

# No Right to Rest: Police Enforcement Patterns and Quality of Life Consequences of the Criminalization of Homelessness

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## **Abstract**

Laws restricting the behaviors of homeless people in public places are proliferating. Proponents argue that such “quality of life” laws will encourage homeless people to move off the streets and into services, and thereby improve their quality of life. Critics argue that these laws target vulnerable individuals and show little evidence of improving the lives of homeless people. To inform this debate, this article reports data from two separate surveys of Colorado homeless residents regarding their experiences with quality of life policing, supplemented by a review of police data regarding contacts, ticketing, and arrests of homeless people. The data reveal that the oft-stated goal of improving the quality of life of homeless residents through “tough love” policing campaigns has not been met. Instead, most homeless residents report their lives have become more challenging, more stressful, and less safe following expansion of quality of life policing.

## **Keywords**

homelessness, homeless, public space, policing, criminalization

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As the number of people experiencing homelessness in the United States has remained persistently high over preceding decades, concerns have grown among many officials that the urban environment is being undermined by the presence of so many unsheltered homeless people, living in public places (Brooks 2013; Fang 2009; Mitchell and Staeheli 2006). An associated concern is that when homeless people are allowed to conduct daily acts of living in public spaces (such as sleeping or panhandling), they fall into unhealthy behavioral patterns that lengthen their spell of homelessness and undermine their long-term prospects (Caldwell 2014; Thompson 2011). As a response to such concerns, an increasing number of cities are passing laws restricting activities common to homeless people in public places. According to the United States Interagency Council on Homelessness (USICH 2012, p. 2),

The United States has seen the proliferation of local measures to criminalize “acts of living,” [passing] laws that prohibit sleeping, eating, sitting, or panhandling in public spaces. City, town, and county officials are turning to criminalization measures in an effort to broadcast a zero-tolerance approach to street homelessness and to temporarily reduce the visibility of homelessness in their communities.

Although anti-homeless laws are an increasingly endemic part of local landscapes, we know little about how these “quality of life” laws are enforced on the ground or with what consequences in terms of changing behaviors of homeless people. Many proponents celebrate the virtues of quality of life laws in encouraging homeless people to move off the streets and into healthy services (Caldwell 2014; Johnsen, Fitzpatrick, and Watts 2014; Siegel 1992). However, the USICH (2012) has called such laws “cruel and counterproductive” because they target vulnerable individuals, cost substantial resources to enforce, and show little evidence of improving the lives of homeless people. In reviewing these debates, Stuart (2013); Metraux, Roman, and Cho (2007); and Jacobson (2005) have all called for better research on the efficacy of “anti-homeless” laws in terms of whether they actually achieve a commonly asserted goal of prompting homeless people to change behavior and improve their lives.

To contribute to the empirical research on the patterns and consequences of quality of life policing among the homeless, this article reports on two field surveys of Colorado homeless residents regarding their experiences with quality of life policing, supplemented by a review of police data regarding police contacts, ticketing, and arrests for quality of life crimes. This author has previously published local consultant reports based on these data (Robinson and Denver Homeless Out Loud 2013; Robinson and Sickels

2015), and some data and findings from those previously published reports are further analyzed and expanded upon in this article. The data from these Colorado surveys reveal that quality of life policing has shown some success in one of its stated goals: moving homeless people out of central, well-lit areas frequented by shoppers and tourists. But the goals of improving the range of services available to homeless people, and improving their quality of life through “tough love” campaigns, have not been met. In fact, most unsheltered residents in Colorado report their lives have become more challenging, more stressful, and less safe following expansion of quality of life policing campaigns.

## **An Expanding Landscape of “Quality of Life” Policing**

Pioneered by New York’s “zero tolerance” policing (Vitale 2008), Los Angeles’ “Safer Cities Initiative,” (Berk and MacDonald 2010), and San Francisco’s “Matrix” program (Kelling and Coles 1998; MacDonald 1994), a punitive approach increasingly defines the policing of homelessness in the United States. Hundreds of cities, and more every year, restrict or ban such activities as public sleeping, sitting, loitering, sleeping in a car, or using any kind of shelter from the elements (Amster 2003; Tars, Johnson, Bauman and Foscarinis 2013; Whelley and McCabe 2016). A growing number of cities go so far as banning “public feeding” of the homeless (Wasserman and Clair 2016), prohibiting people from giving homeless residents survival items such as blankets (National Coalition for the Homeless 2014), or utilizing “area restrictions” against homeless people, banning repeat offenders (e.g., someone with multiple panhandling or public intoxication tickets) from passing through downtown areas altogether (Brown 2015; Moore, Freeman, and Krawczyk 2011).

“Camping” bans are a showcase example of the strictness of some of these laws, in that camping bans typically restrict homeless people from using any kind of protective cover from the elements—snow, rain, wind, or sun—other than their clothing. In Colorado, Denver’s recently passed camping ban makes it illegal for homeless people to utilize “without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing” (Denver Revised Municipal Code 38-86.2). Under such camping bans, Colorado residents have been ticketed for utilizing backpacks as pillows, sitting on cardboard mats, or using newspaper blankets, all of which are illegal shelter from the elements (Urie 2011; Meltzer 2009; St. Francis Center 2012).

In 2013, the National Law Center on Homelessness & Poverty (2014, p. 7) surveyed 187 American cities to assess “the number and type of municipal codes that criminalize the life-sustaining behaviors of homeless people.” Survey results confirm descriptions by the U.S. Department of Justice (2012), the USICH (2012), and the American Bar Association (2013) that equate “quality of life” policing trends with the growing “criminalization of homelessness.”

- 34% of cities impose citywide bans on sheltering from the elements in public; 57% prohibit sheltering in particular areas.
- 18% of cities prohibit public sleeping or panhandling citywide; 27% prohibit public sleeping or panhandling in particular areas.
- 33% of cities impose citywide bans on loitering or vagrancy; 65% prohibit loitering or vagrancy in particular areas.
- 53% of cities prohibit sitting or lying down in particular areas of the city.
- 43% prohibit sleeping in vehicles anywhere in the city.
- 9% of cities prohibit sharing food with homeless people.
- Between 2011 and 2014, the number of U.S. cities banning daily life activities of homeless people increased substantially: 34% more cities banned public sleeping, 43% more cities banned sitting or lying down, 60% more cities banned “public camping,” and the number of cities banning sleeping in cars more than doubled.

## **Framing Quality of Life Campaigns: Coercive Care or Cruel Revanchism?**

As quality of life legislation has expanded, a robust debate has emerged regarding the intent and consequences of such laws. Critics argue that such laws “are driven by unjustified fear and discrimination against people without homes, by a callous and immature desire to hide the impoverished from public sight, and by selfish concerns with maintaining a well-polished business climate” (Robinson and Sickels 2015, p. 32). A long line of scholarship interprets them as “a mechanism for exerting control and distance over the perceived threat to social order represented by the homeless population” which is commonly seen as disorderly, threatening, and unclean (Metraux, Roman, and Cho 2007). Smith (1996) famously described quality of life policing as a vicious form of “revanchism” against the urban poor who offend the “public order” sensibilities and profit-seeking goals of urban elites. Similarly, Amster (2003, p. 14) has interpreted these laws as part of an

“extermination scenario” —cruel attacks on the right of homeless people to exist, as sleeping, sitting, and moving in public places are requirements of life for those who live without private homes (see also Mitchell 2003; Amman 2000; Bannister, Fyfe, and Kearns 2006; Barak and Bohm 1989; Fang 2009; Mitchell and Staeheli 2006; NLCHP 2014; Wright 1997).

