



The Denver Camping Ban

A Report from the Street

A Report by Denver Homeless Out Loud (DHOL)

Data Analysis and Report Coordination

by Tony Robinson (Ph.D.), University of Colorado Denver

April 3, 2013

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April 3, 2013

The Following Organizations have Lent their Support to this Survey Project

- Acts Resource Center
- Colorado Office of American Friends Service Committee
- Colorado Coalition for the Homeless
- Denver Catholic Worker
- Denver VOICE
- EarthLinks, Inc
- Harm Reduction Action Center
- HartCore
- Network Ministries
- Occupy Denver General Assembly
- Occupy Littleton
- Points Housing Institute
- Rev. Dr. Vernon K. Rempel, Sr. Pastor, First Mennonite Church of Denver
- Sox Place
- St. Francis Center,
- Spark Policy Institute
- The Gathering Place

Acknowledgment

This report would not have been possible without the generous time provided by hundreds of Denver residents who are living without homes. More than 500 Denver residents took the time to respond to the camping ban survey, to partake in interviews and to share their experiences in a focus group.

Their insights reveal the consequences of public policy on the quality of life for some of Denver's most vulnerable residents.

Their voices deserve to be heard.



About Denver Homeless Out Loud

Denver Homeless Out Loud is a coalition of individuals and organizations working with and for Denver's homeless community. DHOL works to insure that Denver's homeless residents have access to public space, adequate services, and a political voice in the City of Denver.

DHOL can be reached at <http://denverhomelessoutloud.org>

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Executive Summary



Denver's Unauthorized Camping Ordinance (passed on May 23, 2012; hereafter called the "camping ban") makes it a crime for any person to shelter him or herself from the elements while residing on any public or private property, without appropriate permission. Under this law, it is illegal for homeless people to sleep, sit for extended periods, or store their personal belongings anywhere in Denver, if they use any form of protection other than their clothing (e.g., a blanket or a piece of cardboard to sit upon). Violations of the camping ban can bring up to a \$999 fine and a year in jail penalty. However, camping ban proponents have argued that the ban is to be enforced with a light touch, and that police will not arrest people, but will use the ban as a tool to move unsheltered homeless people into healthy, indoor services, rather than allowing them to live on the streets.

The debate over Denver's camping ban has been contentious, with proponents claiming the ban would improve the appearance and business climate of downtown Denver, while also connecting homeless people to social services and improving their quality of life. Critics of the ban argue that adequate services such as shelter units are not available for all of Denver's unsheltered homeless people, and that the ban criminalizes activities necessary for homeless people to survive while they are forced to live on the streets. Critics fear the ban will give the police another tool to "move along" Denver's unsheltered residents, pushing them out of well-lit and safe downtown areas and into hidden, unsafe locations in Denver's outlying parks and neighborhoods.

One voice missing from the debate on Denver's camping ban has been the voice of the homeless themselves. Nine months after the ban went into effect, what do Denver's homeless residents have to say about how often they have been approached by police due the camping ban, and what police have done during those contacts? How are Denver's homeless responding to the ban? Are they utilizing healthy services or moving into more obscure hiding places? Do homeless people feel that the quality of their lives has improved or become worse since the camping ban went into effect?

To address those kinds of questions, this study reports on the results of a street survey of 512 homeless respondents in central Denver. In November and December of 2012, a team of trained surveyors spread across Denver and contacted homeless respondents in parks, on the streets, in shelters and in service programs. In a 58 question survey, homeless respondents were asked about their experiences with Denver's camping ban and how it impacted their lives.

KEY FINDINGS

- I. **Contact with the police is a way of life for the homeless. The most common result of police contact with homeless people regarding the camping ban is a warning to “move along,” or in a citation or arrest for a different crime. Very rarely are police connecting camping ban violators to social services.**
 - 57% of survey respondents were contacted by police regarding violations of the camping ban.
 - 83% of those were asked by police to “move along,” without being offered alternative services.
 - 76% were issued a formal oral or written warning of camping ban violation; 26% were arrested or cited for other violations (the most common citations were violations of park curfew or trespassing on private property).
 - Only 12% of respondents were advised by police of available social services; 4% of respondents said the police contacted an outreach worker to help them.

- II. **The leading behavioral change of unsheltered homeless people since the ban went into effect has been seeking more hidden places to sleep outside, and/or moving into outlying neighborhoods or cities. Most respondents have not been able to access dependable, indoor shelter.**
 - 52% of respondents who used to sleep downtown say they did so because that area was safe and well-lit.
 - 66% of respondents who used to sleep downtown say they now usually sleep in more hidden and unsafe locations.
 - 20% say they more often sleep in outlying neighborhoods or in surrounding cities, and travel long distances to get there.
 - 40% have tried to get into shelters more often, but 63% say shelters are more crowded and harder to get into than they used to be.
 - 73% report being turned away from shelters with some frequency.
 - 37% say they have sometimes chosen not to cover themselves from the elements (such as by using a blanket) due to the camping ban.

III. **The majority of homeless respondents say their life has become more challenging, more stressful, and less safe since the ban was enacted.**

- 60% report that they get less sleep as they frequently are being “moved along” (or live in fear of this), and feel less secure in the new areas they are finding to sleep.
- 53% say they feel less safe with their new sleeping situation after the ban (6% say they feel more safe).
- 50% say their lack of safe sleep is leading to a worse quality of life.
- 58% say that it has become more necessary to avoid the police (4% say the police have become more helpful).

This data indicates that the camping ban has been very effective in one of its stated goals: moving unsheltered homeless people out of central, well-lit downtown areas like the 16th Street Mall. But the goals of improving the services available to homeless people, and improving their quality of life, have not been met. In fact, most unsheltered Denver residents report their lives have become more challenging, more stressful, and less safe since the camping ban began.

RECOMMENDATIONS

- **Repeal or modify the ban to designate a safe, well-lit outdoor space in Denver where unsheltered homeless people can sleep, shelter themselves, and access bathrooms and water.** There will be several hundred Denver unsheltered residents seeking to survive on the streets tonight, and for many nights to come. There should be a safe, humane place where they can shelter themselves without breaking the law.
- **Develop a new, dedicated revenue stream(s) to incentivize low-income housing production and necessary human services.** Sources of this revenue stream could include dedicated “impact fees” on developers, mill levy tax increases (which must be approved by voters), or general fund allocations.
- **Focus new revenues on expanding shelter options for underserved populations and on strategies proven to reduce homelessness.** Women, couples, and LGBT individuals (for example) have too few shelter options in the short term. To reduce homelessness long-term, resources must be dedicated to rapid-rehousing strategies and low-income housing production.
- **Change the camping ban enforcement protocol.** The protocol for enforcing the camping ban should be changed to require police to identify and offer service and shelter options to homeless campers *before* warnings to “move along” or to desist from “camping” can be given.

PART I

THE DENVER CAMPING BAN: BACKGROUND



People Living in Public Places



On any given night in the Denver Metro area, almost 1,000 people are sleeping without formal shelter—on the streets, in cars, in parks. About half of these unsheltered homeless people sleep in Denver each night.¹ As low-income housing units have declined relative to the affordable housing need in Denver due to gentrification, while recession and the foreclosure wave have added to the crisis, existing shelter beds have become inadequate to meet the needs of Denver’s homeless. Every night, therefore, hundreds of people in Denver seek to survive without formal shelter. They have sought to shelter themselves on the streets for years, they will be looking to survive tonight, and they will continue to look for shelter on Denver’s streets for the foreseeable future.

Low-Income Housing Crisis and Growing Homelessness

The number of homeless people in Denver has grown substantially over the last two decades. A steadily declining inventory of low-income housing units, together with a large and growing number of Denver residents earning near or below the poverty level, translates into thousands of people unable to afford housing. Consequently, the number of homeless people in the region has grown 600% in the last twenty years, while emergency shelter beds have remained fairly constant.²

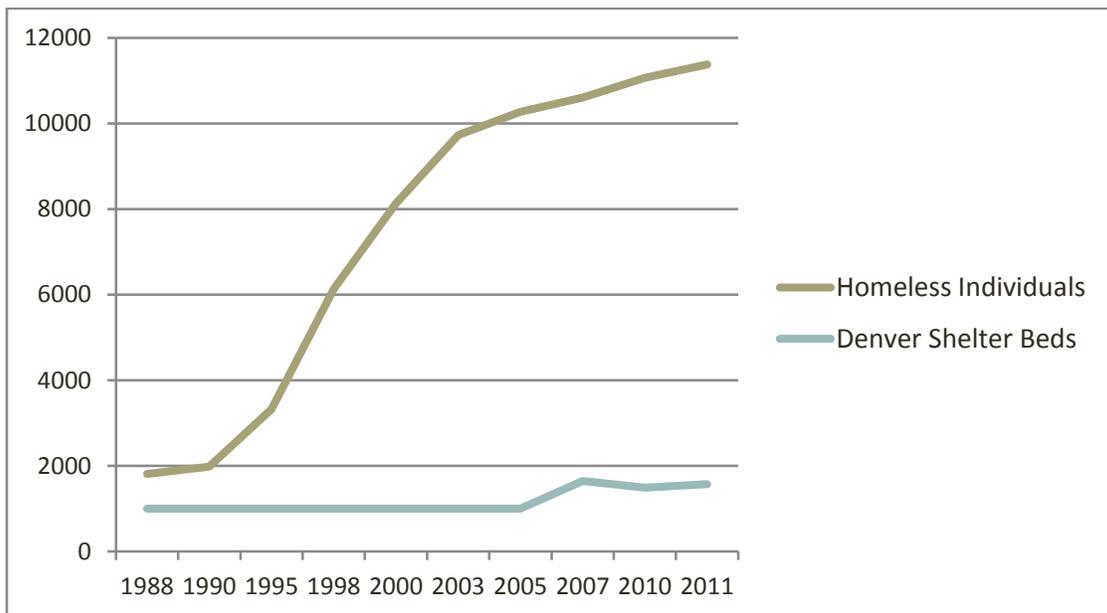
Denver has long been one of the United States’ more expensive housing markets, compared to the wages people earn in the city. HUD data recently put the Denver rental market in the top third of the priciest rental markets in America, and Colorado is among the top third of states for the share of the workforce with a severe housing cost burden.³ The National Housing Alliance’s 2012 Denver Shelter Assessment reported that Denver’s rental vacancy rate was 11th lowest among 75 large cities, meaning that Denver low-income residents face a “daunting challenge” to find housing.⁴ Denver Housing Market Analysis reveals that more than 80% of low-income renters in Denver have an unaffordable rent burden (paying more than 30% of their income for rent), and that Denver needs an additional 25,647 low-income housing units to adequately shelter residents earning under \$20,000 a year.⁵ The Colorado Division of Housing reports that Denver doesn’t even have one-half the low-income housing units that it needs: there are only 43 housing units affordable to each 100 households earning less than \$20,000.⁶

In essence, things have not changed since Denver issued its 2003 “Blueprint for Addressing Homelessness.” This Blueprint attributed growing homelessness to the structural imbalance between the growing low-income population of Denver and the declining number of low-income units available (driven partly by significant gentrification of low-income communities, and the demolition or conversion of almost 3,000 low-income, single room occupancy hotel rooms in the preceding decades).⁷

Emergency Shelter Has Not Kept up With Need

Even as the number of Denver’s homeless residents has dramatically grown, the number of emergency shelter beds has been rather stagnant for years. In 1988 there were shelter beds available for 55% of Denver’s homeless population; today emergency shelter beds are available for only about 10% of the homeless population.

Chart 1. Homeless Individuals and Shelter Bed Growth, 1988-2011



Sources: Denver Homeless Planning Group, “A Blueprint for Addressing Homelessness in Denver,” 2003; Metro Denver Homeless Initiatives Annual Point in Time Surveys; MDHI 2010 “Continuum of Care” NOFA Application.

The 2012 National Housing Alliance’s Assessment of the Denver Shelter System (commissioned by the city of Denver) found that “the shelter system in Denver has less public investment and less overall investment than in many other communities.”⁸ This assessment found that long wait times and an uncoordinated and inefficient entry system into shelters kept many people from accessing the shelter they needed. Indicating the scale of the problem, HUD’s 2011 count of homeless people nationwide put Colorado among the top five states in the nation for the percent of homeless people living without any shelter at all.⁹

What few shelter units there are, furthermore, do not always serve unique homeless populations, such as youth, couples (especially same-sex couples), fathers with children, and those with mental or physical disabilities. As just one example of a severely unmet need, Denver has 1,792 homeless women (according to the MDHI count), but only 275 shelter beds for these women. A count in 2011 showed that 850 women on any given night were competing for just 125 beds that were free each night.¹⁰ Crowds of women wait hours each day in queuing areas, hoping to win a lottery draw for a nightly bed—but in the end, more women than men are turned away without shelter each night. Anxiety attacks, panicked fear and angry outbreaks are common as women wait in queuing areas for a space.¹¹

Another under-served homeless population is the mentally ill (and dually diagnosed—those with mental illness and substance abuse). In 2011, more than 2,000 people who were homeless and mentally ill were on a waiting list for services at the Colorado Coalition for the Homeless' Stout Street clinic.¹² A recent Denver Post column by Allison Greenstein highlighted the deterioration of out-patient services and in-patient facilities to assist those struggling with mental illness in Colorado. "In 1955, there were over 300 inpatient psychiatric beds per 100,000 people in the United States. Today, according to the Treatment Advocacy Center, there are 14.1 beds per 100,000 people — the same number as in 1850. In 2009, Colorado had the fewest psychiatric beds in the country, according to the American College of Emergency Physicians. Now, Colorado is 48th out of the 50 states for psychiatric beds."¹³

"Another challenge for [Denver] emergency shelters is addressing specific subpopulations, including people with pets, people with service animals, people who are intoxicated, childless couples, and fathers with their children. We were not able to identify any emergency shelter that takes pets..."

"Many of the shelters serve people who are intoxicated, although there appear to be no good options for youth who are intoxicated...There also appears to be no place for childless couples, although they can stay in separate shelters, or in the case of Samaritan House, in separate rooms of the shelter."

--National Alliance to End Homelessness, Denver Shelter Assessment (2012)^a

"The number one issue is that if we doubled shelter services today, we still would not have enough to meet the needs of everybody in this city. No one could have predicted the economic situation that we sit in today."

-- Bennie Milliner, Executive Director, Denver's Road Home^b

Table 1. MDHI Point in Time Data: 2011 vs. 2012

The Metro Denver Homeless Initiative Conducts Point-In-Time Counts of Homelessness in the Region.

Recent MDHI data is below.

	2011	2012	% Change
Total Homeless	11,377	12,605	+11%
Total Homeless (Denver)	4,166	5,270	+27%
Unsheltered Homeless	411	964	+135%
Unsheltered Homeless w/Children	94	303	+222%

In the last 25 years, homelessness has increased 600%, while shelter units have remained stagnant and can now only house about 10% of homeless people in the area.¹⁴ These facts have led hundreds of homeless residents to shelter themselves in Denver streets, parks and other outdoor places in the winter and spring of 2012.

As the number of unsheltered residents increased, so did concerns among city leaders that

the downtown environment and business climate was being undermined by the presence of so many unsheltered homeless people, in public places. "There's no question that we have serious concerns over the increased numbers of individuals on the streets, said Tamara Door, President of the Downtown Denver Partnership.¹⁵ "I want to get them off of our Main Street, and the 16th Street Mall is our Main Street," said Denver Councilman Charlie Brown, as the camping ban was first being considered. "We have to stand up for our businesses downtown and our women and children who are afraid to go downtown. Are we supposed to just give in?"¹⁶

The camping ban's lead sponsor, Councilman Albus Brooks, noted that he had once counted about 180 homeless people on the 16th Street Mall, and it was just too much. "This is a nightmare...I am compassionate, but I also understand that sometimes people need to be dealt with... If we don't do something now, we are going to have a worse spring and summer than we have seen for a long time. I would hope we could do something strong enough to prevent individuals from laying out in front of people's businesses..."¹⁷

As a response to such concerns with the growing public concentration of the unsheltered homeless, Denver officials passed the "Unauthorized Camping Ordinance" in the spring of 2012—prohibiting any person from covering themselves from the elements with anything other than their normal clothing, and requiring police to attempt to connect homeless people with services before any citation or arrest under the ordinance.

In the next section of this report, the history of the camping ban's legislative passage is recounted.

