

HOMELESS OUTREACH TEAMS

COORDINATION OF SERVICES



Challenges



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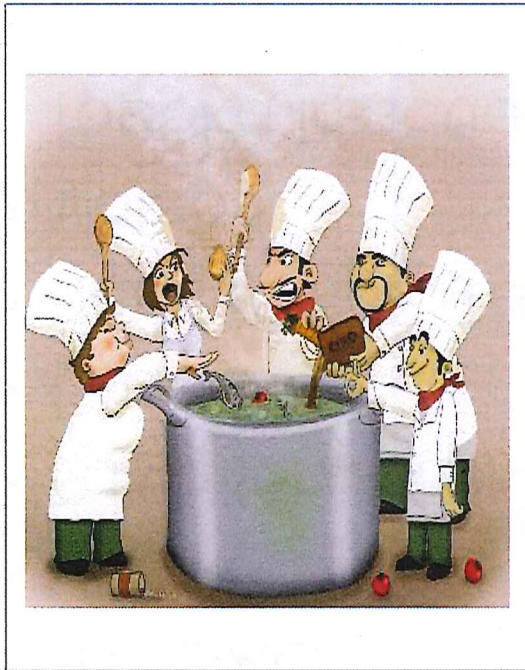
Challenges

- On a single night in 2017, 553,742 people were experiencing homelessness in the United States.
- Approximately two thirds (65%) were staying in emergency shelters or transitional housing programs, and about one third (35%) were in unsheltered locations.

Challenges

- 2018 Topeka Point-In-Time Count
 - 419 People experiencing homelessness (Increased from 356 in 2017)
 - 66% of people were in an emergency shelter
 - 17% of people were in transitional housing
 - **15% of people were unsheltered**
- **$419 \times 15\% = 62.85$**

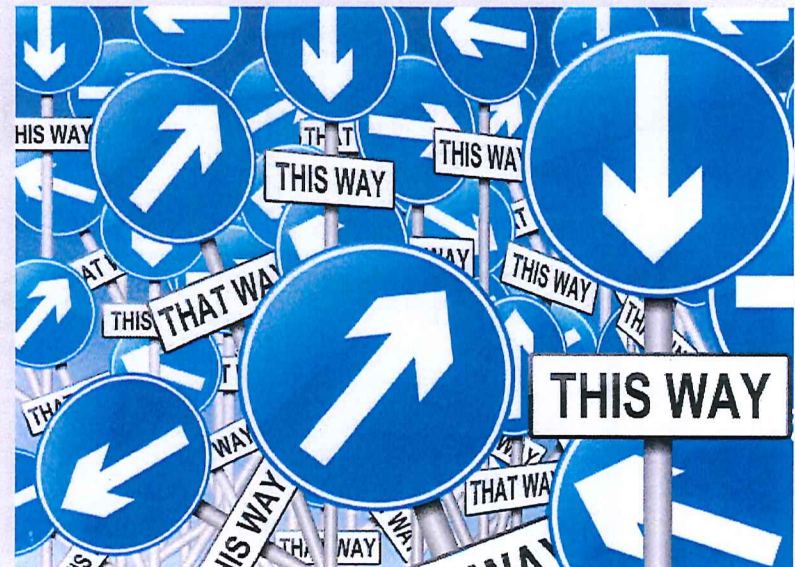
Complexity



- Multiple City Departments
- Municipal Code Limitations
- Numerous Social Service Organizations
- Policy and Advocacy Groups
- Neighborhood and Business Groups

Resources & Services

- HRADAC
- VA
- Salvation Army
- GraceMed
- HOPE/CABHI Team
- Valeo
- Topeka Rescue Mission
- Topeka/Shawnee County Homeless Task Force
- Continuum of Care
- Many, many others ...



Compliance Measures

Unlawful Camping – Enforcement Limitations

Being homeless cannot be criminalized.

