

# CONCEAL, CRIMINALIZE, CAPITALIZE

How government sanctioned tent cities  
promote the criminalization of homelessness  
under the guise of service





# OVERVIEW

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Criminalization Background

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Services & Criminalization

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Sanctioned Encampments

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Demands & Resources

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Questions



# CRIMINALIZATION ON THE STREETS

- Local governments use a combination of:
  - Time, place, and manner laws
  - Stay-away orders
  - Private property restrictions
- Prevents people from accessing housing and services
- Poor and unhoused people often do not have access to legal representation to address blatant violations of their rights



# CRIMINALIZATION BY THE NUMBERS

In a recent survey of roughly 1700 unhoused people across 8 states:

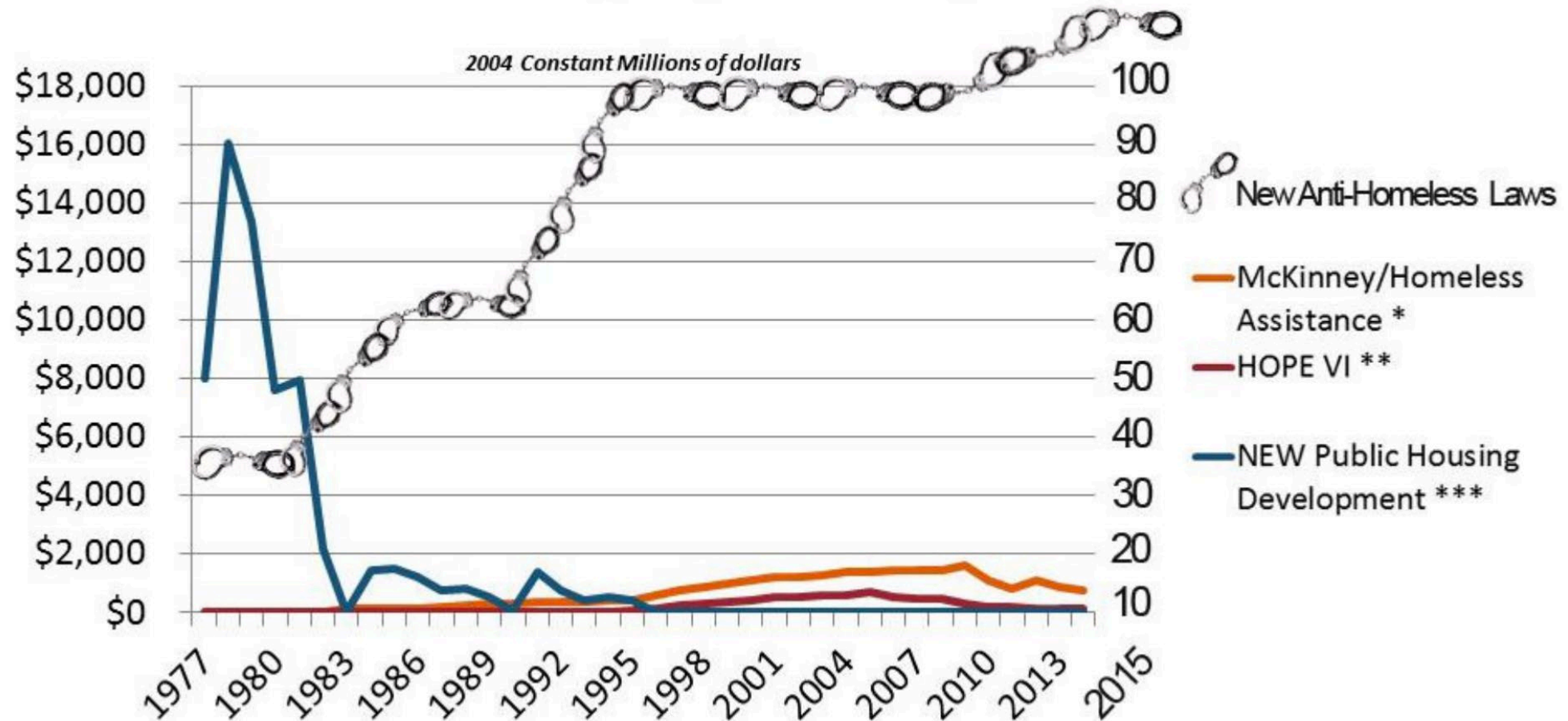
- 82% of people had been harassed by police for sitting.
- 77% of people had been harassed for lying down.
- 75% of people reported being harassed for loitering.
- Only 26% of people knew of a safe and legal place to sleep.