History of the “Camping Ban”



The first public mention of Denver’s camping ban occurred in an October 21, 2011 *Denver Post* article: “Denver Mayor Michael Hancock supports effort to outlaw sleeping on the 16th Street Mall.”¹⁸ The article outlined comments made by Mayor Hancock to the *Denver Post*’s editorial board. “Hancock said he has been holding meetings ever since he came into office to figure out what to do about the growing presence of homeless people on Denver’s streets, and particularly in the downtown core areas, including the 16th Street Mall.” It is important to note that plans for the camping ban predate the Occupy Denver political demonstrations, which sometimes gets blamed for the law in the popular narrative.

The *Denver Post* article indicated that business and city leaders were concerned with the growing number of homeless in Denver’s Downtown, particularly along the 16th Street Mall. As the number of unsheltered people in downtown Denver grew following the 2008 economic crisis, a number of downtown businesses, led by the Downtown Denver Partnership, pressured the city to do something. As a response, Denver officials developed the camping ban as a tool to pressure the homeless to move out of downtown areas. “You’ve got to give the officers the tools to make the lawful requests,” noted Mayor Hancock.¹⁹

“We only have one downtown. We cannot afford to lose our city core. If people don’t feel safe going downtown, that is a threat to the very vitality of our downtown and our city. I was surprised as anyone to learn that you can sleep on the mall. Why is that the case?”

*-- Mayor Hancock,
City and County of Denver^c*

Under the 2005 “Sit/Lie” ordinance, the police did not have the authority to ask the homeless to move out of downtown between the hours of 9 p.m. and 7 a.m. The camping ban passed by Denver City Council on May 14, 2012 closed that gap and provided law enforcement a mechanism to require the homeless to go to a shelter or move along whenever they are caught covering themselves from the elements, anywhere in the city, or face criminal sanctions. Two key players initiating the ban were Councilman Albus Brooks (District 8), lead council sponsor of the ban, and Tamara Door, President of the Downtown Denver Partnership. According to the Partnership’s 2011-2012 Annual Report, “The Partnership helped lead the successful lobbying efforts to institute a city-wide unauthorized camping ban to address behaviors negatively affecting businesses and the Downtown environment.”²⁰ Denver hotelier Walter Isenberg, Vice Chair of the Downtown Denver Partnership board and major donor to Denver’s Road Home, also served as a key player in pushing the ban.²¹

The camping ban was introduced into the Land Use, Transportation & Infrastructure Committee on April 3, 2012. It cleared this committee on April 24, 2012 and was passed by the Denver City Council on May 14, 2012. The political atmosphere surrounding the passage of the camping ban was deeply polarized, and ban supporters utilized unusual political processes to pass the ban, even in the face of vigorous resistance from most homeless service providers and extensive testimony by hundreds of Denver residents against the ban.

- The camping ban was introduced without consulting the Denver Homeless Commission, a commission appointed by Mayor Hancock himself. “[If] it moves forward without people having this discussion, then people are going to question, ‘Why am I even on this board?’” said Debbie Ortega, a Denver City Councilperson and Commission member. “[The Homeless Commission] is to ensure we have a balanced discussion...between the business interests and addressing the human side of the issue.”²² Though Commission members requested a month delay in the final vote on the ordinance, so that the Commission itself could consider the proposal and offer advice, that request was denied by the Mayor and ban supporters.
- As Denver Councilman Paul Lopez pointed out, the ban was introduced into Council’s Land Use, Transportation & Infrastructure Committee instead of the Health, Safety, Education and Services Committee where it more naturally fit, to assure that it would garner enough positive votes to be sent to the full City Council. The proposed ban would likely not have passed through the Health, Safety, Education and Services Committee.
- The camping ban was introduced with promises that it would help connect the homeless to shelters and services, even though almost all service-providers and homeless advocates repeatedly said there were insufficient resources for the homeless, and no city plan to develop those resources quickly.

In the fiscal quarter preceding the ban’s passage, Denver’s Road Home, the city’s lead homelessness agency, had to cut \$100,000 from its budget. As the ban was debated, Denver’s Road Home announced that the city would soon lose 300 shelter beds due to inadequate funding. The city has fewer shelter beds today than when the 10 year plan to end homelessness began in 2005.

- When the camping ban was finally presented to the Homeless Commission in April, it was merely to inform commissioners that the ban was coming, not to consider Commission input. Councilman Brooks told commissioners that the bill hadn't "come out of the blue," even though many commissioners felt left out of the process. "We've been talking about this bill since August" (nearly nine months earlier), said Councilman Brooks. Commissioners, service-providers, and advocates in the room were surprised. If the camping ban had been contemplated for so long, why didn't they see the proposal any sooner? "I know you know how to reach me," said Terrell Curtis, director of the Delores Project, women's shelter. "We need to slow this down."²³
- Though multiple meetings between community advocates and city council members took place to seek different strategies to protect the viability of the 16th Street Mall and Civic Center Park, without a city-wide camping ban, no attempt was made to postpone or modify the ban in response to concerns, or to consider other places where unsheltered homeless people might be allowed to cover themselves and sleep safely at night. In the end, not a single change to the ordinance was made to address the concerns of the large number of speakers who opposed the ordinance during council testimony, or the modification suggestions of several council members.

"I think this process has been incredibly, incredibly rushed and non-inclusive. I know the way this vote is going to go. I know it. And I think you know how this vote is going to go too. And, unfortunately, the sad thing about it is that it has been like that from day one."

—Councilwoman Susan Shepherd^d

The Camping Ban was passed by the Denver City Council on the night of May 14th, 2012, by a vote of 9 to 4

Voted For the Ordinance

J. Faatz (District 2), P. Lehmann (District 4)
 M. Susman (District 5), C. Brown (District 6)
 C. Nevitt (District 7), A. Brooks (District 8)
 J. Montero (District 9), J. Robb (District 10)
 C. Herndon (District 11)

Voted Against the Ordinance

Susan Shepherd (District 1)
 Paul López (District 3)
 Robin Kniech (At Large)
 Deborah Ortega (At Large)

The Denver Unauthorized Camping Ban

Denver Municipal Code 38.86.2

Denver’s unauthorized camping ban makes it a crime for any person in Denver to reside with shelter in any public or private outdoors space, without appropriate permission. What does it mean to use shelter? According to the text of the law, illegal shelter in Denver now includes, *“without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.”*

In other words, no homeless person residing outdoors in Denver can legally use any form of protection against the elements—snow, rain, wind or sun—other than their clothes. Police spokespersons have said that using shelter could include anything as minor as sitting on a piece of cardboard or

covering oneself with a newspaper. “If it’s a blanket or cardboard or newspapers, that’s ‘shelter.’ Clothing is not,” said Layla de Steffany, a member of the Denver Police Department’s Homeless Outreach program.²⁴

Though violations of this law can bring a maximum penalty of a year in jail and a \$999 fine, Denver officials have said that they intend for the law to be enforced with a light touch. In fact, the protocol for enforcing the camping ban calls for a number of steps before citation or arrest. Those steps include: first, determining if there are other violations that the camper should be cited/arrested for; second, issuing the violator an oral warning to quit covering themselves, and/or to “move along”; third, issuing a written warning; fourth, attempting to reach an outreach worker or connect the homeless person to services before arrest. This protocol has insured that no arrests have yet taken place under the camping ban, though citing and arresting people for other code violations and moving homeless people along through oral and written warnings are very common (as we will document in later sections of this report).

**Denver Municipal Code Sec. 38-86.2.
Unauthorized Camping on
Public or Private Property Prohibited.**

“It shall be unlawful for any person to camp upon any private property...It shall be unlawful for any person to camp upon any public property...”

“‘Camp’ means to reside or dwell temporarily in a place, with shelter. The term “shelter” includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. The term “reside or dwell” includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions.”

Denver Camping Ban: The Debate



Unauthorized Camping Ban Proponents: Key Arguments

Proponents of the camping ban argued that it would improve the appearance and business climate of downtown, even while catalyzing the city to compassionately reach out with additional services for the homeless. In the end, homeless people's quality of life would improve as they moved off the street and into more healthy living arrangements. These hopes can be summarized in four broad categories.

- The ban will help to improve the appearance and business climate of downtown spaces like Civic Center Park and the 16th Street Mall, by forbidding public sheltering in these places

"It's impacting businesses and the perception of our communities when we have mass camping in our center city."

-- Tamara Door, President, Downtown Denver Partnership^e

- The ban will focus city attention on developing needed resources for the homeless, such as additional shelter beds, a new mental health facility, and the city's first permanent 24-hour drop in shelter.

"We know there is a shortage of resources. I believe what this ordinance will do is help focus us even more sharply on helping develop those resources."

-- Mayor Michael Hancock, City and County of Denver^f

- The ban will motivate homeless people to move off the streets and into shelters and other services. The ban will make sleeping in public more difficult, and police will work to connect homeless people to available services.

"After 9 p.m. there is a bunch of people camped out on the 16th Street Mall. The question I would pose is how many of those people need help? How many of those people don't want help? That number is more than zero...Those are the people right now where we don't really 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."

-- Chris Nevitt, Denver City Council President (District 7)^g

- The ban will improve living conditions for unsheltered homeless people by forbidding informal public sleeping arrangements and connecting them to healthy alternatives. Their quality of life will improve.

“This ordinance is needed to help address the challenge of people sleeping outdoors in the elements. It is simply inhumane to allow anyone to be exposed to the dangers this poses...That's why we are enacting this new law and redoubling our efforts to connect those in need with comprehensive services. Denver is a compassionate city that is dedicated to ensuring a high quality of life for those who live, work and play here. 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.”

-- Mayor Michael Hancock, City and County of Denver^h

Camping Ban Critics: Key Arguments

Critics of the camping ban were skeptical that the positive goals of ban supporters would be achieved. Both the Colorado Coalition for the Homeless and the Colorado ACLU predicted that the ban would drive homeless people into unsafe hiding places, 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. Both organizations argued that the ban criminalized the status of being homeless, since the ban illegalized activities necessary for survival, without offering adequate indoor shelter options. Similar arguments were made by Denver residents and service providers in hours of testimony against the ban, before City Council.

These criticisms can be summarized as counterpoints to the four predicted benefits of the ban.

- The ban would only help to “improve” the appearance and business climate of downtown by mobilizing police pressure, fostering fear among homeless residents, and denying the city’s responsibility to provide safe sleeping options for Denver’s most vulnerable residents.

“I see a conflict between the powerful in this city and the powerless ...You don’t solve [the problem of poor people on the streets] by throwing folks in jail. You don’t solve it by criminalizing folks...by punishing them for being homeless. You solve it by passing and supporting policies that keep them from being in the streets in the first place.”

-- Paul Lopez, Denver City Council (District 3)ⁱ

- Even though the ordinance makes it a crime for people living outdoors to seek shelter from the elements, there are inadequate resources to serve these unsheltered residents, and there is no plan to develop those resources before the ordinance goes into effect. The ordinance criminalizes activities necessary for survival, without providing alternatives.

"It is even more inhumane to make [homelessness] illegal while acknowledging that there is not sufficient shelter or housing alternatives. There is a significant lack of adequate emergency shelter to meet the needs of our citizens in Denver, such that tonight, after every shelter bed in the city is full, there will be hundreds of men and women sleeping on the streets, in their cars, or in abandoned buildings. Compounding the problem is the lack of health, mental health, and substance abuse treatment services for those experiencing homelessness...Last year, more than 2,000 individuals who are homeless and mentally ill in Denver were on the waiting list for mental health services at the Colorado Coalition for the Homeless' Stout Street clinic..."

-- John Parvensky, President, Colorado Coalition for the Homeless^j

- The ordinance cannot adequately "compel" homeless people to accept indoor shelters, when there are not enough beds available, of the right kinds. Instead, most unsheltered people will retreat into hidden, less safe and harder to reach locales.

"One concern I have of this is that people who spend already a large part of their lives in fear may be spending even more time in fear at the possibility of tangling with the law as a result of this ordinance and that 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 to hopefully get back on the road to self-sufficiency."

-- Susan Shepherd, Denver City Council (District 1)^k

- This ordinance will harm the quality of life for homeless people, by creating a climate of fear, adding challenges to their life, and allowing police to contact unsheltered people for things as minor as sitting on a blanket or piece of cardboard.

"They're not even allowing us to have blankets out. We're considered 'campers' just for sitting and enjoying the park. People lie out at the beach and look that way, and nobody assumes they're camping. What's the difference? I got a verbal warning, just for not wanting to sit in the dirt. It's harassment, plain and simple."

-- Deven T. , Homeless Resident discussing camping ban, St. Francis Center^l

Table 2. Camping Ban Supporters and Critics: Core Arguments

Camping Ban Supporters: Core Arguments	Camping Ban Critics: Core Arguments
<p>The camping ban will improve the appearance and business conditions of the central downtown area, by making it difficult to sleep outside without shelter, and by giving police and service workers a tool to compel unsheltered people to move off the street and into shelters.</p>	<p>Homeless people will move out of downtown—but they will not move into shelters, since there are not enough beds. Moreover, certain populations (i.e., the disabled or those with pets) do not have good shelter options. People will simply move into more dangerous and hidden locations.</p>
<p>The ordinance will focus the city’s attention on developing the necessary resources to serve currently unmet needs of the homeless, such as by opening a 24 hour drop in shelter, and opening new facilities for those with mental illness. A substantial expansion of homeless services will follow passage of this ordinance.</p>	<p>The currently available services are inadequate to meeting the need of hundreds of homeless people on the streets every night. Promises that future services will be delivered are vague and can’t be counted on. Adequate services should be developed first, before any ban on seeking survival shelter should be passed.</p>
<p>The ordinance will prompt, and even compel, unsheltered homeless people to accept the services that are available. Instead of choosing an unhealthy life on the streets, homeless people will be led to accept services, which will put them on a better path for improving their lives.</p>	<p>There are not enough services/shelter beds to serve the need. Many people don’t “choose” to avoid services, rather they are turned away or there are few shelter units for their demographic (such as fathers with children). Compelling people to try to move into shelters that are often overcrowded and unhealthy, and sometimes aren’t available at all, is not wise policy.</p>
<p>By prompting unsheltered people to accept city services, catalyzing the city to develop new services, and breaking up dangerous encampments of current homeless people, the conditions of the streets will improve. Most homeless people will experience this camping as improving their quality of life.</p>	<p>Broad promises of an improved quality of life ignore the plain language of the law, which makes it a crime to seek any kind of shelter from the elements on the street. The law will also create a climate of fear, where homeless people feel they have to avoid downtown and avoid the police. People will be driven into hiding, and their life will become less secure and more stressful.</p>

Over the last year, there has been a robust debate among officials, service providers, and civic activists regarding the likely consequences of Denver’s camping ban. But the voice of homeless people themselves was largely absent from this debate. How do homeless people experience the post-camping ban landscape? Do they experience the police as being helpful? Do they find shelters easy, or even possible, to access? Have unsheltered people experienced improving or deteriorating quality of life? In the next section of this report, we present the results of our survey of more than 500 homeless residents, who bring important insights to the dialogue surrounding Denver’s camping ban.

PART II

THE CAMPING BAN SURVEY: METHODOLOGY & FINDINGS

Survey Background and Methodology

Denver's camping ban went into effect on May 28, 2012. Throughout the summer and fall of 2012, police began to enforce the ban, contacting hundreds of homeless people regarding the new rule that homeless people could not use a sleeping bag or in any way shelter themselves from the elements while sitting or sleeping on Denver's streets. In the early fall of 2012, the Denver Police Department reported on the first months of enforcing the ban, noting that Denver police had contacted 386 people regarding illegal camping between June and September, but had as of yet made no arrests.

These police data provide one look at the implementation of Denver's camping ban, but the voices of the homeless themselves are absent in such reports. How do homeless people themselves experience such police contacts? Do homeless people find the police more or less visible in their lives since the ban? Are homeless people changing their sleeping habits since the ban? Are they moving into shelters or into the shadows? Do they feel more or less safe on Denver city streets? Advocates of the camping ban expressed hopes that this camping ban would actually result in better services and improved quality of life for Denver's homeless. How do Denver's homeless residents feel about these goals? From the perspective of Denver's homeless residents, has their quality of life improved or not?



Photo: University of Denver

Photo: Denver University

To explore these questions, a grassroots coalition of concerned citizens came together in the fall of 2012, under the auspices of Denver Homeless Out Loud, to design a survey to collect the experiences of Denver's homeless community. A 58 question survey was designed through a series of community meetings involving about 20 Denver residents. A training session was held with surveyors to discuss the

process of survey administration, so as to best insure the survey would be

administered in a professional, respectful and unbiased way across the city. Surveyors were instructed that they were not to discuss the camping ban with respondents, nor to share their personal analysis or perspectives regarding the ban. Possible respondents were simply to be informed that the survey related to their experiences with sleeping in public, accessing services and interacting with the police in recent months, and were then asked to fill out the survey. All survey respondents were asked if they had seen the survey before, and were instructed that they should not fill it out again if they had already filled it out once before (see <http://denverhomelessoutloud.org> for a copy of the survey instrument).

