THE DENVER CAMPING BAN
A REPORT FROM THE STREET

CONDENSED VERSION

Presented by Denver Homeless Out Loud (DHOL)

Data Analysis and Report Coordination by
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It shall be unlawful for any person to camp upon any private [or public] property without the express written consent of the property owner or the owner’s agent, and only in such locations where camping may be conducted in accordance with any other applicable city law.

“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.

—Ordinance of the City of Denver, May 2012

Denver’s Unauthorized Camping Ordinance (passed on May 14, 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.

Nine months after the ban went into effect, how are Denver’s homeless feeling the effects of this “tool”? What do homeless have to say about how often they have been approached by police due to the camping ban, and what police have done dur-
ing 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 these kinds of questions, this study reports on the results of a street survey of homeless respondents in central Denver. In November and December of 2012, a team of trained surveyors spread across the city and contacted individuals in parks, on the streets, in shelters, and in service programs. In a 58 question survey, the respondents were asked about their experiences with Denver’s camping ban and how it impacted their lives.

SURVEY DEMOGRAPHICS

DHOL (Denver Homeless Out Loud) surveyed 512 individuals with significant experiences of homelessness. All of the respondents had spent some nights sleeping in unsheltered locations in Denver in the previous year, which suggests they were likely a good sampling of the 965 homeless people sleeping without shelter that the Metro Denver Homeless Initiative (MDHI) counted in their annual Point in Time survey, taken on the night of January 23rd, 2012.

<table>
<thead>
<tr>
<th>SURVEY DEMOGRAPHICS</th>
<th>DHOL</th>
<th>MDHI</th>
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<tbody>
<tr>
<td>MALE</td>
<td>73.0%</td>
<td>75.0% (OF SINGLE HOMELESS)</td>
</tr>
<tr>
<td>AGE BELOW 18</td>
<td>2.8%</td>
<td>1.0%</td>
</tr>
<tr>
<td>AGE 18-29</td>
<td>18.5%</td>
<td>12.5% (AGED 18-25)</td>
</tr>
<tr>
<td>AGE 30-60</td>
<td>69.3%</td>
<td>84.1% (AGED 25-64)</td>
</tr>
<tr>
<td>AGE OVER 60</td>
<td>9.5%</td>
<td>2.4% (OVER AGE 65)</td>
</tr>
<tr>
<td>DISABILITY</td>
<td>53.8%</td>
<td>46.1%</td>
</tr>
<tr>
<td>VETERAN</td>
<td>19.8%</td>
<td>12.9%</td>
</tr>
<tr>
<td>LGBT</td>
<td>12.1%</td>
<td>UNKNOWN</td>
</tr>
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DHOL (Denver Homeless Out Loud) refers to the study conducted by our surveyors for this report.
KEY FINDINGS PART I: EXPERIENCES WITH THE POLICE

The survey reveals that contact with the police (or the threat thereof) is a regular occurrence and concern for homeless in Denver. The most common result of police contact with unsheltered homeless individuals is a warning to “move along,” or a citation-arrest for a different crime. Very rarely are police connecting “camping ban violators” to social services as directed by the ordinance.

62% of the respondents reported having been approached by the police for any reason since the camping ban was made effective in June of 2012. Of those approached by police, 57% were contacted regarding violations of the camping ban.

Though the 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; the top two reasons given were Park Curfew and Trespassing.

WHAT TYPES OF POLICE CONTACT HAVE HOMELESS “CAMPERS” EXPERIENCED?

- 88% contacted more than once
- 83% asked to move along
- 76% informed of camping ban
- 76% issued a verbal or written warning
- 71% checked for arrest warrants
- 57% contacted regarding sleeping, lying down, or covering oneself
- 55% contacted more than five times
- 26% arrested/cited at least once since June 2012
- 19% asked if services were needed
- 13% offered or directed to services
- 6% attempted to contact an outreach worker
- 3% contacted and brought out an outreach worker to help

Responses add to up to more than 100%, as some people gave more than one reason.
POLICE DEPARTMENT ENFORCEMENT
PROTOCOL FOR THE CAMPING BAN

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 social service outreach worker.

If camper refuses to comply with service worker, or if no outreach worker can be contacted, camping ban citation or arrest may follow.

The ban was passed in May 2012 with the idea that homeless persons would be able to better reach the services they need when contacted by the police. As the protocol 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.
The leading behavioral change of unsheltered homeless people since the ban went into effect is to find **more hidden places** to sleep outside, and/or to **move into outlying neighborhoods** or cities. Most respondents have **not** been able to access dependable, **indoor shelter**. Before the camping ban, 72% of survey respondents said they sometimes or always slept outside in Denver; **after the ban 64% report that it remains the same**.

