



UNHEALTHY BY DESIGN:

Public Health Consequences of Denver's
Criminalization of Homelessness

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Survey Design and Data Collection

In Collaboration with Denver Homeless Out Loud

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Acknowledgment

This report would not have been possible without the generous time provided by hundreds of Colorado residents who are living without homes. Four hundred and eighty-four Colorado residents took the time to respond to the survey, and to partake in interviews on the subject.

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

Their voices deserve to be heard.



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.

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

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Executive Summary



Across Colorado, cities are facing a growing challenge of homeless people struggling to survive in public places. As low-wage work remains prevalent, low-income housing units disappear, and housing prices rise, homelessness remains a problem across the state. In their own housing studies, local officials recognize that there is inadequate low-income housing stock, and that every night thousands of people across Colorado have little choice but to sleep on the streets, in cars, or in parks.

But even while recognizing that thousands of Colorado residents have no choice but to live in public places, Colorado officials are increasingly making it illegal to do so. In Denver, it is illegal for homeless residents to sleep or sit on downtown sidewalks, or to use any form of shelter from the cold or sun other than their clothing. All across the state, cities are declaring that people without homes have no right to rest within their borders, and are mobilizing substantial police resources to enforce those laws.

City officials and other supporters of these “anti-homeless” laws consistently argue that banning sleeping, sitting, sheltering and other acts of survival in public places will actually improve the lives of homeless people, as strict policing will force homeless people off the streets and into indoor, healthy services to improve their lives. But does the hard evidence support these claims? When cities like Denver enforce sleep-sit ordinances and “camping” bans, does the health and quality of life of homeless people improve or deteriorate?

This study examines the public health consequences of criminalizing homelessness in Denver. The study reports on a poll of 484 homeless individuals in Denver, regarding their experiences with “quality of life” policing, and how those policing practices are affecting their personal health and quality of life.

The study finds that “quality of life” policing is toxically undermining the sleeping patterns, physical safety, and mental health of people experiencing homelessness. In contradiction to official claims that anti-homeless laws are a form of “tough love” meant to help homeless persons improve their lives, we find that such laws harm the quality of life of Denver’s most vulnerable residents, and are unhealthy by design.

Criminalization of Homelessness: Policing Practices in Denver

Denver enforces a number of laws banning the survival activities of homeless people, most notably: a ban on sitting or lying in much of downtown, a ban on use of any

personal shelter from the elements other than clothing, park night-time closures and curfews, and de facto prohibitions of sleeping in vehicles. The expansion of such laws has resulted in substantial police engagement with homeless people. Findings include:

- 74% of survey respondents have been contacted at least once by police in the previous year for “quality of life” crimes such as sleeping, sitting, or sheltering in public.
- 14% have been contacted by police more than 20 times in the previous year for such violations.
- 74% of survey respondents have been asked to “move along” by police; 44% have been ticketed or arrested after police contact for a “quality of life” crime violation.

“Quality of Life” Policing and Sleeping Patterns

Constant contact with the police leads homeless people to achieve very little sleep, and only in short bursts. Denver policing patterns are exacerbating the host of physical and mental ailments that accompany inadequate sleep among homeless individuals.

- 70% of respondents report being woken often by police; 52% are constantly worried about police contact while they try to sleep.
- Respondents who are frequently woken by police typically sleep only in short bursts (49% report 2 hours or less of uninterrupted sleep) and achieve less than four hours of sleep per night (37% of all respondents).
- Poor sleeping habits, exacerbated by constant police interruption of sleep, lead to increased rates of depression, forgetfulness, sickness, anger, and hallucinations.

“Quality of Life” Policing and Physical Safety

Constant police enforcement of Denver’s anti-homeless laws leads homeless individuals to seek more hidden and isolated sleeping locations, which undermines their physical safety.

- 87% of respondents seek different sleeping locations to avoid police contact; 50% of respondents have sought more hidden and isolated locations.
- Both male and female respondents who have found more hidden sleeping locations report increased rates of robbery, physical violence and sexual assault.
- Women who have found more hidden sleeping locations report a 50% higher rate of robbery, a 60% higher rate of sexual assault, and more than 3 times the rate of physical assault.

“Quality of Life” Policing and Severe Weather

Enforcement of Denver’s anti-homeless laws had led many homeless individuals to refrain from use of personal shelter (e.g., blankets, tents), resulting in harmful exposure to cold and hot weather dangers.

