ENDNG
CRIMINALIZATION
OF HOMELESSNESS

Moderator
Aram Hauslaib, Staff Attorney at Homebase

Panellists
Bob Erlenbusch, Executive Director at Sacramento Regional Coalition to End Homelessness

Shahera Hyatt, Project Director at California Homeless Youth Project

Kristine J. Schwarz, Executive Director at New Beginnings Counseling Center

Jennielynn Holmes-Davis, Director of Shelter and Housing at Catholic Charities of the Diocese of Santa Rosa

James “Faygo” Clark, County Councilor for the Green Party of Sacramento County and Founder of Community Dinner Project
### SACRAMENTO: PATTERN & PRACTICE OF CRIMINALIZING HOMELESS PEOPLE

#### 11 Municipal Codes:

<table>
<thead>
<tr>
<th>Number of Codes</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Standing, sitting, and resting in public places</td>
</tr>
<tr>
<td>3</td>
<td>Camping &amp; lodging in public places</td>
</tr>
<tr>
<td>3</td>
<td>Begging &amp; panhandling</td>
</tr>
</tbody>
</table>

SPD: 2004 – 2014: Disproportionate enforcement

<table>
<thead>
<tr>
<th>Offenses</th>
<th>#</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Begging, panhandling</td>
<td>144</td>
<td>12%</td>
</tr>
<tr>
<td>Standing, sitting, resting</td>
<td>226</td>
<td>19%</td>
</tr>
<tr>
<td>Sleeping, camping or lodging</td>
<td>831</td>
<td>69%</td>
</tr>
</tbody>
</table>
CRUEL & UNUSUAL PUNISHMENT:
SACRAMENTO HOMELESS CRIMINALIZATION, DISCRIMINATION & HARASSMENT REPORT:
2015 - 2016
Age: 79% adults; 21% youth
Gender: 55% male; 43% female; 2% transgender
Ethnicity: 66% people of color
   36% African-American
   34% Caucasian
   11.8% Multi-ethnic
   7.1% Hispanic
   4.4% Native American
   2% Other Pacific Islander
   1% Native Hawaiian
   1% Asian
Sexual Orientation: 78% heterosexual; 6% bisexual; 5% gay; 3% lesbian; 8% preferred not to answer
**SUMMARY: OVERALL PERCEPTION OF DISCRIMINATION BY GENDER, AGE & ETHNICITY: 74.8%**

<table>
<thead>
<tr>
<th>Category</th>
<th>Perception</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>72.3%</td>
</tr>
<tr>
<td>Other People of Color</td>
<td>75.6%</td>
</tr>
<tr>
<td>African-American</td>
<td>76.6%</td>
</tr>
<tr>
<td>Adult</td>
<td>74.5%</td>
</tr>
<tr>
<td>TAY</td>
<td>75.8%</td>
</tr>
<tr>
<td>Female</td>
<td>72.8%</td>
</tr>
<tr>
<td>Male</td>
<td>75.6%</td>
</tr>
</tbody>
</table>

- Caucasian: 72.3%
- Other People of Color: 75.6%
- African-American: 76.6%
- Adult: 74.5%
- TAY: 75.8%
- Female: 72.8%
- Male: 75.6%
“MOVE ALONG” BY POLICE: GENDER, AGE & ETHNICITY: **54.7%**

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>49.5%</td>
</tr>
<tr>
<td>Other People of Color</td>
<td>31.3%</td>
</tr>
<tr>
<td>African-American</td>
<td>31.4%</td>
</tr>
<tr>
<td>Adult</td>
<td>74.3%</td>
</tr>
<tr>
<td>TAY</td>
<td>58.1%</td>
</tr>
<tr>
<td>Female</td>
<td>63.2%</td>
</tr>
<tr>
<td>Male</td>
<td>75.0%</td>
</tr>
</tbody>
</table>
RIGHTS NEVER RESPECTED BY LAW ENFORCEMENT: COMBINED GENDER, AGE & ETHNICITY: **64.3%**
<table>
<thead>
<tr>
<th>Law Enforcement Agency</th>
<th>People of Color</th>
<th>Caucasian</th>
<th>Ratio of People of Color to Caucasian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>69.1%</td>
<td>64.6%</td>
<td>1.1 times higher</td>
</tr>
<tr>
<td>Sheriff</td>
<td>59.2%</td>
<td>43.1%</td>
<td>1.4 times higher</td>
</tr>
<tr>
<td>Park Ranger</td>
<td>66.7%</td>
<td>21.8%</td>
<td>3.06 times higher</td>
</tr>
<tr>
<td>Transit Police</td>
<td>68.3%</td>
<td>19.8%</td>
<td>3.5 times higher</td>
</tr>
<tr>
<td>Demographic</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>-----</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>7.3%</td>
<td>92.7%</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>4.2%</td>
<td>95.8%</td>
<td></td>
</tr>
<tr>
<td>Transgender</td>
<td>0%</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TAY</td>
<td>3.3%</td>
<td>96.7%</td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td>5.9%</td>
<td>94.1%</td>
<td></td>
</tr>
<tr>
<td><strong>Ethnicity</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>10%</td>
<td>90%</td>
<td></td>
</tr>
<tr>
<td>Native American</td>
<td>0%</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>African-American</td>
<td>8%</td>
<td>92%</td>
<td></td>
</tr>
<tr>
<td>Caucasian</td>
<td>3.2%</td>
<td>96.8%</td>
<td></td>
</tr>
<tr>
<td>Multi-ethnic</td>
<td>6%</td>
<td>94%</td>
<td></td>
</tr>
<tr>
<td><strong>AVERAGE</strong></td>
<td>5.8%</td>
<td>94.2%</td>
<td></td>
</tr>
</tbody>
</table>
SACRAMENTO COUNTY BOARD OF SUPERVISORS “WHACK A MOLE” STRATEGY
CAMPING ORDINANCE: COUNTY’S “WHACK A MOLE” STRATEGY