# CAUSE AND EFFECT

HUD's budget authority was cut by 77% from 1978 to 1983.  
Since 1983 Laws Criminalizing Homelessness tripled (Calif).





# SERVICES & CRIMINALIZATION

- Pervasive policing and patrolling of congregate shelter settings creates a prison-like environment
  - Invasive room-checks, curfews, limitations on property
- Complaint-oriented system: the system through which people access services reinforces and enables criminalization on the streets
  - Access to services coincides with sweeps
  - Primary function of service offers is to make people less visible
- People who remain on the street after “offers of services” are labeled service resistant



**IF EVERYONE CAN'T  
AFFORD THE RENT**



**THEY SHOULDN'T  
FUCKING TAKE  
OUR TENT**

Poster  
Syndicate



# THE MYTH OF SERVICE RESISTANCE

- Historically been used as a justification for the relentless criminalization of unhoused people
  - “Tough love” rhetoric
  - Also linked to history of forced psychiatric treatment
- False narrative that homelessness is choiceful

*“Hotels offered bathrooms, privacy, and dignity... when the system is responsive to need, it is able to easily move people off the streets.”*

-San Francisco Coalition on Homelessness, regarding 95% acceptance rate of the Shelter in Place Hotels

# THE IMPACT OF MARTIN V. BOISE

- *Martin v. Boise* ruling- cities cannot enforce anti-camping ordinances if they do not have enough shelter beds for the # of people on the street
- Cities are focusing on how to quickly and cheaply create more “shelter” in order to avoid risk of being sued under *Boise*
- Specifically, *Boise* has led to an increase in “efforts to round up unsheltered people into congregate FEMA-style tents or camps.” (Sara Rankin, *California Law Review*)



**SHELTERS & TENTS ARE NOT HOUSING**



An aerial photograph of a sanctioned encampment in a city. The site is divided into a grid of numbered sections, each containing a tent or shelter. The sections are labeled A 2, A 3, A 4, A 5, B 1, B 2, B 3, B 4, C 1, C 2, C 3, D 1, D 2, D 3, D 4, D 5, E 1, E 2, E 3, E 4, and E 5. The tents are made of various materials, including blue, green, and white tarps. Some sections have additional items like chairs and tables. A person is visible walking between the sections. The background shows a city street with yellow double lines and a building in the distance.

# WHAT ARE SANCTIONED ENCAMPMENTS?

- Empty parcels of land in a city or town, usually vacant lots, which are designated for government entities / non-profits to run an encampment.
- Created in response to the COVID-19 pandemic.
- Part of the post-pandemic re-opening plan to continue warehousing people at pre-pandemic rates.



# ARE ALL SANCTIONED ENCAMPMENTS HARMFUL?

## Non-profit / Government-controlled encampments

- “Client,” not a community member. No self-determination!
- Accountable to funding sources, not residents
- Carceral environment, leverage for carceral system

## Community-led encampments

- Residents govern collaboratively based on community agreements
- Hub for decriminalization organizing and mutual aid
- No restrictions on keeping property, pets, or having visitors

# ...BUT THE ENCAMPMENTS ARE FULL?

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- Some unhoused people prefer these spaces to the streets because:
  - They give some respite from harassment and relentless criminalization.
  - They may provide more security for their possessions.
  - They allow for more privacy than congregate shelters.
- We honor the choices that unhoused people make for their survival as we continue to fight for a future where they do not need to choose between being in the shelter system or being incarcerated.

