AGENDA

1. Welcome and Introductions
2. Criminalization of Homelessness: Best Practice Alternatives
3. Panel Discussion: Alternatives to Criminalization of Homelessness in Contra Costa
4. Community Discussion: Promoting Best Practices
5. Nuts & Bolts
6. Pin it
2. CRIMINALIZATION OF HOMELESSNESS: BEST PRACTICE ALTERNATIVES

Amanda Stempson, Emily Salvaterra, Rehana Parsons, HomeBase

*Introduction to issue of laws that criminalize “acts of living” related to homelessness. Overview of best practice alternatives to criminalization.*
INTRODUCTION TO THE ISSUE

- National increase in laws that criminalize “acts of living”
- 74% of unsheltered homeless do not know a safe and legal place to live
- 80% have experienced harassment for sleeping in public
2015 COC PROGRAM COMPETITION

• Criminalization of homelessness addressed by HUD in latest CoC Program competition
• Maximum points to communities that:
  • Engaged/educated local policymakers
  • Engaged/educated law enforcement
  • Implemented communitywide plans to reduce or avoid criminalization
PROPOSED CALIFORNIA LEGISLATION

• Senator Liu introduced SB-876 in January 2016
• Designed to end criminalization against people experiencing homelessness
• Would prohibit law enforcement from arresting or ticketing people for resting in public spaces
BEST PRACTICE ALTERNATIVES: COMPREHENSIVE SYSTEMS OF CARE

- Create a workgroup to focus on the issue
- Train outreach teams
- Expand affordable housing
- Solution-oriented use of resources
- Create alternative programs
- Build community-wide awareness
BEST PRACTICE ALTERNATIVES: COLLABORATION

• Outreach and engagement teams
• Cross training police officers and service providers
• Crisis intervention teams
BEST PRACTICE ALTERNATIVES: ALTERNATIVE JUSTICE SYSTEMS

• Problem solving courts
• Citation dismissal programs
• Holistic public defender offices
• Volunteer legal services projects
• Reentry transition planning
CRIMINALIZATION LAWS

• Sleeping
• Trespassing
• Camping
• Urination/Defecation
STRATEGIES IN CONTRA COSTA

• Assisted Outpatient Treatment Program
• Mental Health Evaluation Team
• Homeless Court
• Behavioral Health Court
3. PANEL DISCUSSION: ALTERNATIVES TO CRIMINALIZATION OF HOMELESSNESS IN CONTRA COSTA

Captain Diane Aguinaga, Antioch Police Department (moderator)
Donte Blue, County Re-entry Coordinator
Crystal Luna, Contra Costa Mental Health Services ACTiOn Team
Officer Nicole Riddick, Pittsburg Police Department
Officer Mark Lambert, Pittsburg Police Department

Panel discussion on community efforts to develop alternatives to the criminalization of homelessness.
4. COMMUNITY DISCUSSION:
PROMOTING BEST PRACTICES

Teri House, Council on Homelessness Chair
Amanda Stempson, HomeBase

Community discussion of how to promote best practices and partnerships around alternatives to criminalization of homelessness in Contra Costa.
5. NUTS AND BOLTS

CoC General Membership.

Share community announcements.
6. PIN IT

Future items of discussion/scheduling to be considered by the Board.

Reminders:
- Next Council on Homelessness Meeting: Thursday, May 5th
- Next Continuum of Care Quarterly Meeting: Friday, July 15th
INTRODUCTION

In recent years, the United States has seen an increase of laws that criminalize “acts of living” that prohibit sleeping, eating, sitting, or panhandling in public spaces. These laws were passed and enforced to reduce the visibility of homeless individuals. However, these laws do nothing to address the underlying causes of homelessness and are among the most expensive, least effective ways of addressing homelessness.

A report by the National Law Center on Homelessness and Poverty (NLCHP) found that 74% of unsheltered homeless individuals do not know of a safe and legal place to sleep and 80% reported police harassment for sleeping in public. In August 2015, the Department of Justice issued a statement of interest following Bell v. City of Boise which argued that making it a crime for people who are homeless to sleep in public spaces, when there is insufficient shelter space in a city, unconstitutionally punishes them for being homeless. As the criminalization of homelessness continues to spread to more jurisdictions, it is important for communities to implement strategies to address this trend.