From a competing perspective, these same laws are commonly defended as necessary to enforce standards of civility in public areas (Berk and MacDonald 2010; Siegel 1992), foster economic growth (Caldwell 2014), reduce crime through “broken windows policing” (Kelling and Wilson 1982), and encourage homeless people to improve their lives through proper behavior (Johnsen, Fitzpatrick, and Watts 2014; Limebury and Shea 2015). Deverteuil (2006), for example, argued for a more nuanced interpretation of quality of life laws than is offered by the revanchism thesis. Instead of simply interpreting these laws as cruel strategies meant to “exterminate” the right of homeless people to exist, Deverteuil argued that these “tough love” laws are in many ways intended to improve the lives of homeless people, because such laws are often accompanied by expanded social service programs for the homeless, together with increased authority of the police to force homeless people off the streets and into services that can help them gain better control of their lives (Jordan and Jordan 2000).

Laws forbidding public sleeping or sitting, and other forms of behavioral supervision, are defended as compassionate strategies to compel self-destructive and service-resistant homeless people to leave the streets, come into shelters, and utilize available services (Gregoire and Burke 2004; Johnsen and Fitzpatrick 2007, 2010; Johnsen, Fitzpatrick, and Watts 2014; Laurenson and Collins 2007; Limebury and Shea 2015; Mead 1997; Schram 1999; Stuart 2013; Tonkins and van Doorn 2001). Stuart (2014) described Los Angeles police officers he interviewed claiming that they did not want to get homeless lawbreakers into jail, but rather into shelters and other services. “In reality, it’s all about figuring out new ways to get people into the system,” said one officer. These citations serve as “one last nudge for [homeless people] to start getting their life back together.”

Such a “tough love” approach assumes that many homeless people are behaving irrationally in “choosing” to remain on the streets and to live homeless as a lifestyle. By refusing to sober up and otherwise bring order into their lives, unsheltered homeless people are argued to show “impaired judgement . . . wandering aimlessly in the community, psychotic much of the time, and unable to manage their internal control systems” (Belcher 1988, pp. 186, 193). Such service-resistant individuals are harming themselves by remaining on the streets, engaging in self-destructive behaviors, and rejecting

opportunities to improve their circumstances (Baum and Burnes 1993; Grunberg 1998; Noddings 2002).

From this perspective, quality of life laws can be seen as part of a pragmatic and caring “poverty management” strategy (Wolch and DeVerteuil 2001) that recognizes the unhealthy consequences of street living and is “inspired by concern for the welfare of some of the most socially excluded and marginalized members of society” (Johnsen and Fitzpatrick 2010, p. 9). In this tradition, quality of life policing has been described as seeking to improve homeless people’s lives through “ethical control” (Fitzpatrick and Johnsen 2009), “compassionate disruption” (Caldwell 2014), “responsibilisation” (Flint and Nixon 2006), or “coercive care” (Johnsen and Fitzpatrick 2010).

Proponents of the Colorado ordinances examined in this study have advanced just this “coercive care” argument that laws prohibiting sitting or the use of a blanket on a cold night are actually caring forms of “tough love.” For example, supporters argue that the Denver camping ban’s restriction on any form of public shelter from the elements is only meant to force service-resistant homeless individuals to move off the streets and into healthy, indoor services. Denver Mayor Hancock (2012) argued,

Denver is a compassionate city . . . Removing the option to camp on our streets will . . . provide the impetus to better connect people to services such as shelter, food and clothing . . . Our No. 1 goal is to help move our most vulnerable residents to safer, healthier conditions.

Similarly, Denver City Councilman Chris Nevitt (2012) argued that persistent police contact is needed to force service-resistant homeless people to move off the streets, claiming that

we really don’t have the tools available to push them into the arms of help. So there is a little bit of stick here, but sometimes a little bit of stick is necessary to get people to accept the carrot.

Denver Councilman Chris Herndon (2012) agreed that the camping ban would help the homeless “because it would work as a tool to inform them about Denver’s social services.”

In response to such claims, critics like the Colorado Coalition for the Homeless and the Colorado American Civil Liberties Union have argued that quality of life laws do not help homeless people connect to services, but only expose them to constant police harassment and drive them into unsafe hiding places. Such laws, therefore,

make it harder for service workers to connect with the homeless, and make it harder for homeless people to stay healthy, go to school, or get a job because of increased tensions with the police and the growth of their criminal record. (Robinson and Denver Homeless Out Loud 2013, p. 21)

Critics argue that “compassionate disruption” theories that the homeless are to blame for their own problems and should be coercively shepherded into social services ignore the reality of inadequate services and structural social conditions that foster homelessness (Lyon-Callo 2000). Such critics of “coercive care” argue that laws requiring people to leave the streets are especially troubling

because they make survival activities illegal (such as sleeping or sheltering in public), even while officials admit that there are not enough affordable housing units or shelter beds for all homeless people to ever get off the street on any given night. (Robinson and Sickels 2015, p. 32; see also Fang 2009; Hansel 2011; Liese 2006; Mitchell 2003; National Law Center on Homelessness & Poverty and National Coalition for the Homeless 2009)

Thus, quality of life policing, cloaked in a false language of compassion, allows officials to punitively remove the homeless from public sight, while disingenuously claiming to be offering adequate shelter and services (Murphy 2009). Although such parlance may help make quality of life laws publicly palatable, critics argue that the real message of quality of life policing is not missed by those experiencing homelessness: “Get out, you are not welcome, and you have no right to be here” (Whelley and McCabe 2016, p. 202; see also Langegger and Koester 2016).

Denver City Councilwoman Susan Shepherd (2012) presented just argument in her critique of the camping ban. Instead of encouraging homeless people to move indoors into nonexistent services, she claimed, this ban would simply push people into hidden, less safe, and harder to reach locales.

The consequences of that is that they may hide or disappear to dispersed areas of the city where we are even less likely to be able to reach them with the services that we have been discussing now. Our overall efforts may actually decline in being able to connect these people to the services that they need.

For this reason, the United States Interagency Council on Homelessness (2012), the U.S. Department of Justice (2012), and the U.S. Department of Housing and Urban Development (2016) have all argued that such laws are cruel and counterproductive to the goal reducing street living among homeless people or improving their quality of life.

