the homeless don't interfere with local businesses and their customers." The partnership performs "welfare and wake-up" checks to keep people experiencing homelessness out of storefronts.

In October of 2004, Larry Milligan, a longtime activist for homeless people, asked the City Council to create a "safe site" on city-owned property, where homeless people could bed down in an area patrolled by police.

Milligan also asked the Council to order police officers to stop ticketing homeless people for sleeping in public when there are not enough shelter beds available for them. He said the tickets are making criminals of people for being homeless.

There are 2,019 shelter beds and 4,458 homeless people in the city, according to the Regional Task Force on the Homeless.

Milligan said he believes that in San Diego some homeless people are sleeping in more remote areas to avoid tickets.

Michael Zucchet, a member of the City Council and whose district includes downtown where many homeless people congregate and receive services, said he does

not support a moratorium on illegal lodging tickets. He also does not support using city property as night camps

Figures from the Police Department show that 2,055 illegal lodging tickets have been issued through September of 2004, more than all of last year when 2,026 were written.

Assistant Police Chief Cheryl Meyers said the tickets are a way of "managing the homeless problem" when there are complaints from the public.

Police Executive Assistant Chief Bill Maheu added that illegal-lodging tickets are warranted when people are breaking the law. "Homelessness is not an excuse to commit crime," Maheu said.

John Thelen, project director of the Regional Task Force on the Homeless, said police officers have told him they try to avoid writing the illegal lodging tickets. "The problem is that there aren't enough beds," Thelen said. "Even if you cite them for illegal lodging, where are they going to go?"

Deputy Public Defender Steve Binder said the tickets are unfair. Each ticket carries a fine of \$135, which homeless people cannot afford.

"The need for emergency shelter beds or a safe zone is paramount for folks who are homeless in San Diego," said Binder, who founded a Homeless Court program to help homeless people resolve legal troubles. "The police are not bad guys. They're being put in the middle of a very serious social problem."

### **San Jose, California**

Anti-trespassing and camping laws are being enforced sporadically, with camps being cleaned out every few months. People are sometimes able to recover their things, and sometimes they are not, states advocate Michelle Covert.

Many of the homeless people here are families and not very visible; thus they face little resistance, reports John Holland.

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

In April of 2004, a San Juan mayoral candidate and current Puerto Rican Independence Party senator denounced the "increasing criminalization of the homeless by the central and municipal governments." He also said, the two main causes for the increases in numbers of homeless people are the closing of the mental health centers on the island and a lack of support and funding for drug treatment and rehabilitation programs.

### **Santa Barbara, California**

Craig Albright suffers from multiple sclerosis and lives in his RV. He was issued two \$30 citations for parking in an industrial area during the night. In February 2004, his attorney from the Committee for Social Justice contested not only the citations for Mr. Albright, but also the way the city used the law.

A package of possible ordinances came under fire in May of 2004, for targeting homeless people. The new laws would primarily address graffiti issues, but included a prohibition on drinking in small parks and sitting or lying on news racks in certain areas. Councilman Brian Barnwell commented that, while they are honestly trying to address a behavioral issue in outlawing graffiti, the law, "confuses legitimate homeless issues with [other] problems." Councilman Das Williams said that, "there is a strong faction on the council that wants to make a better life for the homeless but another that wants to use

neighborhood preservation as a way to crack down on the homeless.” Some local business leaders and shelter operators have met to try to work together on the issues.

The Santa Barbara City Clerk’s office reports that none of these ordinances had been presented to the ordinance committee as of mid-August, 2004.

### **Santa Cruz, California**

According to Becky Johnson, the city has pressured local homeless activists and groups into not feeding homeless people on public streets through a variety of actions. The city council also walled off planters on Walnut Street to prevent people from sitting down as well as installing a “change machine” to discourage people from gathering and sitting in front of a local store.

### **Savannah, Georgia**

Lynne Griever of the Georgia Task Force for the Homeless reports the number of homeless people has reportedly been reduced from over 7,000 to about half (approximately 3500) over the past two to three years. Aggressive police action since April of 2002, may have had a great deal to do with the reduction in numbers of homeless people who are visible downtown. A new initiative aimed at clearing downtown sites of unwanted problems, especially in the area of Chippewa and surrounding squares, has resulted in hundreds of arrests downtown for panhandling, open containers of alcohol or similar minor offenses.

Service providers are funded through and supervised by the Chatham-Savannah Homeless Authority, a quasi-state agency. Griever reports Savannah serves as an example for cities wanting to control service delivery. There are, however, many reports that people without homes are arrested and forced into programs as a part of their sentencing.

One man said, “We used to be able to show up at the square and pick up day jobs. Then we were arrested for being where we were hired for work. Now we are often sent out to do community service on the same jobs we used to get paid to do.” The Savannah Homeless Authority participates in this effort.