Selected “Cluster Sampling” Sites for the Survey

- The 16th Street Mall
 - Civic Center Park
 - Major downtown street-fronts (e.g., Speer, Stout, Colfax, Arapahoe, California)
 - “Triangle Park,” near Samaritan House and the Rescue Mission
 - The Gathering Place
 - Downtown Library
 - The Cherry Creek and Platte River trails
 - St. Francis Center
 - Dolores Project
 - Pathways
 - El Centro Humanitario
 - Civic Center Apartments
 - 303 W. Colfax (Women’s Shelter)
 - Christ Body Church
 - Holy Ghost Church
 - St. Elizabeth’s
-

In November and December of 2012, trained surveyors fanned out to dozens of sites across Denver to recruit survey respondents. Survey sampling methodology was a mixture of cluster and convenience sampling. Due to the practical difficulties of executing a perfectly random sampling of Denver’s homeless community, cluster respondents were instead selected from strategically chosen sites across Denver meant to insure maximum representativeness of the homeless population likely to spend time sleeping on downtown Denver streets during the year. This kind of cluster sampling method is a common strategy to reach a representative sample when comprehensive identification of an entire population is impossible and when purely random sampling of such a population is impractical (for example, because no one knows where all homeless people are located). At each of the cluster sample sites, surveyors collected responses from a convenience sampling of all respondents who were to be present at the time and willing to take the survey. Some of the key cluster sampling sites are provided to the left, though other sites were also utilized.

In the end, 512 different people with recent experiences of homelessness were surveyed. These 512 respondents equal 9.7% of the 5,271 homeless people living in Denver on January 23, 2012 (according to the MDHI Point in Time survey).²⁵ Most of the survey respondents (72%, or 372 people) had spent some nights sleeping in unsheltered locations in Denver in the previous year, which suggests these respondents were a representative sampling of the 964 homeless people that the MDHI counted as sleeping without shelter in the Denver region on the single night of January 23, 2012.²⁶ The completed, de-identified surveys were delivered to Dr. Tony Robinson, Associate Professor of Political Science at the University of Colorado Denver, who then coordinated and quality-checked data-input, completed the data analysis and worked with the community coalition to complete this final report.

Survey Demographics



The survey was administered to 512 homeless respondents. Though homeless, most of these respondents are long-time Denver residents, who consider Denver their home, and have friends, family and, quite often, children in Denver. Among survey respondents:

- 80% consider Denver their home
- 68% have lived in Denver more than two years; Another 6% lived in Denver for at least a year
- 63% have family and friends in Denver
- 54% have children (though most respondents were not living with their children at the time)

These Denver residents have spent substantial time living without dependable housing.

- 60% report that they have been homeless **the entire time** since June, 2012
- 21% report that they have been homeless **most of the time** since June, 2012
- 19% report that they have been homeless **some of the time** since June, 2012

The homeless respondents to the DHOL survey were very diverse. As seen in the following tables, the demographic breakdown of these diverse respondents roughly matches the survey results from the Metro Denver Homeless Initiative's (MDHI) homeless count. The diversity of DHOL survey respondents, and their general match to the widely utilized MDHI numbers, suggests that the DHOL survey reached a broad and representative sample of Denver's homeless population.

Table 3. Race/Ethnicity of DHOL Survey Respondents vs. MDHI Respondents

Race/Ethnicity	DHOL Survey	MDHI 2012 Point in Time
White	52.8%	44.3%
Latino/a	14.2%	22.7%
Black	13.5%	20.4%
Native American	10.6%	3.8%
Mixed/Other	8.2%	8.8%
Asian	0.7%	1.1%

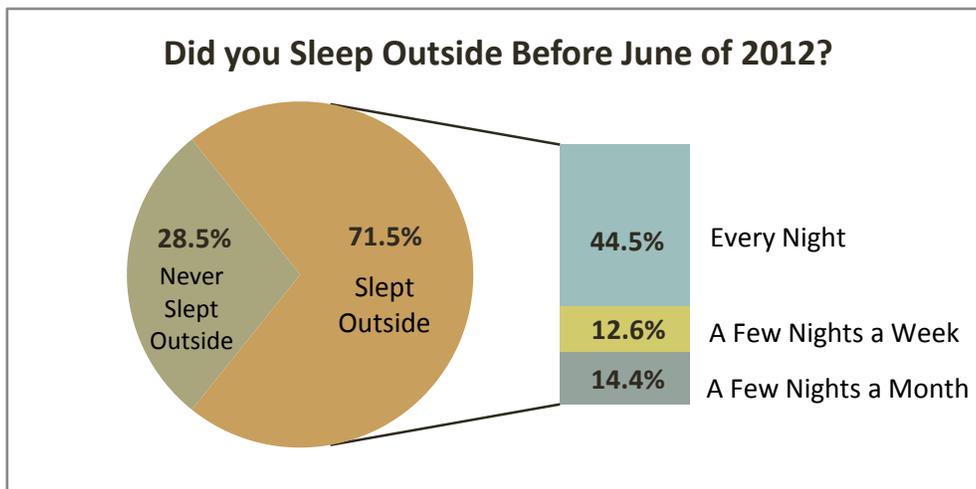
Table 4. Demographics of DHOL Survey Respondents vs. MDHI Respondents

Survey Demographics	DHOL Survey	MDHI 2012 Point in Time
Male*	73.0%*	75% (of single homeless)*
Age Below 18	2.8%	1.0%
Age 18-29	18.5%	12.5% (Aged 18-25)**
Age 30-60	69.3%	84.1% (Aged 25-64)**
Age Over 60	9.5%	2.4% (over age 65)**
Disability	53.8%	46.1%
Veteran	19.8%	12.9%
LGBT***	12.1%	Unknown

*See endnotes for additional chart details

The DHOL survey contacted homeless respondents in central Denver locations—on downtown Denver streets, at area service-providers, along the South Platte, at regular homeless feeding locations and at downtown churches. This particular population is likely to have spent substantial time sleeping on downtown Denver streets, in parks and other outdoors locations, and is exactly the population that the camping ban was most directed at. In fact, over 70% of DHOL survey respondents reported substantial experience with sleeping in public places in Denver. Many respondents had slept regularly in core inner-city areas like the 16th Street Mall or Civic Center Park before the camping ban passed. Because the camping ban was targeted at removing the homeless from visible downtown sites like the 16th Street Mall, surveying a large sample of homeless people living in downtown provides a good sampling of how the implementation of the camping ban is affecting those most targeted by the ban.

Chart 2. Did You Sleep Outside Before June of 2012?



Living Homeless: A Day in the Life of “Ross”

“It’s best if they don’t even know I’m there.”



Photo: Tribes of the city

► 5:30 a.m. (or earlier)

Time to get up. Got to get moving. No need for unnecessary contact with authorities or business owners. Too sweet of a spot to lose. If I want breakfast I can go to the Rescue Mission and stand in line forever for half a scoop of eggs and a stale doughnut. It’s out of the way and not worth my effort. I can eat later and it works better just to keep some pastries back from one of the other meals. I am more interested in coffee anyway. When you are working on less than six hours of sleep a night, coffee is a big deal in the mornings. The body needs more sleep, but I need to get going for the day: enter coffee.

► 5:30-6:30 a.m.

I still have \$10 from my last bit of work that I had three weeks ago (half a day of raking leaves), so I can go to McDonald’s today and have coffee until the money runs out. I read/write/work on my laptop and wait until it’s time to go to the food line where I volunteer regularly. Without work, it’s something productive to do for the day. I have some responsibility there. More than half of the volunteers there are either homeless or on government assistance or they would be homeless.

► 6:30-8:30 a.m.

Can’t stay at McDonald’s forever. But food line volunteers can’t show up till 8:00 a.m., so I usually go for a walk. Homeless people do a lot of walking. I like walking, but I have good health and good legs. It’s a great way to stay warm on those cold mornings before the libraries and day shelters open up. For me, I also spend a good amount of time on my walks thanking God for the day and talking to him about my troubles.

► 8:00-10 a.m.

The people who run the food line open the doors to the building where they keep supplies. The early volunteers get busy making coffee, organizing snacks and care kits, and setting up tables and chairs. Once set up, everyone visits and sips on coffee until the lunches are brought in by different volunteer groups and individuals (9ish). The visiting is the main reason I come here. The homeless community is small, and most of the meals are places where one can see friends and acquaintances.

► 10-10:30 a.m.

Travel to the library (or to a local coffee shop) where I set up on my laptop and the job search is on. Every day. I prefer the coffee shop setting. The internet access is always better and it just feels better. I'm almost out of cash, so it will be the library today. You know the routine. Hundreds of resumes out into the internet void, hoping that something will return a response. My employment gap and bumps with the law are probably the largest deterrents to finding steady employment.

While I prefer coffee shops to the library to do my work, I need to be careful when and where I go. Sitting at a table for hours on end, with a backpack, sleeping bag, unshaven and un-bathed, can be not respectable to the shop, especially when all I have spent is \$2 dollars and filled up on coffee refills all day.

► 10:30-6:00 p.m.

Job search. Sometimes I take a break to get to one of the meals. I usually go to one of the larger ones that I can bring stuff back from, such as stale pastries for breakfast in the morning. The lunch break typically takes about two hours. Thirty minutes of walking there; thirty minutes back. Then there is the wait in line, or the "programming," before you can eat. By the time I am back, 2 hours has been taken from the day. I don't always eat these lunch meals because of the wasted time investment. That is why having some food with me in my back pack at all times is important. I have more to do with my life than wait in line for meals. I know some who it seems that's all they do.

► 6:00-11:00 p.m. or later

I'm pretty much stuck outside at this point. I spend my evening walking because I have been sitting all day. Due to city ordinances I can't lay down until at least 11 p.m. Now with the camping ban, I have to be doubly careful where I go. Police contact at all is not good. I have a favorite spot but timing is important on when I lie down. It's close to the 16th Street Mall, and sometimes it is noisy until very late at night. As I need to be up by 5:30 the next morning, the later it gets the more sleep I lose. It is not unusual to not be able to lay down until after midnight. It's better to be patient and avoid contact with security guards. Most are reasonable if you pick up and leave early (well before 6:00 a.m., when people begin arriving for work) or they merely just ask you to "move along," but they always have the option to call the authorities.

It's best if they don't even know I am there.

Homeless Experiences with Police



The day after the camping ban passed city council, the *Denver Post* reported that “it will give police the tools to move out homeless people, who over the past few years have irritated downtown merchants and tourists.”²⁷ Mayor Hancock similarly stated that “as long as we have that option to say you can sleep outdoors... they’ll never seek out any other options--whether it’s family or the mental health or drug addiction services if necessary to help them get healthy.”²⁸ Before the ban, Hancock noted, “we didn’t have the authority to move them along.”²⁹ Councilman Albus Brooks explained that the ban was needed partly because he received hundreds of emails from people afraid of and annoyed by the homeless while seeking entertainment downtown. Unfortunately, Brooks noted, when the city sent vans out to transport homeless individuals to shelters or other services before the ban, “we had no way to compel them to go with us.”³⁰

As a response to such concerns, the camping ban became a tool to move homeless people out of any area in Denver where they might be “residing.” Sponsors of the ordinance have been clear that they wish for homeless persons to receive social services rather than arrests, and that they expect the ordinance to help police compel people to utilize those services. To that end, the ordinance includes several steps before police can cite or arrest a person for “unauthorized camping,” including issuing oral and written warnings, and seeking social services for the “camper.”

Denver Code of Ordinances: Sec. 38-86.2. Unauthorized Camping on Public or Private Property Prohibited

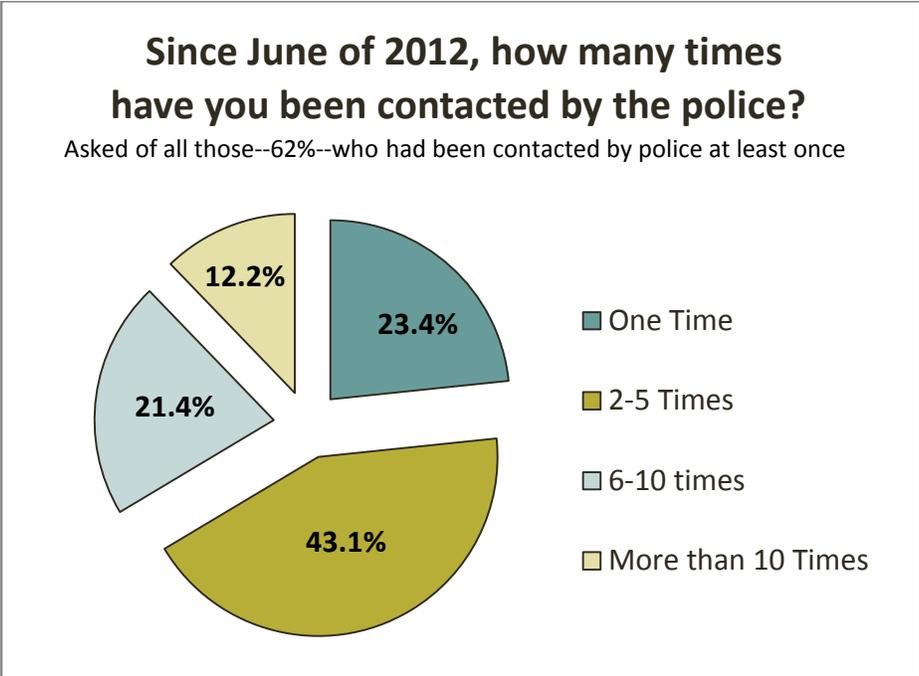
“No law enforcement officer shall issue a citation, make an arrest or otherwise enforce this section against any person unless...the officer attempts to ascertain whether the person is in need of medical or human services assistance, including, but not limited, to mental health treatment, drug or alcohol rehabilitation, or homeless services assistance. If the officer determines that the person may be in need of medical or human services assistance, the officer shall make reasonable efforts to contact and obtain the assistance of a designated human service outreach worker, who in turn shall assess the needs of the person and, if warranted, direct the person to an appropriate provider of medical or human services assistance in lieu of the person being cited or arrested for a violation of this section.”

With these kinds of provisions written into the law, the Denver Police Department announced that police would enforce the camping ban only with a “light touch,”³¹ and they expected few arrests. Rather than face arrest, homeless people would probably just move along when warned, or would be directed to needed services. “We are not looking at this to end up in citations or arrests,” said Rob Parks, a homeless-outreach officer, while training other officers in ban enforcement techniques. “We think 99 percent of your contacts will end in the first five minutes.”³² In fact, in their first reporting of data to Denver City Council, four months into the ban, the Police Department reported 158 street checks for unauthorized camping, impacting 386 people—but no arrests under the ban.³³ Rather, almost all contacts with suspected campers ended with campers moving along after warning, or (in a few cases) with an arrest or citation for a different charge.

Though police presented data regarding officially recorded contacts under the camping ban, we did not know how homeless people themselves experience this police contact (helpful or harassing?), nor did we know much about what exactly happens during those contacts. This survey project was designed to examine how homeless people themselves are experiencing their relationships with Denver police since the ban. Here is what the survey responses reveal.

Survey responses show that contact with police is a way of life for Denver’s homeless. In the seven months since the camping ban was passed, 62% of respondents have been approached by police at least once, and most of those people were contacted several times.

Chart 3. Frequency of Police Contact with the Homeless



The camping ban is an important part of why police have contacted homeless people since June. Of all respondents who were approached by police since the ban, 57% were approached at least once about the camping ban itself. More than 80% of those approached by the police due to the camping ban were asked to “move along”; most were also given an oral or written warning. More than a quarter of all respondents were cited or arrested at least once in the last seven months, often after being contacted because they were attempting to shelter themselves, in violation of the camping ban. Unfortunately, our survey design does not allow us to distinguish between arrests and citations—we only asked if respondents had been “cited or arrested” since the ban.