There is a clear difference of analysis in framing quality of life laws as “an expression of coercive care for vulnerable others” versus a “revanchist expulsion of the dangerous other” (Johnsen and Fitzpatrick 2010). In evaluating the truth between these two perspectives, one problem is that we have inadequate empirical evidence about how quality of life laws are enforced on the ground and with what practical consequences. It is of course very difficult to accurately determine whether the supporters of such laws are truly motivated by a paternalistic desire to “help” the homeless or by a “revanchist” desire simply to expel them from public places. In the end, Deverteuil (2009) is likely correct that a nuanced mix of motives undergirds such laws. Without deconstructing the full motivational mix, however, we can at least gather hard evidence on the practical *consequences* of such laws. Does on-the-ground enforcement of these laws result in better connection to services and improved quality of life for homeless individuals, or not?

Unfortunately, we know little about how often people are contacted, ticketed, or arrested under quality of life laws, or about how often homeless people are either shepherded into services or driven into hiding by these laws, with beneficial or deleterious effects on their lives. Although there is a sizable body of research demonstrating high and growing citation and arrest rates for homeless people in general (Greenberg and Rosenheck 2008; Knopf-Amelung 2013; Metraux, Roman, and Cho 2007; Stuart 2015), we know little about how much of this police contact is driven by “quality of life” policing in specific, or about the effect of all this policing, in terms of changing the behaviors of homeless people and improving or undermining their quality of life (Stuart 2013).

In one early study, Speigman and Green (1999) demonstrated that although homeless people are less likely to be arrested for a violent crime than a housed person, they are much more likely to be arrested for quality of life crimes associated with their homelessness such as vagrancy, violating park curfew, or trespass. Recent studies of New York City’s quality of life policing (Peterson 2015), the California state prison system (Fisher et al. 2015), and Oregon state prison system (Akins, Burkhardt, and Lanfear 2014) offer similar findings.

In addition to these studies of formal policing data, there are some recent survey studies of the self-reported experiences of homeless people in navigating the growing matrix of “quality of life” laws. For example, a San Francisco Coalition on Homelessness (2015) survey of San Francisco’s homeless population found that 74% had been contacted by police at least once in the preceding year (with 32% being contacted four or more times a month), typically for “quality of life” code violations. Fully 70% of those respondents had been directed by police to “move along” for those violations.



A similar national survey of homeless respondents by the NLCHP (2014) found a significant number of homeless people reporting police contact for “quality of life” violations. Of all homeless respondents, 81% reported being contacted by the police for public sleeping (50% reported citations, 30% reported an arrest), 78% reported being contacted by the police for loitering (42% reported a citation, 26% reported an arrest), and 66% reported being contacted by the police for sitting or lying down (41% reported a citation, 25% reported an arrest).

Although there is growing research documenting increased police contact, citations, and arrests of homeless people for quality of life violations, we have little empirical research tracking how homeless people experience and navigate increasingly vigorous “quality of life” policing, or evaluating the behavioral impacts of these laws on homeless people. As Johnsen and Fitzpatrick (2010, p. 15) noted, while some people might benefit from quality of life enforcement that leads to “reducing their participation in activities which are detrimental to their health and well-being” (as predicted by “coercive care” advocates), others may experience negative outcomes, “including their being ‘pushed’ into potentially more dangerous spaces or activities and/or incarcerated for lengthy periods” (as the critics of “coercive care” argue) (see also Stuart 2014).

Unfortunately, hard data regarding the effectiveness of such policing in compelling homeless individuals to pursue supportive services remain very limited. The dearth of scholarly studies parallels a lack of police department data regarding consequences of growing police contact with the homeless. In his review of New York policing, Peterson (2015) concluded that “very little is known about arrests of the homeless” especially at the municipal level where most enforcement of quality of life crimes occurs. Other researchers (Fisher et al. 2015) note that U.S. police departments unfortunately do not document their contacts with homeless people in any systematic way, nor track what happens to homeless people as a result of police contact.

In a rare exception to this lack of research, a community-based survey by the San Francisco Coalition on Homelessness (2015), supervised by researchers at the University of California Berkeley Human Rights Center, did collect data regarding how 351 homeless respondents experienced quality of life policing and with what behavioral consequences. This survey found frequent police contact of the homeless for quality of life crime violations, which resulted most commonly in homeless people being forced to “move along” to another area of the city, without any offer of meaningful social services. While 46% of respondents had their belongings taken by police (38% had belongings summarily destroyed), only 8% of respondents were actually offered services when contacted by police (usually in the form of a pamphlet

or sandwich) and only 9% were able to find indoor shelter when asked by police to “move along.” Instead most respondents simply moved to a different area, while still sleeping in the streets. Of those who moved, 53% felt “less safe” in their new location and only 9% felt more safe.

This kind of field research among the homeless suggests problems with a “coercive care” analysis of quality of life policing, though the data are only from a single city. To further investigate the merits of the “coercive care” or “revanchist expulsion” perspectives, additional research into empirical enforcement patterns and behavioral consequences of quality of life policing is called for. Although deconstructing the “true” motives (caring or revanchist?) behind policy makers who pass such laws may be difficult, improved research about how quality of life laws are enforced on the ground, and with what consequences, can shape scholarly evaluation of such laws and inform the local policy debate, whatever the underlying motivations of policy makers might be.

## Research Questions

To aid in an assessment of whether quality of life policing should best be understood as a form of “tough love/coercive care” for the homeless, or as a pattern of “revanchist expulsion,” this study examines three research questions:

**Research Question 1:** How are “quality of life” laws enforced on the ground in the daily practice of policing?

Answering this question will allow an assessment of whether these laws are enforced rarely and with a light touch, with a focus mainly on connecting homeless people to social services, or whether they are enforced frequently and vigorously, resulting in significant police contacts, citations, and arrests, with little connection to expanded service provision.

**Research Question 2:** What are the behavioral outcomes associated with these laws?

Answering this question will entail identifying how homeless people are responding to quality of life policing. Are people changing where and how they sleep? Are they reducing activities such as panhandling, public sheltering, and public drinking? Are they responding in ways that promote or compromise their health and well-being (e.g., are they increasingly leaving the streets and seeking social services, or are they moving to more hidden and less safe locales)?

**Research Question 3:** What are the quality of life outcomes of such laws for homeless people?

Do homeless people themselves feel quality of life policing has resulted in improved living conditions or that has made their lives more difficult?

## Method

To investigate these questions, this article examines enforcement patterns and ground-level consequences of quality of life policing in Colorado, a state with many local laws that replicate the national pattern of restricting acts of survival in public places. A statewide survey by the Sturm College of Law's Homeless Advocacy Policy Project found that Colorado's 76 largest cities have 351 "anti-homeless" laws on the books that criminalize life-sustaining behaviors that homeless people "must perform in the course of daily living" (Adcock et al. 2016, p. 1). Fully 72% of these cities maintain panhandling bans, 15% ban loitering or vagrancy, and several maintain area restrictions on sleeping and sitting, or ban homeless people from using any kind of shelter from the elements.

