



## **Policing Homelessness: A review of the literature on policing policies that target homelessness and best practices for improving outcomes**

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### **Background**

On Thursday, July 29th 2021, Los Angeles (LA) Mayor Eric Garcetti signed into law an ordinance amending Section 41.18 of the Los Angeles Municipal code (Spectrum 1 News, 2021). The series of amendments, proposed by LA City Council, reinstates prohibitions to “sit, lie, sleep, store, use, maintain, or place personal property upon any street, sidewalk, or other public right-of-way” in much of Los Angeles City, with particular enforcement around homeless services delivery sites, schools, parks, libraries, and underpasses (Shover et al., 2021; L.A.M.C. § 41.18, 2021). Violating these laws can carry fines for people experiencing homelessness (PEH) who refuse shelter and services, and authorizes forced removal if they do not voluntarily vacate encampments. Though the legislation includes a stated goal to prevent interactions between law enforcement and PEH and avoid arrest, advocates argue the ordinance will likely result in more contact between police and PEH (Zahniser & Oreskes, 2021). This legislation comes at the same time as residents and elected officials have renewed calls to re-examine the role police play in society, with a particular emphasis on the impacts of policing Black communities. Considering these public requests, the purpose of this paper is to examine findings from the literature on the types of policies that cause interactions between municipal and county law enforcement (referred to as police hereafter) and PEH, their outcomes, and the models and best practices being used by local governments to minimize negative outcomes.<sup>1</sup>

### **Key Takeaways:**

- Between 2011 and 2016, arrests of PEH in Los Angeles increased by 31%, partially due to an increase in the number of PEH, but also due to an increase in laws that criminalize homelessness (Holland & Zhang, 2018).
- Interactions between PEH and police are more likely to result in use of force than police interactions with housed individuals, especially if the individual involved has a mental illness.
- Encampment sweeps can create cycles of incarceration and property loss that have adverse consequences for PEH including psychological and physical harm.
- Policing models involving homeless services specifically training for police, co-responder programs, or non-police response may decrease negative outcomes of police-homeless interactions.
- Diversion through non-carceral and rehabilitative community programs coupled with housing options may interrupt cycles of justice system involvement

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### Criminalization of Homelessness

As homelessness has risen in large metropolitan areas across the country, cities have increasingly tasked police with both service provision and enforcement. The U.S. has seen a rise in laws and statutes that criminalize activities associated with homelessness such as camping, sleeping, begging, and living in vehicles (National Law Center on Homelessness and Poverty, 2019). Some scholars argue that these laws, termed “anti-nuisance laws” or “quality-of-life ordinances” (so called because of their goal to improve the quality-of-life for housed residents) (Tars et al., 2013, Stuart, 2013), effectively make experiencing homelessness punishable by law (Saelinger, 2006; Herring et al., 2020; Amster, 2003; Herring, 2021; Mitchell, 1997).<sup>2</sup> A subset of these laws target PEH’s property, rather than their person, allowing police or sanitation workers to remove PEH’s belongings from public spaces, effectively forcing PEH to move as well (Chandegra, 2020).<sup>3</sup> PEH are also often subject to arrest for activities such as trespassing, driving with an expired license, possessing a shopping cart, possession of a syringe, and urinating in public, among other reasons (Moore, 2019).

These types of laws are both widespread and have been gaining popularity among legislators and elected officials.<sup>4</sup> Figure 1 shows the prevalence of laws prohibiting various activities related to homelessness in cities in the U.S.

Figure 1:



Data Source: (National Law Center on Homelessness & Poverty, 2019)



Cities have also passed laws banning food sharing in public, public property storage, public urination and defecation, and scavenging. The City of Los Angeles currently has enforceable laws prohibiting begging, loitering, and sleeping in public places. (National Law Center on Homelessness & Poverty, 2014)

Among the homeless population, unsheltered PEH and Black PEH are most likely to be criminalized by targeted policing (NHLC, n.d.) (CHPS, 2018).<sup>5</sup> Unsheltered individuals are more likely to be victims of a crime because they have higher rates of mental illness or substance use disorder, and they represent the most visible form of homelessness (Smith & Oreskes 2019; Scott, 2019). According to data from the US Department of Housing and Urban Development on California continuums of care, an estimated 70% of unsheltered PEH have been incarcerated (CHPS, 2018). According to a 2018 report by LAHSA, the arrest rate for PEH was 17 times the rate for the general population (LAHSA, 2018).

