Swept to Nowhere:

Experiences and Recommendations from Unhoused People During the COVID-19 Pandemic

A Survey and Report by:

Denver Homeless Out Loud
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About Denver Homeless Out Loud

Denver Homeless Out Loud (DHOL) works with and for people who experience homelessness, to solve the issues that arise from the experience of homelessness. We work to help protect and advocate for dignity, rights and choices for people experiencing homelessness. To these ends, we commit our efforts toward goals affirmed and raised by homeless people, within our organization and without. We strive to add our strengths together to create ways of living in which everyone has a place they can call home.

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Swept to Nowhere: Experiences and Recommendations from Unhoused People During the COVID-19 Pandemic

Introduction

This report covers the findings of the recent survey conducted by Denver Homeless Out Loud (DHOL) to gather the experiences and input of people without housing who are directly affected by the sweeps in Denver, Colorado. The findings from this survey of 150 people give us a critical foundation for understanding how sweeps are being conducted on the Denver streets and what changes should be implemented to comply with the findings in the Lyall v. City of Denver lawsuit settlement and further protect the rights, lives, and health of people without housing in Denver.

On September 23, 2019, the Federal Court Judge Martinez approved the settlement of a three-year-long class action lawsuit against the City of Denver for seizing and destroying homeless people’s property in sweeps with neither notice nor due process. The settlement protects the basic rights of people without housing to not have their property seized without due notice and for that property to be stored instead of trashed—similar to how the city cannot just tow a car without notice. These rights and processes are spelled out in detail in the lawsuit settlement Lyall v. City of Denver 16-2155\(^1\).

In summary, the lawsuit settlement requires the city to not do the following:

- Take people’s property without written notice attached to one’s property 48 hours in advance
- Take people’s property at a large encampment without written notice 7 days in advance posted on posts/fences in the area
- Trash any property, and they must store property for 60 days

One year after this settlement agreement was made, an injunction was taken to court regarding the city’s violations of this agreement and the effects of the sweeps during the COVID-19 pandemic. In this injunction, Judge Martinez re-affirmed that the notice procedures must be followed and further ruled that the city cannot do sweeps without notice, even under the auspices of a health emergency. Furthermore, the judge raised

\(^1\) https://denverhomelessoutloud.files.wordpress.com/2019/04/lyall-et-al.-v.-denver-complete-final-settlement-agreement-1.pdf
the burden of proof for the city before conducting a sweep they consider to be a health and safety emergency.

As we move forward a year after the settlement was made, we must listen to the experience and input of people directly affected by these policies in order to guide city practices and to live up to the agreed-upon intent.

Survey Background and Methodology

This survey was written by Denver Homeless Out Loud (DHOL) members as a tool to gather experiences and input from homeless people directly affected by sweeps at least 6 months after the Lyall v. City of Denver lawsuit settlement.

The survey was conducted by DHOL members and volunteers from April 2020 to August 2020. Surveyors were carefully trained to stay unbiased in asking the survey questions. This allowed the survey respondents (hereafter referred to as “respondents”) to give their own honest answers without the influence of leading questions or comments. Respondents filled out the survey on their own or had a surveyor read it to them. Respondents completed the survey voluntarily with no payment. Respondents were contacted at locations across Denver. 150 homeless people in Denver were surveyed. Responses were transferred from paper surveys to a spreadsheet by pairs of volunteers in order to ensure accuracy. Tabulation, data aggregation, and calculation of summary statistics were performed using Microsoft Excel. Graphs and charts were created using Google Data Studio.

Timing of the Survey with the COVID-19 Pandemic

After approximately 2 months of planning, this survey commenced, coincidentally, at the beginning of the COVID-19 pandemic and concluded around the time that the City of Denver resumed regular sweeps. During the time the survey was conducted, the city had largely suspended sweeps and reduced enforcement of the urban camping ban. This had a substantial impact on the findings. While most people surveyed referenced the past when sweeps occurred more often, some surveyed who were newer to homelessness had less experience with sweeps than would be the case if the survey were conducted now.
The release of this report was delayed until 2021 due to a variety of factors, including a more than doubling of the number of sweeps per week in late 2020 and early 2021.

Key Findings: Homeless Experiences With Sweeps

It is critical to consider these findings in the context of a time when there were the fewest sweeps in Denver (since the passage of the urban camping ban in 2012) due to early COVID-19 effects. However, there were still some sweeps and camping ban enforcement.