Data regarding the consequences of this landscape of quality of life legislation are gathered primarily through two field surveys of Colorado homeless individuals regarding their experiences with quality of life policing. One field survey targeted Denver's homeless residents, the other was conducted statewide in 10 cities. Both surveys were conducted under the guidance of this article's author and received human subjects research approval at the University of Colorado Denver. As secondary data, this article considers police records of contacts, citations, and arrests of homeless persons under quality of life laws. Police data were obtained through data requests of three Colorado police departments: Boulder, Denver, and Colorado Springs.

To conduct the two surveys, this article's author collaborated with Denver Homeless Out Loud, a community coalition that assisted the author with recruiting and training dozens of surveyors. One survey (2013) targeted homeless residents of Colorado's largest city (Denver), while the second survey (2014) was conducted in 10 different cities across the state. The 10 cities (Boulder, Colorado Springs, Delta, Denver, Durango, Englewood, Fort Collins, Grand Junction, Lakewood, and Montrose) were selected to ensure cities with diverse population sizes and from different areas of the state. Survey methodology, which is described below, is presented in additional detail in two previously published community reports: Robinson and Denver Homeless Out Loud (2013) and Robinson and Sickels (2015).

The 2013 survey of Denver's homeless residents included 58 fixed-response questions and focused largely on behavioral changes and quality of life consequences associated with the policing of just one quality of life law: Denver's recently passed and high-profile camping ban. The 2014 survey of statewide homeless residents focused on a wide range of quality of life crimes and included 29 fixed-response questions, following the elimination of Denver camping ban-specific questions that were irrelevant to the statewide survey. The 29 core questions that were common to both surveys included six demographic questions (age, race, gender, sexual orientation, disability status, and work status). Both surveys focused on respondents' self-reported incidents of police contacts, citations, and arrests; perceptions of police helpfulness versus harassment; behavioral changes due to quality of life policing (e.g., changes in sleeping habits or propensity to contact and utilize homeless services), and self-reported quality of life consequences (e.g., changes in personal safety or amount of sleep, changes in service utilization patterns). Representative examples of the kinds of questions asked in the surveys are available in the figures and tables in this article. Surveys were conducted in both English and Spanish. All surveys were followed with invitations to conduct open-ended interviews, and 31 open-ended interviews were conducted.

For both surveys, this article's author provided a four-hour training session with surveyors (a mix of graduate students and community members). Surveyors were instructed that they were not to engage in discussions with respondents, other than conducting the survey. Possible respondents were simply to be informed that the survey related to their experiences with such things as sleeping in public, accessing services and interacting with the police, and then invited to fill out the survey. Surveys were to be read to respondents, if they wished. All survey respondents were to be asked if they had seen the survey before, and instructed not to fill it out again if they had already filled it out before.

Following the training, teams of surveyors fanned out to dozens of sites across Denver (survey 1) or Colorado (survey 2) to recruit respondents. Survey sampling methodology was a mixture of cluster and convenience sampling. Cluster respondents were selected from strategically chosen sites meant to ensure representativeness of the homeless population likely to spend time sleeping outdoors during the year. Sites included homeless shelters, soup kitchens, homeless day services providers, one immigrant day laborer center, a homeless medical services clinic, and several downtown parks, city street corners, and homeless encampments. The survey was administered in early morning, midday, evening, and late night hours, with some surveyor teams walking streets and trails from 9:00 p.m. to 1:00 a.m. At each of the cluster sample sites, surveyors collected responses from a convenience

sampling of all respondents who were present at the time and willing to take the survey. This survey strategy is supported by the work of Patton (2002) and Toro et al. (1999), who have demonstrated that best practices for obtaining a representative survey sample of difficult-to-reach homeless persons require a strategic selection of multiple and diverse survey sites, visited at all hours of the day. Completed surveys were delivered to this article's author for entering of fixed responses into a database.

The statewide survey reached 441 statewide respondents (2.7% of statewide homeless persons, as counted in the most recent statewide Colorado homeless person count; Center for Education Policy Analysis 2006). The Denver survey reached 512 respondents (9.7% of the 5,271 homeless people living in Denver in 2012, according to the city's official "Point in Time" survey of the homeless) (Metro Denver Homeless Initiative 2012). A count was kept of respondent refusals when approached on the street, and an estimate was kept of the number of people not choosing to complete the survey when it was offered in public gathering places, giving an estimated response rate of 32%.

There was general alignment between respondent demographics in this study's Denver survey and the demographics in Denver's official "Point-in-Time" annual count of the homeless (statewide counts of the homeless do not report on statewide demographics, so respondent demographics in this study's statewide survey cannot be compared with official estimates). Respondent demographics for this study's Denver sample were 73% male (vs. 75% male in the city's official count of single homeless persons), 15% aged 18 to 29 (vs. 13% in the city's count), 74% aged 30 to 60 (vs. 84% in the city's count), 53% White (vs. 44% in the city's count), 14% Latino (vs. 22% in the city's count), 14% Black (vs. 20% in the city's count), 54% disabled (vs. 46% in the city's count), and 19% veterans (vs. 13% in the city's count). Based on sample sizes, this study's statewide survey has a 4.6% margin of error, and the Denver survey has a 4.1% margin of error (both at 95% confidence intervals).

There are limitations to this survey as a scientific instrument. First, this study relied on an academic–community partnership in that many of the surveyors were community members already engaged in homeless service-provision or advocacy efforts, meaning many of them had presuppositions about quality of life policing. Such presuppositions can compromise methodological rigor. However, this potential problem was discussed in detail during the four-hour surveyor training. Surveyors were instructed to invite all homeless persons at survey sites to participate, to refrain from tangential discussion with homeless respondents, and to offer only the fixed-response survey to people, rather than discussing possible interpretations or responses to survey questions. Surveyors completed their work in teams of two to minimize individual vagaries in adhering to training.

Although reliance on community partners introduces scientific concerns, there are also benefits of relying on an academic–community partnership for this kind of research. For instance, community surveyors were comfortable in unusual settings where homeless people gather (i.e., homeless encampments, late night street corners), and surveyors may have been better able to approach respondents without encountering the kinds of barriers that might emerge with surveyors less experienced or comfortable in homeless communities, perhaps resulting in higher participant response rates and more reliable survey responses (Mendez-Luck et al. 2011).

Other concerns might arise over survey reliability and validity, especially considering the nature of the survey population. Homeless people may face challenges of disorganized lives, sobriety, mental illness, or incoherence of memories which complicate their reliability as a respondent. They may inaccurately remember or report on such things as their experiences with police, their sleeping patterns, and their service usage (Drake, McHugo, and Biesanz 1995).

Unfortunately, these surveys did not undergo psychometric testing to ensure validity and reliability with this population (a problem that is common in survey research among homeless populations) (Garcia-Rea and LePage 2008; Susser, Conover, and Struening 1989). Although these surveys have limitations as a scientific instrument, the rarity of academic homeless respondent surveys of this size (almost 1,000 total respondents) means that consideration of the data reported here is called for, while understanding its limitations.