Several men also said people were arrested for insignificant offenses and forced to work in programs where hours of daily Bible study and prayer meetings are mandatory. They said it was a regular occurrence.

Some of the representatives of service providers said they questioned some of the policies, but were reluctant to get involved because of funding issues. They said they had participated in more of an open forum before the “The Authority” was adopted. (There had been a Savannah Coalition for years, where advocacy and collaboration were the norm.) Now, there are a lot more politics involved if funding is at stake.

### **Scottsdale, Arizona**

Scottsdale prohibits both public camping and public urination. A homeless Scottsdale woman was ordered not to wash her clothes in a public fountain.

### **Seattle, Washington**

Pioneer Square is in old downtown Seattle and is the original “skid row.” Parts of it are undergoing redevelopment changes that are not usually in the interests of the poor, reports advocate Joe Martin. One tactic used is the “Parks Exclusion Law,” which applies to Seattle’s municipal parks. Anyone who breaks a law like drinking alcohol in a park can get a citation excluding him from that park. In the business district there is no

sitting, lying down, or panhandling allowed. A homeless person found engaged in any of those activities is generally threatened and told to move along.

“Alcohol Impact Areas” (AIA’s), such as Pioneer Square, are specially restricted alcohol zones. Within these areas vendors are prohibited from selling fortified wines, malt liquors, and single bottles of beer. However, everything else is still sold in the area surrounding the park: upscale wines, six-packs of beer, and many bars, serving mostly non-homeless clients.

Tent City in Seattle has existed for almost a decade (its current incarnation is Tent City 3), and for the past five years it has moved every 30-90 days, depending on the agreement this nomadic community makes with various churches or community groups, reports advocate John Fox. Tent City 3 has reportedly moved 40 times in recent history. It launched a satellite (Tent City 4) in the community of Bothell in Greater Seattle on county property. However, after a huge uproar, residents, as Martin puts it, “raised holy hell.” He describes the amount of viciousness and xenophobia he saw exhibited at a public hearing, after which the county backed down from its original agreement. A local church, however, allowed homeless people to camp on its property. Tent City 4 has moved to Woodinville from Bothell.

In October of 2003, the city cracked down on “the Jungle,” a homeless camp in an urban forest. Bart Becker, spokesman for Seattle’s Office of Housing, said homeless camps “pop up regularly in parks, on hillsides, and in overgrown areas.” He also said residents are notified in advance if the city decides to clean up those camps.

In August of 2004, Seattle Mayor Greg Nickels decided he would not shut down evening feeding programs near City Hall, but would move them to a plaza outside the city’s vacant old Public Safety Building. The city is stalling the demolition of that building. Providers called for a public protest of the decision to move the feeding site, and three City Council members committed to serving meals at the City Hall location in an act of “civil disobedience.” Earlier in the week, Nickels had said food programs at City Hall Park could not serve after 4 p.m. in response to what he perceived as a problem of violence in the area. A 77-year-old member of The Lord’s Table, who had been serving food to homeless people, reported that, “they told [her] that [she] was attracting ‘undesirable elements.’” The restriction on the feeding time at the park will remain in effect. However, service providers have the option to move to the other location. The Public Safety Building will only be open for a few months into the fall of 2004.

### **Sioux Falls, South Dakota**

Rather than being swept out for special occasions this summer, homeless people who were in the parks have already been displaced by gentrification.

Advocate Susan Campbell reports racially motivated enforcement is common for Native Americans, who represent a disproportionate number of the homeless population.

Campbell says the police work closely with advocates and, however reluctant, they follow the line of the law and only transport people to shelters rather than arresting them. In South Dakota, Campbell notes, it is more a matter of life-or-death than civil rights, especially in the winter months.

### **Sonoma County, California**

On September 21, 2004 the Sonoma County Board of Supervisors finalized an ordinance making it a misdemeanor to camp out or live in a vehicle.



It is now unlawful to camp anywhere outside of a campground. It is even unlawful to camp in a private parking lot. If one stays in one spot or even nearly “three or more consecutive hours” in a camper or in a sleeping bag, you are subject to arrest. Any homeless person who sleeps and “uses any camp paraphernalia” is also subject to arrest. Penalty--\$500 fine and 60 days in jail.

The ordinance does allow an exception for tired drivers who want to pull off the road and sleep.