Prevalence of Homeless Camp Sweeps

Out of the 150 completed surveys, 89.3% (n=134) reported “Yes” to having experienced a sweep or the city taking property away (Figure 1).

Figure 1. The majority of respondents had experienced a sweep or had property taken by the City of Denver.
Of the 89.3% (n=134) of respondents who reported having this experience at least once (sweeps or property seizure by the city), the number of times they had experienced it in the past 6 months ranged from 1-10+ times, with the most common response being 2 times, and a median response of 3.5 times (Figure 2).

Figure 2. Number of times respondents were forced to move due to sweeps within the last 6 months.
Individuals experiencing homelessness in Denver were asked how many times they were swept in one week. Over three-fourths (78.8%, n=86) of respondents reported that within some 7-day period, they were swept 1-3 times. 6.4% (n=7) reported being swept 7 or more times in a single week (Figure 3).

Figure 3. Number of sweeps experienced by respondents within one week.
Notification and Procedures for Sweeps

Lyall v. City of Denver required notice for sweeps and established the 48-hour and 7 day time periods. In instances where 48-hour notice is given, notices are to be placed directly on tents. An example of a notice posted at an encampment is shown in Figure 4. However, the court did not specify where the notice had to be posted at encampments for 7-day notice.

Figure 4. Photograph of notice of sweep on a tent in Denver at California Street and 21st Street (photo by Denver Homeless Out Loud).
During this survey, respondents were asked if they had seen a notice of the sweep posted before their encampment was swept. The majority of respondents (53.6%, n=75) reported they did not see notices before the sweeps occurred. An additional 12.1% (n=17) reported seeing prior notice of a sweep in some but not all (of the multiple sweeps) they had experienced. Less than one-third (29.3%, n=41) of respondents reported seeing notice of the sweep posted before it occurred (Figure 5).

![Figure 5. Over one-half of respondents did not see or receive notice of a sweep before the sweep occurred.](image)

Participants were asked, “Where would you recommend the city place the sweep notices so that everyone knows when it is happening?” Respondents were able to choose multiple options. The majority of individuals surveyed (66%) indicated that they would recommend notices be attached to each tent and structure. Half of respondents recommended attaching notices to fences. Recommended placement for city notification of sweeps includes:

- Attached to each tent/structure (66%)
- Attached to fences (49.6%)
- Attached to posts (40.4%)
- Handed directly to people staying there (41.8%)
- Other (35.5%)
Those recommending “other” locations for the city to post notices of sweeps provided the following alternate responses:

- All of the above
- Verbal announcement - some unhoused individuals are unable to read or are unable to read English
- Lawn/ground signs within sight of tents/camps
- Inside nearby restrooms, or outside building exteriors
- Public transportation areas

The most common request was for the notifications to be as obvious and as visible as possible.

Only 33.8% of respondents reported receiving a 48-hour notice of a sweep (Figure 6).

![Pie chart showing 33.8% Yes, 61.2% No, 5% Unsure]

**Figure 6. The majority of respondents had never received a 48-hour notice of a sweep.**

Of those who had received a 48-hour notice, over one-quarter (26.7%) did not have their possessions taken as posted. 46.2% of respondents said they did not find they could trust the city to come on the day their camp was posted for a sweep. 81.5% of respondents thought that if the city did not come on the posted day and still intended to come, the notice of a sweep should be reposted.
Use of Police Tape

During the survey time period, the encampment areas were frequently sectioned off from the surrounding neighborhood and volunteers with police tape (Figure 7).

Figure 7. Photo of police tape used at sweep of a Denver encampment at Broadway and Arapahoe Street (photo by Denver Homeless Out Loud).

Respondents were asked how they felt about the use of police tape at sweeps. The majority of respondents (56%) reported that they felt negatively about the use of police tape at sweeps. Responses included: “unnecessary,” “it’s not a crime scene,” “embarrassing,” “degrading,” “not good if used improperly. Causes confusion.”