An additional limitation is that this study homogenizes data drawn from a survey of 10 Colorado cities to report on statewide patterns, supplemented by an in-depth case study of enforcement of a single quality of life crime in Denver. The nature of surveyed cities (each had a robust range of quality of life laws), and the limited number of respondents sampled from any individual city (except for Denver), means that meaningful comparisons of policing practices cannot be drawn between cities that do and that do not have multiple quality of life laws, nor can useful comparisons be drawn between possibly different strategies of enforcing these laws in different cities. More robust survey sample sizes from multiple cities, and the strategic selection of cities that varied in their number of quality of life laws, or in enforcement styles, would allow for comparing and contrasting of local policing of the homeless, which would inform a deeper understanding of the subject.

## Findings

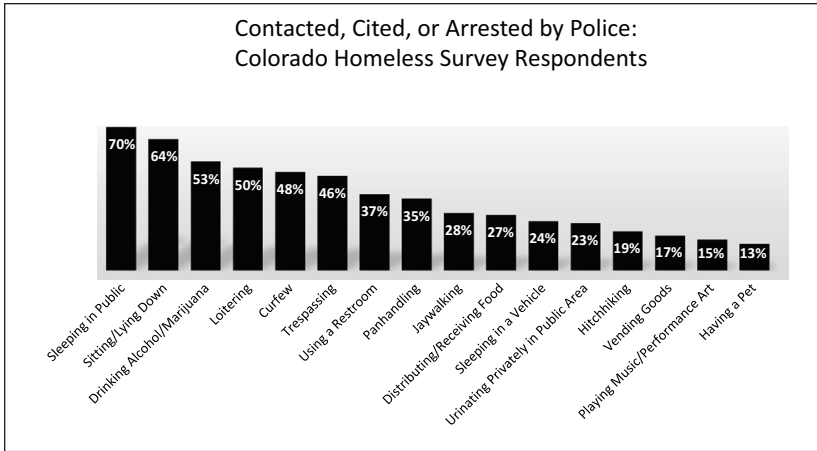
**Research Question 1:** How Are “Quality of Life” Laws Enforced on the Ground in the Daily Practice of Policing?

Survey responses show that contact with police is prevalent for Colorado's homeless. Of all statewide respondents, 90% report police contact for a "quality of life offense" at least once during their time living without a home. More than 60% of respondents report such police contact in the previous six months, with most being contacted by police multiple times (43% report two to five contacts, 21% report six to 10 contacts, and 12% report more than 10 contacts in the preceding six months). Among all respondents, 70% report being ticketed, and 36% report incarceration for at least one of these offenses, at some point during their spell of homelessness. About 15% of homeless survey respondents report citation or arrest for sleeping in public. About 10% report citation or arrest for sitting or lying down in public. Among those ticketed, 60% report that they have spent time in jail for "quality of life" infractions, due to such problems as failure to appear in court or inability to post bail or pay fines. Figure 1 shows the patterns of police contact, ticket, or arrest, for all measured quality of life crimes. In this figure, "curfew" refers to violation of park curfew hours. "Using a Restroom" refers to using an access-controlled restroom without permission. "Receiving Food" refers to accepting food in locations or hours where it is illegal to do so. "Music/Performance Art" and "Having a Pet" refer to engaging in these activities without the proper license.

These preceding data describe statewide policing patterns. To supplement this state-level data, the Denver-specific survey allows for an in-depth case study of the policing patterns and behavioral consequences associated with a single law in Colorado's biggest city: the Denver camping ban.

The Denver field survey reveals that Denver's camping ban has been vigorously enforced. Of all homeless survey respondents in Denver who were approached by the police in the first six months since the camping ban was passed (62% of all respondents), 57% were approached at least once about the ban itself.

What happens during those frequent police contacts? Survey responses show that more than 80% of those approached by the police due to the camping ban were asked to "move along" without an offer of services; most were also given an oral or written warning to desist from using shelter against the elements (such as a blanket or cardboard tent), or face tickets and arrest. During these frequent interactions with police, 71% of homeless respondents were checked for arrest warrants, and 26% of those were cited or arrested at least once. Respondents report arrests following a camping ban contact for such things as outstanding warrants (usually for failing to appear in court for a previous quality of life ticket), trespassing on business property (i.e., sleeping in an alcove), violating park curfew, or public intoxication. Table 1 provides details of homeless interactions with the police since the Denver camping ban was enacted.



**Figure 1.** Percentage of Colorado homeless respondents contacted, cited, or arrested by police in previous six months.

The data show that police persistently warn Denver “campers” that they are violating the law, frequently issuing “move along” orders or citations after such warnings. However, in accordance with “coercive care” goals, the camping ban ordinance also instructs police to determine whether a homeless person “is in need of medical or human services assistance, including, but not limited to, mental health treatment, drug or alcohol rehabilitation, or homeless services assistance,” and to make “reasonable efforts to contact and obtain the assistance of a designated human service outreach worker.” How often do police contact outreach workers and obtain assistance during their camping ban contacts with homeless people? Survey data show that police contact with social workers is far more rare than verbal or written warnings to move along, and even more rare than citations or arrests. As Figure 2 reveals, police direct homeless “campers” to social services in only about 10% of camping ban contacts; outreach workers are called only about 5% of the time.

These survey data align with official Denver police data indicating that homeless residents are frequently contacted, ticketed, and even arrested for quality of life crimes. In the first four months following passage of the Denver camping ban, for example, police reported 386 official contacts with homeless people for illegally using shelter from the elements (Denver Police Department 2012). Using the homeless census data from Denver’s official Point-in-Time count (Metro Denver Homeless Initiative 2012), these