### **South Lake Tahoe, California**

Law enforcement agencies and the U.S. Forest Service sweep the forest looking for illegal campers each year. One of these sweeps occurred in July of 2004; one person was arrested and one was told to leave the area. Sergeant Tom Mezzetta of the Douglas County Sheriff's Department reported fire is the main concern, and he said, “any type of campfire set up in the woods, under the current drought conditions, especially, is a real concern.” However, Sergeant Alex Schumacher of the South Lake Tahoe Police Department reports he is also concerned that, “the people living up here tend to be more criminally oriented.” United States Forest Service officer Rex Norman reports, however, “there are several instances where people who work in the casinos, but can't afford housing, live out in the woods. It is their need to cook, and, since they don't camp in a designated area, the safety measures just aren't there.” The Nevada Division of State Parks reportedly does not allow overnight camping on its land, and they monitor their land to prevent such use.

South Shore does not have many services and can offer little aside from a voucher for a bus trip out of town, a meal or a few nights at a motel. There are no homeless shelters in El Dorado County, and the closest shelter is in Carson City. El Dorado County has only rough estimates of the number of people without homes living there.

### **Spokane, Washington**

A city “transient shelter” ordinance was passed in July of 2004, banning camping on city land. This ordinance makes it possible for anyone using any sort of temporary shelter, such as a tent or tarp, on public property to be given a misdemeanor penalty. The fines for such a penalty can reach as high as \$1,000 and imprisonment for 90 days. A group of over fifty homeless people set up a tent city in downtown Spokane to protest the new law. A week later Mayor Jim West ordered police to surround the encampment and force the group out with a threat of arrest. The group is reportedly hoping for space from the city for a tent city. Councilman Bob Apple had told the homeless people camping at City Hall they would have until August 23rd to stay. However, City Councilman Dennis Hession said the ordinance became law August 11th. The group was hoping to present the City Council with a petition that would have put a referendum on the ballot concerning these issues, but the petition had to be delivered before the law came into effect. The group was still trying to raise signatures on the night the law went into effect. They were made to move on the 11th, after the police threatened to arrest them for being a nuisance.

### **Springfield, Massachusetts**

A tent city of approximately 60 tents and more than 80 people appeared at a lot on a busy Springfield intersection in July of 2004. The Open Pantry Community owns the lot. The camp, which was started by Arise for Social Justice, had previously been

erected on the property of St. Michael's Cathedral. The city inspected the camp for fire code violations and found spoiled food, wood chips, and inadequate hygiene and bathroom facilities. The residents of the "tent city" cleaned up the area and are now being allowed to remain on the property. City health inspector Steven Stathis said the group was "making progress." The assistant executive director of the Open City Pantry said, "We intend to fix all the violations. We're going to help people figure out what they need and assist them." In July, Mayor Charles V. Ryan said city officials would work with Open Pantry to obtain permits and meet sanitary codes. The camp was apparently a surprise to the executive director of the Open City Pantry, but he noted the organization's willingness to accommodate the homeless residents. However, local business owners said the camp was "atrocious" and "a disgrace."

The director of the Open Pantry stated in August of 2004, he would like to move the camp to a safe indoor location. He worried about the financial strain and the winter cold. However, the Open Pantry continued to provide support, including building supplies for a fence and four outdoor toilets.

A high school boy wrote an editorial in the paper after he camped in his backyard to try to simulate the experience of the campers in Springfield. He experienced anxiety, boredom, loneliness, and fear. He said, "My views have changed. The homeless need a home and not just in Springfield, but everywhere. If you feel otherwise, try being homeless for a night yourself."

### **St. Augustine, Florida**

In St. Johns County it is illegal to sleep outside, reports Jean Harden. If seen doing so, a homeless person will not be arrested, but awakened and told to "move on," and forced to do so all night. Those who have to work the next day are then working without any sleep. The county sheriff drops people off at the county line to get rid of them.

In a part of the tourist district people often gather to sell artwork, weavings, or play music. However, an ordinance was renewed in February of 2003, that requires musicians to get a license to perform, except in designated areas.

In St. Augustine, Harden reports, there is no city money available for social services, and only a little available from the county. There is no HUD funding, no Section 8 housing, and a severe shortage of shelter beds simply because the county truly does not want what they perceive as "undesirables" there.

### **St. George, Utah**

In July of 2004, members of the St. George Police Department swept through an area along the Virgin River, near a popular recreational trail, to "locate and eradicate campsites used by the homeless." Police are concerned about the flammability of the tamarisk grove the campers are cooking in. The police did not arrest anyone or issue citations, but they did encounter and harass a homeless man, disrupting his campsite. Doug Barr was living in a camp in the area.

Barr said police went through his belongings and confiscated his friend's possessions. "They treated me as anything other than a white man," Barr said. "Harassment is not even the word for it. I was called, personally, a worm. I was told that if I was caught on the bike trail, either riding my bike or walking on the trail, that I was going to Purgatory (jail). I was also told to spread the word to all my 'transient bum friends.' They treated me like I was a piece of garbage."