This survey was completed before the city switched to using fencing as opposed to police tape. While it was not included in the survey, we know from experience that many encampment residents feel more negatively about the fencing than they did about the tape. Many expressed that waking up to the clinking of the fence made them feel startled and trapped, something not experienced (fence clinking) with the tape. People expressed increased anxiety and inability to cope with sweeps due to fencing and inability to move freely, like going to the bathroom and returning to their tent (Figure 8).
Figure 8. Photo of fencing used at sweep of a Denver encampment at 14th and Logan Street (photo by Denver Homeless Out Loud).
Effectiveness of Sweeps

Sweeps of encampments rarely included housing options, therefore encampment residents were forced to abruptly find a new location in which to survive. Respondents were asked which of the following types of places they have moved to due to a sweep:

- Another block nearby (69%)
- The river (34%)
- Squatting in a building (27%)
- A far-off outside location (25%)
- An outdoor area that was private property subject to trespass charges (25%)
- A location that was already posted for a sweep (23%)
- Other (22%)

Responses from “Other” included:

- All of the above
- Under a bridge
- Alleys
- Returned to swept location
- A friend’s home

When forced to move after a sweep, the majority (54.5%, n=66) of people were never able to find a legal place to stay (Figure 9). Only 31 respondents (25.6% of 121) reported ever moving to shelter, hotel, staying with a friend, or housing following a sweep. Less than 5% (n=6) of respondents reported moving to housing.
Figure 9. The majority of respondents never moved to a safe, legal place after experiencing a sweep.

Of the respondents who reported they did move to a safe and/or legal place after a sweep, the locations to which they moved are shown below:

- Other (61%)
- Shelter (23%)
- Staying with a friend (18%)
- Hotel (16%)
- Housing (11%)

Responses from “Other” included the following:

- A different corner/location
- Another spot with cooler cops
- Came back
- Camp/woods
- Friend’s house
- Street camp
70.4% of respondents reported that they eventually returned to a location from which they had been previously swept (**Figure 10**).

![Pie chart showing distribution of responses to returning to a location from which they had been previously swept.]

**Figure 10.** Most respondents eventually returned to a location from which they had been previously swept.

**Loss of Property**

Property seizure poses significant problems and dangers for homeless people who are then forced to sleep with no cover or protection from the elements, to stay with a friend in their tent (sometimes facing dangers of rape or abuse), and to spend days trying to replace basic needs like clothes or blankets, and months trying to replace food stamp cards or IDs.

72.6% of respondents reported having property taken in a sweep, with an additional 1.4% who were unsure. Only 26% had **not** had property taken in a sweep (**Figure 11**).
29% of respondents reported having all or most belongings taken during a sweep. The most frequent items taken during a sweep included:

- Clothing
- Tent (home)
- Sleeping bag/gear, blankets, bed

Other items included:

- Backpacks
- Papers, personal paperwork
- Food stamp card
- Pictures
- Phone, electronics
- Transportation (bicycle and bicycle parts, skateboard)
- Bible
- Guitar
- Family heirlooms, jewelry

Figure 11. The majority of respondents had their property taken in a sweep.
A complete list of belongings respondents reported having taken during sweeps is shown in Figure 12.

Figure 12. Property reported taken from respondents during sweeps.
Survey participants were asked, “If you are watching a friend's stuff, do you think you should be allowed to move your friend's stuff in the sweep?” Of respondents, 83.7% thought that a person responsible for watching a friend's belongings should be permitted to move said belongings in the sweep (Figure 13A). Participants were also asked the related question, “Should the city take the stuff of anyone who is not present, even if they have a friend willing to move it?” Only 11.6% thought that the city should remove the belongings of anyone who is not present, even if they have a friend willing to move it (Figure 13B).

**Figure 13. Who should be responsible for moving the belongings of a person not present during a sweep?** (A, left) Percentage of respondents who thought that if they were asked to watch over a friend's belongings, they should be allowed to move those belongings on their friend's behalf. (B, right) Percentage of respondents who thought the city should be permitted to take the property of anyone not present, even if they have a friend willing to move it.
Recovery of Property

Personal property taken during sweeps is supposed to be stored in accordance with the Lyall lawsuit. During the time of this survey, the City of Denver stored property taken from encampments at a facility located at 1449 Galapago Street. The storage facility is open to property-owners from 6:00 am - 8:30 am on Monday, Tuesday, Wednesday, and Friday. On Thursday, the storage facility is open from 12:00 pm to 6:00 pm.

When questioned about recovering property that was taken during sweeps, 71% of respondents indicated that they did not know where the storage building was, or how to find out where belongings were taken after a sweep to recover their lost property (Figure 14). Some commented that the location was too far.

Figure 14. Respondents with knowledge of how and where to recover property removed during a sweep.
Only 13.2% of respondents reported having called 311 to get details on storage of their property, including whether their property was stored and other storage-related inquiries (Figure 15A). Of those respondents who had called 311, the majority (71.4%) reported 311 staff were not able to answer their questions. Only 28.6% of those who called reported that 311 was able to answer their questions (Figure 15B).