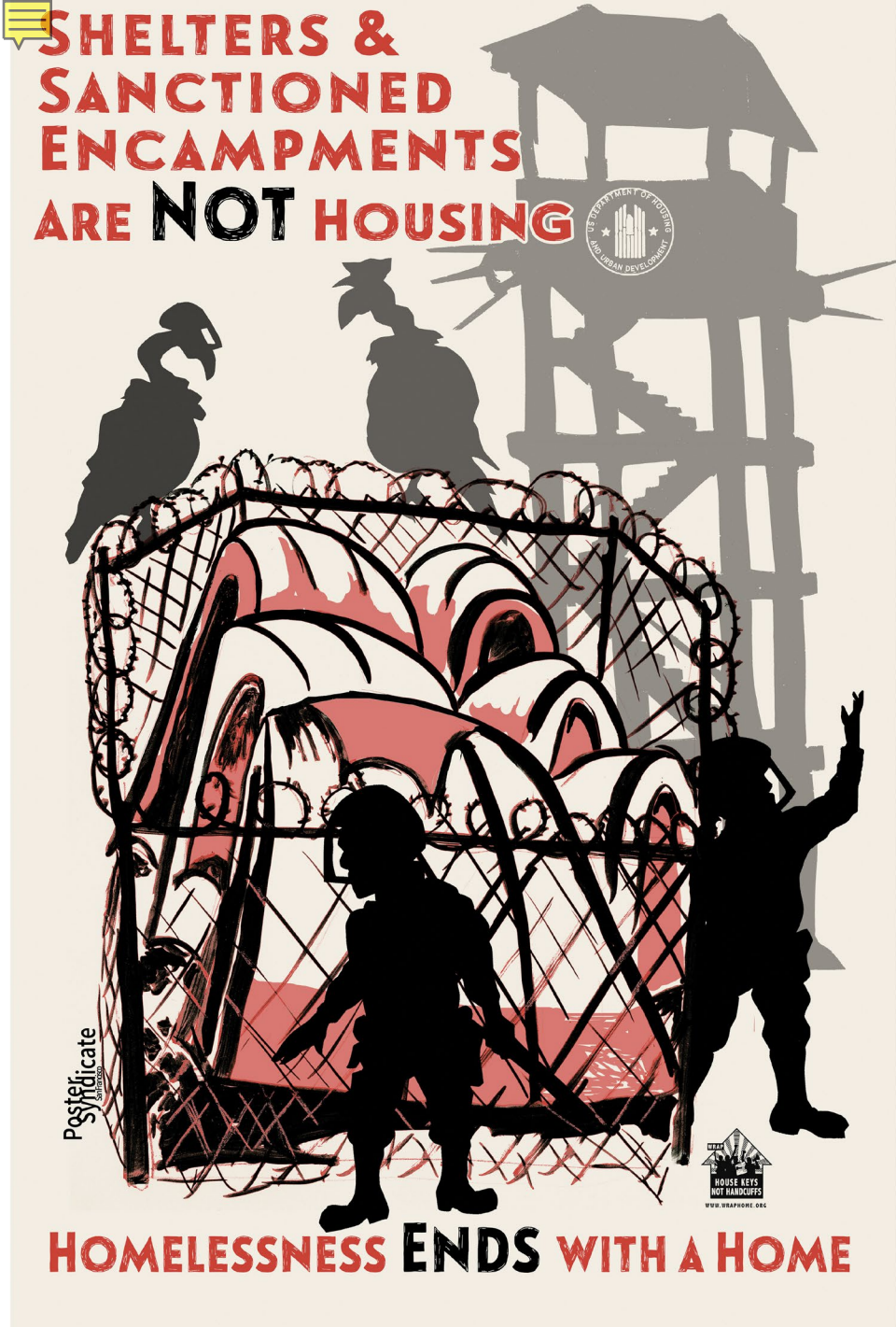




# **SANCTIONED ENCAMPMENTS & CONTROL**

- City-owned tent vs. your own tent?
- Hiding the impact of COVID-19, reopening agendas
- Formalizing service resistance and intensifying zoning / private property restrictions





## MAIN POINTS

- No one should be forced or coerced to choose between a controlled shelter, a controlled sanctioned encampment, or jail.
- Government-controlled sanctioned encampments WILL be used as a tool to increase criminalization and sweeps.
- These encampments are are a ridiculous substitute for what unhoused people want and have been asking for and are not progress.

# OUR DEMANDS

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1. End the practices of sweeping encampments, towing vehicles, and stealing and destroying unhoused people's belongings.
2. Dismantle legal and extralegal structures criminalizing homelessness.
3. Sever the relationship between services and criminalization.
4. Create and fund access to sanitation and hygiene infrastructure and water access



# OUR DEMANDS

5. Create and fund a full array of health care treatments, including harm reduction resources that appropriately respond to the needs of poor and houseless people.
6. Create affordable housing units for poor and houseless people, providing adequate funding for the development and maintenance with long term subsidies.
7. Overturn unjust policies and procedures that deny access to deeply affordable housing.

# RESOURCES FOR ORGANIZERS

WRAP Sweep's  
Campaign page

Position paper on  
sanctioned  
encampments

"Conceal,  
Criminalize,  
Capitalize" article

Sanctioned  
encampments  
artwork + Stop the  
Sweeps artwork

This presentation!



# QUESTIONS?



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