Table 5: Details of Police Contacts with Homeless since Camping Ban Enacted

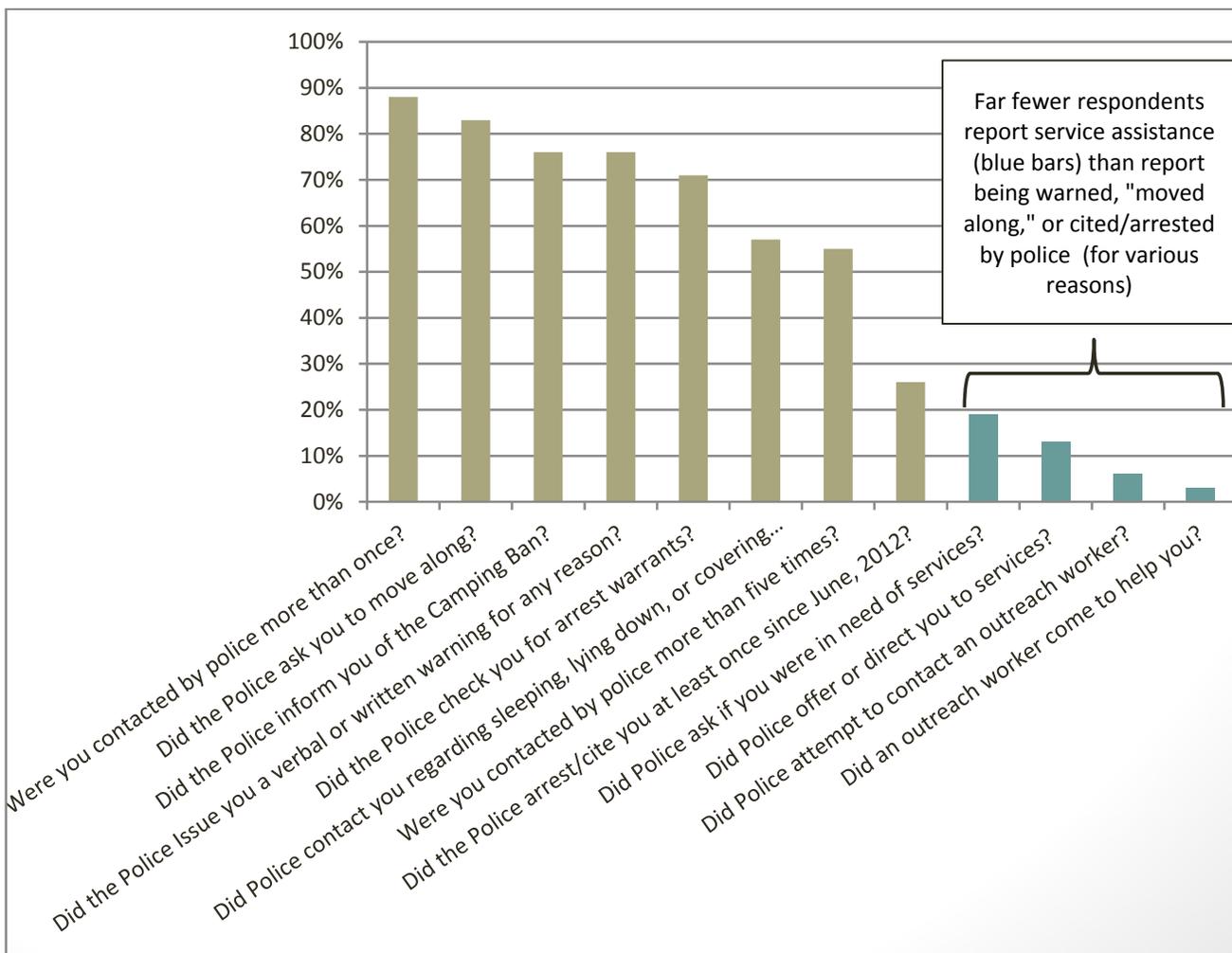
Police Contact, Warnings, Citations and/or Arrests: A Way of Life for Denver's Homeless Residents		
	Yes	No
Since June of 2012, have you been approached by the police for any reason?	62%	38%
Since June of 2012, have police approached you regarding sleeping, lying down, or covering yourself in public?	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%

Monday, June 4th, 2012

After one week of public education to inform Denver’s homeless residents about the new camping ban, police began enforcing the ordinance on this day. One downtown homeless resident had this reflection: *“I just got to find a place out of Denver’s reach. Everybody is being run out of any place they can hide.”^m*

The data show that police frequently warn “campers” that they are violating the ban and need to “move along.” But the camping ban ordinance also instructs police to ascertain 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 the police actually contact outreach workers and obtain assistance during their contacts with the homeless? Our survey data suggest that police contact with outreach workers is rare—far more rare than verbal or written warnings to “move along,” and more rare than citations or arrests due to violations other than the camping ban. As the chart below reveals, “campers” are directed to social services in only about 10% of their interactions with police; outreach workers are called only about 5% of the time. In fact, the homeless outreach staff of the Denver Street Outreach Collaborative have reported NO calls from police regarding homeless campers since the ban went into effect,³⁴ so this 5% response rate may simply refer to an officer contacting another police officer specially assigned to homeless outreach.

Chart 4. What Happens During Police Contact With Homeless “Campers”?



What the data shows is that unsheltered homeless people are frequently approached by the police. Armed with Denver’s new camping ban, police commonly warn people that their blankets, bedroll or other protection is illegal, and urge them to “move along.” Formal warnings are given that failure to comply will result in citation or arrest. Rarely are outreach workers called. Most unsheltered people experience such interactions with the police on multiple occasions. During these frequent interactions with police, which often began due to a camping ban violation, homeless respondents were frequently checked for arrest warrants.

- 71% of homeless respondents were checked for arrest warrants.
- 26% of those stopped were cited or arrested at least once in the last seven months (for violations other than the camping ban).
- 33% of those cited or arrested felt they would not have been approached by the police in the first place if the camping ban had not provided the police with an additional contact tool.

Though Denver police report that there have been no arrests to date under the camping ban, more than 100 of our 512 survey respondents report a citation or arrest in the previous seven months; 65 respondents reported the specific reason for their citation or arrest, as seen in the table below.

Table 6: Respondent-Reported Citations/Arrests

What Were You Cited/Arrested For?	
Park Curfew	19 People
Trespassing	15 People
Illegal Camping*	8 People
Aggressive Panhandling	4 People
Open Container	4 People
Disorderly Conduct	2 People
Public Drinking	2 People
Indecent Exposure	2 People
Loitering	1 Person
Throwing Missiles	1 Person
Vandalism	1 Person
Probation Violation	1 Person
Other	5 People

Police Officers Are Not Social Workers

The camping ban was passed in May 2012 with the idea that homeless persons would be able to better access the services they need when contacted by police. As the data shows, this is not the case. Outreach workers are not contacted nor are they on hand. Instead, police are being depended on to fill the role of social workers.

Because police are not trained nor suited to this kind of social work, homeless respondents report that camping ban contacts with police have focused more on enforcement warnings than on services.

* Denver Police report that there have been no arrests to date under the camping ban. The individuals reporting a citation or arrest for illegal camping may actually have been cited for violating park curfew by seeking shelter in a park after hours, or for trespassing (i.e., by seeking shelter on private property such as in an business alcove).



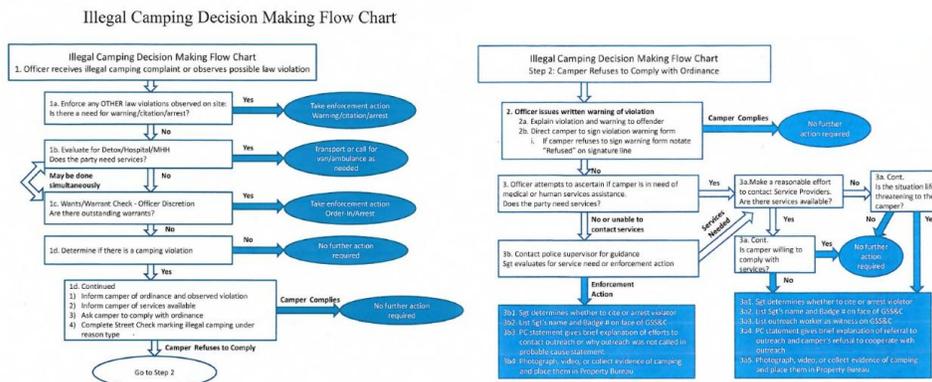
DENVER POLICE DEPARTMENT Training Bulletin

ROBERT C. WHITE, CHIEF OF POLICE

Date of issue: 5-19-12
Source: Homeless Outreach Team

D.R.M.C. § 38-86.2 – UNAUTHORIZED CAMPING ON PUBLIC OR PRIVATE PROPERTY PROHIBITED

Illegal Camping Police Officer Decision Making Flow Chart



The charts above were distributed at a May, 2012 Police Department training regarding enforcement protocol for the camping ban.³⁵ Though details on the charts cannot be read here, the steps that are outlined on the charts are described below. Except in cases of medical emergency, contacting a service outreach worker is step 8.

- 1) Officer receives a complaint or observes a camping ban violation.
- 2) Officer enforces other violations that are observed: cites and arrests as needed.
- 3) Medical evaluation: Are detox, hospital, or mental health services needed? If so, contact detox van, ambulance, etc.
- 4) Determine if there is a camping ban violation.
- 5) If there is a camping ban violation, officer issues an oral warning (“Move Along”).
- 6) If camper refuses to comply, officer issues a written warning.
- 7) If camper refuses to move along, evaluate need for human services.
- 8) If services are needed, officer attempts to contact a service outreach worker.
- 9) If camper refuses to comply with outreach worker, or if no outreach worker can be contacted, camping ban citation or arrest may follow.

“Moving Along” After the Ban

A Homeless Couple Speaks

As part of our survey process, interviewers sat down with homeless individuals and talked about their experiences. This interview involved a homeless couple, who used to sleep on the 16th Street Mall because it was safe and well-lit, but who had found more hidden places to sleep in since the ban passed. In the interview below, this couple talks about their experiences with police, and describes how the ban has affected their sleeping arrangements. Their real names are not used.



Photo: Mr. Graves

INTERVIEWER: Why did you choose to sleep on the 16th Street Mall?

TOM: Because finding a place to sleep is a job. It's a bitch. And sometimes people are really generous, you know, and they'll drop a little food off for you when you're hungry...And it (the 16th Street Mall) was covered. In case it does rain, you can stay dry. And I felt safer on the Mall, compared to back in the alley where we're sleeping now.

INTERVIEWER: So that's another thing with the mall- it's patrolled, right?

SANDY: Yeah, that makes it safe.

INTERVIEWER: So would another place like that be a good option for you?

SANDY: Absolutely! If it was a space that had some sort of patrol, and was well lit, so that it was safe.

INTERVIEWER: How has the camping ban affected where you sleep?

TOM: We got two tickets for sleeping in the alley back here. We got two tickets for trespassing, and we had nowhere else to go.

INTERVIEWER: When the police officer approached you, what did he say?

SANDY: “You guys have been warned not to be back here. You guys are getting tickets.”

INTERVIEWER: Had he warned you before?

SANDY: Oh yeah, he'd caught us back there before. It's the safest place.

INTERVIEWER: So the police officer verbally warned you?

TOM: Yeah.

INTERVIEWER: And then what?

TOM: He tells us to “move along.”

INTERVIEWER: What does “move along” mean?

TOM: Just get your gear and go!

INTERVIEWER: Do they suggest a place to go?

TOM: No.

SANDY: They say, “There’s a thousand other places to sleep, just not here. Go.”

INTERVIEWER: So where do they expect you to go?

SANDY: That’s what I ask him, “Where do you want us to go?” He says, “Anywhere but there.”

INTERVIEWER: Do they ever direct you to a shelter?

SANDY & TOM: No.

INTERVIEWER: Do they ever ask you if you want to go to a shelter?

TOM: No.

INTERVIEWER: So they don’t offer you ANY services or assistance?

TOM: No, just “go.”

INTERVIEWER: Do you mind describing the events prior to the officer approaching you?

TOM: There’s just a couple of us back there, not doing anything, just trying to sleep. We have all our stuff nice and neat. And then the police officer just comes up and tells us we have to go. “Here’s your trespassing tickets; just go.”

INTERVIEWER: Do you feel you were approached because you were trespassing or because of the camping ban?

TOM: The camping ban.

INTERVIEWER: Do you believe you would have gotten the trespassing ticket, had you not been approached for disobeying the camping ban?

TOM: No. I strongly doubt it.

INTERVIEWER: So, you believe that they approached you because of the camping ban but then they charged you with trespassing?

TOM: Yes. And if it weren’t for the camping ban, we wouldn’t have been back there.

INTERVIEWER: Because you would have been on the 16th Street Mall?

TOM & SANDY: Yeah.

INTERVIEWER: Did anyone call and complain about you guys?

SANDY: No. I mean we're back there all the time. And we're clean and quiet. None of us are drinking. We're not doing what other people do- shooting drugs and leaving their needles lying around, causing too many problems. They caused problems for the rest of us.

TOM: Yeah, we kept a pretty clean spot, didn't bother anybody.

INTERVIEWER: And now where are you staying?

TOM: We found an O.K. spot- a little piece of sidewalk, on the heating grates. It's kind of dangerous. I mean we burn ourselves, on the fingers, toes and arms, but it's our only spot. It's hot, but it's what we got. We can't stay on the Mall, and we have to stay dry.

INTERVIEWER: So is the place you sleep now more safe, or more dangerous, or about the same as the Mall?

SANDY: It's definitely more dangerous.

INTERVIEWER: Describe that.

TOM: There's people and things; these fools run around smoking their stuff and shooting their stuff. We don't do none of that. We're just trying to sleep and they come hassle us like we were criminals.

SANDY: Well, there's a bar on one corner and a bar on the other corner.

TOM: Now it's a more precarious situation.. We can't go anywhere now. Not in the alley, not anywhere.

INTERVIEWER: Have the police ever helped you in any way?

TOM: No.

SANDY: Never. Unless you call writing me tickets some kind of help, no.

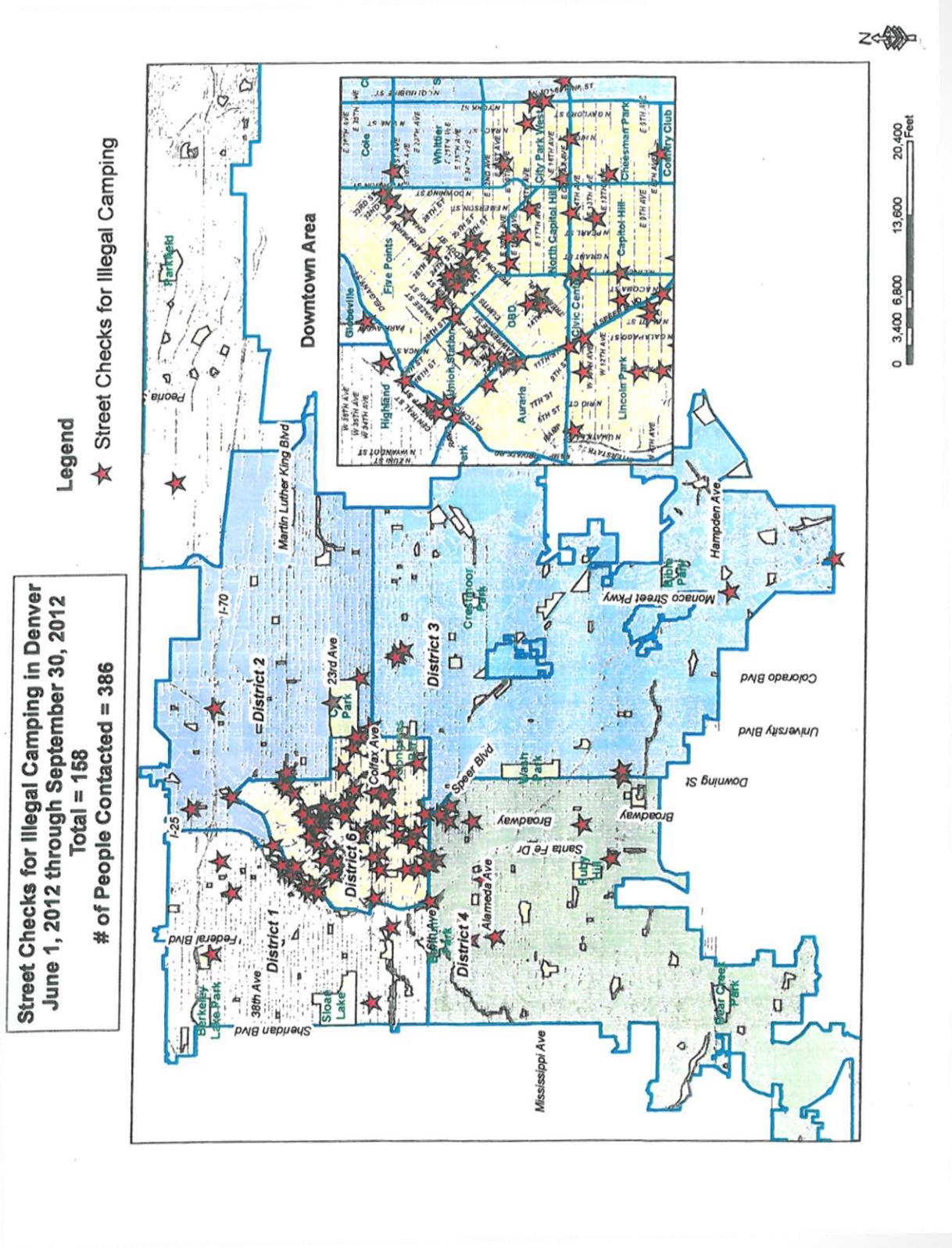


Photo: Kendra Kellog

“Moving Along” after the Ban:

Police Contacts for Camping Ban Violations Concentrated in Downtown Denver

Source: Denver Police Department, October 9, 2012



Changing Behaviors: After the Ban

How have unsheltered people been changing their behaviors since the camping ban was passed? Answering that question requires some attention to what life was like on the streets before the ban. The camping ban was a response to hundreds of homeless people taking shelter in public places, with the downtown Denver area (especially the 16th Street Mall) being an especially popular area to seek sleep and shelter after 9:00 p.m. (Denver’s “sleep-sit” ordinance allowed sleeping on the mall after 9:00 p.m. and before 7:00 a.m., and did not prohibit blankets or minimal efforts to shelter oneself).