**Figure 15. Inquiries to 311 regarding recovery of property removed during a sweep.** (A, left) Percent of respondents who called 311 to ask whether their property was in storage or other storage-related questions. (B, right) Percent of respondents who had called 311 and had their questions successfully answered by the 311 operator.
Less than one-fifth (19.7%) of respondents had gone to city storage (Figure 16A). Of that small group of respondents who were able to visit the storage facility, the majority (53.8%) were unable to recover any property. 26.9% were able to recover some of their property, and only 19.2% of those who visited the storage facility reported being able to recover all of their belongings (Figure 16B).

Figure 16. Recovery of property from city storage.
(A, left) Percent of individuals who have gone to city storage to recover property that was removed during a sweep. (B, right) Percent of individuals who were able to recover property from the storage facility.

When asked what hours the storage facility should be open for retrieval of property taken during sweeps, 47% of respondents suggested the facility should be open 24 hours. The next-most common requests were opening times of either 8 a.m. or 9 a.m. The most frequently suggested closing time was 5 p.m. and other frequent responses included closing times of between 6 p.m. and 10 p.m.
Effects of COVID-19 State of Emergency on Homeless Camp Sweeps

The first case of COVID in Colorado was confirmed on March 4, 2020 and this survey began in April 2020. On March 22nd, 2020, in “Interim Guidance on People Experiencing Unsheltered Homelessness,” the CDC recommended encampments not be swept. At the time surveyed, 65.3% of respondents indicated that since the COVID-19 State of Emergency had been in place, they had been able to maintain stability in an area without being moved by police (Figure 17).

![Figure 17. The majority of respondents reported having been moved less frequently by police since the COVID-19 State of Emergency.](image)

Of respondents who reported increased stability with decreased “move-on” orders, the majority (76.2%) indicated that their experience with decreased “move-on” orders was positive (Figure 18). Respondents that felt positively about the decrease in sweeps offered the following reasons for their positive feeling: “less stress,” “peace of mind,” “much nicer lifestyle, more humane,” “it’s better, no harassment,” and less loss of property. Other sentiments included “makes things on a day-to-day survival much easier” and “it has been a blessing.”

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2 [https://www.cpr.org/2020/03/05/colorado-coronavirus-case-is-states-first-positive-health-officials-say/](https://www.cpr.org/2020/03/05/colorado-coronavirus-case-is-states-first-positive-health-officials-say/)

Some respondents commented that they are newly homeless since the COVID-19 State of Emergency. Some reported mixed feelings such as, “almost a sense of peace, but also unsettling nervousness waiting for the foot to come down upon my neck” and “every time I moved I lost something.”

**Figure 18.** The majority of respondents reported a positive impact of decreased “move-on” orders during the COVID-19 State of Emergency.

**Moving Forward**

Survey residents reported moving from block to block with nowhere to go. These residents are in need of housing. However, their only option currently is to find a new location and wait to be swept. When asked how the city should change their policies, 83.6% of respondents requested that the city de-emphasize sweeps altogether, to focus on finding better housing options or designated sites for homeless individuals, and to focus police attention strictly on criminal activity and not on criminalizing homelessness. Survey participants were asked if they would stay at a designated camping area if one was identified and legalized. The majority of respondents (68.9%) reported that they would stay at a designated camping area if one were to be established. An additional 17.2% of survey participants indicated they were unsure (**Figure 19**).
Figure 19. The majority of respondents would be willing to stay in designated camping areas, if made available.

When asked what individuals would need at a designated site to meet their needs, the most frequent responses were:

- Bathrooms/toilets (40.5%)
- Access to potable water (35.7%)
- Access to showers (25%)
- Electricity (14.3%)
- Food/meals (11.9%)
- Cooking/grilling area (8.3%)

Additionally, several respondents indicated that they would want freedom, self-governance, not to be hassled, and not to have police present.