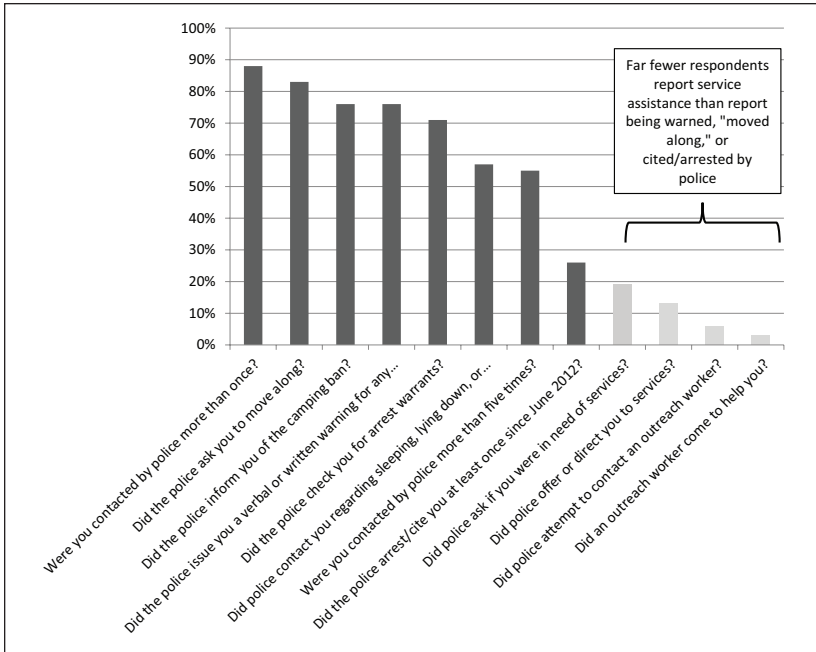


**Table 1.** Details of Police Contacts with Homeless Since Denver Camping Ban Enacted.

Police Contact, Warnings, Citations, and Arrests: A Way of Life for Denver’s Homeless Residents	Yes (%)	No (%)
In the last six months, have you been approached by the police for any reason?	62	38
In the last six months, have police approached you regarding sleeping, lying down, or covering yourself in public?	57	43
Of all those approached by police regarding sleeping, lying down, or covering yourself: Did the police inform you of the camping ban?	76	24
Of all those approached by police regarding sleeping, lying down, or covering yourself: Did the police ask you to move along?	83	17
Of all those approached by police regarding sleeping, lying down, or covering yourself: Did the police issue you a verbal or written warning?	76	24
Of all those approached by police regarding sleeping, lying down, or covering yourself: Did the police check you for arrest warrants?	71	29
Of all those approached by police regarding sleeping, lying down, or covering yourself: Did the police cite or arrest you at least once?	26	74

contacts equate to one “illegal shelter” police contact for every 13.6 homeless residents in Denver in 2012, or to one “illegal shelter” police contact for every 3.5 homeless residents estimated by the city to be sleeping regularly on the streets, in shelters, or in cars (as opposed to having more stable indoor housing, such as a hotel voucher, or staying in a friend’s living room). In the next two years (2012–2014), official police data obtained by this author documented another 1,949 street contacts for illegal sheltering. Moreover, these contacts are only those written up by the police as a documented “street check” under the ordinance; homeless survey respondents report many additional, informal “move along” orders.

In terms of tickets issued for all offenses, citywide data obtained from the Denver County Court’s Information Technology Department show that 3,969 tickets were issued to people with “homeless” or “transient” listed as their address each year between 2010 and 2012, for a ticketing rate of 75.3 tickets per 100 homeless persons—as compared with a much lower rate of 37.0 tickets per 100 Denver residents overall (ticketing rates calculated by dividing



**Figure 2.** What happens during police contact with homeless “campers”?

the population of Denver by the total number of tickets issued by Denver Police). More than a quarter of tickets issued to homeless persons were for one of three common crimes of homelessness: park curfew violation (1,705 tickets), panhandling (950 tickets), or sleeping/sitting in public (211 tickets). Many others were for crimes such as being on the roadway median, erecting a tent, or sleeping in a private business alcove.

**Research Question 2:** What Are the Behavioral Outcomes Associated with These Laws?

The remainder of the findings reported on in this study is drawn from the Denver camping ban survey. These findings provide a case study of quality of life policing in Colorado’s largest city, which reveals patterns that are also likely to appear in quality of life policing elsewhere. The Denver camping ban was a response to hundreds of homeless people sleeping in central, well-lit areas of downtown Denver, and policy makers voiced hopes that the law would substantially reduce outdoor sleeping, and prompt homeless people to

shift to indoor services. How have unsheltered homeless persons actually changed their behaviors since the camping ban was passed?

Fully 69% of homeless field survey respondents reported that they had changed their sleeping habits because of the Denver camping ban. The most common responses have been to “move along” more frequently when directed to by police following a camping ban contact (83%), and to avoid downtown sleeping in favor of more hidden and less centralized outdoor locales (66% of respondents).

Although there has been a reduction in outdoors sleeping among respondents, the decline is slight. Before the camping ban, 72% of survey respondents said they *sometimes* or *always* slept outside in Denver; after the ban, 64% report the same. Only 8% of respondents report that they used to sleep outside frequently, but do not sleep outside at all anymore.

In other words, 89% of respondents who slept outside before the ban *still* sleep outside regularly now—although respondents are adopting strategies to deal with the camping ban. The most commonly cited strategy has been to move into less heavily patrolled areas such as more hidden alleyways (66% report seeking more hidden places to sleep) or less central Denver neighborhoods (19%). Most homeless respondents (58%) find it increasingly necessary to *avoid* the police since the camping ban was passed, for fear of being asked to “move along,” or actually being cited or arrested. For this reason, 39% report that they walk further each day to avoid police, and travel back and forth more often among surrounding cities. Very few homeless people (4% of respondents) feel that the police have become more helpful in finding alternative sleeping arrangements or services since the camping ban was passed.

In terms of changing their patterns of accessing social services, 40% of respondents have increased their efforts to access shelters since the Denver camping ban was passed. However, the majority of those respondents report that shelters are harder to get into than before the ban, and almost all respondents (73%) have been turned away from shelters due to lack of space, with 33% of those reporting “frequently” being turned away.

**Research Question 3:** What are the quality of life outcomes of such laws for homeless people?

There is limited evidence that “quality of life,” if defined by more frequent use of shelters and services (rather than street living), has improved for a minority of homeless residents. The Denver survey shows that 40% of respondents have attempted to use shelter services more often since the camping ban was passed (though 73% report being turned away at least

once). Even though these data suggest that some homeless people may have been prompted to seek indoor services by quality of life policing, only a minority of respondents feel such efforts have resulted in better personal outcomes. In fact, most respondents felt that their living situation was substantially better before the camping ban, partly because they had more safe and healthy sleeping opportunities before police increased restrictions on outdoors sheltering. In the Denver field survey, when people sleeping downtown were asked why they choose central areas to shelter in *before* the Denver camping ban passed, the most common answer was that people felt these areas were “safe, warm, and well-lit” (55% of respondents), followed by responses that downtown areas are accessible to services and bathrooms (15%), respondents had been turned away from shelters (10%), and downtown areas had a large number of people they knew (6%).

When homeless respondents were asked how they feel things had changed since the ban, they overwhelmingly report that their lives have become more difficult. Homeless respondents find it more necessary to avoid police (58%), they are increasingly avoiding well-lit and safe downtown areas for more hidden and scattered locales (66%), they feel less safe at night (53%), they are traveling long distances to avoid police (39%), they get less sleep (60%), and they are finding it increasingly difficult to access overcrowded shelters and other services (62%). As a result of such consequences, 90% of homeless people in the Colorado survey state that their experiences with quality of life policing are more “harassing” than “helpful.”

The range of self-reported deleterious consequences of quality of life policing on homeless individuals is presented in Table 2.

The survey data reveal a deteriorating quality of life for most of Denver’s unsheltered residents since the camping ban. To get a better picture of what a deteriorating quality of life looks like, 31 survey respondents participated in open-ended interviews to talk about their situation since the camping ban. Here is a representative sample of responses to three open-ended questions. These responses, and others, were originally reported on by Robinson and Denver Homeless Out Loud (2013).

How have changes in your sleeping habits and amount of sleep affected you since Denver passed the “camping ban”?

- “I’ve moved out of downtown. Now I’m always listening for people sneaking in. I’m tired all the time. It makes it much harder to find a place to sleep. I’m sick, from the weather.”
- “I’ve become more emotional. I needed a blanket, but the police officer said he didn’t have one and couldn’t give one. When I get cold, I get seizures.”

