



Problem-Oriented Guides for Police
Problem-Specific Guides Series
No. 56



Homeless Encampments

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Responses to the Problem of Homeless Encampments

Analyzing your local problem should give you a better understanding of the factors contributing to it. Once you have analyzed your local problem and established a baseline for measuring effectiveness, consider possible responses to address the problem.

The following responses, drawn from a variety of research studies and police reports, provide a foundation of ideas for addressing your problem. Several of these strategies may apply to your community's problem. It is critical that you tailor responses to local circumstances and that you can justify each response based on reliable analysis. In most cases, an effective strategy involves implementing several different responses. Law enforcement responses alone are seldom effective in reducing or solving the problem. Do not limit yourself to considering only what the police can do; give careful thought to others in your community who share responsibility for the problem and can help police better respond to it. The responsibility of responding, in some cases, may need to shift toward those who can implement more effective responses. (For more detailed information on shifting and sharing responsibility, see Response Guide No. 3, *Shifting and Sharing Responsibility for Public Safety Problems*).



§ In Clearwater, a Neighborhood Advisory Committee was set up to monitor, advise, and provide volunteer services at a shelter established by the police department. Eventually the community dropped its resistance to the new shelter and became actively involved with it (Clearwater (Florida) Police Department, 2001).

§§ The Fort Lauderdale Police Department's two-hour department-wide course "Homelessness 101" was developed by the Broward Coalition for Homeless (Fort Lauderdale (Florida) Police Department, 2002).

General Principles for an Effective Strategy

- 1. Enlisting community support to address the problem.** Because of the intense public debate in many cities about how to deal with homelessness, it is a very good idea to involve homeless advocacy groups early in your planning process. Otherwise, you risk being derailed later by legal challenges. Other stakeholders, particularly those who may be making demands for police action, such as residents, business owners, politicians, and city officials should be involved in negotiating what is acceptable in public spaces. § Dismantling homeless encampments or altering their environmental features to discourage living there can easily be perceived as cruel by some if they don't understand how the overall effort will improve the lives of both transients and the larger community. Notwithstanding your efforts, it is unlikely that all will agree with the goal of eradicating homeless encampments.
- 2. Educating the community about homelessness.** Community members often don't understand the factors that give rise to homelessness and the constitutional limits on police trying to manage problems associated with chronically homeless people on the streets. Better-informed citizens may be more receptive to fundraising efforts for programs and services for the homeless and may be less resistant to the placement of facilities for homeless people in their neighborhoods.
- 3. Educating police officers about homelessness.** Negative interactions between police officers and homeless people can be avoided through educational efforts to change police culture and attitudes toward homelessness. Inviting homeless advocacy groups to help design and offer the curriculum can be very useful in building positive inter-agency relationships. §
- 4. Helping with your community's long-range homelessness plan.** Police involvement in planning community-wide strategies to end homelessness is beneficial. Other people involved in planning need to hear what resources your department can bring to the table as well as any limits on your involvement.



Specific Responses to Homeless Encampments

Providing Alternatives to Homeless Encampments

5. **Promoting the “Housing First” model.** This strategy for housing chronically homeless people puts them into their own permanent housing units first instead of first treating the underlying problems to make them “housing ready.” The housing is seen mainly as a place to live. Treatment comes later.

An evaluation of this strategy in San Francisco, California found that the number of people living on the streets dropped by 41 percent in three years. More than 1,000 units of “permanent supportive housing” were established, and, of those who moved into such units, 95 percent remained housed.⁴⁴ In New York City, placing chronically homeless people with severe mental illnesses into supportive housing led to significantly fewer visits to emergency rooms, psychiatric wards, shelters, and jail. About 95 percent of the cost of providing the supportive housing was made up for by reductions in public service expenditures.⁴⁵ Other studies found that this approach results in more stable housing outcomes for participants (in terms of the percentage of participants still in housing after certain time frames) compared with standard care that begins with encouraging abstinence from alcohol and leads eventually to long-term housing.⁴⁶

This strategy seems promising for those living in homeless encampments. Surveys of these populations find that a large majority (about 75 percent) list their most preferred shelter option as a place of their own, followed by encampments. Very few prefer government-run camps, and hardly any of the people surveyed wanted to live in a mission or shelter.⁴⁷



§ See www.mrsc.org/Subjects/Housing/TentCity/TentCity.aspx for a comprehensive list of ordinances governing tent cities.