In the U.S. more generally, 63-90% of PEH have been arrested at some time in their life. LAHSA's Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness (2018) found that Black people make up 40% of LA's homeless population while they make up just 9% of its general population (LAHSA, 2018). According to Judge David O. Carter, this overrepresentation is likely due to structural racism (Oreskes, 2021; City News Service, 2021). Black PEH may also interact with police and the carceral system at greater rates for homelessness related offenses (NHLC, n.d.).

In the past decade, LAPD has been increasingly arresting people experiencing homelessness for nonviolent and minor offenses (Holland & Zhang, 2018). Between 2011 and 2016, all arrests citywide decreased by 15%, but arrests of people experiencing homelessness increased by 31% (Holland & Zhang, 2018). In 2016, two-thirds of arrested people experiencing homelessness were Black or Latinx, and the top five charges were all non-violent, minor offenses including failure to pay a citation (Holland & Zhang, 2018). According to LAPD's 2017 Year-End Report on Homelessness, arrests of PEH increased in part due to increased "quality-of-life" ordinance enforcement, though LAPD's more recent 2019 1<sup>st</sup> and 4<sup>th</sup> quarter reports on homelessness show a decrease in most "quality-of-life" code enforcement related arrests (Beck, 2018; Moore, 2019; Holland, 2018). Fines for many misdemeanors associated with homelessness, such as sleeping on the sidewalk, fall in the low hundreds of dollars after assessing court fees (Holland and Zhang, 2018). However, failure to pay can lead to jail time for offenses that were originally only given a citation (Holland & Zhang, 2018).

### **Encampment Sweeps**

Police across the country, in conjunction with sanitation departments, are increasingly tasked by municipal governments with "sweeping" homeless encampments--removing tents, disposing of "trash", and cleaning the area where the encampments were (Goldfischer, 2019). There is not publicly available data on the frequency of homeless encampment sweeps, but Herring (2019) argues that complaints from residents, agencies, and politicians have driven sweeps (Herring, 2019).



Sweeps generally have adverse consequences for PEH. Criminalization and arrests at sweeps can be part of a cycle of dispossession and incarceration. When police are involved in encampment sweeps and clean-ups, PEH can be booked on petty charges, such as the possession of a shopping cart. While they are briefly in jail, sanitation can confiscate or dispose of their belongings. When PEH are released back into unsheltered homelessness, they may be without the essentials (blankets, tents, medication) they had prior to the arrest. Herring et al. (2019) argue that even without conducting arrests, the cycle of shifting PEH around cities, issuing fines, and destroying encampments creates a “pervasive penalty... that do[es] material and psychological harm” and actually extends periods of homelessness, service resistance, and “deepens racial, gender, and health inequalities” (Herring et al., 2020; Herring, 2019). An article by Robinson (2017) confirmed that sweeps and “quality-of-life” law enforcement have made life more difficult for unsheltered PEH (Robinson, 2019).

Despite their apparent harms, many believe that sweeps are an important tool that cities can use to push PEH toward services. Stuart (2013) found that many Los Angeles police officers believe that the purpose of perpetual movement, encampment sweeps, and punishing long-term residence is to make unsheltered homelessness as “uncomfortable as possible so that people finally hit rock bottom and get themselves into a mission” (p. 1920). Stuart (2013) found that LAPD officers in Skid Row saw their role as “coercively shepherd[ing] homeless people into rehabilitative programs,” making the “choice” to be unhoused a more difficult one (p. 1909). Robinson (2019) found that 40% of respondents increased efforts to stay in shelters following Denver, Colorado camping bans, though many also reported that shelters were overcrowded, or they were turned away. Likewise, Robinson (2019) found a modest decrease in PEH’s willingness to sleep outdoors—instead many chose to move to less central, more hidden locations to sleep.