When unhoused individuals were asked to rank a house, a tent, and shelter in order of their preference, the majority of respondents indicated that living in a house was their first choice, a tent was their second choice, and shelter was their third choice (Figure 20). Zero respondents indicated that a shelter was their first choice. Several respondents also indicated they would never choose to stay in a shelter. One respondent clarified that they would choose to live in a house “with friends.” 11 respondents indicated that living in a vehicle (car, van, camper, motorhome, or trailer) would be among their preferred living options.
Respondents were asked for their recommendations on how the city should change their policies around sweeps. 91 responses were received from survey participants, which were grouped into the following categories:

- Stop sweeps and/or accept homeless as part of society (38.5%)
- Change policies (25.3%)
- Provide housing or sites (16.5%)
- Better communication on acceptable camp practices (11%)
- Compassion (8.8%)

Of the responses about how sweeps can be improved if they are happening, 21% requested better communication about acceptable sites/practices for homeless camps, increased notification (length of time and visibility), as well as increased compassion/help/honesty from the officers performing the sweeps. Some suggestions from unhoused individuals include: “do more of a hearts and minds approach, get to know the community,” “more officers in attendance with compassion for the varied experience of unhoused people,” and “need to find places for folks, otherwise they come right back cause nowhere to go.”
Discussion and Recommendations

Use of Survey Findings

The experiences of sweeps and input gathered from these 150 directly affected homeless people should be a guide for policy and practice around homeless encampments. Using the expertise of those living on the streets and impacted by the sweeps is the only way to know the real effects, best practices, and paths forward toward better policy. Below we will lay out proposed policy and practice changes based directly on the experiences and input gathered from this survey of 150 directly affected people.

Agreement and Intent of the Lawsuit Settlement

The lawsuit settlement agreement with homeless plaintiffs and the city in Lyall v. City of Denver was reached with the intent of protecting the basic human rights and bettering the health and safety of people without housing. Every agreement in the settlement was based on these goals.

As we look at the findings of this survey of homeless people's experience of sweeps in the year following the settlement, we must examine how the agreements of the settlement are (or are not) being practiced in line with the agreed-upon intent of the lawsuit. Changing the practices of the sweeps to align with the intent of the lawsuit agreement—giving proper notice, protecting people's property rights, and protecting health and safety—is an ongoing, necessary process. We should be treating the settlement agreement as the baseline for rights and protections to be built upon, not the maximum standard for the city to adhere to.

The details of the lawsuit settlement can be read here⁴. In addition, the ruling of the injunction which re-affirmed the property and notice rights of encampment residents can be found here⁵.

⁵ https://denverhomelessoutloud.files.wordpress.com/2021/04/dhol-v.-denver-pi-order.pdf
Policy and Practice Changes

This street survey points to a number of ways that the lawsuit agreement is not being followed according to its intent, and where changes to the day-to-day practices can help bring the current actions in line with the agreement’s intent to improve the lives of people living at these encampments.

Following are the recommended changes to policy and practice based on the input and experiences of unhoused people directly affected by sweeps, and building on the agreements of the lawsuit settlement:

Recommendation 1: Placement of Posting
Recommendation 2: Reposting
Recommendation 3: 48 Hour Notices Should Be 7 Day
Recommendation 4: Halt Sweeps during Inclement Weather
Recommendation 5: Camping Ban, Notice Right
Recommendation 6: Police Tape/Fencing Removed
Recommendation 7: Disposal of Needles and Hazardous Waste
Recommendation 8: Storage Awareness
Recommendation 9: Storage Hours
Recommendation 10: Storage Number
Recommendation 11: Language Used (Clean-up vs. Sweep)
Recommendation 12: Cleaning without Being Displaced
Recommendation 13: Sanitation Resources
Recommendation 14: Somewhere to Be
Recommendation 15: Housing for All

Adjustments to Sweeps Processes

Recommendation 1: Placement of Posting

Only 29.3% of respondents reported seeing notice of a sweep before it occurred. In order to ensure camp residents are actually seeing proper notice, placement of notices should be increased and improved. Survey respondents most suggested the following: attached to each tent/structure (66%), attached to fences (49.6%), attached to posts (40.4%), and handed directly to people staying there (41.8%). In addition, notification to Plaintiffs (DHOL) is crucial. DHOL is able to communicate with encampments prior to sweeps to correct misinformation and educate residents regarding sweeps practices.
Recommendation 2: Reposting

Many times, the city did not execute a sweep on the posted day, then performed it later without re-posting a new date. This left residents confused, with no way of knowing when the sweep would happen and whether to trust the posted dates. 46.2% respondents said they did not find they could trust the city to come on the day their camp was posted for a sweep. 81.5% of respondents thought that if the city did not come on the posted day and still intended to come, the notice of a sweep should be reposted. It is critical that in cases where the city does not do a sweep on the day designated by the posted notice, they should re-post a notice for another 48 hours or 7 days with a new date.