6. **Lobbying for more resources for mental health and substance abuse.** Given the strong relationship between residency in homeless encampments and dual diagnoses of addiction and mental illness, effective strategies to get people out of encampment life include long-term integrated treatment (i.e., treatment for both substance abuse and mental illness in the same program) and comprehensive case management.⁴⁸ Many communities have groups actively working to increase state and local government funding of these services.
7. **Regulating structured camping facilities.** This involves setting up an area where transients can encamp in relative safety, without the fear of violating laws and ordinances, and receive services as long as they follow facility rules. In Phoenix, Arizona, authorities established a campus for the unsheltered homeless that centralized their social services demands, including food, shelter, medical care, and employment services.⁴⁹ Such facilities are likely to garner negative reactions from nearby residents and business owners who fear an influx of petty criminals and a drop in property values and quality of life. Involving them early in the planning process, as Clearwater, Florida, police did when they built a homeless shelter, can help reduce these NIMBY (“not in my backyard”) responses.

Tent cities, if they are not properly run, can be problematic.[§] Typical restrictions specified in municipal codes for jurisdictions that permit tent cities include:

- requiring a meeting with the community before establishing the encampment
- limiting the encampment’s existence to a few months
- limiting the number of encampments that can operate in the jurisdiction at any one time
- limiting the number of times a location can be used for an encampment in a particular time period
- requiring a certain number of toilet and shower facilities
- restricting the use of heating and cooking devices



- specifying a minimum distance for the encampment from sensitive areas, such as schools, churches, playgrounds, and day care centers
- specifying a minimum distance from public transportation
- specifying the provision of social services to help homeless people out of their situations
- setting codes of conduct for residents.

§ In San Diego, clearing brush along the side of an interstate resulted in a 100 percent reduction in calls-for-service, crime, out-of-service time for law enforcement, citations, arrests, and community complaints (San Diego (California) Police Department, 2003). In Anchorage, Alaska, a few homeless people lived in a small wooded strip between a residential area and a high-traffic roadway. After the low-lying brush was mysteriously cut back one weekend, the encampments disappeared.

Changing the Physical Environment

8. **Clear-cutting overgrown brush.**[§] Transients like encampments to be surrounded by overgrown vegetation, but this can make the camps difficult for police to enter safely, especially at night. Before clearing brush, first determine who owns the land. Multi-agency cooperation may be necessary on land owned by the park service, municipal parks and recreation departments, or transportation and highway departments. You may also need to consult a landscape architect about what kinds of plants should replace what is removed. If a lot of brush needs to be cleared, consider asking neighborhood residents to help out.

Clearing brush can be effective short term. However, unless there are other changes to the area that make it unattractive to transients, the encampment is likely to reappear when the brush grows back. It is also possible the encampment will move to another location. If the encampment is close to neighboring jurisdictions, it can be worthwhile to work with agencies in these jurisdictions to anticipate and prevent this displacement.

9. **Deploying water sprinklers.** If the chronically homeless have set up camps in relatively small urban parks, setting water sprinklers to go off at various times can make sitting or lying on the grass less comfortable. Sprinklers on buildings can also be used to prevent people from sleeping on sidewalks.



10. **Encouraging private property owners to secure vacant lots and buildings.** Fencing and other barriers can make spaces less desirable for encampments because of the increased effort needed to reach the camp. On the other hand, making it harder to get to the encampment means it is less likely to be detected by police on routine patrol, which may actually serve to make the site more attractive.
11. **Removing or altering street furniture.** Dismantling park benches and the like, or installing spikes and other devices to discourage sitting or lying on flat, raised surfaces, can make places less attractive for idle transients. But this will affect the street homeless and the legitimate user of public space equally, as each will be denied a place to sit and rest. Better approaches involve encouraging property owners to modify surfaces in fairly benign ways or construct them so they do not promote long-term sitting. Examples include central armrests on benches, slanted surfaces at the bases of walls, prickly vegetation in planter boxes, and narrow or pointed treatments on tops of fences and ledges. However, some observers of public spaces argue that the way to lessen the impact of loitering homeless people is to construct even more desirable sitting environments to attract more legitimate users, thus decreasing the ratio of homeless to legitimate users.⁵⁰