## **LAPD’s Homeless Outreach Programs and Targeted Initiatives<sup>6</sup>**

### *Homelessness Outreach and Proactive Engagement (HOPE) Team*

In 2016, the Los Angeles Police Department established the Homelessness Outreach and Proactive Engagement (HOPE) Team to more closely link the police response to homelessness with the Coordinated Entry System (Mather, 2017). The program strives to better prepare the police to work with people living on the street, to avoid confrontation, and to refer PEH to services and eventually permanent housing. The HOPE Team is a collaboration between LAPD, the Department of Sanitation, the city attorney’s office, and Mayor Garcetti’s office (LAPD, 2016). The initiative is funded internally by shifting officers who were already assigned to work with people experiencing homelessness. The HOPE Team launched with 10 officers and one sergeant, who all completed 40 hours of mental health intervention training (MHIT) as well as training on how to best connect these individuals to services and housing. In the 1<sup>st</sup> year of operation, the HOPE team had connected about 5% (390 people) of its contacts with temporary or permanent housing (Mather, 2017).



While the goal of the HOPE Team is to connect people to services, and the city has praised the program’s efforts so far to “move beyond enforcement,” the team is also tasked with enforcing municipal codes and plays a role in homeless encampment sweeps, and PEH property removal and destruction (Klemack, 2018; Holland, 2018). LAPD representatives have claimed that police need to use enforcement and repeated encampment sweeps as a tool to pressure PEH to accept services (Klemack, 2018; Stuart, 2013). In HOPE’s first year of operation 3.5% (264 people) of individuals encountered by the team during encampment sweeps were arrested (Mather, 2017). Currently, there is no academic literature evaluating the effectiveness of HOPE teams.

### *Safer Cities Initiative (SCI)*

Los Angeles began the Safer Cities Initiative in 2006. The initiative was designed to disperse encampments and reduce prostitution and drug-use in Skid Row by issuing citations, fines, and conducting arrests (Program Profile: Safer Cities Initiative, 2011). The program was designed as a “broken windows” policing initiative.<sup>7</sup> SCI employed 50 full-time LAPD officers in undercover units, a mobile command station, and foot patrol (SCI, n.d.). The program also removed portable toilets (SCI, n.d.).

Like many such programs, SCI was expected to have an impact on crime. Berk and MacDonald (2010) found that the SCI was associated with a statistically significant reduction in violent, property, and nuisance crimes within Skid Row. Their analysis also concluded that there was no evidence that criminal activity moved to less policed areas as a result of the policy. Blasi (2007) agrees that crime rates fell in Skid Row following SCI, but rejects that SCI necessarily caused the decrease.

However, studies have also indicated that SCI has resulted in adverse consequences for PEH. An analysis of LAPD data by Blasi (2007) found that, in the first year of the program, an average of 750 arrests were made each month as a direct result of SCI. Further, many of those arrested were incarcerated because they were unable to pay their fines. Between August 2006 and June 2007, 10,342 citations were issued (Blasi, 2007). In that time, 34 people completed the initiative’s diversion program (Blasi, 2007). The program resulted in bed shortages in shelters in Skid Row because beds were reserved for Police referrals and unavailable for social worker or other outreach worker referrals. Wagner et al. (2013) found that increased policing of drug use as part of SCI may have pushed injection drug users to engage in the harmful practice of sharing syringes. Vitale (2021) argues that arrests and citations for drug-related offenses through SCI have also made it more difficult for those in poverty to access social services, like TANF, which is not available to those convicted for drug dealing.