1. Homeless People Set Up Camp
2. Rangers Issue Warning
3. Rangers Evict Homeless People
4. Homeless People Look for Site
5. Rangers Issue Citations
A Tarnished Jewel: The Status of Illegal Camping on the American River Parkway

“The present approach to dealing with camping in the Parkway is not effective.

This shell game of citing illegal campers and campsites, cleaning them up and allowing illegal campers to set up new campsites in nearby areas is nonproductive.”
SACRAMENTO PARK RANGER ANTI-CAMPING CITATIONS: 2014 – 2017

- 2014: 617
- 2015: 1,162
- 2016: 736
- 2017: 1,453
The ruling currently binds 9 states: AK, AZ, CA, HI, ID, MT, NV, OR and WA
SACRAMENTO PARKER RANGERS
CAMPING CITATIONS 2018: 2,058
1/2018 – 8/2018

Martin v Boise
As of September 18, 2018, Sacramento County Counsel instructed Sacramento Park Rangers to stop issuing anti-camping citations.

City of Boise appealed decision to 9th federal circuit court of appeals.
CAMPS CLOSED BY PARK RANGERS: 2018 - 2019

Martin v Boise
POST BOISE: INCREASING OTHER CITATIONS

Jan-19
December
November
October
September
August
July
June
May
April
March
February
January

shopping cart
Building a Structure attached to tree
Littering

Martin v Boise
### ABOUT 80% OF OTHER CITATIONS ISSUED FROM DEC. 2018 – JAN. 2019

<table>
<thead>
<tr>
<th>MONTHS</th>
<th>LITTERING</th>
<th>ATTACHING A STRUCTURE TO A TREE</th>
<th>SHOPPING CART IN THE PARK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan – August 2018</td>
<td>128</td>
<td>101</td>
<td>102</td>
</tr>
<tr>
<td>Monthly Average</td>
<td>16</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>% total:</td>
<td>17.8%</td>
<td>20%</td>
<td>19.6%</td>
</tr>
<tr>
<td>Sep 2018 – Jan 2019</td>
<td>593</td>
<td>506</td>
<td>419</td>
</tr>
<tr>
<td>Monthly Average</td>
<td>118</td>
<td>101</td>
<td>84</td>
</tr>
<tr>
<td>% total:</td>
<td>82.2%</td>
<td>80%</td>
<td>80.4%</td>
</tr>
</tbody>
</table>
SRCEH v City of Sacramento

July 5, 2018 – federal judge issued a preliminary injunction against City of Sacramento’s “aggressive panhandling ordinance” saying it is a “direct violation of First Amendment”
SACRAMENTO'S $100,000 HOMELESS MAN: RUSSELL BARTHOLOW

15
Russell was homeless for 15 years in Sacramento

190
He received 190+ citations – mostly for camping

$140,000
His citations totaled $140,000 in fines

104
He spent 104 days in County jail

37
When Russell died on 10/5/2016 he had 37 active warrants
RECOMMENDATIONS

- **Moratorium on the Enforcement of Anti-Camping Ordinance**

  **5 Reasons to Support the Moratorium on Anti-Camping Ordinance**

1. Lack of shelter capacity and lack of affordable & accessible housing: no alternative but to sleep outside
2. Ordinance runs counter to federal policy and Martin v Boise decision: DOJ states that “if homeless people have nowhere to go,” the Ordinance violates the 8th Amendment as “cruel & unusual punishment”
3. HUD has stated that communities that continue to criminalize homeless may face a loss of federal funding
4. Current enforcement of the ordinance by Police and County Park Rangers is expensive – tax payers money would be better used on services and housing
5. The citations create barriers to housing, employment and services
RECOMMENDATIONS

- Add “homelessness” to Sacramento Anti-Discrimination & Equality Municipal code
- Declare a homeless state of emergency in accordance with California Government Code Section 8698.2
- Expand the sources of funding for the City/County Affordable Housing Trust Fund
- Implement a Zero Tolerance Policy on discharging people to the streets
- Implement Mandatory Peace Officers Standards & Training on homeless issues
- Implement Cultural Competency, Implicit Bias & Fair Housing Trainings for law enforcement, medical providers and social service agencies
RECOMMENDATIONS