2015 COC PROGRAM COMPETITION

In the 2015 CoC Program competition, HUD addressed the criminalization of homeless individuals in the application. HUD awarded 2 points to CoCs that demonstrates they have implemented specific strategies that prevent criminalization of homelessness, affirmatively further fair housing, and ensure that outreach is conducted to homeless individuals and families who are least likely to request housing or services in absence of special outreach. Through this emphasis, HUD acknowledged that CoCs and providers play an important role in education and persuading local governments and law enforcement to not implement laws that make it more difficult for people experiencing homelessness to exist in a community. Because of this important role, HUD awarded maximum point to Collaborative Applicants who demonstrated that the CoC uses specific strategies to ensure that homelessness is not criminalized in the CoC’s geographic area. Maximum points were awarded if applicants demonstrate:

• That 100 percent of the geographic area is covered by the strategies and that describes the specific outreach procedures in place that are used by the homeless service organizations to identify and engage homeless individuals and families, including their efforts to provide meaningful outreach to persons with disabilities and persons with limited English proficiency.
• How they are reducing criminalization of homelessness and the procedures they will use to market their housing and supportive services to eligible persons who are least likely to apply in the absence of special outreach.

In Contra Costa’s 2015 CoC Application the following strategies were selected as currently being implemented by the CoC to ensure that homelessness is not criminalized:

✓ Engaged/educated local policymakers
✓ Engaged/educated law enforcement
✓ Implemented communitywide plans
✓ Implemented Homeless Court & Behavioral Health Court, offering alternative sentencing
✓ Implemented Homeless Encampment protocol in partnership with City Flood Control
✓ Developing assisted outpatient treatment program, civil court ordered treatment

PROPOSED CALIFORNIA LEGISLATION

Senator Liu introduced a bill on January 14, 2016 designed to end criminalization against people experiencing homelessness. SB-876 prohibits law enforcement from arresting or ticketing people for resting, eating, or practicing religion in public spaces. Further, the bill would prohibit cities, counties, cities and counties, and municipal agencies that receive state funds from enacting laws that ban resting in a public space. The bill would authorize a person whose rights have been violated to enforce those rights in a civil action.

The bill is intended to ensure equal rights for the homeless and to address the issues of homelessness with a social response instead of a criminal response. Senator Liu recognized that citing the homeless for simply resting in a public space creates a criminal record that can lead to rejection for jobs, education loans, and housing, which further blocks the path out of poverty.

California cities have expressed opposition to the bill, stating that the bill does nothing to solve homelessness in anyway. The bill is criticized because it does not offer new programs or funding for housing and that it undermines local efforts already taking place. However, several agencies have written support letters for the bill including Western Regional Advocacy Project, Coalition On Homelessness, S.F., and Western Center on Law and Poverty.

Overall, SB 876 seeks to change the narrative of how municipalities in California respond to homelessness. This bill redirects the resources used to prosecute the homeless to a more proactive approach that prioritizes housing and other wraparound services for this population.
BEST PRACTICES AND KEY STRATEGIES

With HUD highlighting this issue in the most recent CoC Program competition, CoCs should commit to reducing the criminalization of homelessness in their local communities, if not already done so.

On a large scale, a practical approach to reducing criminalization is to repeal the existing anti-homeless laws, reduce enforcement of such laws, and extend civil human rights that are protected for housed individual to those who do not have access to homes.

States can also adopt homeless bills of rights that will further protect homeless individuals. This type of legislation has become law in Connecticut, Illinois, and Rhode Island. California’s Homeless Bill of Rights (Right to Rest Act) was introduced in February of 2015 but a vote was not rendered during the 2015 process. The proposed legislation will come back for a vote during the next California legislation session with amendments.

At the local level, CoCs can assist in reducing criminalization of homelessness through implementation of smaller scale strategies that break into following categories:

A. Comprehensive and seamless systems of care
B. Collaboration among law enforcement, behavioral health, and social service providers
C. Alternative justice systems

A. COMPREHENSIVE SYSTEMS OF CARE

Criminalization of individuals who are homeless is in part caused by the lack of adequate shelter space and housing for individuals who need it. Therefore, resolving the problem of homelessness requires increasing the availability of affordable housing, access to mainstream benefits, and providing treatment and services at a level sufficient to meet demand. Thus, the question becomes how can CoCs use their current systems of care to continue to house more homeless individuals to reduce criminalization.

