

# Larkin Street Youth Services

# TRENDLINES...

## Unintended Consequences: The Impact of Quality of Life Laws on Homeless Youth

Over the past decade, communities across the United States have enacted new laws that penalize homeless individuals who are trying to meet their basic needs by prohibiting activities such as loitering, food distribution, and sitting or sleeping in cars and public places - including, parks, plazas, and sidewalks. The proliferation of new laws and ordinances coincides with rising rates of poverty and homelessness brought on by the recent recession, its lingering impacts, and a shrinking social safety net that has diminished capacity to respond to increased need. We have seen the gap between the haves and the have-nots continue to grow across the country, with high levels of income inequality in our cities as the rich get richer and the poor stay poor, or become poorer (Berube, 2014). Laws that move the homeless out of public spaces makes the problem less visible but does not get at the root of the problem, poverty and a lack of affordable housing. And they criminalize the most vulnerable among us, those who are without a home, and create barriers to finding and maintaining housing.

Individuals who are without housing are forced to live under circumstances most of us cannot comprehend. They sleep in their vehicles to avoid the elements and predators. Or they seek temporary shelter on a nightly basis, lugging their meager possessions around with them during the day, using public restroom facilities, when available. Those not lucky enough to secure shelter end up outside for the night. These acts of mere survival put them at risk for citations and fines. In March 2014, the United Nations Human Rights Committee released a statement condemning the United States' treatment of the homeless, citing policies that produce "cruel, inhuman, or degrading treatment" inconsistent with the International Covenant on Civil and Political Rights. Moreover, as passage of quality of life laws has increased, it has not been matched with substantive investments in social services or affordable housing programs. Homeless individuals are being penalized while not being provided with alternatives or the support necessary to transition out of homelessness.

The additional effects of these criminalizing laws is that it creates barriers for individuals trying to stabilize their lives. Homeless individuals have little, if any, financial resources which means that they are unable to pay tickets received for quality of life offenses. These tickets then become warrants, which can result in arrest and incarceration. Both unpaid tickets and a criminal record can hinder someone's ability to obtain housing or become employed. Criminal convictions, even for minor non-violent offenses can create long-lasting barriers to social integration and economic security (National Law Center on Homelessness & Poverty, 2013). More effective policies would focus resources on stabilizing lives and eliminating homelessness rather than enforcement of laws that keep individuals on the streets or in jails.

### **Criminalization Creates Additional Barriers for Homeless Youth**

The current economic climate is especially tough for young people, forcing large numbers to contend with unemployment and housing insecurity. Youth between the ages of 18 and 24 are experiencing the lowest rate of workforce participation in over four decades and unprecedented rates of poverty (Ayres, 2013). Despite the large numbers of young people who are homeless or at risk of homelessness, most communities fail to provide adequate housing or social supports for transition age youth. The result is that many young people are living on the streets. According to HUD's 2013 Point-in-Time Count, which for the first time required youth to be accounted for as a unique population, half of young people experiencing homelessness were unsheltered compared with 35% of adults (U.S. Department of Housing and Urban Development, 2013). When left without any real options, youth seek out shelter wherever they can find safety. Because they are without housing to a greater extent, youth are more likely to be cited for activities such as resting in public spaces. As a consequence, these laws may criminalize the very people most in need of outreach and support.

Runaway youth, those under the age of 18, are usually on the streets because they are fleeing abusive and unstable homes. Their life experiences tend to make them distrustful of adult or authority figures. Certain laws can actually make these youth more vulnerable to dangers on the street by making it harder to find these youth and bring them into services. As Lisa Marie Alatorre, a Human Rights Organizer with the San Francisco Coalition on Homelessness explains “youth are more vulnerable to abuse, so they do more to hide from cops and other ‘dangers’ that adults are more used to, they seek seclusion for safety...” (Alatorre, 2014). In order to avoid fines or arrest many youth make even greater attempts to steer clear of areas where they might interact with police, which also makes outreach to this group more difficult for service providers.

Jon, age 20, arrived in San Francisco three years ago from Bakersfield, California. He came to San Francisco for the same reason as scores of youth do each year, to seek out opportunity. In the three years since arriving, Jon like nearly 90% of homeless youth in San Francisco, has not had access to stable housing (Applied Survey Research, 2013). To cope with the lack of housing available to him, Jon, his girlfriend and several friends regularly camp out in the city’s parks:

I’m trying to do what I have to do, I’m getting my ID, and looking for work but there just isn’t any affordable housing. We first started racking up fines 2 years ago, the police would approach us to get up from Haight St., first with a warning, and then they started writing tickets, even the friendliest cops. Then a couple months ago they started fining us in Golden Gate Park, saying that we had to leave the park. In 2 years I got 10 tickets that I can’t pay. All I want to do is not get arrested again. It doesn’t make much sense because the parks are safer and as long as we are respectful why shouldn’t we be able to rest there. I feel like the message is just leave San Francisco, but there’s nowhere for me to go.

Jon’s story is reflective of the experiences of many homeless youth and demonstrates that fines are a barrier for youth attempting to stabilize their lives. They are beset by debt, due to accumulated fines they are unable to pay, and living in fear of arrest.

Homeless youth who live in public spaces because they are unable to afford housing are also unable to pay citation fines. This produces a revolving door of tickets, warrants, and arrests that can trap youth in a cycle of homelessness and incarceration. Homeless youth receive citations for quality of life offenses, they become incarcerated because they are unable to pay fines or make bail, this results in serving time in jail and/or prison, which does nothing to end their homelessness and increases their vulnerability to long-term housing instability (National Center for Homeless Education, 2011).