- Support City and County Resolution to declare attacks on homeless people as hate crimes

2002 – 2017 – Out of 1,000 deaths of homeless individuals in Sacramento, 30% have been violent: gunshots; stabbings; blunt force injuries; strangulation and hangings
NATIONAL CAMPAIGN

National Law Center on Homelessness & Poverty:
www.nlchp.org
Bob Erlenbusch, Executive Director, SRCEH
1331 Garden Highway, Suite 100
Sacramento, CA 95833

[W]: 916-993-7708
[M]: 916-889-4367
bob@srceh.org
www.srceh.org
IMPACT OF CRIMINALIZATION

James “Faygo” Clark,
County Councilor
for the Green Party of
Sacramento County and
Founder of Community
Dinner Project
IMPACT ON YOUTH

Shahera Hyatt, Project Director at California Homeless Youth Project
The "Homeless" Problem
VEHICULAR HOMELESSNESS: SAFE PARKING

Kristine J. Schwarz, Executive Director at New Beginnings Counseling Center
VEHICULAR HOMELESSNESS
WHAT IS SAFE PARKING?

- Shelter for families individuals who live in their vehicles
- Rapid rehousing program
- A Housing First program
- Not an encampment, not an alternative lifestyle
- Safe place to park/sleep while in transition to housing
Safe Parking began in 2003

- Repurposes existing community resources – parking lots
- Initially started as a program for RV’s
- Started by local homeless advocates, city council and members of the county board of supervisors
- PIT Count – 45% of unsheltered homeless in county live in their vehicles
Current Ordinance

No vehicle can be used or occupied for sleeping purposes unless it complies with the ordinance as follows:

Church, City and Non-Profit Parking lots may allow as a transitional housing alternative providing:

- Is 50 feet from residential property
- Vehicles are licensed and registered
- Adequate and sanitary bathroom facilities
- No rent is received by the church or non-profit
- No commercial use allowed
- Owner of vehicle has been issued a permit by Safe Parking Program
Current Ordinance
Camping or sleeping outside is prohibited with limited exception:

Where a Safe Parking Program is in place
- Prohibited on private property, non-profit/institutional okay
- Issued a temporary overnight permit by Safe Parking
- Restrictions include:
  - 7pm-7am
  - Bathroom facilities & garbage disposal
  - Must be 100 feet from residential property
  - Vehicle must be licensed
  - No fee can be charged
PROGRAM STRUCTURE

- 24 lots, 133 spaces – sheltering 150+ each night
- Distribute impact in scattered sites/lots, 1-15 in each
- Cities of Santa Barbara & Goleta – different ordinances
- For-profit, non-profit, city, county, faith-based lots
- Each lot owner insured by New Beginnings
PROGRAM STRUCTURE

- Enter after 7pm, leave by 7am – no curfew

- Driver’s License, Registration & Insurance required

- Each lot has different population

- Assign people to lots based on lot & vehicle type, needs

- First come, first serve – waiting list = 80+
PROGRAM STRUCTURE

- Parking only, no gathering in lots
- Porta-potties and self-contained vehicles
- No trash dumping, pet waste, loud music, cooking outside
- No direct communication with lot owner
- Can’t park within 3 blocks of lot during day
PROGRAM STRUCTURE

- Lots monitored by two P/T monitors/outreach workers
- Lots monitored throughout night & in morning
- Monitors provide support in multiple ways
- Monitoring report sent to city each month
- Renew permit, review housing plan once per month
PROGRAM STRUCTURE

- 24/7 Emergency number
- Work with law enforcement & city/county staff
- Staffed with two F/T case managers, P/T program manager
- Daytime version of program
- Rapid rehousing component
**PROGRAM COST**

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shelter</strong></td>
<td>$200,000</td>
</tr>
<tr>
<td><strong>RRH CM</strong></td>
<td>$150,000</td>
</tr>
<tr>
<td><strong>TFA</strong></td>
<td>$100,000</td>
</tr>
</tbody>
</table>

**Total Annual Budget = $450,000**
PROGRAM FUNDING

Shelter
- City contract
- City & County CDBG funds
- Private, unrestricted

RRH
- ESG, CoC, TBRA funds
- City & County CDBG funds
- Private, unrestricted
PROGRAM SERVICES

- Overnight shelter – no case management requirement
- Street outreach
- Rapid rehousing & housing retention services
- Employment & benefit connection – SOAR trained staff
- CES RRH Referrals for all unsheltered population
PROGRAM SERVICES

Basic case management/assistance to clients & wait list:

- Vehicle maintenance and repair
- Food and gas cards, medical & dental assistance
- Crisis intervention, mental health services
- Food boxes, clothing, discounted gym memberships
Serve @ 600 unduplicated people each year through:

- Shelter
- RRH
- Street Outreach
- Coordinated Entry
PROGRAM OUTCOMES

- House @ 60 people annually
- Connect @ 40 to employment
- Connect @ 40 to benefits
- Operated without incident for 15+ years

Limited primarily by staff size and housing availability
ENCAMPMENT
ASSISTANCE PROGRAM