1. **Create a workgroup to focus on this issue**: CoC’s should create (if not already established) a separate committee or work group that will take an inventory of the community’s existing anti-homeless laws, analyze the current rate of enforcement of those laws, and develop realistic alternatives to reduce criminalization
2. **Train outreach teams** regarding this issue and ensure that there is adequate collaboration between the teams and emergency shelters
3. **Expand affordable housing**: increasing the amount of affordable housing and the number of shelter beds will lead to a reduction of people who live on the streets, which will in turn reduce the need to enforce anti-homeless laws.
4. **Solution-oriented use of resources**: reduce the resources dedicated to moving homeless people around and allocate resources to real solutions to help end homelessness.
5. **Create alternatives programs** or leverage existing programs so individuals do not have to perform life sustaining activities in public: use CoC partnerships to create “drop-in” centers where homeless individuals can escape the streets during the day.
   a. Example: Lava Mae in San Francisco repurposed out of order city buses into portable showers that are parked during the day at different locations throughout the city.

6. **Create community-wide awareness**: start conversations with business owners and citizens about the cost of enforcing anti-homeless laws and identify possible alternatives
   a. Police agencies do not unilaterally decide to enforce local and state laws against homeless people. Rather, police commonly enforce anti-homeless laws in response to pressure from local politicians, business leaders, and members of the public who are frustrated by the acute levels of homelessness that impact the standard of living for all Californians, especially those who have no homes.
   b. Comprehensive reform can only be achieved if the incentives of the public, the business community, the political powers, and government agencies at both city and county levels are aligned with a commitment to treat homeless people as people and not problems

B. COLLABORATION

Many cities around the country have seen reductions in the number of people experiencing homelessness when police departments, behavioral health, and other service providers work in close collaboration. Such collaborative efforts succeed in reducing the number of arrests for life-sustaining activities, panhandling, and other activities. By working together, service providers and police departments divert people who are unsheltered to programs that both address the issues that caused their homelessness and facilitate access to permanent housing.

1. **Outreach and engagement teams**:
   a. Units of behavioral health and other service providers who make contact with people on the streets and engage them on their own terms
   b. Consider expanding emergency community based psychiatric crisis services

2. **Cross training police officers and service providers**: law enforcement officers should be trained on how to engage with people experiencing homelessness, identify and respond to mental health issues, use crisis intervention techniques, and make appropriate referrals to service providers.

3. **Crisis intervention teams**: implement Crisis Intervention Teams, including department-wide training, giving supervisory control to CIT trained officers at the scene, and changing general orders to ensure that officers use verbal de-escalation techniques rather than force if a person does not respond to commands. These teams are designed to improve officer safety, reduce arrests of people with serious mental illnesses, identify individuals who need psychiatric care, and treat those individuals as quickly as possible.

C. ALTERNATIVE JUSTICE SYSTEMS
As a result of anti-homeless laws, individuals who experience homelessness often struggle with legal problems that interfere with the ability to stabilize their lives. Outstanding charges and criminal records can be a barrier to employment, access to benefits, and obtaining housing. In addition to criminal charges, individuals who are homeless may also have challenges navigating criminal court proceedings. Alternative justice systems strategies help resolve the legal needs of individuals experiencing homelessness while reducing vagrancy and overcrowding in court systems. The following are some strategies that can be put into place by CoCs to help address the negative enforcing anti-homeless laws.

1. **Problem solving courts**: provide an alternative to the traditional court process by combining a therapeutic model with traditional jurisprudence. These courts focus on the underlying causes of illegal activities with the intention of reducing recidivism and encouraging reintegration into society.

2. **Citation dismissal programs**: allows individuals who are homeless with low level infractions, such as public intoxication, the opportunity to participate in community service diversion or treatment programs tailored to people who are homeless instead of paying a fine. Some communities have programs that grant amnesty to those who receive “quality of life” tickets and are too poor to pay.

3. **Holistic public defender offices**: these public defender offices consist of social workers and other non-lawyer professional staff who can provide links to services to populations with special needs. Holistic public defender offices recognize that their clients face challenges beyond the criminal matter itself and seek to address the underlying cause of those challenges.