**Table 2.** Changing Quality of Life for Homeless Since Denver’s Camping Ban Passage.

Thinking About Your Situation Since June of 2012, When the Camping Ban Was Passed, How Have Things Changed for You?			
Do you feel more or less safe on the streets?	More safe 6%	Less safe 53%	The same 41%
How have changes in your sleeping habits affected you?	Positively 20%	Negatively 50%	The same 30%
How has your amount of sleep changed?	More sleep 11%	Less sleep 60%	The same 29%
How has your access to shelter resources changed?	Less difficult 9%	More difficult 62%	The same 28%
How has your access to other resources changed?	Less difficult 7%	More difficult 47%	The same 46%

- “I just keep walking. I’m tired of walking, but I hardly sleep anymore. It’s not safe. I’m tired a lot and I’m pissed off all day because of lack of sleep.”
- “I’m in a bad mental state for lack of sleep. Walking further means physical effects. I’m more negative. I worry about anyone approaching. I sleep less. It’s stressful . . . It’s hard to sleep when you don’t feel safe where you’re at. I have physical fatigue.”

Describe your relationship with police officers since the Denver camping ban passed.

- “It feels less safe because it feels like the police found another way to screw us. If I can’t find a shelter to get in, and I might have to sleep outside, then I’ll be ‘messed over,’ because now there’s a chance I might go to jail.”
- “Prior to the ban, I had only one unprovoked contact with the police in 3½ years. In the five months since the ban, I’ve had cops roll up on me several times, asking stupid questions and for I.D.”
- “I now get little to no sleep at night due to harassment by the police. I’m in constant movement. I’ve learned to avoid the police only by sleeping in hidden places, where I get harassed by the crack-heads.”
- “The police come by and always tell me to move along, and say that I can’t sleep out there anymore. So it’s taking me into more isolated areas. I’m stressed about where I am going to sleep to avoid cops.”

Do you feel more or less safe living in Denver since the camping ban was passed?

- “Of course it’s worse now that people can’t stay in central areas, where it’s lit and safe. There really aren’t places for all these people to go, so we are hiding. And we are more alone. And that’s bad . . . There are always predators who try to use and abuse and assault people who are living marginally. We still have people who will go out and mistreat people who are disabled, who are mentally ill . . . who look like they can’t take care of themselves . . . So is it better? NO. We are more vulnerable, and things are worse. People are more likely to try to hurt you if they think you are alone and you are vulnerable. And in Denver it’s a lot harder to find a place of sanctuary now.”

## Discussion

The theory presented by supporters of “quality of life” policing is that such policing, in addition to improving the appearance and business climate of urban areas, would focus city attention on a system of “coercive care.” Cities passing quality of life ordinances are argued to be engaged in a process of “tough love” and “compassionate disruption,” developing needed services for the homeless, and only enforcing ordinances with a light touch and in a way intended to encourage people to move into services. Unfortunately, Colorado survey data (supplemented by the record of police citations and arrests) suggest that these high-minded “compassionate disruption” goals are likely not being met. Although cities across Colorado are expanding their network of quality of life laws, promises of substantially expanded services for Colorado’s unsheltered population have not been realized, with the result that persistent policing of quality of life ordinances typically results not in service provision but in “move along” orders, citations, or arrests. Correspondingly, the substantial majority of homeless respondents report that their lives have not improved following quality of life policing but rather have become more stressful and less safe.

Admittedly, the fact that this study’s surveys were conducted with a currently homeless population sample means that the survey could not capture any formerly homeless individuals who were linked to services and obtained permanent housing by virtue of enforcement of quality of life ordinances. These survey data cannot eliminate the possibility that a large number of formerly homeless individuals were prompted by quality of life policing to move off the streets and obtain permanent housing, but such a result does not seem likely based on what these survey data reveal about how quality of life

ordinances are in fact enforced on the ground. For example, the survey *would* capture the experiences of any homeless individuals who were connected to temporary services short of permanent housing (like shelter beds or mental health counseling) due to quality of life policing, but who still remained homeless at the time of the survey. However, actual survey results show there were few homeless individuals who fell into this category or who felt that quality of life policing was useful in prompting them to engage in more healthy behaviors.

The inadequate level of available services for homeless individuals fits with the survey data implications that quality of life policing does not typically prompt homeless individuals to connect to healthy services. In Denver, although shelters have experienced larger demand since a recent camping ban went into place, there has been little progress in expanding the supply of shelter services (Gallagher 2015; St. Francis Center 2012). In fact, annual official counts of homeless individuals show that the number of Denver homeless people has increased by 600% in the last 25 years, even as the number of Denver shelter beds has remained static. By 2013, available shelter beds in Denver could only accommodate about 20% of Denver's homeless population (Robinson and Denver Homeless Out Loud 2013). It should also be noted that no Denver shelters take a person with pets; few take teens, couples, or fathers with children; and few can accommodate people with serious mental illness. Furthermore, individuals may be restricted from shelters due to past behaviors (e.g., fighting or intoxication), individuals may be unable to tolerate the crowded and noisy conditions at many shelters, or individuals may be unable to endure the long waits in line often associated with shelter access.

In this situation of inadequate services, the quality of life policing goal of compelling the homeless to accept unavailable indoor shelter and services simply cannot be met. "Although Denver shelters have indeed experienced larger demand since the camping ban went into place, the result has mostly been to overcrowd the shelters, resulting in long waits for shelter and unavailable shelter beds" (Robinson and Denver Homeless Out Loud 2013, p. 64).

For such reasons, as reported to Denver City Council in the months after the camping ban passed, shelter occupancy rates across the city were running at full capacity, even as hundreds of homeless city residents were not even eligible to utilize these overburdened shelters. One shelter (Crossroads) experienced a ninefold increase in days at capacity, while another (Denver Rescue Mission) doubled its full-capacity days. The city nearly doubled the number of motel vouchers issued in the months after the ban passed, to help with increased demand, but by the city's own count, hundreds of homeless people every night still had no indoor options on (Robinson 2013; St. Francis Center 2012).

Quality of life ordinances require unsheltered homeless people to refrain from sleeping, sitting, sheltering, or conducting other acts of living on the streets, and urge them to utilize social services and find indoor housing. But shelters are overburdened, and low-income housing is not available, so enforcement of these ordinances has forced many homeless residents to either violate the law by sheltering in public (and likely experience police harassment) or simply to “move along” somewhere else, typically somewhere more hidden and less safe. Police rarely offer assistance with arranging social services, and service outreach workers hardly ever arrive before a homeless person is “moved along.” Far more common than provision of a service after a quality of life policing contact is citation or arrest.