- 34% of respondents report that police have instructed them to quit using blankets, bedrolls, or other shelter; 49% have had their blankets, tents, or other survival gear summarily confiscated and disposed of by the police.
- Among all those who have been instructed by police to quit using shelter from the elements, there is a 71% higher rate of frostbite, a 39% higher rate of dehydration, and twice the rate of heat stroke.

“Quality of Life” Policing and Mental Health

Constant policing of Denver’s anti-homeless ordinances leads already vulnerable homeless individuals to experience increased anxiety, stress, depression and other mental health challenges.

- 65% of respondents report that they are constantly stressed and anxious about the possibility of police contact.
- Among all respondents who report frequent police contact, the rate of self-identified deteriorating mental health is 57% higher than those who do not experience frequent police contact.

Implications

Quality of Life policing undermines the health and safety of people experiencing homelessness. Though supporters of anti-homeless policing urge homeless people to seek indoor shelters and services, this study finds that adequate housing/shelter options and personal hygiene facilities are not available on the scale needed to help homeless individuals maintain their health. Shelter options are too limited, they don’t work for all sub-populations of homeless persons (e.g., people with mental illness or pets), and they are documented often to be physically unhealthy spaces that increase mental and emotional stress due to their crowded and noisy conditions.

Better solutions are needed. Increased affordable housing and creative shelter alternatives that sustain the dignity and autonomy of homeless persons (such as Tiny Home communities) are long-term solutions. *But an immediate and necessary first step is for Denver officials and residents to admit the evidence that aggressive quality of life policing does NOT help homeless people and in fact undermines their health and safety.* Simple acts of survival in public places (sleeping, sitting, eating, sheltering) by persons without alternatives should be allowed without fear of police harassment, if we care about the basic health of people experiencing homelessness.

PART I

NO RIGHT TO SURVIVE: Criminalizing Homelessness and Public Health Consequences



People Living in Public Places



On any given night in Denver, hundreds of people are sleeping without formal shelter—on the streets, in cars, and in parks. They are sleeping outside for a multitude of reasons: skyrocketing housing costs, the inability to earn a living wage, disabling medical conditions, medical bankruptcy, domestic violence, and an inadequate emergency shelter system. Every night the City of Denver's official count recognizes that at least 600 people must survive on the streets without any formal shelter at all.¹ Many have sought to shelter themselves on the streets for years, others are in an emergency situation having unexpectedly lost their indoor housing. All these people will be looking to survive tonight, and they will continue to look for shelter on Denver's streets for the foreseeable future.

The most important cause of this crisis is a lack of affordable homes. Since 2001, about 15% of the nation's supply of low income housing has been permanently lost, and investment in the development of new affordable housing has been insufficient to meet the need. Across the United States today, there are 7.4 million more low-income households than there are low-income housing units² (a "low-income household" is defined as earning below 30% of an Area's Median Income—about \$25,500 in Denver in 2017). Low-income renter households account for 26% of all U.S. renter households, and 71% of them are severely cost-burdened, spending more than half of their income on housing.³ For the subsidized low-income units that do remain, waiting lists are long, typically lasting in the years.⁴

In Colorado, there is a 205,720 unit deficit in the number of rental units needed to match the number of households living at 30% or less of Area Median Income.⁵ Across the state, there are only 27 affordable housing units available to every 100 low-income households, which makes Colorado the 5th worst state in the nation in this category.⁶ Due to rapidly escalating housing prices, Denver is among the top ten cities in the nation with the fastest decline in housing affordability.

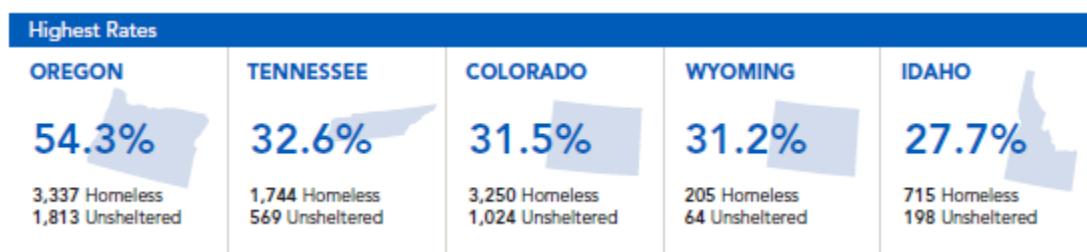
Declining low-income housing stock correlates with rising homelessness. When the federal government stopped funding new public housing—spending for new public housing dropped from over \$16 billion per year in 1978 to essentially nothing since 1996—homelessness tripled or quadrupled in every major US city and has risen steadily since.⁷ The U.S. Department of Housing & Urban Development's (HUD) 2018 one day Point-in-Time count reported that 553,000 people were homeless on a single night in America in 2017. Furthermore, *"this count does not adequately capture the full picture of homelessness. The Point-in-Time count looks at people who are in shelters, transitional housing, or in observable public places on a single night. Not included, however, are people who are doubled up or couch surfing because they cannot afford their own places to live. Also excluded from the count are people in hospitals, mental health or substance abuse centers, jails or prisons with nowhere to go upon release."*⁸