4. **Volunteer legal services project**: these programs provide legal services for people experiencing homelessness. These attorneys represent individuals or agencies by visiting the shelter regularly or by being on call when an individual has a legal need.

5. **Reentry transition planning**: this process helps prepare people in prison or jails to return to the community by providing links to housing, employment, needed services, mainstream benefits, and treatment. To be effective, these types of services should be able to link incarcerated individuals to needed services prior to their release. This type of “in-reach” service has been effective in reducing the recidivism rate and increasing community stability.

**BEST PRACTICE EXAMPLES**

**MIAMI-DADE COUNTY, FL: HOMELESS TRUST FUND**

Miami-Dade County passed a 1% food and beverage sales tax on establishments that are licensed by the State of Florida to sell alcoholic beverages for consumption on the premises, except for hotels and motels. Only businesses that make in excess of $400,000 in gross receipts annually are obligated to collect this tax. This tax provides approximately $12 to 14 million per year for the Homeless Trust Fund.
MEMPHIS, TN: CRISIS INTERVENTION TEAM

The Memphis Crisis Intervention Team is a specialized unit that responds to crises involving people with mental illnesses. The CIT is made up of volunteer officers from each uniform patrol precinct who are trained by mental health providers and family advocates through which the officers learn a variety of de-escalating techniques. CIT officers are available to provide immediate response to crisis events throughout the city at any time.

Outcome research has shown CIT to be effective in developing positive perceptions and increased confidence among police officers; providing very efficient crisis response times; increasing jail diversion among those with mental illness; improving the likelihood of treatment continuity with community based providers; and impacting psychiatric symptomatology for those suffering from a serious mental illness as well as substance abuse disorders.

HOUSTON, TX: POLICE OUTREACH TEAM

Houston implemented a homeless outreach team on the police force. This team works mainly with individuals who are chronically homeless to get them off the streets and into housing. The team employs a redirect strategy instead of being reactive and brings resources to the people on the street instead of arresting them. HOT is comprised of one sergeant, two officers, and one mental health professional that assist the homeless with housing, identification, shelter referrals, mental health treatment, transportation, medical care, and employment.

SAN DIEGO, CA: HOMELESS COURT

The San Diego Homeless Court Program has been operating since 1989 and was the first of its kind in the country. Homeless court sessions take place at participating provider sites across the county. It is designed for citizens experiencing homelessness to resolve outstanding misdemeanor warrants and offenses (mostly “quality of life” infractions). Participants voluntarily sign up for HCP through participating providers and participate in a series of program activities before appearing in court. Participants get credit for “time served” in program activities that address underlying causes of homelessness like life-skills, chemical dependency, AA/NA meetings, job searching, healthcare, and counseling.

San Diego also implemented the San Diego Inebriate Program to stop the “revolving door” among detoxification centers, jails, hospitals, and the streets for those who are homeless and struggling with alcohol addiction. The program model offers alcohol abuse rehabilitation as an alternative to jail time. An evaluation of the program found that graduates attained self-sufficiency, employment, housing, and a renewal of their lives.
## Criminalization Laws in Contra Costa