Restricting Access to Goods and Services That Promote Encampments

12. **Restricting public feeding of transients.** Health codes in many communities prohibit feeding people in public without appropriate permits and measures to ensure food safety. Zoning codes often specify what activities are allowable when providing services to homeless people. Religious groups have argued these prohibitions violate the freedom of religious expression under the First Amendment, the Equal Protection clause of the Fourteenth Amendment, and the Religious Freedom Restoration Act of 1993.⁵¹



Responding To Public Feedings In Anchorage, Alaska

Instead of first enforcing health or zoning codes, it can be more productive to first engage stakeholders in discussions. For example, community leaders in Anchorage, Alaska, raised concerns about the negative impact on its commercial center of large groups of chronically homeless people showing up throughout the day and late at night for feedings from the back of a van. A short-term working group was formed to address the issue. The main stakeholders were the community members, the state office of Faith-Based Initiatives, the municipal department of health and human services, and leaders in the faith community. After several meetings and hearing the neighborhood's concerns, the faith leaders communicated to their congregations that this activity was unwelcome at that location. Congregants were encouraged to move to the grounds of a nearby soup kitchen that did not serve an evening meal. The majority of the food-givers relocated. One person refused to comply, arguing that she was doing "God's work" and would not be stopped. The police contacted the property owner where the feedings occurred and secured a letter asking the police to enforce trespassing laws against the woman. This, coupled with the threat of citations for health code violations, finally brought an end to public feedings at that location.

13. **Diverting donations from the public.** Well-intentioned people who leave donations of food and clothing at encampment sites may not realize that their actions may do more to enable transients than help them out of their chronically homeless lifestyle. Public education can encourage citizens to direct their charitable energies toward programs and services that reduce the need for homeless encampments rather than supporting them.



Reducing Negative Impacts of “Routine Activities” of the Chronically Homeless

§ An architect in Winnipeg, Manitoba, troubled by the strong smell of urine in doorways by his business, teamed up with the local Business Improvement Zone (BIZ) to install two portable toilets. Police and BIZ employees checked the toilets regularly to ensure they were not being used for criminal activity. Despite a reported reduction in urine odors, the city ordered their removal and declined to issue a permit (CBC News, 2008).

14. **Installing more public toilets.** If your community has a problem with homeless people excreting and urinating in public, it may be because there is no place else for them to go. Seattle put in more public toilets, automated stand-alone units with doors that open after 10 minutes, seats that retract for cleaning, and a system to hose down the floors. However, some community members thought the toilets were havens for drug dealers and prostitutes. There were also some mechanical failures.⁵² Because some members of the public might object to the high price of automated toilets, it may be better to start with portable toilets.[§] In Fresno, California, and Grand Rapids, Michigan, several portable toilets were recently installed next to homeless encampments, although not without opposition from those who argued that this would legitimize the encampments. Health and sanitation concerns were deemed more important. Another approach to dealing with citizens’ concerns about the cost of public toilets is to contract with companies that can provide public toilets in addition to other street “furniture” (such as litter receptacles, bus shelters, newsstands, and benches). Revenue is generated by placing advertising on the street furniture and charging people a small fee to use the toilets (which have cleaning systems and automatic doors to prevent long stays). These arrangements can make money for local government—New York City expects to bring in \$1 billion over 20 years.⁵³
15. **Opening a day resource center.** These are “one-stop shops” where the chronically homeless can access services, use bathing facilities, and receive health care, food, etc.⁵⁴ People who reside in urban encampments are likely to benefit, and, at the very least, will be off the streets and out of public view for much of the day. Encampment dwellers who work during the day do not need the “drop-in” component of a day resource center, but could more efficiently access services. Opponents think this will just bring in more people, so providers of these facilities should strongly consider connecting the receipt of services to some sort of programming to transition people from homelessness.⁵⁵