### **St. Louis, Missouri**

St. Louis receives a “B+ rating for being fair” according to Gregory Vogelweid of the St. Patrick Center. Aggressive enforcement of nuisance crimes often occurs on holidays, most recently on the 4<sup>th</sup> of July, when approximately 100 people were arrested, both people experiencing homelessness and unruly visitors. An active legal aid organization in St. Louis and a cooperative relationship with social service providers keeps the police in check. In Business Improvement Districts, people experiencing homelessness are treated with respect and are often hired in paid positions to work for the city. The current city administration places an emphasis on housing and employment instead of ignoring homeless issues.

In late September 2004, a municipal judge should not have prescribed community service work for people accused, but not convicted, of nuisance crimes. Jeff Rainford, chief of staff to Mayor Francis, pledged that the tactic will be not repeated.

Rainford also said the city will stop accepting private funds from a downtown organization to support the court that deals with such crimes. Critics have suggested the money might unfairly influence rulings.

There are two pending lawsuits that target the practices. Those suits generally claim that the city is trying to drive homeless people out of downtown by violating constitutional rights. Initial hearings were held in late September on the alleged mistreatment.

Rainford insisted the city does not target homeless people. “There is no plan to sweep the homeless from downtown or use them to clean up after the fair,” Rainford said. “Those charges are false, and we are not going to settle that lawsuit.”

John Ammann, director of the St. Louis University Legal Clinic, said the city has yet to rebut the lawsuit’s claim police officers threw firecrackers at homeless people at Lucas Park, just north of main downtown library, during the fair.

Police Chief Joe Mokwa has pledged to make an inquiry.

In mid-October, a federal judge ordered the St. Louis police cannot remove homeless people from public places if they have a lawful right to be there.

Despite the temporary restraining order, the St. Louis police do not plan to change how it interacts with homeless people.

### **St. Petersburg, Florida**

In June of 2004, the city moved to draft a law that would ban solicitors from public roads every day of the week. The law would make it illegal to vend or solicit donations from the median of a road. The law would also make it a crime to hand out or receive items from the side of the road. The City Council is likely to vote on the ordinance in September of 2004. One homeless man that was panhandling noted the lack of sympathy he sees from some residents. A man driving by him yelled, “Get a job!” He pointed to his sign, which said that he was a veteran, and he said, “I’m a vet. I’ve done my job.” He also said, “The police harass me all the time... At least I’m not out there breaking into people’s homes or cars. I want a job, a roof over my head, just to be able to sit down like a normal person and watch TV. I’m not out here because I want to be.” City rules already ban panhandling in certain areas.

### **Suffolk, Virginia**

In August of 2004, city officials spoke about the idea that they may enact an ordinance banning panhandling, as a result of the increased population of visible homeless persons near the “rebounding downtown.” Some business owners complain

panhandling is a burden on their customers, while one, who owns a clothing store, did not feel that the problem was as significant. Suffolk is studying the actions of other cities.

### **Syracuse, New York**

The Syracuse Common Council dropped a proposed law that would have banned aggressive panhandling in September of 2003. The bill was withdrawn in favor of stronger enforcement of laws already on the books.

### **Tacoma, Washington**

As of August 2004, homeless advocates of the Tacoma-Pierce County Coalition for the Homeless are looking into starting a tent city in that town, following similar models around the state and in the Pacific Northwest, such as those in Portland, Seattle, and Woodinville, as well as farm worker housing in the Wenatchee Valley. The coalition says, some sort of interim housing is necessary for the city's chronically ill homeless population. Homeless advocate Reverend Harry Montgomery, founder of Under the Bridge Ministry, had plans to open a "Destiny Village" in Tacoma, but these plans fell through, although the coalition does have plans of working with him in the future. The City of Tacoma leases the property that was planned for the "Destiny Village" site from the state Department of Transportation and couldn't give permission to use the lot for a tent city. Some advocates in the area, however, see the move towards tent cities as an act of surrender, and some see them only positive as a last resort.

### **Tallahassee, Florida**

In August of 2004, the Tallahassee city commissioners considered making it illegal to solicit on intersections. However, there were several editorials in the papers that tried to compel the city commissioners not to vote for the new law. One high school boy with muscular dystrophy was concerned with limitations on the firefighters' "Fill the Boot" Campaign and expressed his opinions in an editorial in the local paper. Charity car washes might also be affected, as well as the Shriners' drive to help burned children. As a result the city commissioners are considering requiring a permit and insurance. There does not seem to be a proposed permission process for homeless people to panhandle. The ordinance would still allow people to solicit on the sidewalk, but motorists would have to pull over to private property to give donations. In late August 2004, there was a public hearing concerning the law and the decision was postponed.