## Police and Homeless Interactions

Interactions between police and PEH are more likely to result in use of force. Between 2015 and 2019, 29% of total suspects (3056 of 10,692 people) involved in Non-Categorical Use of Force (NCUOF) incidents were perceived to be homeless (Moore, 2019B). A NCUOF incident is defined by LAPD as “an incident in which an on-duty or off-duty [LAPD] employee... uses physical force or a control vehicle to: compel a person to comply with the employee’s direction; defend themselves [or] others; effect an arrest or detention; prevent escape; or, overcome resistance” (Moore, 2019B, p. 326). NCUOF do not result in serious injury while categorical uses of force do (Moore, 2018). In 2019 alone 34% of NCUOF incidents involved people perceived by police to be homeless (Moore, 2019), approximately 23 times the rate of NCUOF on Angelinos generally.<sup>8</sup> In the 3<sup>rd</sup> quarter of 2019, LAPD recorded 5 instances of use of force that led to serious injury, including an “officer-involved shooting” and one “incustody death” (Miller, 2020)

Uses of force and excessive uses of force are more common among individuals with mental illness. According to a 2015 report by the Treatment Advocacy Center, people with untreated mental illness are 16 times more likely to be killed by law enforcement than those without mental illness (Treatment Advocacy Center, 2015). Further, individuals with serious mental illness<sup>9</sup> are highly overrepresented in fatal police encounters--as few as 1 in 4 fatal encounters involves an individual with serious mental illness (Treatment Advocacy Center, 2015).<sup>10</sup> Because of the high rates of mental illness and serious mental illness in the homeless population, this puts PEH at a higher risk of falling victim to fatal police interactions (Smith & Oreskes, 2019).

Homeless advocates, researchers, and police department officials explain instances of use of force differently. According to LAPD, increases in use of force against PEH are caused by more frequent contact with PEH as PEH populations increase (Miller, 2020). Johnson (2011) found that mental illness was associated with disproportionate use of force because individuals with mental illness were more likely to possess a weapon, resist police, and act violently toward police. Johnson (2011) advocates for de-escalation tactics, more community health resources, and crisis intervention teams (CIT). Other advocates argue that police are ill equipped to interact with people experiencing mental health crisis and homelessness and should be removed from crisis response situations (Wiener, 2020; Tinoco, 2020).

## Promising Models and Best Practices

Holistic policing approaches and increased mental health preparedness training is an important step for police departments in thinking about how to best engage with growing populations of PEH (McNamara et al., 2013). However, high rates of use of force, concerns over the harms of sweeps, lack of safe and appropriate shelters, and role that criminalization and carceral systems play in creating homelessness (HPRI, 2020), indicate that alternatives should be explored. There are a plethora of alternatives to



traditional police response to homelessness, from non-police response, to specialized officers equipped with services and referrals. The Urban Institute’s report “Alternatives to Arrests and Police Response to Homelessness” indicates that any successful response to homelessness needs to operate using a housingfirst approach—providing access to housing before attempting to address other issues PEH may be experiencing (Batka, 2020). RAND’s report on “The Law Enforcement Response to Homelessness” argues that approaches to homelessness need to involve cross-sector collaborations between all those who interact with PEH (Goodison et al., 2020). Kryda & Compton (2008) note that outreach to PEH—whether performed by police or outreach workers—needs to involve empathetic listening approaches, treating PEH as individuals in order to overcome mistrust and service refusal.

*Co-responder teams* The past decade has seen a rise in the “Crisis Intervention Team” (CIT) model to interact with unhoused folks experiencing mental health crises. The CIT model typically involves partnerships between mental health professionals or social workers and law enforcement with the expressed goals of reducing use of force through de-escalation and diversion from the carceral system (Garcia & Haskins, 2020). One study in the southeastern U.S. found that CIT trained officers believed use of force was less effective and opted for less force than non-CIT trained officers when presented with vignettes involving PEH with schizophrenia (Compton, 2011). A 2000 study found reduced rates of arrests when CIT or mentalhealth specialized officers responded to calls involving PEH with mental illness (Steadman et al., 2000). Some articles stressed the need for police departments to partner with other organizations, using alternatives to arrests, to address homelessness (Hipple, 2017; Batka et al., 2020; Normore et al., 2016). Krinder et al. (2020) argue that these “co-responder teams” divert individuals from jail or corrections, decrease arrests, and improve caller satisfaction, provide important linkages to care for individuals experiencing mental illness and PEH, and save money for cities.<sup>11</sup> Steadman et al. identify characteristics important for developing mental health diversion programs for PEH, recommending “a highly visible, single point of entry; having a no-refusal policy and streamlined intake for police cases; establishing legal foundations to detain certain individuals,” and incorporating training and community services (Steadman, et al., 2001).