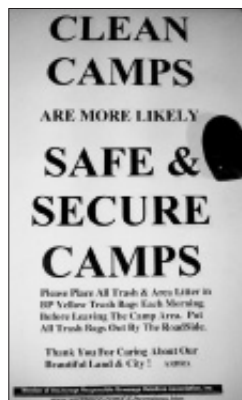
In Fontana, California, the police worked with local churches and other service providers to create TEN-4 (Transient Enrichment Network for Fontana), a processing center that provides a hot shower, clean clothes, food, and assistance finding housing, employment, or placement in a long-term substance abuse treatment program. The facility is in a strip mall in an area of the city with a long-standing homelessness problem. If someone brought to the TEN-4 facility did not enter the program, he or she was given a ride away from the area. This helped alleviate business owners' concerns that the area around the center would be overrun by homeless people who were "dropped off" there. Also, homeless people who did not enter the program were not given any food or clothing, and were not allowed to use any restroom or shower facilities. These measures satisfied the business owners, who soon became strong supporters of TEN-4.⁵⁶

16. **Working with land use enforcement officers.** Most jurisdictions have land use codes that can prohibit homeless encampments on private property. They include restrictions or specifications on the type of ancillary dwelling units permitted on property and regulations against camping. Squatting in buildings is generally prohibited through codes setting safety standards for occupancy of structures.
17. **Cleaning up camp sites.** Removal of trash and debris from homeless encampments can improve the unsanitary conditions there. However, without taking steps to permanently remove the inhabitants, this response is unlikely to result in long-term change to the encampment.



18. **Shutting down homeless encampments.** This response takes cleaning up camp sites much further and includes strategies to permanently remove the transients and discourage their return. The procedure for shutting down homeless encampments is multi-staged. Most successful plans include these elements, generally in this order:⁵⁷
- Visit the encampment to determine 1) how many people live there and if they have any special needs; 2) if there are any environmental hazards that need to be handled by trained personnel; and 3) the proper deployment of police officers and others to adequately carry out the plan.
 - Determine which law enforcement agencies have jurisdiction in the encampment area. If there is more than one, as is often the case in wilderness areas where state or federal agencies may have jurisdiction, establish a Memorandum-of-Understanding (MOU) that specifies which agency will be responsible for law enforcement, safety, and environmental protection, and who will do what while the response is being implemented.
 - Find out who owns the property in question. The laws pertaining to legality of encampments vary depending on whether the land is privately or publicly owned.

*Anchorage Responsible Beverage Retailers
Association (ARBRA)*



This notice is placed at encampments after they have been cleaned by volunteers.

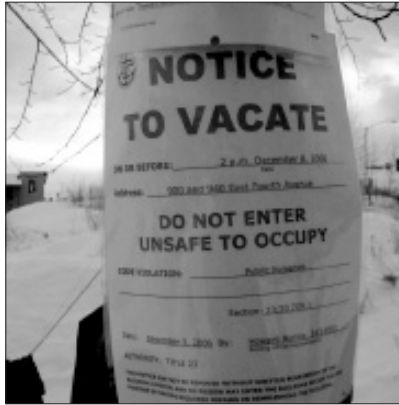


- Become familiar with your jurisdiction’s laws regarding removal of personal property and people from transient encampments.
- Meet with representatives from homeless advocacy groups to advise them of your plan and why you are doing it. Data collected during the scanning phase of your project will be useful here. Consider inviting these groups to come along on your subsequent contacts with transients at the encampment.
- Arrange alternate shelter for all the transients *before* you begin to remove them from the encampment. This is an important step to avoid legal challenges on the basis of the unconstitutionality of punishing someone for carrying out a “physiological need”—sleeping.
- Provide all transients with a written notice advising them 1) they are violating the law by camping in the park, under the freeway overpass, etc; 2) they are subject to further law enforcement if they remain in the area; 3) of the location of the alternate shelter arranged specifically for them; and 4) by which date they must vacate the area.
- After the date of vacation passes, return to the encampment and issue citations to those still there. Tell them the date by which they must vacate and that they will be subject to arrest and seizure of property if they do not leave by then.
- After the second notice passes, arrest any remaining transients and store their belongings. Ask other agencies or government departments to assist you in removing this property. Be careful about potential constitutional violations regarding searches of property.
- Establish another MOU detailing who will be responsible for ensuring the encampment is not rebuilt. Consider having each agency contribute some resources for regular patrols of the affected areas, and ensure you have the capacity to immediately clean up an area if it begins to reestablish itself.
- Cut back any excessive foliage that hides the encampment area.
- Post signage in the former encampment indicating that camping is not permitted in the area.