### **Tampa, Florida**

Members of Food Not Bombs were arrested for serving meals in a city park in April of 2004. Tampa police were caught on tape as they arrested three people for trespassing as they stood in the park and fed the homeless. The activists defended their actions by saying they should be able to have a picnic and share with their friends. Two laws that related to the serving concerned city parks generally, and one concerned the "Franklin Street Mall District" specifically. In one of these ordinances the city required the payment of application and rental fees for use of the city park by groups and limited the number of special events to three a year. Both ordinances contained ambiguities and contradictions. In addition, the "Franklin Street Mall District" ordinance was determined to be unconstitutional because of its limitation on free speech. In light of this decision the city agreed, in the summer of 2004, to suspend enforcement of the ordinances and to drop all charges relating to the Food Not bombs members.

### **Tempe, Arizona**

Urban camping, aggressive panhandling, public urination, and sidewalk sitting are all criminalized in Tempe. There are no shelter facilities currently available in Tempe, but in 2003, 23 people were arrested for urban camping. Persons found violating this law are generally arrested after receiving three warnings for sleeping in the same location. In 2003, and 2004, the Free to Camp Coalition held several events criticizing the urban camping ordinance.

Many homeless residents accept plea bargains that ban them from the primary commercial area, Mill Avenue, which is also the site of some of the few services in the area. In addition some homeless residents are finding it more difficult to make use of private facilities and restaurants.

### **Toledo, Ohio**

Advocate Sue Brown reports, homeless people who stay by the river are moved before special events. There are also some sweeps in the downtown area where there is considerable hostility towards homeless people. However, Brown feels the city council's recent formation of a homeless task force is a positive move for this city.

### **Trenton, New Jersey**

The city does not heavily target homeless people, and an arrest is made only if very aggressive panhandling occurs. According to Denise Micai, during the winter months the police help homeless people to shelters and out of the cold. However, in April of 2004, it was reported that people were being arrested for aggressive panhandling.

### **Tucson, Arizona**

A homeless person spoke of the unfriendliness of the University of Arizona Police in March of 2004. "UA police are notorious for being negative towards the homeless," he said. "(The Tucson Police Department) isn't as bad. Campus police don't have as much experience on the streets. (UAPD) are like certified security guards." The University police said, they do not contact people unless there is a complaint or someone is doing something illegal.

### **Tulsa, Oklahoma**

Local advocate Sandra Holden reports no sweeps, but advocates worry about an arena being built only blocks from the main service provider. They are concerned this could become a prime area for sweeps and gentrification in the future.

Holden says much of the low income/Single Room Occupancy housing in the downtown area has been cleared with no apparent plans to rebuild or replace any of it. A new library and convention center are planned for the same area, and Holden states no one seems worried about the displacement of the homeless in this situation.

The city spends significant amounts convicting and arresting homeless people for things like public drunkenness. However, the city does not give money to the social services; these services are primarily supported by the private sector.

### **Union City, California**

In Union City, in August of 2004, there were conflicts between police and homeless individuals who camp in the local Wal-Mart shopping lot. The corporation allows RV campers and others to park in its lots overnight. However, Wal-Mart

officials' said allowing the homeless to camp was not their intention. Police say they have been enforcing a 2002 ordinance prohibiting sleeping in cars and this law applies to Wal-Mart. "Being homeless isn't illegal but apparently sleeping in your car is," said a woman who has been homeless and camped at the Wal-Mart for several months. "Now you tell me, how can you be homeless and not sleep in your car?"

### **Venice, California**

According to a March 2004 article, fliers were placed around the city urging homeless people to protest excessive ticketing and telling them to take the full sentence instead of a plea bargain. Gina Record, an activist whose name appeared on the flier, said she is trying to help homeless people, but withdrew the fliers when she felt she was antagonizing police. The local prosecutor said the plea bargains, as well as the offers to help and rehabilitate people, are used to help people out of jail time and into a better life.

### **Virginia Beach, Virginia**

Nearby oceanfront and new downtown area developments have contributed to the removal of homeless encampments, reports advocate Deborah Maloney. During the tourist season, there is more enforcement of laws for sleeping in public, panhandling and loitering than at other times. People are primarily asked to "move along" the boardwalks, and other tourist spots, while some are being ticketed.

### **Washington, District of Columbia**

One ordinance prohibiting setting up a "temporary abode" is often used to ticket and sometimes arrest individuals, reports Ann Marie Staudenmaier. However, she feels there is significant underreporting about citations for occupying public space and there is improper panhandling of arrests.

There has been an increase in requests for police sweeps in developed areas and especially under bridges as the city has come under increasing pressure from the federal government to conduct these sweeps as an anti-terrorist measure. However, those sweeps took an unusual turn after one that occurred in Georgetown this past year. After advocates complained that individuals' belongings were destroyed in the sweep, the city agreed to a temporary moratorium on all sweeps while working with advocates over the year to negotiate a policy which protects the property rights of homeless individuals, but also allows the city to clean up public space.