<table>
<thead>
<tr>
<th>County</th>
<th>Sleeping</th>
<th>Trespassing</th>
<th>Camping</th>
<th>Urination/Defecation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antioch</td>
<td>5-10.101: It is unlawful for a person to loiter, stand, or sit in or upon any public highway, sidewalk, or crosswalk in a manner that obstructs people passing by or in any manner annoys or molests people passing by.</td>
<td>5.14.01: It is unlawful for a person to drive or park a vehicle on land where there is a no trespass sign. 5-14.02: It is unlawful for a person to remain on private property after being told by the owner to leave. 5-14.03: It is unlawful for a person to enter private property, without express or implied permission of the owner after having been told to keep off.</td>
<td>10-2.12: It is unlawful for a person to camp (on ground, in a tent, or vehicle) in any park or recreation facility. A person can remain or sleep in a motor home in any park and recreation area only during daylight, for security purposes, or with written permission from the Director.</td>
<td>N/A</td>
</tr>
<tr>
<td>Concord</td>
<td>9.05.040 Sleeping in vehicle: it is unlawful for a person to sleep in any vehicle parked on any public street or in any parking lot (public &amp; private)</td>
<td>9.05.120 Trespass upon private property: no person can remain upon property after being told by the owner to leave. No person, without express or implied permission, can enter private property after being told by the owner to keep off. The section won’t apply if the act is prohibited by the Unruh Civil Rights Act, the act is prohibited by penal code §365 or other exceptions set out in part (C) 10.30.310: it is unlawful for a person to drive or park a vehicle on land when there is a notice that the land is private property and warning against trespassing.</td>
<td>9.05.050: No person can camp anywhere in the city unless permitted by the city (areas clearly marked for camping, in the yard of a residence with owner consent, camping events by the city, camp events for minors sponsored by a non-profit). “To Camp” camp means sleeping between 11pm and 8:30am in the following places: outdoors and in or under any structure not intended for human occupancy.</td>
<td>9.05.070: It is a misdemeanor for a person to urinate or defecate in or upon any street, park, sidewalk, public building, or place open to the public or exposed to public view.</td>
</tr>
<tr>
<td>Martinez</td>
<td>9.56.010: Sleeping in Vehicles- It is unlawful for a person to sleep or doze in a vehicle parked on any roadway between 11pm &amp; 8:30am.</td>
<td>9.50.120: (A) It is unlawful for a person to remain on private property after being told by the owner to leave (B) It is unlawful for a person to enter private property, without express or implied permission of the owner after having been told to keep off. (C) The section won’t apply if the act is prohibited by the Unruh Civil Rights Act, the act is prohibited by penal code §365 or other exceptions set out in part (C)</td>
<td>8.26.020: Unlawful Camping- no person can camp anywhere in the city. Camping means to sleep anytime between the hours of 11pm &amp; 8:30am outdoors (with or without bedding/tent) or in or under any structure not intended for human occupancy. Camping is permitted only 1)in public areas clearly marked, 2)events authorized by the city, 3) in the yard of a consenting owner and events for minors sponsored by non-profits</td>
<td>9.53.10: It is unlawful for a person to urinate or defecate in or upon any street, sidewalk, park, public building, or any place open to the public or exposed to public view.</td>
</tr>
<tr>
<td></td>
<td>Sleeping</td>
<td>Trespassing</td>
<td>Camping</td>
<td>Urination/Defecation</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>-------------</td>
<td>------------------------------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Pittsburg</td>
<td>N/A</td>
<td>N/A</td>
<td>9.96.040: It is unlawful for a person to park any vehicle, trailer, utility trailer or pickup camper in any city park for purpose of camping. “Camping” is defined to mean the maintaining of a dwelling (vehicle, trailer etc..) between 10:00 p.m. &amp; sunrise, or to 6:00 a.m., of the next day, whichever comes first.</td>
<td>N/A</td>
</tr>
<tr>
<td>Richmond</td>
<td>11.96.050: Upon a showing of necessity, a person may sleep in a vehicle and store personal belongings in the vehicle within city limits for not more than 72 hours in any 3-month period.</td>
<td>11.68.010: It is unlawful for a person to enter, remain, stop, stand, or park a vehicle on land when the owner has posted a no trespassing sign 11.68.030: It is unlawful for a person to remain or refuse to leave a commercial establishment when the person has been requested to leave. The person may not return to the premises for 48 hours without written notice or up to 1 year with written notice 11.68.040: It is unlawful for a person to enter a commercial establishment after being notified by written notice to keep away. The person may be excluded from the property for up to 1 year</td>
<td>11.96.030: It is unlawful for a person to camp, sleep in, or use camp equipment in the following areas: 1) any street; 2) any parking lot, public area or open space. However a person will only be in violation if a) the person was informed about where homeless shelters are in Richmond b) such shelter is actually available to the person and c) the person refuses to stay in the shelter</td>
<td>9.40.060: It is unlawful for a person to urinate or defecate on private property in an area exposed to the public view or on a public street, sidewalk, parking lot, or other public place.</td>
</tr>
<tr>
<td>Walnut Creek</td>
<td>11-1.504: It is unlawful for a motor home; mobile home, trailer, boat, bus or camper is occupied for living, sleeping, or any other purpose while stored. Visitors traveling in any such vehicle may live or sleep in the vehicle for a period that does not exceed a week.</td>
<td>4-6.401 Business Premises Trespass: a) it is unlawful for a person to remain on the outdoor area of a business premise after being notified by the owner to leave the premises b) it is unlawful for a person (without permission) to enter the outdoor area of any business after being told by the owner to keep off. After complying with the order, the person cannot return within 72 hours of leaving c) the exceptions where this section will not apply are 1) where the act is prohibited by the Unruh Civil Rights Act 2) where application</td>
<td>11-1.504 It is unlawful for a person to camp or lodge in a motorhome or otherwise, within any park, without a valid permit issued by the Director. The Director may designate certain areas within any park where camping or overnight motorhome parking is allowed.</td>
<td>5-5.101 (b): It is unlawful for a person to urinate or defecate in or upon any street, sidewalk, alley, plaza, park, or in any place open to the public or exposed to public view.</td>
</tr>
</tbody>
</table>
Sleeping | Trespassing | Camping | Urination/Defecation
--- | --- | --- | ---
would interfere with labor picketing or 3) where its application would interfere with a constitutionally protected right.