### *Improved training*

Others have argued for improved training for police officers without co-responder teams. McNamara et al. (2013) found that officers from larger municipal departments had similar levels of training on homeless services when compared to officers from smaller departments or sheriff’s departments, despite interacting with PEH more frequently. The National Institute of Justice identified the need for training of police officers to improve interactions with individuals with SMI (Garcia & Haskins, 2020). Efforts to improve training and specialization of police units can be seen in Colorado Springs Colorado, Orange County, and Wichita, Kansas (Batko et al., 2020). Colorado Springs’s Homeless Outreach Team (HOT) provided training to police officer units charged with responding to homeless-related resident calls (Homeless Outreach Team, n.d.). In Wichita, only HOT officers can enforce camping bans and officers are trained to connect PEH to shelter and community resources (Batko et al., 2020; Arnold Ventures,



n.d.). However, these models have not completely eliminated officer involved shootings or use of force (Winton et al., 2020).

### *Non-police response*

Some localities have adopted non-police responses to homelessness.<sup>12</sup> Most notably, Eugene Oregon’s “CAHOOTS” program, and Portland’s “Portland Street Response” have involved teams of individuals trained medics and mental health professionals to respond to emergency calls, including those made regarding PEH (Townley, 2021; Green, 2019). Portland’s program was co-created with PEH, street vendors, and other community members to determine which situations warranted a police response versus a non-police response (Townley, 2021). According to Eugene PD, 5-8% of calls are diverted to the CAHOOTS program, and roughly 8% of those calls require back-up from a traditional Police Officer (EPCAU, 2020). LA City Council approved a measure to develop an un-armed response team to respond to non-violent incidents, which will likely include many incidents involving PEH (Meeks, 2020; Hamedy, 2020; LA Mayor’s Office, 2020).

There are several programs that may reduce calls for police-involved encampment sweeps and criminalization. Safe parking programs have been successfully implemented in several cities (Ivey et al., 2018). LA’s Safe Parking LA is a collaboration between the City of Los Angeles, homeless service providers, and faith-based organizations to provide safe places for people who are living in their vehicles to park overnight and are given access to hygiene facilities and linkages to housing and other services (Safe Parking L.A., n.d.).<sup>13</sup> Such programs also reduce fines and charges accrued by PEH in their vehicles (Ivey, 2018).<sup>14</sup> The Homeless Rights Advocacy Project’s 2018 report argues that safe parking programs are most successful when they foster positive relationships with police (Ivey, 2018). Additionally, The Pit Stop program and the Skid Row Community ReFresh Spot provide safe and clean restrooms, laundry, and shower facilities that are staffed and maintained by attendants hired from the local community and with lived experience of homelessness. These programs provide toilets to areas with extensive homeless encampments, and thereby prevent public urination and defecation, which are criminalized activities and cause health hazards (Yu, 2019; Los Angeles Public Library, n.d.).

### **Conclusion**

As calls mount for cities across the U.S. to examine the outcomes of policing in low-income Black and brown communities, elected officials should also consider the impacts of policing on homeless populations. Criminalization of PEH through broken-windows style policing, and quality-of-life ordinances appears to have, at best, mixed impacts on crime, while also negatively impacting harm reduction efforts, unhoused residents, and the cycle in and out of homelessness itself. Models have been developed across the U.S. to improve outreach efforts by officers, decrease use of force, and divert PEH from jails and prisons. As localities design, build, and evaluate local law enforcement policies as they relate to PEH, they should look to these models to improve outcomes for housed and unhoused residents alike.