Why were so many unsheltered homeless people showing up on Denver’s core city streets? Two reasons are fundamental: there are inadequate low-income housing units and emergency shelter options in Denver, and unsheltered homeless people sought well-lit and patrolled areas like the 16th Street Mall because they were safe. It is not surprising that the number of unsheltered homeless people living in downtown areas grew in recent years, since the number of homeless people in Denver has increased 600% in the last 25 years, even as the number of shelter beds has remained static. There are also significant obstacles for some homeless people to utilize shelters, even when beds are available. As a result, the MDHI counted nearly 1000 unsheltered people on a single night in January 2012, a substantial increase over 2011.

Obstacles to Unsheltered Homeless People Using Indoor Shelter Units on Any Given Night

- The MDHI 2012 survey counted 964 people sleeping in public without shelter on January 26th in the Denver region. That number is about a 100% increase over 2011. There are few shelter beds for this population, as the 2012 Denver Shelter Assessment of the National Alliance to End Homeless found that Denver shelters are almost always at capacity already.
- When shelter policies prevent people from being able to access the shelter (for example, no shelters take a person with pets and very few take couples) there are no alternatives.
- The shelter system in Denver has less public investment and less overall investment than in many other communities, resulting in lower quality than in some other cities. For example, Philadelphia has twice as many homeless people, but spends 14 times as much money on its shelter system (\$2 million a year versus \$28 million a year).ⁿ
- Some homeless people have serious alcoholism, addiction, or mental health problems that makes typical shelter beds unavailable to them.
- Individuals may be restricted from shelters due to past behaviors (for example, fighting).
- Individuals may be unable to tolerate the very crowded and noisy conditions at many shelters; many have had items stolen or been assaulted in shelters and do not want to go back.
- Individuals may be unable to endure the long waits in line and lottery system often associated with shelter waits.
- Individuals may be desirous of a bit of privacy and autonomy that is not available in shelters.

Before the Ban: Seeking Safety Downtown

Considering the aforementioned data, it is inevitable that hundreds of people every night had no option but to sleep in public in the months before the ban was passed. In our survey (which targeted core-city Denver), 72% of homeless respondents slept outside at least sometimes in the previous six months, with a good portion of them seeking out Denver areas like the 16th Street Mall or the Civic Center Park.

Table 7. Outside Sleeping Patterns and Locales: Before Camping Ban

Did you sleep outside regularly before the “camping ban” went into effect in June, 2012? (At least a few times a month)	
Yes	72%
Asked of all those who regularly slept outside before the camping ban: Did you commonly sleep in the following locales?	
Downtown Denver Area	60%
16th Street Mall	33%
Civic Center Park	29%

In our survey, we asked all those who regularly slept in the downtown area why they choose the Mall or Civic Center Park to shelter in. One hundred and thirty eight people gave an answer. By far the most common answer was people felt these areas were safe and well-lit. Other common reasons were that homeless respondents had nowhere else to go, the downtown areas were accessible to services, and had a large concentration of people they knew.

Table 8. Reasons Given for Sleeping Outside in Downtown Denver

Why Did You Choose to Sleep on the 16th Street Mall or Civic Center Park?	
Safe and Well-Lit	51.5%
No Where Else to Go	9.8%
Central and Accessible	8.3%
Friends and Family Were There	6.1%
Wanted to Join Occupy Denver	6.1%
Covered Areas to Sleep are There	4.5%
Clean and Warm	3.0%
Bathrooms and Food are There	2.3%
Other	8.3%

Responses add up to more than 100% as some people gave more than one reason.

Changes in Behavior Since the Ban

Before Denver passed its camping ban, unsheltered homeless people commonly sought minimal shelter in well-lit, central locations where they felt safe from the dangers of the street, and felt more able to access resources such as bathrooms and nearby social services. How have things changed since the camping ban?

Supporters of the camping ban have been clear that the ban is designed to compel unsheltered homeless people to move into indoor, structured shelters and services. They will have little option but to remove themselves from visibility on the streets of Denver, as they are now forbidden from using any kind of protection from the elements, other than clothes.

Unsheltered homeless people report substantial police contact when they attempt to sleep in downtown or other well-lit and visible Denver areas, and they believe the camping ban is meant to move them out of public sight and into the shadows. Many fear they will be arrested and sent to jail if they attempt to sleep in downtown Denver since the ban.

Even though there have been no arrests for violating the ordinance, per se, there have been hundreds of police contacts under the ordinance. Our survey results show that oral and written warnings to the homeless to desist from “camping” and to “move along” are common (see previous section). Homeless people in the downtown area are especially targeted for police contact. Police statistics provided to City Councilmembers on Oct. 9th, 2012 show that the largest number of street checks between June 1st and September 30th for unauthorized camping occurred in downtown (45) and along the South Platte River (67). It seems likely that as the homeless could no longer sleep in the downtown area due to the camping ban, they moved to the South Platte River and police “sweeps” followed them there. (See page 41 for a map of the pattern of police contact with the homeless during the first four months of ordinance enforcement).

Camping Ban Intent: Compel Change

Consequences are needed “for those who refuse assistance and continue to engage in behaviors that threaten public safety and health.”

-- Tamara Door,^o

Downtown Denver Partnership Director,
Testifying in Support of the Camping Ban Ordinance

Since the Camping Ban: Growing Fear

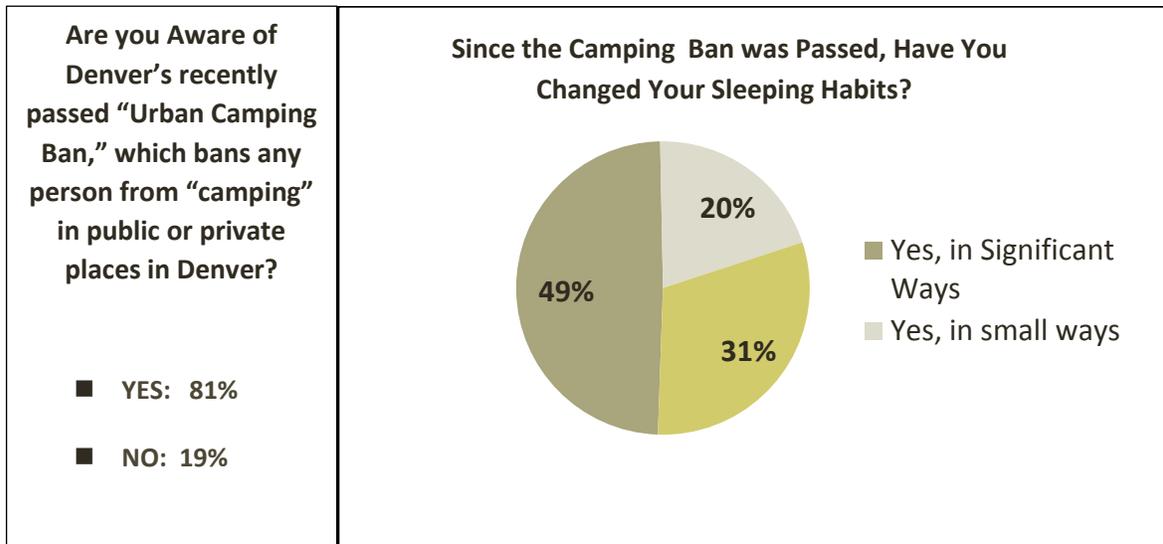
The homeless “tell us they are afraid that if they go on the 16th Street Mall even during daylight hours that they will be put in jail.”

-- Tom Leuhrs, St. Francis Center Director,
Summer 2012 Newsletter^p

Leaving Downtown Streets: Overcrowded Shelters and Places of Hiding

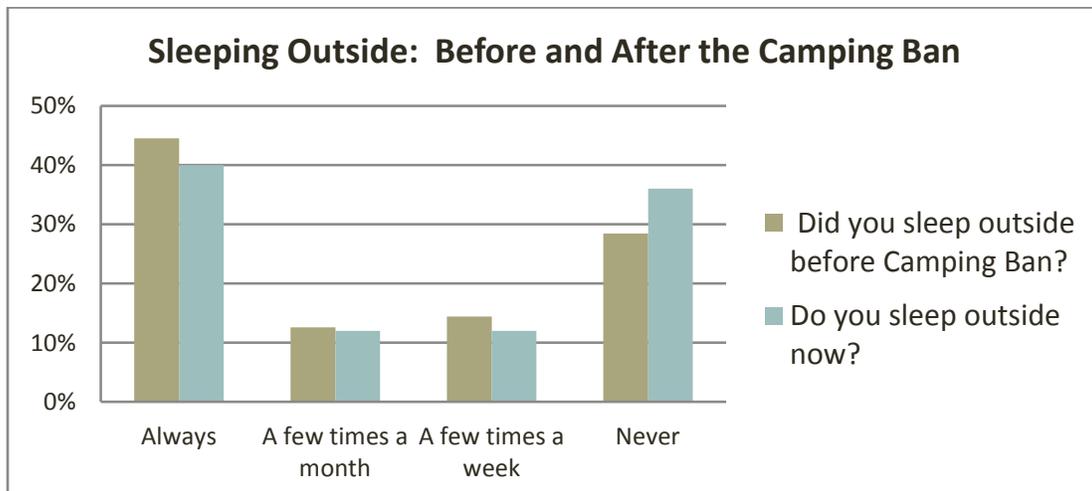
How are unsheltered homeless people responding to the post-camping ban landscape? Our survey shows that people are significantly changing their sleeping patterns. More than eighty percent of our survey respondents knew about the camping ban in Denver, and 69% of them reported that they had changed their sleeping habits because of it.

Chart 5. Awareness of Ban and Change of Sleeping Habits since the Ban was Passed



What changes in sleeping habits have occurred? Camping ban proponents hoped that the ban would lead to a substantial reduction in people sleeping outside. Though there has been a reduction in outdoors sleeping, the decline is minor. Before the camping ban, 72% of survey respondents said they sometimes or always slept outside in Denver, as compared to 64% reporting outdoor sleeping after the camping ban

Chart 6. Patterns of Sleeping Outside: Before and After the Camping Ban



Only 8% of survey respondents report that they used to sleep outside frequently, but don't sleep outside at all anymore. The majority of respondents who slept outside before the ban *still* sleep outside regularly—although respondents are adopting strategies to deal with the camping ban. One common response to the camping ban has been an increased effort to get into emergency shelters. Forty percent of respondents report that they have tried more often to get into shelters, although almost 70% also note that they find shelters more crowded and harder to get into since the ban was passed (see page 50 of this report for more on this point).

Apart from crowding into shelters, some people have spent *some* nights with friends or family (17% of respondents) or obtained their own housing since the ban was passed (7%). ***Nevertheless, most homeless respondents (64%) are still spending many of their nights on Denver's streets, even after the ban.*** The most significant change in homeless sleeping patterns, therefore, has NOT been to move off the streets and into shelters or stable housing, but simply to move into less heavily patrolled areas.

The most common change in sleeping patterns for unsheltered homeless people since the camping ban passed has NOT been to find indoor shelter, but simply to avoid the areas of town that are heavily patrolled by police (such as Denver's downtown core) and to shift to more hidden areas of Denver, to outlying neighborhoods, or to surrounding cities.

Chart 7. Have You Avoided Sleeping Downtown Since the Camping Ban Passed?



Our survey data reveals that 79% of respondents who used to sleep downtown with some regularity now avoid that area much more than they used to. Instead of sleeping downtown, they have moved into more hidden areas of the city to sleep, they have tried to crowd into shelters, they have moved into other Denver neighborhoods, or they have simply moved to surrounding cities.

Chart 8. Where Are Unsheltered Homeless People Moving To?



Numbers add up to more than 100% because some individuals gave multiple responses

Though Denver police reports in the summer of 2012 indicated the Denver suburbs were not seeing an increase in homeless individuals following Denver's camping ban, respondents to our survey tell a different story

Camping Ban Displaces Denver's Homeless Residents

- 19% of homeless respondents have chosen to sleep in Denver's surrounding cities more often since the ban passed.
- 42% of respondents say they know one or more homeless people who have moved out of Denver due to the ban.

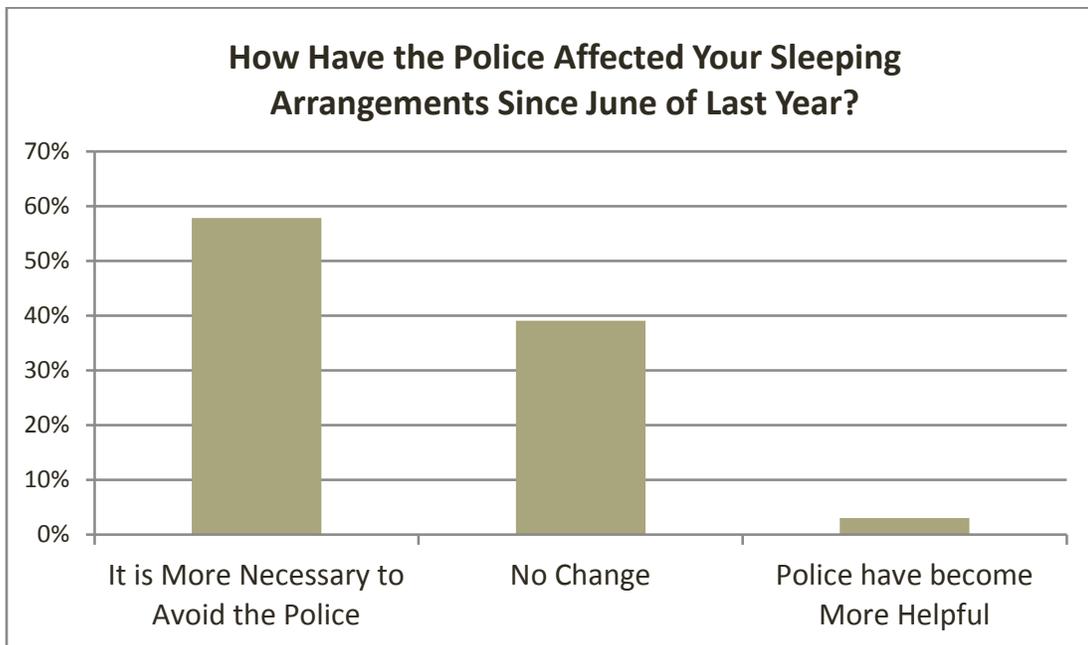
1/16/2013

"The camping ban in Denver has caused homeless people to migrate down Colfax and into Arapahoe and Adams counties."

-- James Gillespie, Community Impact and Government Relations Liaison for Mile High Council/Comitis Crisis Center, Aurora⁹

Although camping ban proponents argued that the ban would give the police a new tool to help improve the quality of homeless people’s lives by moving them into social services, the reality is that most homeless people find it increasingly necessary to *avoid* contact with the police, for fear of being asked to “move along,” or formally cited or arrested. Very few homeless people feel that the police have become more helpful to them since the camping ban was passed. Because they fear contact with police, and understand the reality of scarce shelter options, the most common response of Denver’s homeless residents to the camping ban has been to go deeper into hiding, often seeking new shelter in outlying Denver neighborhoods or in surrounding cities.