**STRATEGIES IN EFFECT IN CONTRA COSTA**

1. **Assisted Out Patient Treatment Program:** sometimes called “Laura’s Law,” is for people with severe and persistent mental illness who need treatment to prevent substantial deterioration of their condition and who may pose a risk to himself or herself or others. AOT is a civil, court-ordered treatment for persons with serious and persistent mental illness who demonstrate resistance to participating in services.
   a. A qualified requestor (such as a blood relative, cohabitant, spouse, medical provider, or police officer with a substantial relationship to the individual) is legally able to contact the AOT hotline to make a request for a legal investigation.
   b. For eligible individuals, the AOT program provides a 24-hour team response that include mental health treatment, medication, access to primary health care, substance abused counseling, benefits and resource counseling, supportive housing, vocational rehabilitation, and peer and family member education and support.
   c. The court process is only used after every effort has been made to encourage individuals who need treatment to voluntarily participate.

2. **Mental Health Evaluation Team:** The MHET is a new partnership between the county Police Chiefs Association and the Behavioral Health Division. This partnership is designed to help police agencies in the county reduce potentially dangerous psychiatric incidents by connecting clinicians to people encountered by officers who show signs of serious mental illnesses. This program breaks a cycle for people who are in frequent need of emergency services because of mental illness and provides an avenue to treatment that may not available otherwise. The program is also expected to reduce public costs associated with repeated police visits and emergency psychiatric treatment.
   a. The MHET includes three full-time mental health clinicians from Behavioral Health Services and one officer each from the Concord, Pittsburg, and Richmond Police Departments.
   b. Patrol officers from those departments, as well as neighboring police agencies, can now refer cases to their regions MHET for follow up. The MHET officer and partnering clinician together connect with referred parties to offer help, such as referrals to outpatient treatment and benefits.
c. This is voluntary service is offered to people whose mental health challenges result in repeated police calls for violent or threatening behavior, or who have been involuntarily hospitalized due to psychiatric crisis.

3. **Homeless Court and Behavioral Health Court:**
   a. **Homeless Court** is an alternative to the traditional criminal justice court system. The Homeless Court Program is focused on helping individuals with a history of homelessness clear fines for infractions. Clients are rewarded retroactively for the work they have already done toward clearing the fines on their tickets. Court sessions are held at the Concord Adult Homeless Shelter. The Homeless Court helps reinstate driver’s license, clear debt, improve eligibility for employment, increase autonomy, and connect individuals to resources related to child support and Prop 47. Clients must be currently homeless or have tickets that originated during the time of their homelessness.
      i. Clients must have completed at least 90 days of continuous, satisfactory participation in a treatment or self-help program. This may include case management at a shelter, participation in a substance abuse program, or other mental health, vocational, or life skills programs.
      ii. A case manager must refer clients to Homeless Court from said treatment or self-help program.
   b. **Behavioral Health Court** is a two-year treatment alternative to jail and prison for seriously mental ill adults. The BHC provides clients with intensive clinical case management, health management, daily living skills, problem solving, interpersonal relationships and social skills, responsibility and accountability. The BHC assists with family reunification, independent living, development and promotion or individual strengths, skills, and purpose in life.