

# Colorado Right to Rest Act



## Criminalizing Homelessness Does Not Help Connect to People to Services

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### **Introduction**

Putting camping bans on the books or hiring homeless outreach officers does not create homes. Police are not social workers and should not be employed as such. Telling someone to move along when all they are doing is resting in a non-obstructive manner does not help them “get their life together”, rather it pushes them to less safe areas, makes them lose sleep, end in the loss of property, displaces people from their communities, and many more harmful effects. Proponents of anti-homeless laws use the excuse that these laws help connect people to services in order to make it sound like they are helping people, but the reality is these laws do not help connect people to services. This justification must end.

What happens when the camping ban, sit/lie law or other such laws are enforced? Let's consider one sample real situation where a homeless person is contacted by police for the camping ban. Joe is sleeping a few blocks away from the shelter in an out of the way spot. It is a cold winter snowy night and he has a sleeping bag, two blankets, cardboard, and a tarp. He settles into his spot at 10pm. At 12am police roll up and tell him there is a camping ban and that he can't sleep there. They tell him they will take him to the shelter, but he explains he does not need or want to go to the shelter because there are bed bugs, he does not feel comfortable being around so many people, and furthermore he is perfectly warm and comfortable where he is at and he needs the sleep before his busy day the next day. The police know they can't force him to go to the shelter so they tell him even if he is not going to go to the shelter he can't stay there. When Joe asks where he can go they just say not here. Joe gets up in the freezing cold, packs his stuff (which takes a while in the freezing whether) and walks away from the police waiting for them to drive away so he can find somewhere to settle down again.

This is just one example of the way the camping ban is really used. In this situation, and countless others like it, the police in no way connected the homeless people with services. In fact quite the opposite, the police forced the homeless person to stop “serving themselves” by using cover and sleeping. This example also does not speak to all the harmful effects of these forced moves on people's lives. It is just to give a glimpse at what happens when, even the nicest of police officers, enforce laws like the camping ban.

### **What Outreach Officers do**

There is a relatively new position in police departments in many cities called Homeless Outreach Officers. These “HOT” Homeless Outreach Teams are tasked with relating with homeless people, helping them connect to services, while enforcing laws which homeless people frequently face such as sit/lie and camping ban laws.

While the goal to connect people who are homeless to needed services is good, the use of police and the threat of arrest to do this is extremely harmful. You do not need a cop with a badge and a gun to tell people where the shelter is or how to get on a housing waiting list. That is what outreach workers are for. Police are not social workers.

While it is appreciated that these outreach officers more nicely move people along, people are still being moved along and still homeless. Using a Homeless Outreach Officer team to enforce laws against homeless people's survival and connect people to services is based on the idea that there must be the possibility of a threat of arrest in order to "help these people" and get them out of visible public spaces. Using police instead of social workers or service providers to connect people with services is treating people committing no crime but that of being poor like criminals who need the force of police to get them to "straighten out their lives."

### **Added challenges to connecting people to resources due to criminalization**

Homeless outreach workers (not police) who often work for service providers and are tasked with helping people get on housing lists, get mental health care, or navigate other resources have a harder time doing their job due to the criminalization of homelessness. When "sweeps" are enforced and people are displaced and scattered it becomes even more difficult for outreach workers to find people and follow through on getting people signed up for a housing waitlist or a job interview or the like. Furthermore, as cities often force outreach workers to go out with police officers during sweeps this can mean outreach workers lose trust with people they have been working with as they are seen as collaborating with police. The use of laws against surviving in public space makes it harder not easier for outreach workers to do their job and connect people with needed resources.

### **Why homeless court or special agency courts do not work**

The stated goal behind homeless court or special agency courts is to reduce jail time and clear up dockets. These courts usually require that the person be connected with a service providing agency and it is this requirement that is used to say these courts are helping people connect to services. However, using this court process to force people to "connect with services" by doing community service does not connect people to any services they were not already in contact with and puts people in the judicial system to deal with court dates and community service. Going to court and doing community service does not help people get housing. Furthermore, it is significant to note that in Denver, for example, a requirement for going to homeless court is that "The case must be minor in nature and generally the result of one's status of being homeless" which speaks to the injustice of people being ticketed or arrested for these "crimes" to begin with.

### **Connect to what services?**

The claim that police use these laws to help connect homeless people to services is not only wrong because police are not right for the job of a social worker, or because using criminalization of survival acts do not help people and instead hurts people, but also because the services they are supposed to be connected to either do not actually meet the need of those people or do not exist. For example, when an officer tells someone they are violating the camping ban at 3am and that they need to go to a shelter, going to a shelter at 3am (which is only possible if you have an officer take you there, even that is only possible in some cities) only to be woken up again at the shelter and kicked out at 5am when the shelter puts everyone out for the day, does not provide a service to that person. Or similarly, when an officer tells someone they are violating a sit/lie law and cannot sit there and that instead they should go sit in the local day center, this does not provide any service to the person to move from where they are sitting to go sit in a crowded day center that they probably had a reason for not sitting in in the first place. The reality is in far too many situations the services people are supposed to be connected to are not actually serving their need and in fact make it more difficult for them to service their own needs that they know best.