Chart 9. Changing Homeless Attitudes Towards the Police Since Camping Ban



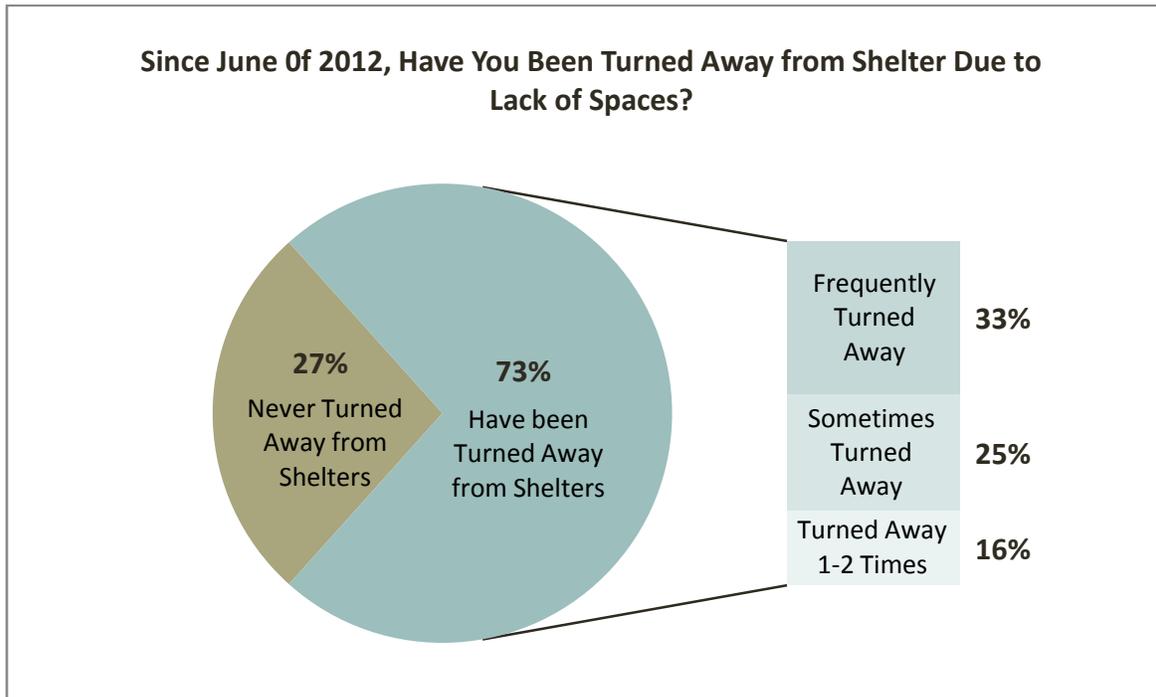
“People who spend a large part of their lives in fear may be spending even more time in fear at the possibility of tangling with the law as the result of this ordinance. They may hide or disappear to dispersed areas of the city where we are even less likely to be able to reach them with services – and our overall efforts may actually decline.”

-- Susan Shepherd, Denver City Council (District 1)⁷

Access to Shelters and Housing Assistance

Why have so many of Denver’s unsheltered homeless gone deeper into hiding, and spread into surrounding Denver neighborhoods and cities, rather than utilizing emergency shelters, as a response to the camping ban? The reasons are simply that Denver does not have enough shelter beds to meet the need, especially when considering the needs of certain unsheltered homeless people such as couples, those unable to handle the claustrophobic conditions of many shelters, or those with pets. Since the camping ban has gone into effect, 40% of respondents have increased their efforts to access Denver shelters, instead of sleeping on the streets. However, the majority of those respondents report that shelters are harder to get into than they were before the ban, and almost all have been turned away multiple times from shelters due to lack of space.

Chart 10. Homeless Respondents’ Records of Being Turned Away from Shelters



Shelter occupancy rate data presented at an October 9, 2012 City Council meeting supports these survey findings (see charts on next page). Since the ban went into effect, occupancy rates at Salvation Army’s Crossroads and the Denver Rescue Mission shelters have increased from about 75% to 108% of capacity. The Delores Project for single women reports consistently full capacity. All reported shelters were consistently running at 90% of capacity or higher. Denver’s Road Home reported that they had nearly doubled the number of motel vouchers they were issuing, in order to deal with increased demand.³⁶ “Despite these increases, we have no new overnight shelters for teens, families, couples, or single men and women,” wrote Tom Leuhrs of the St. Francis Center, who estimated there are at least 300 people every night in Denver without shelter options.³⁷

Chart 11. Shelters at Capacity: Patterns

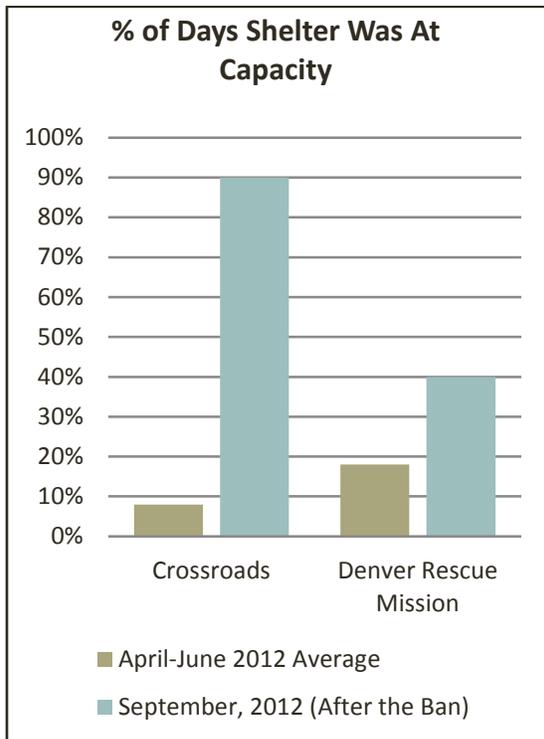
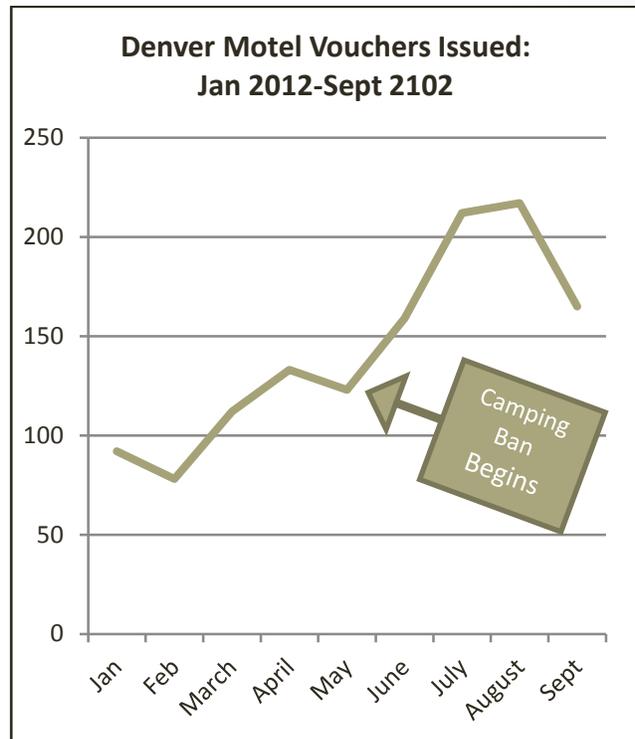
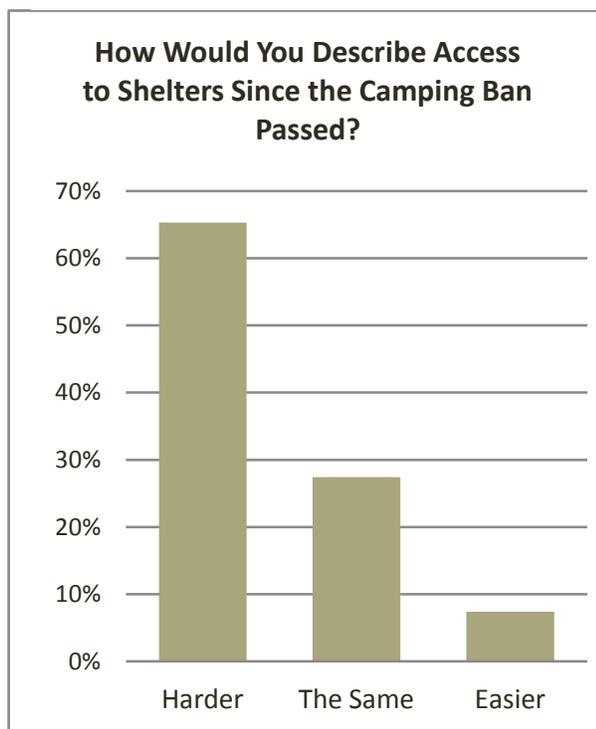


Chart 12. Motel Vouchers Issued



Source: Denver’s Road Home Report to City Council’s Health, Safety, Education and Services Committee, October 9, 2012

Chart 13. Accessibility of Shelters since Ban



The result of Denver’s overburdened shelters is that the homeless have found shelters more crowded and harder to access since the camping ban passed. Other Denver service programs are also overburdened. Many survey respondents (59%) claimed they were on a waiting list for housing assistance, such as a public housing unit, a Section 8 Housing Voucher, or disability assistance. **Of those respondents, 51% said they had been waiting for housing assistance for more than a year, and another 30% had been waiting between 6 months to a year.** Denver’s camping ban requires unsheltered homeless people to utilize indoor services and leave the streets. But shelters are overburdened, so the ban has forced homeless residents to pursue indoor options that simply don’t exist.

People living on the streets are well aware of the overburdened shelters. In our surveys, people report long lines to get into shelters, multi-hour waits, and frequently being turned away. Furthermore, many people simply cannot access what limited shelter options exist, due to the fact that they are a couple, they have a pet that is not allowed, they fear being robbed by the strangers in a shelter, or they might have psychological difficulties with crowded and claustrophobic conditions. For hundreds of people in Denver every night, therefore, there is simply no option but to sleep outdoors. Here are some of the statements we commonly heard during our research that touch on these issues.

“I started staying on the mall because I could stay there by myself . I’ve been threatened in shelters. It’s dangerous. I don’t like sleeping with a bunch of other people. But I can be by myself out there and it’s safe.... Because there are the heaters there. Even if it’s snowing, there are the heaters there and so I can go there and it’s warm.... If the lights are on, then I’m happy for that, because I get a nice view of people. If I have my stuff in shelter, and people come around, they might take my stuff. Once, I put my stuff under my pillow at the shelter, but I got it stolen... I ran into the bathroom for like two seconds and I come back and it got stolen. But with the lights on out here on the mall, I can see them, and I don’t worry, they aren’t going to do anything. I got a better feeling when the lights are on because I can see the people better.”

“For me, I have anxiety. I can’t handle large groups in the shelters. I get claustrophobic. I panic and I get angry. I need a bit of quiet, and I need privacy.”

“We’re out here every night. We avoid shelters because they won’t let us go together, as a couple. I don’t want to separate. Absolutely not. And we have no privacy at all in the shelters. It absolutely affects us. It’s better to camp out in the cold. We’ll stick it out together.”

“Have you seen these shelters? They are ridiculous! I mean they’re overcrowded, and shelter managers sometimes don’t care if guys come in there piss drunk or whatever. It’s crazy. Last time I was there, a guy got up about three o’clock in the morning, so hammered, went to the bathroom, came back, got to where I was laying, and he sat on my legs. I mean the employees there are taking these people, and they’re so hammered, they are steering them to their beds. I mean some these guys are peeing their pants, stuff like that. I mean it’s atrocious man. And then you’re getting up at 4:30. And if it’s snowing, they don’t care, you’re getting out anyway. You’re getting up and you’re leaving- snow or no snow.”

“There are many people who have pets, who are couples, who are disabled, who have problems with claustrophobia or space issues or mental health problems who cannot stay in these shelters and who are essentially then left to their own devices, who are out there and are in this situation. And particularly there are many single women in these situations, and sometimes women with children.”

Expert Insight from the Street

“These kinds of laws are the biggest obstacles to people being able to access services.”

As part of the survey project, DHOL interviewed many homeless individuals and other experts. Here are the reflections of a Denver resident with more than twenty years experience with these subjects: both as someone who has experienced homelessness himself, and someone who has been involved as a volunteer and activist for years among Denver’s landscape of service providers and advocates.

“Some of the folks are hiding a lot better. They are not in sight. I think that’s the unfortunate piece about this. It’s making our outreach workers work that much more ... to locate where people are.”

-- Albus Brooks, Denver City Council (District 8)

“I know a lot of outreach workers, and they’ll tell you, on a regular basis, that the ban has made their work harder. They have a much harder time locating and communicating with people. They have more limited access to people who are on the streets. Why? Because now you can’t sleep

downtown, so people have found more hidden areas. People who are marginal, who feel intimidated, fearful, or vulnerable, will take every step to avoid being seen by police. They are looking for places on the outskirts, less in the mix of the downtown. People will try to go to the borders between communities, because they know there are less police there harassing them or focusing on what they are doing. They will try to be as discrete as possible. They will hide their things. People will try to slip in after neighborhood residents have gone to bed and then slip out before they wake up, so they don’t even know they were there.

Outreach workers know that there used to be homeless people in the middle of the city that they used to be able to contact or talk to, but now they are less likely to find them. Homeless people have adapted and learned to plan their lives around travelling tremendous distances to avoid downtown at night. They have figured out new strategies based upon the present climate, and they are harder to help now. There is a lot less ability of people to find a place of sanctuary in Denver. Now they are spilling over into surrounding communities. There was no mechanism put in place to insure that outreach workers can still reach and help people who used to be on 16th Street but who have now disappeared into hidden areas. These kinds of laws are the greatest obstacle to having people being able to access services.

“Outreach workers are seeing more people hiding in alleys, behind bushes, and going deeper into hiding. We have reports from neighbors and other citizens of people sleeping on their property, in their alleys and behind dumpsters, where they hope not to be seen.”

-- Tom Leuhrs, St. Francis Center Director⁵

On a Road to Nowhere

“If we say ‘move along,’ and they move along, for all practical purposes we have completed the task.”

The most common response among unsheltered homeless residents to the camping ban has been to “move along.” What does “move along” mean? It means that unsheltered people are abandoning safe sleeping places in central, well-lit areas, they are sleeping less and keeping in constant motion, and they are moving deeper into hiding. Many of these results could be predicted from the enforcement protocol built into the ordinance itself, and followed by the police department. Whenever the police encounter someone seeking to shelter him or herself outside, the ordinance calls for the police to issue oral and written warnings to the “camper,” essentially asking the camper to “move along.” According to police enforcement protocol, these “move along” warnings are issued *before* the police contact outreach workers, before an indoor shelter alternative is confirmed, and *before* citations/arrests. As long as the camper complies and “moves along” or otherwise chooses to quit sheltering him or herself, the interaction with the police officer can end. When homeless people are warned by police to “move along” or face trouble, most of them do, in fact, “move along.” *But to where?* As the following interaction between City Councilwoman Robin Kniech (At-Large) and Denver Police Chief Robert White indicates (during City Council’s final passage of the ordinance), this “move along” protocol predictably sets homeless people on a road to nowhere.^t

Councilwoman Robin Kniech, (At-Large): “The [homeless] person says ‘I am moving on. I’m walking away.’ So what happens next from an officer’s perspective? The outreach officer says, ‘where are you going to go?’ Let’s assume we start in Downtown Denver. It is how many miles to the city and county boundary? We know they are not heading to a bed. So is the officer following the individual? Or let’s say the individual says, ‘I am going to sleep at the river.’ This idea of “move along,” it worked with sit and lie, because we were talking about a fixed geographic area. I’m trying to understand how the interaction between the office and the individual occurs. Where is the “move along” to in this ordinance?”

Denver Police Chief Robert C. White “Obviously our first task is to provide some of these services. If they refuse these services and they are going to move along, to be candid with you, we will be done with it. 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.”

Homeless Quality of Life: Post Ban



How do unsheltered Denver residents feel the quality of their life has changed since the camping ban was passed? Ban supporters argued that the ordinance would improve life for the homeless, since it would allow the city to compel them to accept services. Denver Mayor Hancock’s office argued that the ordinance would help the city continue its “compassionate work of connecting our most vulnerable with services needed.” Denver Councilman Chris Herndon, a ban supporter, similarly argued that the ban would help the homeless because it would work as a tool to inform them about Denver’s social services.³⁸

These are commendable hopes, but how do unsheltered people themselves feel the quality of their life has changed since the ban was passed? Overwhelmingly, homeless people tell us that their lives have become more difficult since the ban has passed: they find it more necessary to avoid police, they are increasingly avoiding well lit and safe downtown areas for more hidden and scattered locales, they are traveling long distances to avoid downtown areas at night, and they are finding it increasingly difficult to access overcrowded shelters. The chart below reveals the negative consequences of these changes on the quality of life for Denver’s homeless residents.