The policy, which is very close to completion, will provide for 14-day notice to occupants of the sites slated for clean-ups, as well as outreach by service providers to encourage voluntary removal of all property. Those whose property is taken by the city will have 45 days to claim any belongings seized. Advocates are concerned the backlog of these clean-ups has neighborhoods and merchants very frustrated, and once the policy is in place, the floodgates will open to massive sweeps all over the city.

Staudenmaier sees general harassment by the police as a continual civil rights violation. Though it is illegal, police often ask to see ID or search belongings arbitrarily. Advocate Cheryl Barnes concurs, stating that Metro, Federal, and City forces work together in a way that is detrimental to homeless people. Despite this policy, the training, which Staudenmaier conducts for Police Recruits on homelessness in D.C., is going well and hopefully will continue to educate and change the attitudes of police recruits.

## **Woodinville, Washington**

In June of 2004, King County, where the City of Woodinville is located, approved an ordinance banning any tent city on county-owned property until a special citizens advisory committee issued recommendations in August 2004.

Tent City 4 was erected in May of 2004, at St. Brendan Catholic Church in Bothell, Washington, after organizers SHARE/WHEEL of Seattle had threatened to camp on county park land. Hundreds of homeowners came out to protest the King County's original plans to host the camp in early May. Some Bothell residents who came to meetings held signs that read "No Hobos." The City of Bothell sued the church and the organizers to evict the campers, require a permit, and pay police overtime for a patrol car parked outside of the camp, saying the Church had violated zoning regulations. The Superior Court eventually required a permit, but did not require campers to pay the overtime of officers. St. Brendan's pastor had received complaints from 1,350 parishioner families, but no families left the church as a direct result of its hosting the camp. Several families pulled their children from the neighboring Heritage School.

In the meantime, the Northshore United Church of Christ in Woodinville applied to host the camp after the Woodinville Alliance Church announced in July it had withdrawn from talks to host it. In August, the city bowed to public concerns and made a sudden council decision to move Tent City 4 to a city-owned industrial property rather than to the church property, which is near schools and homes, and which had volunteered to host the camp. Earlier in the month 200 residents attended a city council meeting, many voicing concerns about the Church's offer to host the camp. The City enacted an emergency ordinance to allow for the use of the new site only days before the camp was to move to the Church property. On August 11, 2004, the residents of the camp in Bothell decided unanimously to move to the new site in Woodinville. The tent city may now remain on the City's property for 40 days minimum and 60 days maximum.

The nearest neighbor to the campsite, the Woodinville Business Center, filed a lawsuit in mid-August against the city, hoping to shut down the camp. However, a temporary restraining order was denied. The case was to be fully heard in September 2004. The City Manager, Pete Rose, said, "We're concerned. No one likes to be sued. We think we've done the right thing for Woodinville. Hopefully the decision on the temporary restraining order is the first indication that we're on solid ground." In late August, the city clarified the land use rules of the emergency ordinance that permitted the campers to move into the city. It added new constraints specifying that overnight camping without a permit is illegal in Woodinville in park facilities not designated for that use. The ordinance also added new rules concerning washing in park facilities and the reservation of park facilities.

The tent city group moved "after lawsuits and weddings, arrests and tenderness," as well as a free dental makeover for one of its residents.

A King County Citizen's Advisory Committee on Homeless Encampments released its report just before the tent city was to move, saying tent cities should be allowed on public and private land because government and charities have failed to address the problems of homelessness. The group met for two months prior to the report. Bill Kirlin-Hackett, co-chair of the commission, said, "Tent cities are not the best solution, but, at the same time putting people on the streets is even less acceptable. A Tent City is a better solution than being on the street." The committee decided to put several restrictions on tent cities in King County, primarily dealing with the size and

management of the camps and the requirement of two weeks advance notification of the public and local governments. However, the report also urges the governments to situate tent cities on public land as opposed to private land. Tent City organizers have been pushing for this provision.

A resident of the tent city said the Woodinville property is roomier than the Bothell camp and he liked his new neighborhood. Some Woodinville residents and church members chose to build a new playground nearby for homeless residents to use. Some tent city residents said they planned to return to Bothell. About 20 of the tent city's 100 residents chose to stay at various places in Bothell.

Residents of the tent city can be banned by the other residents for bad behavior. About 50 were banned for not completing required duties or breaking the code of conduct, which bans drinking and drugs. A registered sex offender was also discovered, and camp residents required him to leave. Organizers say their internal checks and disciplinary measures work to control the behavior of camp residents.

On September 20, the City Council voted to extend how long Tent City 4 can use city land. The passed ordinance allows Tent City 4 to remain on city property either until its organizers receive-or are denied-a temporary use permit for the site, or through November 22. The permit would allow the tent city to stay for 60 additional days.