### PATTERNS OF SLEEPING OUTSIDE: BEFORE AND AFTER THE CAMPING BAN

<table>
<thead>
<tr>
<th>Always</th>
<th>A Few Times a Month</th>
<th>Never</th>
</tr>
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<tbody>
<tr>
<td>Slept Outside Before the Ban</td>
<td>45%</td>
<td>13%</td>
</tr>
<tr>
<td>Slept Outside Since the Ban</td>
<td>40%</td>
<td>12%</td>
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### REASONS GIVEN FOR SLEEPING OUTSIDE ON THE 16TH STREET MALL OR CIVIC CENTER PARK, PRIOR TO THE BAN

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Safe and Well-Lit</td>
<td>51.5%</td>
</tr>
<tr>
<td>Nowhere Else to Go</td>
<td>9.8%</td>
</tr>
<tr>
<td>Central and Accessible</td>
<td>8.3%</td>
</tr>
<tr>
<td>Friends and Family Also Slept There</td>
<td>6.1%</td>
</tr>
<tr>
<td>Wanted to Join Occupy Denver</td>
<td>6.1%</td>
</tr>
<tr>
<td>Access to Covered Areas</td>
<td>4.5%</td>
</tr>
<tr>
<td>Clean and Warm</td>
<td>3.0%</td>
</tr>
<tr>
<td>Access to Bathrooms and Food</td>
<td>2.3%</td>
</tr>
<tr>
<td>Other</td>
<td>8.3%</td>
</tr>
</tbody>
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Responses add to up to more than 100%, as some people gave more than one reason.
66% of respondents 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.

**WHERE HAVE THEY ALL GONE?**

66% have sought more hidden/solitary places to sleep

40% have used shelters more often

20% have slept more often in surrounding cities

19% have shifted from downtown to other residential areas

7% have been able to find their own, independent housing

Since the Camping Ban, 69% of Denver’s downtown homeless residents report substantial changes in their sleeping situations.

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

The MDHI 2012 survey counted 965 people sleeping in public without shelter on January 23rd in the Denver region (46% of all regional homeless are in Denver). That number is an increase over 2011.
Obstacles to Unsheltered Homeless People Using Indoor Shelter Units on Any Given Night

- **Shelters are almost always at capacity already.**

  - Shelter policies often prevent people from being able to access appropriate shelter (for example, no shelters take a person with pets and very few take couples) and there are no alternatives for these populations.

- 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. Individuals may be unable to endure the long waits in line and lottery system often associated with shelter waits.

- Individuals may want a bit of privacy and autonomy that is not available in shelters.

- People working late nights or early mornings cannot always access shelter after getting off work or needing to leave the shelter early to get to day labor work.

- 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).
DENVER CURRENTLY CANNOT SUPPLY BEDS FOR 64% OF ITS HOMELESS POPULATION.

WHERE IS THE 64% SUPPOSED TO GO?

Homeless count from PIT2011; Bed Count from Colorado Coalition for the Homeless.

“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.”

“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. It’s better to camp out in the cold. We’ll stick this out together.”

“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.”
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 pie charts below reveal the consequences of these changes on quality of life.

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

“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.”
This data indicates that 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 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.

**ANTI-HOMELESS LAWS ACROSS THE US**

In 2011, the NLCHP (National Law Center on Homelessness & Poverty) surveyed 234 U.S. cities in order to gauge the frequency of such laws and ordinances across the nation. The survey found:

- **Only 16%** of cities enforce citywide camping bans.
- 40% of cities ban camping in particular public areas.
- 22% of cities prohibit loitering citywide.
- 56% of cities prohibit loitering in particular areas.
- 33% of cities prohibit sitting and lying in particular places.
- 53% of cities prohibit begging in particular public places, while 24% ban panhandling or begging citywide.

...And the percentage of cities with laws criminalizing homelessness is significantly increasing.
Antihomeless Laws in Denver

Denver has enacted and enforces laws from all 6 categories of homeless criminalization. Here are some examples:

- Closing particular public places.
- Prohibiting the obstruction of sidewalks and public places.
- Prohibiting loitering in particular public spaces.
- Prohibiting sitting or lying in particular public spaces.
- Prohibiting aggressive panhandling.
- Prohibiting begging or panhandling in particular places.
- Criminalizing urinating or defecating in public.
- Prohibiting spitting, failing to disperse, making improper or disturbing noise.
- Prohibiting bathing in particular public waters.
- Banning sleeping in particular public places.

...And now,

Banning camping outside citywide.
“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.”

—Barbara Poppe, Executive Director of the United States Interagency Council on Homelessness

The Obama Administration and the USICH has asked cities not to emphasize such laws and has urged them to instead develop real solutions rather than adopt discriminatory, punitive, unproductive, and costly measures.
OUR 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 of 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.”
**Further Actions**

**What’s your recommendation? We want to hear it!**

What do you recommend be done in Denver to make life better for people without a house? How can we make this happen? What can you do to help make this happen?

Let us know at:

**recommend@denverhomelessoutloud.org**

Feel free to send us stories and recommendations!

Organize as houseless to push for places to sleep, eat, work, and live! Come share your ideas and work with others - housed and unhoused - to stand up for all our needs:

**Keep an Eye Out for Events on May 14th**

The Anniversary of the Ban

If you’d like to be kept in the loop about possible events in the Downtown area, go to **denverhomelessoutloud.org** and click on the **Contact Us** link!
ACKNOWLEDGMENTS

This report would not have been possible without the generous time provided by hundreds of Denver residents who are living without a home. More than 500 Denver residents took time from their day to respond to the camping ban survey and to gather in focus groups to share their experiences. Their insights have something important to teach us about 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 political voice in the city of Denver.

DHOL AND THE FULL REPORT CAN BE FOUND AT DENVERHOMELESSOUTLOUD.ORG