Table 9. Changing Quality of Life for Homeless since 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%

The statistics reveal a deteriorating quality of life for most of Denver’s unsheltered homeless persons since the camping ban was passed. To get a better picture of what a deteriorating quality of life looks like, on the ground level, we asked respondents to speak about their situation since the camping ban, in open-ended fashion. Here is a representative sample of what we heard.

How Have Changes in Your Sleeping Habits & Amount of Sleep Affected You?

“I’ve moved out of downtown. Now I’m always listening for people sneaking in. I’m tired all the time. I’m sick, from the weather.”

“It makes it much harder to find a place to sleep.”

37% of survey respondents said they had sometimes chosen not to cover themselves from the elements while sleeping outside, due to the camping ban.

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.”

Nowhere is safe to sleep anymore. So I don’t sleep. I keep moving. I’m more fatigued. Less functional.”

“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 tired a lot. I have to move my personal belongings. I have to travel out of the downtown area each night. I can’t sleep and it affects my daily routines.”

“Now I sleep lightly and I change places nightly. But there are noises, and people fighting keeps me up. There have been emotional effects. I’m feeling more stressed.”

“Now I have tried to use a shelter, but it’s a constant battle of things being stolen, and lack of sleep due to the noise level and fights there.”

“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. I can’t dream as much about my wife and I wake up too much. It’s hard to sleep when you don’t feel safe where you’re at. I have physical fatigue from lack of sleep.”

Describe Your Relationship with Police Officers Since the Camping Ban Passed

"The Police have made sleeping in a safe place unavailable. I'm now moving camp every day. I'm in constant movement."

"I've got to sleep with one eye open for the police all the time now. It's affecting my mental health issues."

"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. I think there should be a better solution."

59% of survey respondents say that it has become more necessary to avoid the police since the ban was passed. 4% say the police have become more helpful to them.

"I sleep more soundly at night, however the Denver Police will not allow me to cover up with a sleeping bag at night. And they informed me of how long I had been sleeping in Curtis Park."

"I liked it when we could sleep on the Mall. The police would come by and check on us and make sure things were OK. And I got better sleep than in the shelters. More quiet. Peaceful."

"Prior to the ban, I had only one unprovoked contact with the police in 3 ½ 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'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."

"The police have been more aggressive about how they approach the camps and have also been more threatening towards me and others I have camped with. They have also been known to take our belongings and throw them away. I lost photos of family that can't be replaced."

Do you Feel More or Less Safe Living in Denver since the Camping Ban was Passed?

"I feel more safe sleeping outside than in the shelters. More peaceful and more safe. I was attacked once in a shelter and had to go to the hospital."

"I can't understand how you can pass a ban telling people under unfortunate circumstances they cannot sleep outside when you go to a shelter and get turned away because they're already full. There are more people, less beds. The ban has brought about territorial behavior and has done nothing but endanger poor elderly men and especially women."

"I don't feel safe in shelters. Staying at shelters that are assisting 150-200 plus individuals is a constant battle of sickness, items constantly stolen, lack of sleep (noise level, fights, intoxicated individuals), all being treated like cattle, and going nowhere."

"I had to move into a dangerous area where I could get snuck up on and hurt, due to the cops running me off from a more open area. I had people I knew downtown."

53% of all survey respondents say they feel LESS safe in Denver since the ban was passed. Only 6% feel that they feel more safe. 41% haven't noticed any change in their safety at all.

"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. People try hard to find ways to protect themselves. But 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 have any kind of problem, who look like they can't take care of themselves. We have people who will come in and, because of human trafficking, exploit people who are really vulnerable—especially young people—who don't have anywhere to go, so the traffickers will come out and enslave them. 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."

Living with the Camping Ban

“You go find another hideaway, and that’s the bad part.”

As part of our survey process, we sat down with several homeless residents and talked about their experiences. This interview involved a homeless man who has spent years unsheltered on the streets of Denver. This person faces a disability that affects his ability to work, and reports long waits for the services he needs. Here is how he describes why he used to sleep on the 16th Street Mall, and how his interactions with the police and his sleeping habits have changed since the ban. His real name is not used.



Photo: B. Matthews

INTERVIEWER: Did you ever sleep in Denver homeless shelters?

BOB: Yeah, I did. I was in Denver at Jesus Saves and they kicked us out at 4:30 in the morning. 32 degrees, 28 degrees, it didn't matter. They kicked us out. Had us standing in line until 6 a.m. to get breakfast.

INTERVIEWER: So what time do you line up for the shelter?

BOB: 4:00 p.m.

INTERVIEWER: And what time do you get into the shelter?

BOB: 9:00 p.m. You wait until 7:30, then they start feeding you, then you get in...

INTERVIEWER: Have you ever been assaulted in a shelter?

BOB: Yeah, one of the guys came at me and I pulled a knife. Then the cops came at me.

INTERVIEWER: Have you even been assaulted on the Mall?

BOB: No. The Mall is safe. It is the most safest place – even with these young kids. They call them the Mall rats. They are more safe here than by going to Jesus Saves by the crack heads and all that. Kids go there and all their gonna do is get involved in drugs and stuff, get beat up...

INTERVIEWER: So you used to sleep on the Mall. Why did you sleep on the Mall?

BOB: 'Cause it was safe...You know why? They got cameras. College kids don't mess with you. The Mall is safe, if you camp where the lights are and the cops know you. But in a shelter, they put us all in a building. They can put the alcoholics on one side of you, and drug addicts on the other.

INTERVIEWER: So you used to sleep on the Mall, but the camping ban went into effect. How did that ban effect your sleep?

BOB: I still sleep on the Mall now...we can sleep there as long as we are sitting up, just got our blankets...

INTERVIEWER: So you used to sleep laying down and then because of the Camping Ban you changed to sleeping sitting up?

BOB: Yeah, and then when I get tired of it I go over by the Case Bank where I used to sleep... But the bad part about that is if the cops see you at one or two o'clock in the morning, District 6 pulls up, and they say "Hey! You guys have gotta go."

INTERVIEWER: So what happens then, do you get up and move?

BOB: We get up and move and just go to another spot. You pack your stuff up, go away, and dodge them. Go back to the Mall. If you sit on the benches, they don't say nothing. Or you go find another hideaway, and that's the bad part.

INTERVIEWER: When the police have contacted you, have they ever tried to help you get any resources, like try to direct you to a shelter?

BOB: See with me, the thing about it is I'm 86ed.

INTERVIEWER: From a lot of shelters?

BOB: Yeah. Where am I supposed to go? And the cops look at me, and I go "roll my name. I'm 86ed from here and there." So what are you going to do with people like me and the one's that can't get in? Are you going to give me a voucher for a hotel, especially when it gets below zero? I had a man and a lady sleeping by me at the Case Bank. No blankets or nothing. I flagged down the cops and say "Look guys do you got any blankets?" They don't. They go, "Bob, don't you got some blankets for them?" I go "can't you call the outreach worker?" They say, "It's 10 o'clock at night. There ain't no outreach workers at night." I go, "Didn't you come up with this Camping Ban? Can't you get ahold of one?" They go "Bob, we got nothing. Don't you got any backup on you?" I go, "Is that my job?" I go, "With this banning law you supposed to say that you can help us and stuff." But we can't get outreach workers after 9pm at night.

INTERVIEWER: You said that when the police do come and contact you when you are laying down, that you move to another spot. What if you didn't get up and move to another spot, what do you think would happen then?

BOB: They just give me a trespassing ticket, and I even tell them I got permission. That's on 6th and Bannock, way up there. I got permission. They say, "Well the people say they don't want you here." And I go "What people?" They go, "People across the street." I go, "The people across the street don't own this property. Go talk to the caretaker next door. He comes and checks on me and my three partners every night, and we have permission to be here."

But they just give me a ticket anyway.



Photo: Katie Weilbacher

PART III

RESPONDING TO THE DATA: IMPLICATIONS



The Camping Ban: Theory and Reality

The theory presented by supporters of the Denver Unauthorized Camping Ordinance was that the ban would achieve various positive results for the city of Denver and for homeless people themselves. Most of the positive goals of the supporters of the ordinance can be summarized into four broad categories. Supporters argued that the camping ban would:

- Help to improve the appearance and business climate of downtown spaces like Civic Center Park and the 16th Street, by forbidding public sheltering in these places.
- Focus city attention on developing needed resources for the homeless, such as additional shelter beds and a new 24-hour drop in shelter.
- Focus homeless people themselves on getting the help and services they need to get off the streets. By making sleeping in public more difficult, and directing police to connect homeless people to available services, unsheltered homeless people would be more educated and more motivated to utilize available services.
- Improve the safety of the streets for all Denver residents, including the homeless, by forbidding informal public sleeping arrangements by unsheltered homeless people.

Unfortunately, our survey data shows that most of these goals are not being met. Though the camping ban has, in fact, resulted in a dramatically changed appearance of downtown (with fewer visible homeless people at night), promised services for Denver's unsheltered population have not been delivered, and the substantial majority of Denver's homeless respondents report that their life has not improved since the ban, but rather has become more stressful and less safe. Here is what the data tells us.

Improve the Appearance and Business Climate of Downtown Spaces

The camping ban has, in fact, led to a substantial change in the appearance of downtown areas, in terms of the visibility of unsheltered homeless people in those places. Our survey data tells us that 79% of all those homeless who used to sleep downtown with regularity now avoid that area far more than they used to. Sixty-nine percent of respondents say they now seek more hidden places to sleep at night than they used to, which also reduces the visibility of Denver's homeless residents. The Denver police department has reported that the groups of homeless sleeping openly on the mall and in the downtown parks before the ban have essentially disappeared from sight since the ban was passed.³⁹ "What it means is that [the ordinance] is working," Councilman Brooks told the *Denver Post*, regarding the declining numbers of homeless people visible in the downtown area.⁴⁰

Focus City Attention on Developing New Resources

Though there has been substantial discussion on developing additional resources to meet Denver's low income housing and emergency shelter needs, Denver has made very little progress in improving the low-income housing situation since the camping ban was passed. Five months after the ban had passed, at the October 9, 2012 meeting of the Denver City Council Committee on Health, Safety, Education and Services, council members were told by police officials and Denver's Road Home staff that the ban had led to a dramatic reduction of public "camping" by the homeless, but that shelters were running at capacity, new services had not yet been delivered, and that hundreds of unsheltered homeless people were still without good options in Denver. As this report goes to press, almost nine months after the ban was passed, the city has still not been able to open a 24 hour drop-in shelter for homeless, nor a new mental health facility/shelter that has been long discussed.

No substantial change has occurred since the 2012 Denver Shelter Assessment commissioned by the City of Denver concluded that Denver spends less money on its emergency shelter services than most similarly situated cities, and that the shelter system had few to no options available for many important sub-populations like couples or fathers with children. Essentially, the situation remains as it was nine months ago. Denver is short almost 25,000 low-income housing units, the number of homeless people in the region has grown from just 1,000 to almost 12,000 since 1990, and the number of emergency shelters beds remains stagnant. The official MDHI Point In Time census tells us that unsheltered homeless people grew substantially between 2010 and 2011 (the 2012 numbers are not released yet), and that services are not adequate to the need.

"We have not seen any of [the promised services] materialize yet. The expectation was clearly established."

*-- BJ Iancino,
Director of Education and Advocacy
Colorado Coalition for the Homeless"*

Focus Homeless Residents' Attention on Using Available Shelters

At the heart of the camping ban's defense was the argument that it would lead the homeless to make better use of available resources, partly by giving the police and other outreach workers a tool to compel unsheltered homeless people to use city services and move indoors. "We had no way to compel them to go with us," and to accept shelter placements, said ban supporter Councilman Albus Brooks, when explaining his frustration at the situation before the camping ban was passed.⁴¹

Unfortunately, the goal of compelling the homeless to accept indoor shelter is not being well met for the majority of survey respondents—simply because there are inadequate services available. 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. The most common response of unsheltered respondents to this situation has not been to find proper shelter since the ban, but simply to go into hiding and continue to sleep outside, in more secluded and dangerous locales. Here is what the data reveals about whether unsheltered people have been better able to find services since the ban.

- 40% of respondents have *tried* to use shelters more often.
- However, 65% of respondents find shelter access to be harder than it was before the ban (8% say it is easier), and 73% report being turned away from shelters with some frequency.
- 69% of respondents say that since the ban they have sometimes been forced to find more hidden places to sleep, alone and out of sight.
- 18% report moving out of downtown and are now sleeping outside in outlying Denver neighborhoods; 20% say they have moved into a surrounding city to sleep.
- A large number of homeless respondents reported that they have no good shelter options in Denver at all. People with pets, most couples, and people with mental difficulties dealing with the crowded and claustrophobic conditions of most shelters report that they are generally unable to find services for their needs.

This data indicates that the core problem in Denver is *not* that homeless people are refusing to utilize the services available to them (which was the theory behind the camping ban); rather, the problem is that there are inadequate services to begin with.

Improve Quality of Life for Unsheltered Residents

Advocates claimed the camping ban would improve living conditions for Denver's unsheltered residents. People on the streets would experience caring intervention, police would help direct them to needed services, and they would experience an improved quality of life. Overwhelmingly, however, homeless survey respondents reveal that these hopes of ban supporters are not being realized. In fact, most homeless respondents report that their life has become more stressful, more challenging, and less safe since the camping ban began. Here are the details of how survey respondents reported their deteriorating quality of life.

- Many respondents speak of traveling longer distances to avoid detection at night, and 60% of respondents report getting less sleep overall.
- More than half of all respondents feel their life has become less safe since the ban went into effect; only 6% feel more safe.
- Most homeless respondents have been contacted numerous times by police, and more than 60% of respondents say it has become more necessary to avoid the police, since the ban; only 4% feel police have become more helpful.
- The most typical form of contact is for the police officer to warn an individual of the camping ban, issue a warning, and ask them to "move along."
- Very rarely do the police offer assistance with arranging social services; even more rarely does an outreach worker arrive on the scene.
- 26% of homeless respondents report police citation or arrest in the last year.
- The majority of respondents say that accessing social services and other necessary resources has become more difficult since the ban began; only 8% feel access to resources has improved.

The Denver Camping Ban: Theory and Reality

The Denver Camping Ban has been very effective in one of its stated goals: moving unsheltered homeless people out of central, well-lit downtown areas like the 16th Street Mall. But the stated goals of improving the range of services available to homeless people, and improving their quality of life have not been met. In fact, most unsheltered Denver residents report their lives have become more challenging, more stressful, and less safe since the camping ban began.

Recommendations



Understanding how homeless people themselves are experiencing Denver’s camping ban, and how their quality of life is changing due to the ban, can inform efforts to insure that the ban meets the stated goals of improving the quality of life for Denver’s homeless residents. Here are three recommended actions in response to the data that will help the City of Denver achieve those worthy goals.

I. Space should be designated in Denver that guarantees unsheltered homeless individuals safe, outdoor places to sleep and engage in other survival activities. This space should be well-lit and accessible to homeless services downtown.

Our survey reveals that the core reason many homeless people slept on the 16th Street Mall and other downtown places before the ban was because these areas were safe, well-lit and patrolled by police (who, before the ban, did not seek to move the homeless out of these areas). Since the ban has gone into effect, the majority of respondents to our survey have been forced to seek more hidden, less safe places to sleep. They report that their lives have become less secure, more stressful and more challenging.

The hard data proves that unsheltered homeless people cannot simply move into indoor shelters. There are insufficient shelter options for the various populations of homeless people who need services. The 2012 Denver Point in Time (PIT) survey counted almost 6,000 homeless individuals in Denver. However, according to that same survey, Denver only has about 1000 shelter beds—a disparity that led the PIT survey to count 964 people sleeping without shelter in Denver on just one night in 2012. Furthermore, many homeless individuals feel less safe in shelters due to the large number of people in tight spaces, bad experiences in shelters (e.g., knives being pulled on them or possessions being stolen), and mental challenges or sleep disorders exacerbated by shelter conditions.

A humane city would allow these individuals a safe place to survive at night, without fear of police moving them along or citing them, and without having to hide in isolated, dangerous locations. Strategies to address this recommendation include:

- Repeal the Unauthorized Camping Ban. This recommendation is in accord with the conclusion of the *United States Interagency Council on Homelessness*, whose research has found that laws restricting the ability of homeless people to sleep and survive in public places are counter-productive and should be eliminated.⁴²
- Modify the ban by identifying dedicated spaces throughout the city where unsheltered residents can sleep outside at night without breaking the law, and where they can shelter themselves from the elements, using blankets and sleeping bags, or even tents or mobile housing modules. Legal places to sleep and shelter oneself such as these would provide homeless individuals with community, privacy and autonomy, and would facilitate outreach workers connecting with homeless individuals—a task which the camping ban has only made more difficult.
- Dedicated spaces should have bathrooms, places to clean up, drinking water, and options to store personal belongings.