## Endnotes

- <sup>1</sup> For a discussion of the relationship between homelessness and the criminal justice system, see HPRI’s literature review entitled “[Homelessness and the Criminal Justice System](#)” (2020).
- <sup>2</sup> Herring (2021) argues that shelters are themselves used as a tool to police PEH and to justify increased policing.
- <sup>3</sup> Herring (2019) argues that policing of PEH falls into three categories: aggressive patrol, therapeutic policing, and pervasive penalty, all with the objective of displacing PEH from a specific area (Herring, 2019). See the following for a description of these categories: (Stuart, 2016; Herring, 2019; Stuart, 2015; Herring et al., 2020; Beckett & Herbert, 2012).
- <sup>4</sup> Conversations around criminalizing homelessness have reached the federal government as well. In September 2019, the Trump administration’s Council of Economic Advisors released a report calling for “more stringent enforcement of quality-of-life issues like restrictions on the use of tents and encampments, loitering, and other related activities.” The report also suggested increased policing and the forced clearing of homeless encampments as policy options for dealing with unsheltered homelessness. (EOPUS, 2019). In the 2018 court case *Martin vs. City of Boise*, the 9<sup>th</sup> Circuit Court of Appeals ruled that it was unconstitutional for cities to penalize people for sleeping in public in the absence of sufficient shelter, though many cities continue to enforce such laws (Chandegra, 2020; Oreskes et al., 2021; Harry 1992)
- <sup>5</sup> In 2020, 72% of the 66,436 people identified as being unhoused on a given night in LA County were unsheltered (LAHSA, 2020)
- <sup>6</sup> In addition to the programs listed here, LAPD operates three programs designed to interact with PEH. The Resources Enhancement Services Enforcement Team polices Skid Row and assists sanitation workers with outreach and sweeps (Moore, 2018; Operation Healthy Streets, n.d.). The Mental Evaluation Unit and System wide Mental Assessment Response Team are teams comprised of LAPD officers and case managers from LA’s Department of mental health with the express goal minimizing violence in police interactions, providing referrals, and enforcing the law (MEU, n.d. Moore, n.d.)
- <sup>7</sup> The Broken-windows theory contends that low-level crimes like panhandling, pave the way for more serious crimes (Wilson & Kelling, 1982).
- <sup>8</sup> Rates were calculated using data on the population of LA City from 2019 from the U.S. Census Bureau (2019), point-in-time homeless count data from LAHSA (2020) and Use-of-force data from LAPD—Approximately 23 of every 1000 PEH experience NCUOF versus under 1 of every 1000 Angelinos generally (Moore, 2019B).
- <sup>9</sup> The National Institute of Mental Health defines serious mental illness as “a mental, behavioral, or emotional disorder resulting in serious functional impairment, which substantially interferes with or limits... life activities” (NIMH, n.d.)
- <sup>10</sup> Between 29% and 67% of unsheltered PEH experienced serious mental illness in 2019 (Smith & Oreskes 2019)
- <sup>11</sup> Krinder et al., (2020) provides more guidance on co-responder programs in the U.S. <sup>12</sup> Simpson (2015), referencing Manning (1997), argues that tasking police with addressing homelessness represents an “impossible mandate”—they are tasked with balancing individual



interests and social order (Simpson, 2015; Manning 1977). McNamara et al. (2013) argues that at the very least “the empirical evidence seems fairly clear that the crime control approach... is unlikely to produce desired results for the police, the public, or the individuals living on the streets” because police would not target the root causes of homelessness (p. 369).

<sup>13</sup> Mitchell (1997) notes that “safe havens” against criminalization—places for PEH to sleep, relieve themselves, etc.—are necessary, but also that such idea have been criticized by those arguing that they do little to assist PEH and others still arguing that they invite homelessness and hamper safety.

<sup>14</sup> Many cities have ordinances that ban overnight sleeping in vehicles (Ivey et al., 2018). Car repossessions for unpaid tickets or expired registration can mean loss of shelter for PEH living in their vehicles (Alvarado, 2019).



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