Furthermore, if the intent is to connect homeless people to more long lasting resources like housing or mental health care through these laws it is utterly ridiculous due to the extreme lack of housing or mental health care. Police cannot tell someone to move along into housing that does not exist. Even when cities prioritize homeless people with the most police contacts (mostly contacts due to being homeless) for housing programs, this does not create more homes.

### **Conclusion**

The criminalization of homelessness cannot be justified by a false illusion that it is connecting homeless people to services. Using camping bans—and other such laws criminalizing necessary life-sustaining acts—as a "tool" to connect people with services is counter productive and inhuman. There is no reason it is necessary to have a law against covering yourself with a blanket or sitting on the sidewalk in order to help direct people to services they need.

**Chart 4. What Happens During Police Contact With Homeless "Campers"?**

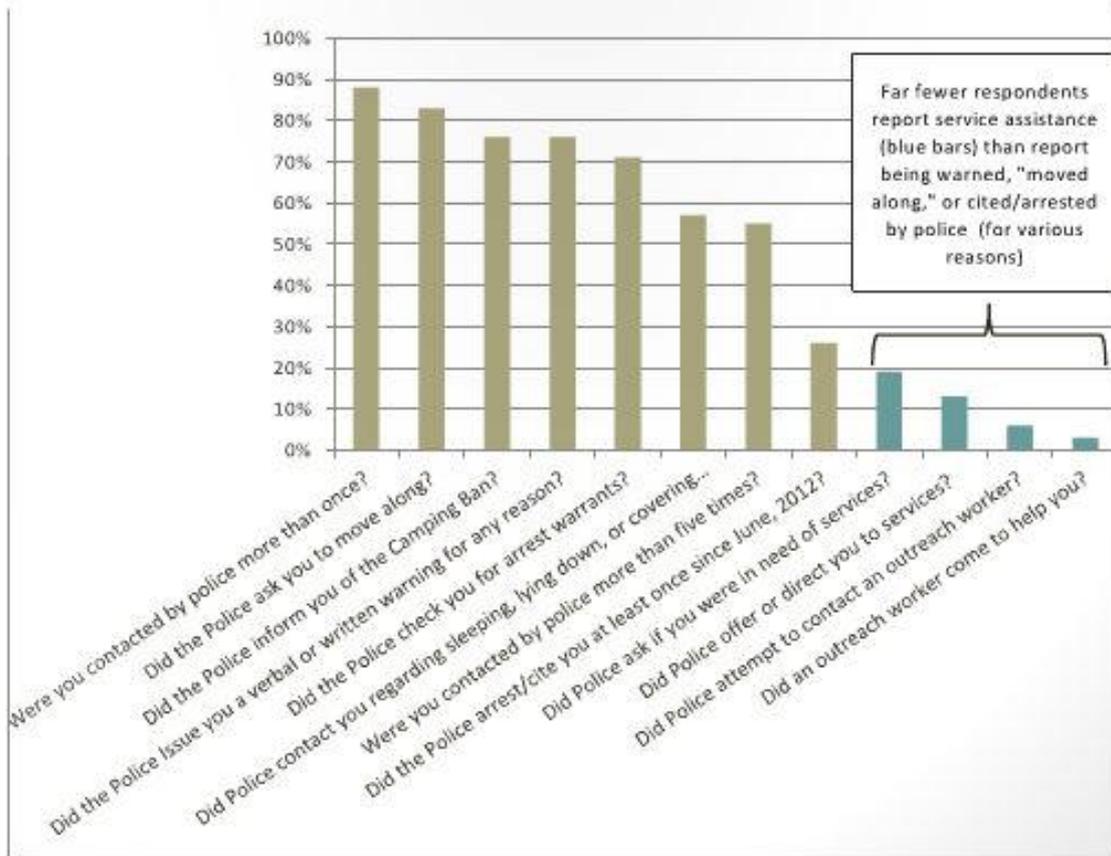


Chart from "The Denver Urban Camping Ban Report from the Streets" Conducted by Denver Homeless Out Loud Overseen by Professor Tony Robinson of University of Colorado Denver.

As this survey shows police contact while homeless is a very regular thing and more often involves being moved along then connected to a useful service. And, as noted, these services often do not exist or do not actually meet the person's needs and rights.

At a Boulder City Council discussion on enforcement of the camping ban Chief Testa explained, "Warnings do little to modify behavior, receiving a summons has consequences, although both approaches do little to address homelessness. . . The outcome of a ticket or warning is displacement, where the person in question moves along, and is often contacted by the same officer, or another officer, at a later time or due to another dispatch call for service." Chief Testa is one of many police officers that have affirmed the fact that these laws against resting and surviving in public do not connect people to useful services but rather move people along without addressing the larger issues of homelessness whatsoever.



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