*Anchorage Responsible Beverage Retailers Association
(ARBRA)*

§ See http://file.burbankca.gov/cityclerk/agendas/ag_council/2007/ag032007_Minutes.html for a good discussion about the legal implications of different methods of controlling abandoned shopping carts.



Example of signage posted in a former encampment.

19. **Retrieving shopping carts.** Some transients store their personal belongings in shopping carts, making it relatively easy for them to move from place to place. Often what is transported in the carts is not food or other grocery items but debris, soiled clothing, or animals. If a cart is returned to the store, its use by shoppers may constitute a health hazard.

Stores in areas populated by transients may be especially vulnerable to cart theft because many of their customers are pedestrians and cannot transport their goods home without a shopping cart. Further, these stores may lack the resources to install security devices on the carts or to allocate staff and a vehicle to patrol the neighborhood to pick up stray carts. Some cities, such as Phoenix, Arizona, allocate government funding to hire shopping cart pickup vendors to work in areas particularly afflicted by discarded carts.⁵⁸ Other cities have ordinances that require stores to contract with vendors whose business is retrieving abandoned shopping carts,⁵⁹ or to develop a plan to contain their carts on their property. This ordinance is widespread in California, where state law places numerous restrictions on the capacity of local governments to quickly retrieve abandoned shopping carts.[§]



Improving Police Interactions with Transients

20. **Developing a departmental policy.** About a quarter of sheriffs' offices and local police departments have written policies for contacts with homeless people.⁶⁰ A policy should include procedures for casual contacts and arrests, as well as details about how give notice to illegal campers and deal with the property of homeless people.[§] The use of appropriate record-keeping tools (to support efforts to assess the effectiveness of your intervention) could also be mandated by policy.
21. **Creating a specialized unit.** Police departments in many cities, such as Santa Monica and San Diego, California, Pinellas Park and Fort Lauderdale, Florida, New York City, and Albuquerque, New Mexico, have established units to deal specifically with homeless people. There are different types of these units. In one variation, police accompany outreach workers on patrols through areas frequented by homeless people. Contacted homeless people are referred or transported to services. In Fort Lauderdale, police officers on the Homeless Outreach Team learned that wearing a uniform and driving a marked patrol car actually made it easier to contact homeless people. Being approached by someone in plain clothes and an unmarked car made the homeless fearful.⁶¹ Another variation is based less on patrol and more on crisis intervention. An example is the Homeless Outreach Team in San Diego, where in addition to homeless outreach efforts, police officers partner with mental health clinicians in a Psychiatric Emergency Response Team.⁶² A third variation is exemplified by the Homeless Liaison Program (HLP) in Santa Monica. There, a specially trained unit of about six police officers reaches out to transients and refers them to services. The HLP Team established contacts with short-term and long-term housing providers, job placement services, and treatment programs for mental illness and substance abuse disorders.⁶³

§For examples of policies, see the Fort Lauderdale (Florida) Police Department (<http://ci.ftlaud.fl.us/POLICE/homeless4.html>) and the Cincinnati (Ohio) Police Department (www.cincinnati-oh.gov/police/downloads/police_pdf7158.pdf).



§ See, for example, *Pottinger v. City of Miami*, *Johnson v. City of Dallas*, and *Jones v. City of Los Angeles*.