- **Ability** to comply vs. **willingness** to comply



Legal Obstacles

- **Eighth Amendment – Cruel & Unusual Punishment**
- **Fundamental Right to Travel**
- "...[E]nforcement of laws that prevent homeless individuals who have no place to go from sleeping, lying down, eating, or performing other harmless life-sustaining activities burdens their right to travel." Pottinger, 810 F.Supp. at 1580
- "arresting the homeless for the harmless acts which they are forced to perform in public infringes on their fundamental right to travel." Id.

Legal Obstacles

- “It should be uncontroversial that punishing conduct that is a universal and unavoidable consequence of being human violates the Eighth Amendment – **if a person literally has nowhere else to go**, then enforcement of an anti-camping ordinance against that person **criminalizes them for being homeless.**”

Pottinger Protocols

Pursuant to a settlement finalized in 2013, the City of Miami agreed to adopt certain law enforcement protocols that:

1. Apply to government interaction with homeless and their personal property.
2. Define “homeless” person” as an individual who “lacks a fixed, regular, and adequate night time residence and has a primary residence that is:
 - A public or private shelter;
 - A place of institutionalization; or
 - A public or private place not designed as a regular sleeping accommodation for human beings.

Pottinger Protocols

3. Require documentation of government contacts with homeless persons, specifically:

- Document outreach efforts, transports to shelter, refusals of shelter, etc. in a “field information (FI) card” or equivalent.
- Document arrests in an arrest affidavit.
- File all records with Police Department.

Pottinger Protocols

4. Defined “life sustaining conduct misdemeanors” as:

- Misdemeanors “which a homeless individual commits by the mere fact that he or she is without shelter, and must conduct life sustaining activities, such as **eating, sleeping, sitting, congregating** or **walking in public.**”

5. Defined “available shelter” as:

- At least 24 hours, with “dignity and respect”,
- A bed or mat at least 3 inches thick,
- At no cost to the homeless person,
- Within the city. (Or county, if person agrees),
- No mandatory religious or therapeutic programming.

Pottinger Protocols

6. Require “available shelter” in order for the government to enforce “life sustaining conduct misdemeanors” against a homeless person.
 - No “available shelter” = no enforcement.
 - “Available shelter” + acceptance = no enforcement.
 - “Available shelter” + refusal = enforcement.
7. Establishes protections for personal property.
 - If a homeless person is arrested, police must secure their property.

Pottinger Protocols

8. Requires training of law enforcement personnel

- The settlement required the city of Miami to implement training to ensure that police officers and other city officials who deal with homeless individuals are sensitive to the “unique struggle and circumstances of homeless persons.”
- Specialized mission (H.O.T.)

Pottinger Exceptions

- Nothing in *Pottinger* precludes an arrest for any felony or any misdemeanor that is not “life-sustaining conduct” regardless of whether there is available shelter.
- Nothing in *Pottinger* says how many available shelter beds must be acquired in your jurisdiction or who must own and operate them.



SEARCHING OUT SOLUTIONS

Constructive alternatives to the criminalization of homelessness.

JUNE 2012

Three Recommendations:

1. Creation of Comprehensive and Seamless Systems of Care
2. Collaboration among Law Enforcement and Behavioral Health and Social Service Providers
3. Alternative Justice System Strategies

SOLUTION 2:

Collaboration between law enforcement and behavioral health and social service providers results in tailored interventions that connect people with housing, services, and treatment and meet the community's goal of reducing the number of people inhabiting public spaces.

- Outreach and engagement involving police and service provider collaboration to link people with supportive housing and avoid their arrest.

SOLUTION 2:

- Cross-training of police officers and service providers to facilitate information sharing and promote ongoing coordination.
- Crisis Intervention Teams (CIT) with specially trained police officers working with behavioral health professionals to respond to crises involving people with mental illness.

H.O.T. Program - Architecture

System to operationalize and document all of these recommendations

- Outreach Efforts – referrals to social services
- Diversion – avoid entering criminal justice system
- Case Management – documenting efforts
- Local Code – ensure safety and rule of law

H.O.T. Program - Architecture

- ***Educate*** about social services (resource guide).
- ***Encourage*** referral to those services through outreach and diversion.
- ***Enforce*** the criminal code as a last resort (camping ordinance).