Housing California and Corporation for Supportive Housing joint statement on proposed anti-homeless ballot measure:

We already know how to end homelessness in California. It’s not a mystery, and it’s not complicated: our neighbors who are homeless need homes. Those who struggle with mental illness and addiction also need services to help them access and maintain treatment.

What our neighbors don’t need is to be locked up for broad and poorly-defined crimes and sentenced to mandatory minimum incarceration periods, as the 2020 ballot initiative that former legislator Mike Gatto proposed yesterday would do. Years of evidence show that treatment and services work best outside of institutional settings like prisons and jails. Gatto’s proposed special courts would result in longer incarceration terms for people who just need support. In fact, people would get longer sentences by virtue of their economic need or behavioral health disorder, and they could be incarcerated for far longer than the current maximum sentences simply because they are poor or have a disability.

The criminal justice system is not the place to treat people experiencing homelessness who also suffer from mental illness or substance use. That’s one reason California lawmakers passed a “Housing First” law in 2016 to prioritize helping people move into housing and get the services they need, over policies that punish people for being homeless, or that fund warehousing our neighbors, which we know won’t help our neighbors stay housed long-term. Simply providing information about resources available, as proposed in this initiative, won’t fill our state or local coffers with sufficient funding to offer the housing, services, and treatment our communities need.

Jail is not an acceptable substitute for a home, and Gatto’s initiative is tone deaf to the national movement against minimum sentences. Imprisoning people who are homeless and sentencing them to the maximum allowable sentence would simply warehouse another targeted and vulnerable population. Californians won’t stand for reversing the progress we’ve already made to reduce mass incarceration, and for the higher costs associated with handing out unnecessary prison sentences and building more jails to house people who need help, not handcuffs.

Avoiding the courts and incarceration by providing homeless individuals housing and services saves taxpayers hundreds of thousands of dollars a year, makes communities safer, and saves lives. Those were exactly the outcomes in Florida when a judge started providing services and treatment to people who constantly cycled in and out homelessness. Over the past two decades, nearly 9,000 people have been referred to a program created by Judge Steven Leifman to divert individuals with serious mental illnesses away from the criminal justice system and into comprehensive community-based services. Annual recidivism rates among participants
went from 75% to 20%. The jail population dropped by 45%, allowing the county to close one of its jails and save $12 million a year.

Counties and service providers throughout California are already working to end homelessness by getting people housed in ways that avoid the criminal justice system. Outreach workers, sometimes teaming with peace officers, engage people living on the street or in their cars and provide real help through our homeless and health care systems. This initiative would prevent these teams from operating effectively, as officers would be required to arrest anyone potentially meeting broadly-defined quality of life crimes, like occupying a street corner, being a “nuisance,” or “begging.” Evidence-based treatment requires building trusting relationships; how could an officer or outreach team ever hope to build those relationships when our neighbors experiencing homelessness have to fear arrest for accepting dollars from a passerby or sleeping in a doorway?

We know these services work best when people use them voluntarily, rather than forcibly. Study after study shows criminalizing people struggling with substance use will not suddenly make them well, as decades of failed American criminal justice policy already shows.

In 23 smaller counties, police would be required to arrest people because they are homeless, and nothing would be offered to these individuals. Rather than helping them get into a safe place to live with services and treatment they need to recover, they would actually be worse off. They would have a new criminal record, making it harder for them to access vouchers and to find landlords willing to rent to them. Arrests could institute a cycle of incarceration, which would likely lead to more homelessness upon release.

California’s homeless population has surged at the same time that rent has skyrocketed in our state. People are living, working, and raising children without a roof over their heads because of the high cost of housing. Let’s not return to decades-old failed policies that locked people up because they were poor and had a disability. We’ve tried that before and know it only results in high justice system costs and devastating outcomes.