Tent City 4 is waiting for the St. John Mary Vianney church near Kirkland to decide whether it will be the next host.



Prohibited Conduct Chart																
		Other		Vagrancy		Loitering		Sitting/Lying		Sleeping/ Camping		Begging		Sanitation		
		*See end notes Closure of particular public places Obstruction of Sidewalks/Public places Loitering/Loafing in particular public places Loitering/Loafing/Vagrancy city-wide Sitting or lying in particular public places Camping in particular public places Camping in public city-wide Sleeping in particular public places Sleeping in public city-wide "Aggressive" panhandling Begging in particular public places Begging in public places city-wide Urination/Defecation in public Bathing in public waters														
Albuquerque	NM					X	X					X	X			2,4
Amarillo	TX			X			X						X			2
Anchorage	AK	X	X	X				X	X						X	2
Asheville	NC	X	X		X	X		X		X	X		X			4
Athens	GA			X		X			X		X		X	X		2,9
Atlanta	GA			X		X	X	X		X		X	X	X		1,2,6,7,12
Atlantic City	NJ				X	X	X	X		X		X	X	X		1,2,14
Austin	TX	X	X		X	X		X	X		X		X	X	X	2
Bakersfield	CA	X			X		X		X				X			2,3
Baltimore	MD			X		X	X		X				X	X	X	1,3,14
Beaverton	OR				X									X	X	2,4
Berkeley	CA	X			X					X		X	X			
Biloxi	MS			X		X							X	X	X	1,2,4,6,14
Boston	MA				X	X	X	X		X		X	X			3,9,14
Boulder	CO			X		X	X		X	X				X		2,11
Bradenton	FL												X			1,2
Buffalo	NY	X		X				X	X				X	X	X	1,2,6,7,14,17
Caguas	PR	X	X	X												
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	X		1,3,4,6
Cincinnati	OH	X	X		X	X				X		X	X			1,2,14
Clearwater	FL	X			X	X		X		X	X		X			11
Cleveland	OH			X	X			X		X			X	X	X	
Colorado Springs	CO	X	X		X	X		X	X	X	X		X	X	X	2,4,5,12,14,15
Columbia	SC			X		X				X	X		X	X		2

Prohibited Conduct Chart																	
		Other			Vagrancy		Loitering		Sitting/Lying		Sleeping/ Camping			Begging		Sanitation	
		*See end notes															
		Closure of particular public places															
		Obstruction of Sidewalks/Public places															
		Loitering/Loafing in particular public places															
		Loitering/Loafing/Vagrancy city-wide															
		Sitting or lying in particular public places															
		Camping in particular public places															
		Camping in public city-wide															
		Sleeping in particular public places															
		Sleeping in public city-wide															
		"Aggressive" panhandling															
		Begging in particular public places															
		Begging in public places city-wide															
		Urination/Defecation in public															
		Bathing in public waters															
Columbus	OH	X			X	X			X		X				X	X	1,2,4
Corpus Christi	TX	X			X				X				X				1,2,11,17
Covington	KY		X	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		2,8
Davenport	IA	X	X						X		X	X	X	X	X		2,4,5
Dayton	OH		X	X	X	X			X				X	X			2,4,5,6,8,12,14,15
Daytona Beach	FL	X			X	X	X	X		X			X				1,2,4,14
Denver	CO	X	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
Eau Claire	WI		X			X			X				X	X	X		
El Cajon	CA	X			X	X		X		X			X	X	X		2
El Paso	TX	X			X				X				X	X	X		1,2, 6,10
Elkton	MD		X	X	X	X						X		X			2,3,4,5,8,14,15
Eugene	OR		X						X	X	X			X	X		2,4,6
Fort Lauderdale	FL		X	X	X			X			X	X	X	X			2,4,11
Fort Worth	TX			X	X				X		X		X				2,4,8,14
Frederick	MD	X	X		X	X		X		X			X	X			1,2,4,11
Fresno	CA	X	X		X	X		X		X	X		X	X			2
Gainesville	FL	X	X		X				X	X			X	X			4
Glendale	AZ	X	X					X	X	X				X	X		2, 5, 11, 14, 15
Hallandale Beach	FL	X			X		X	X	X						X		2,3,4,5,8,11,14,15
Honolulu	HI	X			X				X				X		X		17
Houston	TX		X			X		X		X	X			X	X		2,9
Huntington	WV		X	X		X								X			10,14
Idaho Falls	ID													X	X		2,4,5,14,15
Indianapolis	IN	X		X	X	X		X		X		X		X	X		1,2,4,6