Responses with Limited Effectiveness

22. **Enforcing “sidewalk behavior” ordinances.** “Sidewalk behavior” ordinances prohibit behaviors on public sidewalks. Examples of these prohibited behaviors include lying or sitting on the sidewalk, or on any object placed on the sidewalk; impeding or obstructing the passage of pedestrians by getting in their way or putting obstacles on the sidewalk; leaving belongings unattended on sidewalks; and soliciting.⁶⁴ There have been successful class-action legal challenges[§] to arrests of homeless people for sleeping in public places and carrying out other “life-sustaining functions.”⁶⁵ The courts’ decision rules have generally been:

- 1) Are the plaintiffs involuntarily homeless? If your community does not have enough shelter beds to house all the homeless people, a court is likely to rule, based on precedent, that homelessness is not a choice and thus involuntary.
- 2) Do the plaintiffs have access to non-public spaces to carry out the punished activities? If your community lacks bathing and toilet facilities for the homeless, enforcement of laws prohibiting these activities could run into legal challenges.
- 3) Are the activities for which the plaintiff is being punished involuntary? Courts have tended to rule that sleeping and excretion are involuntary.

Beyond the legal impediments to enforcing these ordinances, it is likely that some offenders might welcome being arrested for these sorts of activities. It gives them a chance to be off the street for a short period of time in a place where they can eat, get warm, and clean up. Before long, they will be back in the same area doing the very things for which they were arrested.⁶⁶



23. **Enforcing ordinances against panhandling.** Only a small percentage of chronically homeless people are panhandlers.^{§67} Therefore, cracking down on panhandlers is not likely to have a significant impact on transient encampments. Furthermore, the legal impediments to successful enforcement of anti-begging laws are great.^{§§}

§ American ethnographic studies and small-scale surveys of people living on the street or in transient encampments show that about 20–30 percent engage in panhandling. This percentage was considerably higher in a Scottish study however (Fitzpatrick and Kennedy, 2000).

§§ See Problem-Specific Guide No. 13, *Panhandling* for more information.

§§§ See Response Guide No. 1, *The Benefits and Consequences of Police Crackdowns* for more information.

24. **Doing “bum” sweeps.** One common strategy is the “bum sweep,” where police temporarily concentrate resources in a troubled area and arrest a lot of homeless people for minor offenses or on outstanding warrants. Sweeps can clean up an area very quickly, but they are not generally effective for a number of reasons. First, they can create an adversarial relationship between this group and the police, and, second, they can encourage unproductive interaction with homeless advocates.⁶⁸ Finally, there is no evidence that sweeps have any long-term effect. As an isolated response, crackdowns against the street homeless are not advised. However, there is evidence from studies of crackdowns on serious crime (mostly drug markets) that they can be effective if done in conjunction with other strategies.^{§§§69}

25. **Creating safe zones.** These areas, wherein homeless people can live without fear of arrest for carrying out the routine behaviors of daily life, typically combine temporary shelter with services such as medical care, meals, and employment assistance. Homeless encampment residents prefer these to shelters.⁷⁰ In practice though, safe zones are not effective. Their location in industrial parts of cities makes community opposition unlikely, but also isolates inhabitants from the services and employment opportunities that might help them transition out of chronic homelessness. It is also possible that this isolation might actually increase the divide between safe zone residents and “housed” people.⁷¹ The city of Fort Lauderdale, Florida, was compelled by court order to establish a safe zone—four tents in a downtown parking lot. It had feedings, showers, and restrooms, and ended up attracting new homeless people to the city. The safe zone became rife with crime. Overall, the effort proved not to be cost-effective.⁷²



26. **Increasing the capacity of local shelters.** It is not always true that people reside in transient encampments due to lack of shelter space. Campers resist going to shelters for a variety of reasons. Some shelters cost too much, prohibit alcohol use, couple shelter with religious outreach, or refuse admittance to those with certain types of criminal histories (sex offenders in particular). Those who are denied entry once are not likely to try again. Relaxing these rules might make shelters more palatable to this group of chronically homeless people. On the other hand, allowing anyone into shelters would lead others to avoid them for personal safety reasons. Finding a balance can be difficult.⁷³

In two studies of homeless encampment residents, only 25-41 percent said they would go willingly to shelters. If forced to leave their encampment, a larger percentage said they would just find a more secluded place to live, and others said they would continue to stay at their encampment, even if it meant risking arrest.⁷⁴