The injunction ruling makes the legal requirement for this proper notice even more clear by stating that all sweeps must follow the notice requirements regardless of the situation. Any sweep that is not conducted on a posted day and time must be reposted within injunction parameters—meaning 7 days for most camps and only 48 hours for very small camps or for emergencies.

Recommendation 3: 48-Hour Notices Should Be 7 Day Notices

Encampment size categorization should be consistent, not arbitrary in designation. Collections of a few tent/tarp structures on the same block have frequently been treated as large scale encampments (requiring 7 days’ notice), but at other times treated as small camps (requiring only 48 hours’ notice). 33.8% of respondents reported receiving a 48 hour notice of a sweep, yet 26.7% of those who got 48-hour notices did not actually experience the sweep at the 48-hour point. Often, their property was taken days later when they had no way to expect when this seizure was coming. Delaying a sweep is usually a good thing, but if it is delayed from the 48-hour mark and still planned, it should be reposted.

Additionally, when a camp grows from small to large due to people coming from other sweeps, and some of the tents have already been posted with 48-hour notices and others have not, there is significant confusion regarding who is at risk of being swept and who is not. Residents of these camps do not know what to expect and thus do not trust the process. 7 days’ notice should be given as a default in all situations. Even if there are only one or two tents on a block, they still deserve 7 days’ notice and predictable follow-through. This is in keeping with the ruling in the federal injunction which requires 7 day notices in all cases except emergencies.
**Recommendation 4: Halt Sweeps During Inclement Weather**
The city has a policy for inclement weather where overflow shelters are opened when the temperature drops below an established threshold. This same benchmark for inclement weather should initiate a policy that temporarily halts sweeps in inclement weather. If it is cold enough to open overflow shelter space, it is cold enough to temporarily halt sweeps. Remaining in place with the best gear and equipment to stay warm is the safest option for many people. Losing property and community due to sweeps in extreme cold can be a matter of life and death. Sweeping in the cold is dangerous for those staying outside as well as for the city employees performing the sweep.

Just like during the cold extremes of winter, summers can also cause physical harm to people living on our streets if they are displaced in a sweep. Our summers are growing hotter, with temperatures ranging from 90 degrees to over 100 degrees, and ultraviolet radiation levels in the Very High or Extremely High categories. Having to pack up one's belongings and find another place to move to in this kind of heat, with no shade or cool, potable water available, can cause heat rash, dehydration, heat cramps, heat exhaustion, or even heat stroke. Very high and extremely high UV levels can cause skin cancer, cataracts, macular degeneration, and immune system damage. The city should not conduct sweeps or enforce the camping ban in these conditions.

**Recommendation 5: Camping Ban, Notice Right**
The injunction ruling makes it very clear that no sweep should happen with less than 48 hours’ notice. Any time the Denver Department of Transportation and Infrastructure (DOTI) or Denver Department of Health and Environment (DDPHE) removes property from an encampment, they must have posted notice first. However, the City of Denver is trying to get around this ruling by referencing the camping ban and telling people to move right away with no notice. Just because another law is used does not change the effect of this on people living on the streets. People's right to notice must be respected regardless of the law referred to for the same purpose of moving people.

**Recommendation 6: Police Tape/Fencing Removed**
The majority of respondents (56%) reported that they felt negatively about the use of police tape at sweeps. Most others did not respond to this question at all. Responses include: “unnecessary,” “it's not a crime scene,” “embarrassing,” “degrading,” “not good if used improperly. Causes confusion.”
Since this survey was conducted before the city switched to fencing, no question was asked about fencing. However, similar and additional issues arise with the use of fencing. Camp residents have expressed feeling trapped and unsafe with the fencing. Furthermore, the use of fencing prohibits the cooperation between mutual aid groups who seek to support unhoused residents and to build bridges between unhoused residents and the city. Neither police tape nor fencing should be used at sweeps.

**Recommendation 7: Disposal of Needles and Hazardous Waste**

72.6% of respondents reported having property taken in a sweep. When property is destroyed, city employees try to justify their actions by saying there were hazardous materials in the tent. This can include needles, food waste, human waste, or blood on items. These hazardous items can be properly disposed of without trashing the entirety of a person’s property.