Prohibited Conduct Chart																																
		Other		Vagrancy		Loitering		Sitting/Lying		Sleeping/ Camping		Begging		Sanitation																		
		*See end notes		Closure of particular public places		Obstruction of Sidewalks/Public places		Loitering/Loafing in particular public places		Loitering/Loafing/Vagrancy city-wide		Sitting or lying in particular public places		Camping in particular public places		Camping in public city-wide		Sleeping in particular public places		Sleeping in public city-wide		"Aggressive" panhandling		Begging in particular public places		Begging in public places city-wide		Urination/Defecation in public		Bathing in public waters		
San Diego	CA	X	°	X	X	°	X	X	°	X	°	X	°	X	X	°	X	°	X	°	X	°	X	°	X	X	°	X	°	X	°	
San Francisco	CA	°	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°	X	°	X	°	X	°	X	X	°	X	X	°	X	°	
San Jose	CA	°	X	°	X	°	X	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	
San Juan	PR	X	X	°	°	°	X	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	
Santa Barbara	CA	X	X	X	°	°	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	
Santa Cruz	CA	X	X	X	X	X	X	°	X	°	X	°	X	°	X	X	°	X	X	°	X	°	X	°	X	X	°	X	X	°	X	°
Santurce	PR	X	X	°	°	°	X	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	
Sarasota	FL	°	X	°	X	X	°	X	X	°	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°
Scottsdale	AZ	X	X	°	°	X	°	°	°	X	X	°	°	°	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°
Seattle	WA	X	X	°	°	X	°	°	°	X	X	°	°	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°	
Sioux Falls	SD	°	X	X	°	°	°	°	°	°	°	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°
South Lake Tahoe	CA	X	°	°	°	X	°	X	X	°	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°
Spokane	WA	°	°	°	°	°	°	X	°	°	°	°	°	°	°	X	°	°	°	°	°	°	°	°	X	°	°	°	°	°	°	°
Springfield	MA	°	°	X	°	X	°	°	°	°	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°	
St. Augustine	FL	°	X	°	°	X	°	°	°	°	°	°	°	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°	
St. Louis	MO	°	°	°	X	X	°	°	°	°	°	°	°	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°
St. Paul	MN	X	X	X	X	X	°	X	°	°	°	°	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°	
Suffolk	VA	°	X	°	°	°	°	°	°	°	°	°	°	°	°	X	°	°	°	°	°	°	°	X	°	°	°	°	°	°	°	°
Tampa	FL	°	°	°	X	X	°	°	°	°	°	°	°	°	°	X	°	°	°	°	°	°	°	X	°	°	°	°	°	°	°	°
Tempe	AZ	X	X	°	X	X	°	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°
Toledo	OH	°	°	X	X	°	°	°	°	°	°	°	°	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°	
Trenton	NJ	X	X	°	°	X	X	X	°	°	X	°	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°	
Tucson	AZ	X	X	°	X	X	°	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°
Tulsa	OK	X	X	°	X	X	°	X	X	°	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°
Union City	CA	°	°	°	°	°	°	X	°	°	X	°	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°	
Valdosta	GA	°	°	°	°	°	X	°	°	°	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	X	°	
Virginia Beach	VA	°	X	X	°	°	X	X	°	°	X	°	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	X	°	X	°	



# ILLEGAL TO BE HOMELESS 2004 REPORT

## 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 year?
- (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 trainings?
  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 abuses 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 year?
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>

#### 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 \_\_\_\_\_

### Incident Location

City, Date, and Time

Location: Be as specific as possible, for example, on the corner of 14<sup>th</sup> and K between the metro entrance and the coffee stand.

**Losses/Grievances, e.g. destruction or confiscation of property, arrest, arson, assault/battery, murder**

**Description of Incident:** Include as many factual details as possible, e.g. any police response and involvement and any witness information. Use back page or attach sheets if necessary.

IF POLICE WERE INVOLVED: Name of officer\_\_\_\_\_

Badge number\_\_\_\_\_

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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

---



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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):**\_\_\_\_\_

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

Date\_\_\_\_\_



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>

## 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 víctima 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 \_\_\_\_\_

Orientación 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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Naturaleza del incidente: Pérdidas/querellas, golpes, heridas, asalto, maltrato, arresto, ultraje, vandalismo, propiedad destruida o confiscada, fuego, asesinato

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**Descripción del incidente:** Incluir tantos detalles de hechos como pueda, por ejemplo: cualquier respuesta o participación policial, y cualquier información de testigos. Use la parte de atrás de la página o añada hojas adicionales si es necesario.

Si la policía estuvo envuelta: Nombre del oficial \_\_\_\_\_  
 Número de placa \_\_\_\_\_

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

**Información para contactar a la persona que llena este reporte, si es distinta a la víctima: Favor de incluir nombre, dirección, teléfono, dirección electrónica (email).**

[illegible]

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:** \_\_\_\_\_

# ILLEGAL TO BE HOMELESS 2004 REPORT

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