Due to the scale of these numbers, the majority of jurisdictions across the nation tell HUD that they have more homeless persons than shelter beds. As a result, the 2018 Point in Time survey estimates that 35% of all homeless individuals—about 195,000 people—have no choice but to sleep and shelter on the streets every night.⁹

Things are particularly bad in Denver. While average wages have only increased 11.4% since 2011, Denver rents have increased over 50%, and are now 12.6% above national average. HUD data puts 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 share of the workforce with a severe housing cost burden.¹⁰ As a result, in 2018, half of Denver's renters paid more than 30% of their income for housing; nearly a quarter paid more than 50% of their income for housing.¹¹ More than 80% of low-income Denver renters have an unaffordable rent burden (paying more than 30% of their income for rent), and Denver needs an additional 25,647 low-income housing units to adequately shelter residents earning under \$20,000 a year.¹² Between 2015-2017, the City of Denver only created 199 new housing units affordable to people below 30% of Area Median Income, though the city has 31,854 renter households at that income level, plus thousands of homeless residents.¹³ Unfortunately, already inadequate low-income housing units are disappearing. Colorado housing units affordable to people making less than half of median income declined by more than 75% between 2010 and 2016 -- one of the biggest decreases in the country.¹⁴

These patterns have led to a homelessness crisis in Denver. Counting only those homeless persons living in shelters, transitional housing, or in observable locations on the streets (and not counting those who might be in hidden outdoor locations, or “couch-surfing” temporarily with a friend), Denver’s official “point-in-time” 2018 tally is that 3,445 people are without any kind of stable housing in Denver.¹⁵ There are more homeless people in Denver than there are available shelter beds to house them. Official HUD data shows that Denver has the third highest rate in the national of homeless families with children having to live without any shelter at all, sleeping in cars, abandoned buildings, or on the street.¹⁶

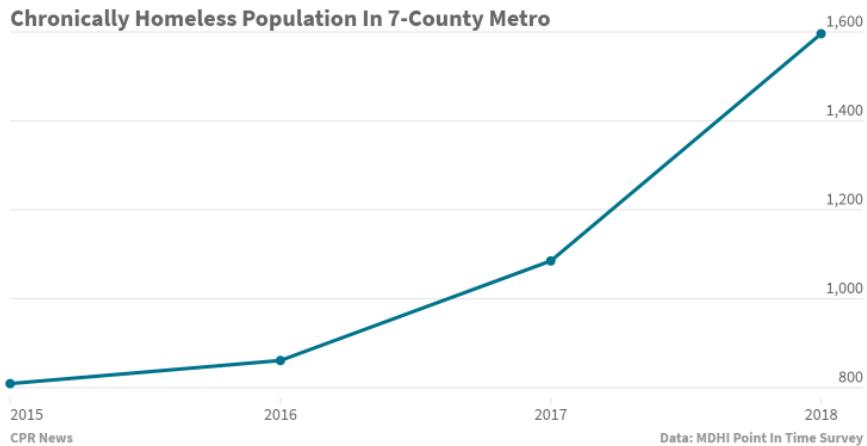
TABLE 1: Highest Rates of Unsheltered People in Families with Children



What inadequate shelter units there are, furthermore, do not always serve unique homeless populations, such as youth, couples, fathers with children, people whose work hours conflict with shelter hours, people with pets, and those with mental or physical disabilities. Inadequate housing and shelter options for these populations

contributes to the growing number of chronically homeless people in the Denver metro region—people who have been homeless for more than a year, or experienced homelessness four times in the last three years.¹⁷

Chart 1: Chronically Homeless Population in Denver Metro Area



One under-served homeless population is those with mental illness. In 2011, more than 2,000 homeless and mentally ill persons were on a waiting list for services at the Colorado Coalition for the Homeless' Stout Street clinic.¹⁸ A 2013 *Denver Post* column highlighted the deterioration of services to assist those with mental illness. “In 1955, there were over 300 inpatient psychiatric beds per 100,000 people in the United States. Today...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.”¹⁹