For example, in Colorado’s Fort Collins, the city’s 2014 Point in Time survey counted 438 homeless people, but only 118 shelter beds. Regardless of this service deficit, in August of 2014, Fort Collins police targeted 54 campsites of homeless people and issued 32 citations for illegal use of shelter during a quality of life enforcement sweep (Pohl 2014). In Boulder, official surveys counted 850 homeless people in 2014, but only 160 shelter beds at that time, which were only open between October and April. Regardless of the service deficit, Boulder issued 584 tickets to homeless people for camping, loitering, trespass, and violating park curfew during 2014, according to public information requested of the Boulder Police Department by this author. In Colorado Springs, official surveys counted 1,219 homeless people in 2014, including 269 people regularly sleeping in public, while the community offered only 20 shelter beds. With hundreds of people forced to shelter in public, police regularly cite homeless people for violating park curfew or sheltering themselves under park pavilions during rainstorms (Hobbs 2015).

Facing service deficits and aggressive quality of life policing, homeless respondents in this survey report an inability to move off the streets and into services. Instead, their most common response has been to go into hiding and continue to sleep outside, in more secluded and dangerous locales. The homeless “tell us they are afraid that if they go on the 16th Street Mall even during daylight hours that they will be put in jail,” notes Tom Leuhrs, the director of a Denver homeless shelter (St. Francis Center 2012). While 39% of Denver survey respondents report that they have sometimes left Denver for overnight stays in surrounding cities in response to the camping ban, *all* of those same respondents reported that they still slept in Denver regularly as well. They report that the camping ban had not moved them out of Denver wholly, but had simply forced them to travel longer distances each night, moving back and forth from one city to another, in search of shelter. A San Francisco Coalition on Homelessness (2015) study describes this dynamic as “churn,” whereby quality of life policing mostly results in homeless people moving



about from neighborhood to neighborhood and town to town, in a constant churn, but without reducing the number of homeless in any given jurisdiction over the long run.

In testimony before Denver City Council, Police Chief Robert White described this process of churn-inducing “move along” orders, without much attention to where homeless people in fact are moving to.

If they are not going to move along, after going through the process of verbal and written warnings, then we will be more aggressive and make the arrest. But if we say “move along,” and they move along, for all practical purposes, we have completed the task. We’re not going to follow them to see where they have moved to. (Kniech 2012)

This kind of statement undermines the perennial claims of policy makers that quality of life policing is implemented primarily out of deep concern for the well-being of homeless people. These findings call for policy makers to confront the actual record of quality of life policing before drafting legislation that is documented to undermine, not enhance, homeless quality of life. Faced with hard data demonstrating negative consequences of quality of life legislation, policy makers with sincere “coercive care” goals should consider and address the reasons these goals are not being achieved in practice. An important area of new research that is called for in this regard is to investigate whether there is in fact a large number of formerly homeless individuals who have recently been prompted to move off the streets and into permanent housing, because of quality of life policing (and who could thus not be reached by this study’s survey of currently homeless people). There is little in the survey data presented here that suggest such a result is likely, but as “coercive care” proponents are likely to reiterate such possibilities, empirical research along these lines would be useful.

One possible conclusion is that adequate social services are simply not available in most cities, but that if enough services *were* provided, quality of life policing could succeed in its stated goal of providing a motivational prompt to force homeless people to use those services (Wasserman and Clair 2016). Data from the Denver survey in this study indicate that in fact 40% of respondents did try more often to use indoor shelters as a result of the Denver camping ban, though 73% of those were turned away from overcrowded shelters at least once (33% were turned away frequently). Based on these data, quality of life policing could perhaps be justified from a “coercive care” perspective, if there were a substantial increase in local services.

It is interesting in this regard that female survey respondents were three times more likely to report they felt “more safe” after the Denver camping

ban passed (13%) than were male respondents (4%). This statistical divergence is likely related to the fact that women were substantially less likely than men to be turned away from shelters when they attempted to access them in the wake of the ban (40% of men report “frequently” being turned away from shelters, compared with 31% of women). These data suggest there may be some truth in the “coercive care” argument that quality of life policing can drive people toward services like shelters, and that when those services are actually provided, many homeless people experience a better quality of life (such as enhanced safety).

But the fact remains that the strong majority of respondents—both male and female—reported inadequate services and deteriorating quality of life related to policing of these ordinances. Even though the expansion of quality of life legislation is frequently accompanied by a promise of expanded services in the future, we have no evidence that service expansion in any city has been adequate to meet the local need. Instead, even though “anti-homeless” quality of life laws are expanding across the country more rapidly than any time in history (NLCHP 2014; San Francisco Coalition on Homelessness 2015), every major jurisdiction that conducts federally mandated “Point-in-Time” counts of local homeless populations admits that there are substantially more homeless residents in their city than there are shelter beds or programs available to serve them. Due to this service deficit, a San Francisco Coalition on Homelessness (2015, p. 14) study of quality of life policing finds that common forms of increased “service” offered by police are such trivial things as pamphlets describing city services, a sandwich, a bus ticket, or an offer of help in getting on a housing waiting list. The study concludes that the launching of such new services often ends up

... serving as distractions and cover for continued or ramped up enforcement . . . New programs or services end up serving as justification for further criminalization, projecting the falsehood that since there are now new services, of which there are never enough, the city should use a punitive stick to encourage the “service resistant” to take advantage of its carrots (see also Stuart 2014).

In the face of such findings, local policy makers should refrain from justifying quality of life ordinances with a “coercive care” argument that runs counter to the evidence of how these laws actually work on the ground. As an effort to force local policy makers to abandon such laws, there are growing movements to encode rights for homeless people into state codes (such as a right to sit in public). Some jurisdictions have responded by passing

“Homeless Bill of Rights” (such as Connecticut, Illinois, Rhode Island, and Puerto Rico), and pressure is growing for other jurisdictions to join the movement (Rankin 2015; Whelley and McCabe 2016). At the city level, both Madison (WI) and Indianapolis (IA) have considered local “Homeless Bill of Rights” legislation. The Indianapolis City Council actually passed such a Homeless Bill of Rights, which included the right of homeless people to move freely in public places and required a 15-day notice before police could displace a homeless person from a public camp, but this act was vetoed by the mayor. At the state level, the Western Regional Advocacy Project, a network of homeless advocacy groups, over the last several years has pushed to pass a “Right to Rest Act” in Oregon, California, and Colorado, while other states like Connecticut, Delaware, Illinois, and Missouri have all recently considered Right to Rest legislation.

These “Right to Rest” acts would declare a right of all people to “use and move freely in public spaces”—including loitering, sitting, sleeping, and even basic sheltering, as long as such acts were done unobstructively. Although the proposals have not yet passed, supporters continue to introduce these acts every year in several state legislatures, and the evidence in this study lends support to such proposals.

Data from this study challenge the validity of the “coercive care” approach to homelessness. Although proponents of “tough love” legislation may wish for such laws to improve prospects and life outcomes for homeless people, evidence suggests that these laws have the opposite consequence. Instead of driving homeless people into the arms of help, constant police contact through quality of life policing causes sleep fatigue, induces a churn of aimless wandering, drives people into less safe hiding places, increases demands on already overburdened shelters, and increases stress levels. If policy makers truly care about improving prospects for vulnerable homeless people in their community, it is time to face the evidence. Quality of life laws are pragmatically counterproductive to such high-minded goals—They do not deserve the justificatory patina of “tough love” that proponents often give them.

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