Specifically with needles, this practice has been justified by concern that workers will be in danger by packing a tent with exposed needles inside. They choose to trash a tent based on seeing a needle inside and stating there is too much risk to put the tent in storage in case there are more needles. If a worker sees any sharp object(s), they should dispose of the item(s) in a sharps box and proceed to pack the tent for storage (or leave the tent in place). The logic of the risk does not follow and it is unduly denying property rights to anyone who happens to have a needle visible. During the injunction hearing, DOTI workers admitted that they will trash all of someone’s property if they find even one needle or one half-eaten sandwich in the tent. This practice should be changed to dispose of visible needles or other hazardous materials and then leave the tent in place or store the tent just like any other tent. It is also important to note that not all needles are used for illegal drugs as people on the streets also use needles for insulin, hormones, or other physician-prescribed treatments.

**Adjustments to Storage System**

**Recommendation 8: Storage Awareness**

71.5% of respondents indicated that they did not know where the storage building was, or how to find out where belongings were taken after a sweep to recover their lost property. Better communication for where the storage building is and how to retrieve property must be implemented. 311 operators must be educated on the property storage process even if they are not the ones to provide detailed answers. In order to help spread awareness to folks on the street about the storage facility, we recommend
the city post information about where to retrieve any property taken by the city at day shelters and libraries.

Furthermore, the city said “if feasible” they would create a website with an accessible database of locations property was taken from and where it was stored so that people who believe their property might have been taken in a sweep can look it up before making an unnecessary trip to the storage building to retrieve their property. During the first homeless advisory meeting, of which we have a recording, the city stated that this tracking website would be online in January 2020 – why is it not live?

**Recommendation 9: Storage Hours**

Current minimal early morning hours for storage facility access are clearly not working. 47% of respondents suggested the facility should be open 24 hours. The next-most common requests were opening times of either 8 a.m. or 9 a.m. The most frequently suggested closing time was 5 p.m. and other frequent responses included closing times of between 6 p.m. and 10 p.m. The storage facility should be accessible for longer periods of time and during daytime hours.

One way to achieve these longer hours without depending on extending contractor work hours would be to move this storage into the existing locker facility created through the lawsuit so that property taken and stored from sweeps is at the same location as the self-storage lockers. Staff attending the lockers could also attend the property stored from sweeps.

**Recommendation 10: Storage Number**

The notices placed at sweeps say to “call 311 to inquire and/or make arrangements to retrieve property.” However, 311 operators do not have any information about camp residents’ stored property. Of those respondents who had called 311, only 28.6% reported that 311 staff was able to answer their questions. 311 workers are not equipped to answer questions regarding stored property, such as if said property is in storage, if there is a worker present so owners can retrieve their property, at which location property is stored, and so on. A direct phone number for the storage facility should be provided as staff at 311 cannot answer questions people have about their property.
Communication

**Recommendation 11: Language Used (Clean-up vs. Sweep)**

Survey respondents overall reported being confused on what to expect from a sweep based on language used in the postings and from officers. Language use matters. Trying to disguise sweeps as “cleanups” only leads to encampment residents not knowing what to expect and being more likely to lose property as they do not understand that “cleanup” actually means taking their property and forcing them to leave under threat of arrest. Judge Martinez addressed this in court during the injunction, noting that it was clear that the actions of cleanups are different than sweeps and the city should not use the terms interchangeably. Equating a sweep to a cleanup confuses the court and it confuses people on the streets. If the city does not like the term “sweeps”, they could use displacement or eviction instead when people are forcibly moved. With both the language in the notices and the language officers use when talking with encampment residents, it should be clear that these actions are sweeps where property is taken, not cleanups where the city is only removing trash.

**Cleaning vs. Displacement**

**Recommendation 12: Cleaning without Being Displaced**

The city has been using sweeps to displace people from an area, not simply to clean trash or address health concerns as is supposed to be the intent. 69.4% of respondents reported moving to nearby locations when swept - a block or two, a nearby alley, a nearby park, or against a nearby building. Other times, in the case of increased police enforcement of the camping ban, people move to far-off areas, more hidden areas, or away from their community, where they are much less safe and farther from resources and services.

Only 31 respondents reported having ever gone to a shelter, hotel, or housing after a sweep. 70.4% of respondents reported that they eventually returned to the location from which they had been previously swept. Sweeps are not “connecting people to services,” much less getting people into housing. Housing is the most requested ‘service’ yet it is the least available. Trying to sweep people into ‘services’ without offering housing does not get people off the streets. This is a perpetual policy flaw that ensures that homelessness continues to rise. We must create attainable housing. Without it, and with sweeps, people simply move from block to block.
With the camping ban in effect, police can always turn to this law to justify forcing people to move after a sweep. However, city notices for sweeps explicitly say, “this is not enforcement of the camping ban.” If these sweeps are not camping ban enforcement, then what law is being used to prevent people from returning to the area when it is swept? Aside from closing the area under DDPHE public health orders (which has many other legal, practical, and moral issues to it), there is no law other than the camping ban preventing people from returning.