II. Increased funding should be developed for programs that address homelessness, ranging from rapid response services for homeless people in crisis to the development of permanent low-income housing units.

Seeking shelter outdoors was made a crime in Denver amid predictions of a substantial expansion of services to meet the needs of Denver’s homeless residents—but many of these additional services have yet to be delivered, and homeless people are left without alternatives to street life. Substantial new revenue sources must be developed to address Denver’s significant low-income housing gap, to expand services such as mental health programs and youth outreach, to grow shelter options, and to improve rapid response outreach to homeless people. Strategies could include:

- Putting political energy behind the number one recommendation of Mayor Hancock’s 2012 Housing Task Force, which was the creation of *“a dedicated local revenue stream to support affordable housing”* (particularly low-income housing for those below 30% of Area Median Income).⁴³ In accordance with this recommendation, Denver officials should creatively explore the entire range of revenue sources, including:
 - General Fund allocations. Denver currently dedicates NO general fund dollars to limited special funds such as Skyline urban renewal money or pass-through of federal CDBG or HOME funding. Denver officials should strengthen the local commitment to low-income housing production and associated social services with increased General Fund allocations.
 - Consideration of new fees, such as a new development “impact fee” which could be assessed on a per square foot of new development basis and which would offset the increased affordable housing and human services generated by new commercial development across Denver.
 - Consideration of new housing development or human services taxes, such as a mill levy for these purposes, that could be put to the voters of Denver.
 - Reform of Tax Increment Financing (TIF) processes in Denver such that a dedicated percentage of all future TIF-funding streams were reserved for a low-income housing trust fund or for expanded human services.

These are **not** unusual proposals, nor would they make Denver less competitive with other cities in terms of attracting business and development. In fact, each of these policy ideas have been adopted by dozens of cities across the nation and Denver is unusual in its dearth of revenue streams to support low-income housing. For example, almost 500 cities and 131 counties across the United States currently have affordable housing trust funds, funded through such things as general obligation government bonds, voter approved taxes, impact fees and tax increment financing housing set-asides. As Denver officials pass ambitious legislation banning the seeking of outdoor shelter, they should show similar energy in developing housing/service funding streams similar to other American cities.

III. Dedicate New Revenue Streams to the *Most Under-served Unsheltered Populations* and to the *Most Effective Programs in Reducing Homelessness*.

In terms of emergency shelter needs, there are several homeless subpopulations that are not well served by the existing system. The 2012 MDHI PIT survey revealed that 44% of the region's homeless are female (5,597 homeless women were counted in 2012) and 32% are couples. However, only 20% of Denver's shelter beds are reserved for women (about 274 beds), and Denver currently has only one shelter option available for homeless couples without children. It is not surprising, therefore, that one of the most common reasons coupled respondents gave for choosing to "camp" instead of accessing indoor shelter units was that they could not find a shelter option that would allow them to stay together. In another indicator of inadequate shelter options, 12% of our survey respondents identify as LGBT—but there are no Denver shelters that specifically serve this population.

Though these critical unmet shelter needs should be addressed, it should not come at the expense of funding programs that are most effective in reducing homelessness. The 2012 Assessment of Denver's shelter system, commissioned by the City of Denver, concluded that additional shelter units (though needed) were less effective than rapid re-housing strategies in addressing the long-term homelessness problem. In accordance with those findings:

- Denver should prioritize the development of additional low-income housing units as well as adopt rapid-rehousing strategies such as emergency eviction assistance and programs to help renters in meeting initial move-in costs (first/last month rental costs, plus deposits).
- Other critical needs that require adequate funding, but not at the expense of funding rapid-rehousing programs, include:
 - Follow up on the conclusion of the National Housing Alliance's 2012 Assessment of Denver's Shelter System, which recommended that Denver "Develop a coordinated intake system so that people experiencing homelessness can contact one entity to be assigned to a shelter bed or other assistance." Currently, homeless residents in Denver are often required to spend hours moving from one shelter to another, and to stand in shelter lines for hours, in search of possible shelter units for the night. Almost all other large cities use centralized intake systems to make shelter provision more efficient and rational.
 - Development of a 24 hour shelter, complete with services such as job counseling, housing counselors, medical services, etc.
 - Development of shelter beds for severely underserved populations, such as women, couples (especially LGBT couples), and fathers with children.
 - Expansion of mental health programs for the homeless and those at risk of becoming homeless.

IV. Change the camping ban enforcement protocol to emphasize provision of services rather than oral and written warnings to desist from “camping” or to “move along.”

The current protocol to enforce the camping ban calls for police to issue citations for other violations (such as park curfew violations) and to issue oral and written warnings to desist camping and to “move along,” *before* officers try to connect “campers to services.” This protocol has resulted in hundreds of police contacts under the camping ban (as reported by the police themselves, and by the respondents to our survey), most of which result in the camper “moving along,” in response to an official police warning.

When homeless people are warned by police to “move along,” most of them do so immediately, without the officer ever determining whether an indoor shelter option is even available for that person or couple. 72% of our survey respondents who were contacted by police noted that they had been warned to desist from sheltering themselves and/or to “move along,” while only 8% report the police offering them any kind of social service relevant to their needs. The following recommendations would help address this problem.

- The positive goals of the camping ban would be better achieved by changing the enforcement protocol to require police to immediately offer any alleged camper an indoor shelter or other services, *before* issuing a warning to “move along.” If a police officer cannot insure that an appropriate indoor alternative is available to the alleged camper, they should not issue a warning that the camper must desist from sheltering themselves or must “move along.”
- Develop and fund a more comprehensive homeless outreach program so that outreach workers are on duty during late night hours and on holidays.



Appendix A: “Cleaning Up” Downtown

It is sobering to read the thoughts of homeless respondents regarding why the camping ban was passed. Though ban proponents celebrated it as a way to improve the quality of life of homeless people because the ban “stated a value” of caring,⁴⁴ very few homeless people experienced it this way. We asked respondents the open-ended question of “why do you think Denver passed the homeless ban?” The answers were blunt and emotional, and revealed how homeless respondents feel angered, shamed and treated as “dirt” by the camping ban. Among all the answers we received, two themes especially stood out: 1) homeless respondents feel they are seen as dirty and shameful by many in Denver, and 2) they believe the ban was a political act, passed in part to stop the political demonstrations associated with Occupy Denver in the spring of 2012. Below, we provide representative quotes from homeless respondents regarding why they think the camping ban passed.

The Camping Ban and “Cleaning Up” Downtown: Quotes from the Street

- “They want us to become invisible – ‘Out of sight, out of mind.’”
- “Because of elite people who don’t want to see us – they just shame us.”
- “It is likely an attempt by government/law enforcement to reduce/contain the visible indicators of the homeless problem in Denver.”
- “Because they don’t care about people as much as they care for their money. They see us as homeless people as scum and try to push us out, where it makes it harder for us to live and that’s why so many homeless die from the cold or starvations.”
- “They are trying to ‘clean up’ the streets to keep up with appearances”.
- “The city is saying ‘We don’t want these kind of people.’”
- “To keep the city looking nice and not run down for the new residents and tourists.”
- “They want to make the city more attractive to prospective businesses and conventions.”
- “The police feel homelessness is an eyesore...we are considered – the homeless society – to be a cancer that must be excised.”
- “People see us as trash. Working people are tired of seeing homeless in the park and dirty.”
- “Partly to ease the conscience of the ‘status quo’ since people are not doing hardly anything to help the homeless; it seems fashionable of late to hate the poor. People believe we are an embarrassment to the environment and that no pity should be taken for the lazy homeless.”
- “I believe that the rich and sophisticated people are ashamed of people who are homeless.”
- “They’re ashamed of the homeless and the reality of the economy.”
- “To improve the appearance of the city to both residents and tourists: business concerns.”
- “To clean the streets up of dirt and keep people out of public view. It’s like street sweeping.”
- “Doing everything they can to get rid of the homeless. If you ignore homeless people or make life miserable, perhaps they’ll leave.”

The Camping Ban, Occupy Denver, and the Politics of Free Speech

Mayor Hancock and other officials have often celebrated the ban as providing tools to eliminate overnight political protests such as Occupy Denver. The Colorado ACLU has argued that the ban is an attack on First Amendment rights to free speech and assembly, since it illegalizes political protests that might include outdoor shelter.⁴⁵ Widespread and effective political protests such as the Poor People's March on Washington (1960s), the anti-Vietnam encampments (1970s), anti-Apartheid encampments (1980s) and anti-Iraq war encampments (1990s & 2000s), would all arguably be illegal under Denver's camping ban.

In the case of Occupy Denver, the camping ban's restriction of public sheltering dovetailed with an attack on the political assembly rights of homeless people. Many homeless individuals participated in the Occupy Denver encampment which started in September, 2011. By January 2012, about 95% of those "camping" at the Occupy encampment at Civic Center Park, were unsheltered homeless people. Many homeless Occupy campers expressed that they joined the movement and the encampment because they identified with the political message calling for economic equality, and because the encampment provided a safe space to sleep, with blankets, tarps and community. To have a political voice and/or out of necessity, homeless people slept outside with the Occupy encampment throughout the winter of 2012—only dispersing when the camping ban went into effect. Here is how homeless respondents connected the camping ban to restriction of political protest in Denver.

- "The number one reason for the ban was Occupy Denver."
- "They wanted to get rid of Occupy Denver. They wanted people to go away."
- "It was a desperate response to the Occupy Movement. The city felt powerless to contain the masses of people using the right to gather and freedom of speech. ."
- "It was done for political reasons: control of the streets."
- "It was done partly to hinder the Occupy Movement."
- "It was done to attack the homeless and attack Occupy."
- "To stop the Occupy Denver movement."
- "The homeless became an excuse for attacking Occupy."
- "It was done because of Occupy, but now because of that, the homeless are illegal."
- "The Occupy people scared the police and the police didn't have minds big enough to deal with the situation. So the only way they knew to respond was violence."

ACLU LETTER TO DENVER CITY COUNCIL 4/16/2012

"The ACLU of Colorado believes the Ordinance may violate the constitutional rights of persons who have no choice but to sleep outside, as well those protected by the First Amendment...The ACLU of Colorado is well aware of the frustration that Occupy Denver has caused the City and the nearby business community. However, Denver cannot adopt an ordinance that creates restrictive policies on speech just because it does not like how people are using a public space. ...[Such action] violates the free speech rights of the occupy protestors."^v

Appendix B: Anti-Homeless Laws Q&A

What kinds of “anti-homeless” laws exist across the United States?⁴⁶

The National Law Center on Homelessness and Poverty (NLCHP) and the United States Interagency Council on Homelessness (USICH) have summarized the numerous state and municipal laws criminalizing homelessness as fitting into 6 categories:

- Laws making it illegal to sleep, sit, or store personal belongings in the public spaces of cities
- Selective enforcement neutral laws, such as loitering, jaywalking, or open container ordinances against people who are experiencing homelessness.
- Sweeps of areas in which homeless persons live
- Enactment and enforcement of laws that punish people for begging or panhandling.
- Laws that restrict groups from sharing food with homeless persons in public spaces.
- Enforcement of “quality of life” ordinances related to public activities and hygiene (e.g. public urination)

How prevalent are anti-homeless laws throughout the United States?

The NLCHP and the USICH have found that the number of anti-homeless laws and their geographical distribution are steadily increasing. In 2009 the NLCHP surveyed 234 U.S. cities in order to gauge the frequency of such laws and ordinances across the nation. The survey found:

- The percentage of cities with laws criminalizing homelessness is significantly increasing
- 56% of cities prohibit loitering in particular areas
- 53 % of cities prohibit begging in particular public places, while 24% ban panhandling or begging citywide
- 40% of cities ban camping in particular public areas
- 33% of cities prohibit sitting and lying in particular places
- 22% of cities prohibit loitering citywide
- 16 % of cities enforce citywide camping bans
- 22% of cities prohibit loitering citywide

Are the laws being enforced?

The NLCHP surveyed people experiencing homelessness across 26 states to better understand if these laws were being enforced. The study found that among all respondents:

- 73% reported being cited or arrested for public urination and/or defecation
- 55% reported being cited or arrested for camping or sleeping in public
- 55% reported being cited or arrested for loitering
- 53% reported being cited or arrested for panhandling
- 20% reported being cited or arrested for storing their belongings in public
- 19 % reported being cited or arrested for sitting on the sidewalk

How does Denver match up with other cities that have adopted anti-homeless legislation?

Denver has enacted and enforces laws from all 6 categories of homeless criminalization. Here are some examples of Denver’s landscape of legislation argued by NLCHP to criminalize homelessness:

- Closing particular public places;
- Prohibiting the obstruction of sidewalks and public places;
- Prohibiting loitering in particular public spaces;
- Enforcing a “park curfew” banning late-night presence in parks city-wide;
- Prohibiting sitting or lying in particular public spaces;
- Prohibiting aggressive panhandling;
- Prohibiting begging or panhandling in particular places and at certain times;
- Criminalizing urinating or defecating in public (without providing adequate public bathroom alternatives);
- Prohibiting spitting, failing to disperse, making improper or disturbing noise;
- Prohibiting bathing in particular public waters;
- Banning sleeping in particular public places; and now
- Making it illegal to seek shelter from the elements, citywide (a law shared by only 16% of other cities in America).

Has the Federal Government had any reaction to the growing prevalence of anti-homeless laws?

The United States Interagency Council on Homelessness (USICH), in partnership with the Department of Justice and homeless advocacy organizations, find laws criminalizing homelessness to be costly to enforce and counter-productive in addressing homelessness.

In addition, the USICH finds that the enforcement of these laws invites costly litigation. Laws criminalizing homeless have been found to violate the First, Fourth, and Eighth Amendments of the United States Constitution. Each law that is enacted invites potential legal battles across state and federal court systems.

The Obama Administration and the USICH has asked cities not to emphasize such laws and has urged cities to develop real solutions rather than adopt discriminatory, punitive, unproductive, and costly measures.

“I am troubled that an ever-increasing number of communities are banning urban camping in response to the encampments in public spaces. There is a sad irony that Americans who are homeless and unsheltered are being displaced and their lives further disrupted at a cost to the taxpayer without solving the real problem. We will continue to reach out to communities and encourage that they embrace alternatives to criminalization including access to housing and safe shelter as well as collaborative approaches with law enforcement and criminal justice.”

-- Babrara Poppe, Executive Director
United States Interagency Council on Homelessness^w

Endnotes



Table 2 Notes

*75% of the *single homeless people* surveyed by MDHI were male (55% of all homeless people surveyed by MDHI were male). The DHOL survey targeted single homeless people—rather than families—due to the nature of those who are most likely to sleep outside regularly in downtown Denver

** The MDHI homeless survey did not break down age ranges in the same way as the DHOL survey did. Therefore, the demographic comparisons don't perfectly match, in the age categories. But the overlap between age ranges is significant enough to conclude that the DHOL demographics were substantially similar to the MDHI demographics.

***LGBT: Lesbian, Gay, Bisexual, Transgender

¹ Metro Denver Homeless Initiative (MDHI), *Homelessness in the Denver Metropolitan Area: 2012 Homeless Point in Time Survey* (Denver: MDHI, 2012).

² See chart 1, on page 13, of this report.

³ Center for Housing Policy, *Paycheck to Paycheck* (Center for Housing Policy, Washington D.C., 2009). Accessed March 3, 2013 at: http://www.nhc.org/media/files/Rental_Rankings0809.pdf.

⁴ National Alliance to End Homelessness, *Denver Shelter Assessment* (Washington D.C.: NAEH, 2012), 16. Accessed March 3, 2013 at www.denversroadhome.org/files/Denver%20Shelter%20Assessment_2012.pdf.

⁵ BBC Research and Consulting, *2006 Denver Housing Market Analysis* (Denver: BBC), 9. Accessed on March 3, 2013 at <http://mdhi.org/download/files/Final%20Housing%20Market%20Analysis%20111706.pdf>.

⁶ Colorado Department of Local Affairs: Division of Housing, *Housing Need and Burden in Colorado and Its Metropolitan Areas* (Denver: Colorado DOLA). Accessed on March 5, 2012 at https://dola.colorado.gov/app_uploads/docs/mismatch_2010_revised.pdf.

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