Incarceration is hardly an effective tool for decreasing homelessness because it is inefficient and counterproductive to the goal of helping youth to escape the streets. According to the United States Interagency Council on Homelessness, “criminalization policies are costly and consume substantial state and local resources” (United States Interagency Council on Homelessness, 2012). It costs the state of California \$604,552 total per day in California to incarcerate youth. In total states spend about \$5.7 billion each year to incarcerate youth, the overwhelming majority of whom are held for non-violent crimes (Justice Policy Institute, 2009). Yet, tracking homeless youth in the criminal justice system does very little to improve public safety, as an arrest record very negatively impacts youths’ prospects. Incarceration disconnects youth from family and community connections, limits their employability, interrupts receipt of public benefits, and leaves young people subject to discrimination from landlords and communities unwilling to house the formerly incarcerated. Even if a youth is able to avoid long-term incarceration the financial liability due to multiple unpaid citations puts them at a disadvantage with future potential landlords. In short, criminalization diminishes young peoples’ long-term economic prospects as well as the overall health of the community.

Punitive responses to individuals experiencing homelessness are particularly troubling for youth and contradict the goal of ending homelessness because they produce long-term barriers and adverse conditions for those attempting to get off the streets. In order to end homelessness for good, communities should end those approaches that result in burdensome fines, the destruction of personal property, and that force homeless young people seeking rest and comfort into more difficult and unsafe situations. These efforts eviscerate the rights of the homeless and reproduce conditions that perpetuate chronic homelessness.

## Alternatives to Criminalization

The criminalization of activities that meet basic human needs and are conducted in public spaces by individuals without housing does not work to reduce or eliminate homelessness. In fact they have the counter effect of both extending homelessness and creating additional barriers to housing stability. More appropriate responses are clearly needed. The following policies and practice recommendations are alternatives to criminalization that more effectively reduce and prevent homelessness.

### **Recommendation 1: Develop a formal system of collaboration between law enforcement and homeless service providers.**

In *Searching Out Solutions* (2012), the United States Interagency Council on Homelessness, which provides federal support and coordination of homelessness policy, provides several low-cost and long-term solutions and best practices for local communities as alternatives to criminalization. Recommendations include cross-training of police officers and service providers to ensure police sensitivity in dealing with the homeless and provide service providers a full understanding of legal protocols.. Particularly useful would be to create partnerships between street outreach workers and law enforcement, those who are most likely to interact with individuals who are without homes and temporary shelter.

#### **A Promising and Innovative Approach**



A San Francisco based initiative, *Lava Mae* is converting decommissioned city buses into mobile shower and toilet facilities for homeless people. By providing access to water and sanitation in a city where there are just 8 shower facilities for 6,500 homeless individuals, Lava Mae is meeting a basic human right and taking a first step toward connecting homeless individuals to employment and other opportunities for stabilization. Source: Lava Mae Blog

### **Recommendation 2: Pass legislation to protect the rights of homeless people to live with out fear of harassment and criminalization.**

The California Legislature recently failed to pass legislation authorizing a Homeless Bill of Rights.<sup>1</sup> The bill defined a statewide standard to protect the basic civil rights of our most vulnerable and offered several safeguards such as guarantees for adequate counsel when charged with a crime for existing in a public space. Proponents of the legislation, including homeless advocate groups WRAP (Western Regional Advocacy Project) and the San Francisco Coalition on Homelessness, argue that protections are needed to ensure that homeless people in communities with inadequate shelter can move freely in public spaces and have their personal property rights protected, while also being connected to vital services including medical care and employment. A Homeless Bill of Rights would reduce the impact of homelessness on communities and individuals by diverting investment from criminalization towards stabilization efforts. Similar laws have already passed in three states.

### **Recommendation 3: Municipalities should develop systems to gather information on the characteristics and needs of homeless people who reside on the streets and in parks in order to develop a more effective response.**

A 2013 San Francisco Civil Grand Jury report finds that “the current system of issuing citations...has not been effective in reducing the number of park dwellers.” This supports the notion that without addressing the underlying causes of homelessness criminalization efforts will not have the desired effects of reducing homelessness in our communities. The report concludes that city agencies lack specific information on the characteristics of park dwellers and are therefore unable to address the needs. Better information about those who are homeless and living in public areas will allow for more integrated and comprehensive strategies to locate individuals

<sup>1</sup> AB 5 was a bill proposed by California Assemblyman Tom Ammiano (D-San Francisco) in 2013 to extend human rights protections and antidiscrimination clauses to individuals experiencing homelessness. Measures proposed in the Homeless Bill of Rights included the right to rest, sit, or sleep in public spaces; access to public hygiene centers with bathrooms and showers; and access to legal counsel in civil procedures. Additionally the bill required local governments to track laws as well as the arrests of homeless individuals.

and link them to the most appropriate services. It will also support greater inclusion of youth specific strategies since their whose needs are different than adult populations and whose their survival strategies often keep them more hidden.

## **Conclusion**

The trend towards criminalizing those who lack housing fails to address the roots of homelessness and counterproductively produces circumstances that place individuals—particularly youth—at greater risk for long-term homelessness. Communities that ban acts of living in public spaces while failing to provide adequate housing and supportive services are providing neither a permanent nor a sustainable solution to homelessness. Youth seeking stability become trapped in the cycle of fines and arrest that essentially knock them off course and cost taxpayer millions. Communities should promote policies that address the root causes of homelessness rather than imposing fines and citations that result in burdensome debts, subsequent incarceration, and often force safety-seeking youth deeper into the fringes. This approach involves communities searching out solutions that guarantee housing as a human right, ensure access to educational opportunities, and that support a living wage.

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YOUTH SERVICES

The mission of Larkin Street Youth Services is to create a continuum of services that inspires youth to move beyond the street. We will nurture potential, promote dignity, and support bold steps by all.