Forcing people to move in sweeps is legally questionable, extremely ineffective, and a massive waste of city resources. The city should cease the practice of displacing people and their property in sweeps and instead create and implement a plan to address trash service and sanitation needs. By not doing so, the city is intentionally creating a public health hazard and wasting massive taxpayer dollars on a “remedy” that results in 70.4% of swept residents returning to the same spot. Instead, 7 day notices of “cleanups” should actually be cleanups. They should be similar to large-trash pickup days for housed residents. Camp residents should be given notice 7 days in advance that the city will be picking up trash. On the day of a “cleanup,” DOTI should only remove trash, health hazards, and large items residents ask to be removed. People or their property should not be displaced, as it should be a cleaning, not a sweep.

**Recommendation 13: Sanitation Resources**
The settlement agreement noted that before any new location can be designated as a regular cleanup area, the city must make an effort to remedy the health and safety concerns with things such as trash cans, trash services, porta potties, and sharps boxes before the area is designated as a regular cleanup area. This has not happened. In keeping with the city’s stated intent of a sweep to clean an area and remedy any health or safety concerns, seeking lasting solutions to the sanitation needs of people in an area should always be the first step. Furthermore, CDC guidance states that unless individual housing options are available, encampments should be left in place and provided with sanitation resources including bathrooms, handwashing stations, and hand sanitizer. DHOL can provide detailed guidance on how to implement these health and safety needs at encampments.

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Place vs. Sweep

Recommendation 14: Somewhere to Be
When respondents were asked how the city should change their policies, 83.6% of them requested that the city de-emphasize sweeps altogether and focus on finding better housing options and designated sites for homeless individuals. 68.9% reported that they would stay at a designated camping area if there was one legalized and identified. Many respondents commented that they just wanted to know where they could be. This survey clearly shows that people staying at encampments or otherwise on the streets are desperate to know where they can stay without being swept or treated as criminals. The concerns of the unhoused, the housed, and businesses are very much shared here. Everyone wants an answer to the question of where we can be. Everyone knows human beings cannot just disappear, but there is no honesty about this reality. We need leadership from the city as to where the houseless community currently living on the streets can go while the city creates housing. Ultimately, homelessness ends with a home.

Recommendation 15: Housing for All
When unhoused individuals were asked what their living preference would be out of the options of house, tent, or shelter, the majority of respondents, 91 out of 109 (83.5%), indicated that living in a house was their first choice. A tent was the most common second choice, and shelter was the most common third choice. No one indicated that shelter was their first choice. By and large, people are not living on the streets because they want to. They want housing but it is not accessible. Our city must approach encampments with this in mind. The city has an opportunity to create safety parameters for all residents. By shirking that responsibility, they are creating unsafe conditions for all Denverites. We can agree that homelessness ends with housing, but while the city creates this housing we need guidance from them on what parameters unhoused residents can live under to maintain safe conditions for everyone. If housing is not made available, people must be allowed to survive in a tent and not forced into shelters, which cannot accommodate everyone and are often people's last choice.
Conclusion

Any policies around homelessness are best informed by those directly affected. The city should use these survey findings to direct how they approach homeless encampments and should redirect practices toward health equity and attainable housing instead of sweeps that do not work. We are facing unprecedented times together. The challenge of a COVID world has exacerbated the numbers of unhoused residents throughout our nation. Many of the standard solutions for homelessness have proven ineffective. But humans have a resounding ability to adapt. This is our challenge. We know that our numbers of unhoused residents are likely to continue to increase. In order to move forward, we must develop policies that create a plentiful, attainable 0-30% AMI housing stock in the Denver Metro area. In the meantime, we need to work collaboratively to find temporary housing solutions now.

The best solution is more solutions. Safe outdoor spaces, FEMA money to purchase motels, tiny homes, and self-managed encampments can all be part of those solutions. The challenge of these times will be whether or not we are able to come together for our common survival.

It's time to learn from those living on our streets. Hear this voice from these 150 unhoused Denver residents, and the thousands of others out there...

“Act like they’re worth it.” - City of Denver