The situation hasn’t improved in recent years. In fact, in December of 2018, due to state funding limitations, the state placed an admissions freeze on all state psychiatric beds, and declared that no mentally ill people can seek treatment through state psychiatric beds, unless they are referred by the criminal justice system. As a result, there are now *zero* state-run psychiatric beds available to people suffering severe mental illness, unless they are in the control of State Corrections. “It means that you’re not going to be able to get into an inpatient institution unless you commit a crime,” notes Alison Butler, director of legal services for Disability Law Colorado.²⁰

Beyond the severely mentally ill, there are many people experiencing homelessness who cannot endure the conditions of tightly regimented, crowded shelter life. In shelters, one must commonly stand in line for hours to get a lottery “bed” or mat on the floor, must leave in the very early morning hours, can bring in no pet and no

partner, must have very limited belongings, must endure sleeping among dozens or hundreds of others on floor mats, can receive no guests, and have no privacy. There are many people experiencing homelessness with mental and emotional challenges that prevent them from enduring such challenging situations.

Many of these people will be looking to survive, sleeping in corners and using personal shelters on Denver's streets tonight. Unfortunately, these simple acts of survival are increasingly policed by Denver's growing regimen of "quality of life" policing.

"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

SITUATIONS THAT PREVENT A PERSON FROM USING A HOMELESS SHELTER

(LIST COMPILED BY DENVER HOMELESS OUT LOUD)

SOURCE: C. Walker, *Westword*, Nov. 9, 2018

- All those who love their spouse or partner and feel safer together, rather than being separated as shelters force them to be
- All those who work late nights and can't get into a shelter due to time restrictions
- All those who work nights and have no option to sleep in a shelter during the day
- All those who work early morning day labor jobs and can't get out of the shelter in time to work
- All those women who are traumatized by male staff in the bunk areas waking women to kick them out
- All those with service animals or pets who are rejected from shelters
- All those who can't conform to strict/regimented rules
- All those with insomnia who can't watch TV or read but must be in bed with no cell phones
- All those who have stayed in a shelter program for ninety days with a promise of housing to no avail
- All those who have been kicked out at 3 a.m. for no fault of their own, but because staff failed to sign them in or enter their chores in the records
- All those who need food in the night and fear being kicked out for keeping food with them in bed against the rules
- All those who don't want to sleep with bedbugs
- All those suffering a drug addiction that can't pass a urine analysis to stay in the shelters
- All those don't make it in the lottery to get a bed
- All those who can't get down on the floor to sleep on mat
- All those with more than two bags of belongings who lose their belongings if they go into a shelter
- All those transgender folks who have been abused in a shelter or forced to strip to prove their sex
- All those who want their time back from waiting in lines for early admission hours to get into a shelter
- All those with mental health struggles who can't handle being around hundreds of people in a tight space
- All those released from the hospital at 1 a.m. back onto the streets
- All those who feel safer or happier staying outside with friends, or by themselves, rather than in a shelter with hundreds of strangers
- All those who prefer the dignity of a tent to the warehousing and dehumanizing treatment of a shelter

Criminalizing Homelessness



"Homelessness continues to be a national crisis, affecting millions of people each year, including a rising number of families. Homeless people, like all people, must engage in activities such as sleeping or sitting down in order to survive. Yet, in communities across the nation, these harmless, unavoidable behaviors are treated as criminal activity under laws that criminalize homelessness.

Despite a lack of affordable housing and shelter space, many cities have chosen to criminally punish people living on the street from doing what any human being must do to survive."

– National Law Center on Homelessness and Poverty, No Safe Place (2013)^b

from public sleeping to standing quietly on a sidewalk with a container for coins. Hundreds of cities have passed laws punishing the survival activities of people living without homes. There are laws banning loitering, sleeping or sitting in public places, and prohibitions of sleeping in one's car. There are "area restrictions" banning repeat offenders (e.g., someone with multiple panhandling tickets) from passing through downtown areas altogether. There are laws against the use of any form of shelter (such as a sleeping bag) while residing in public. There are laws prohibiting people from giving homeless people survival items such as a blanket, or from sharing food with homeless people without a permit.²³ Local officials admit that there are inadequate affordable housing options, and not enough shelter beds in any major city, and that thousands of people have no choice but to live on the streets. Nevertheless, "many cities have chosen to criminally punish people living on the street for doing what any human being must do to survive."²⁴ This is the criminalization of homelessness.

As the number of unsheltered residents have increased, so have concerns among public officials that the urban environment and business climate is 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.²¹ "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 Denver's 2012 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?"²²

As a response to such concerns, an increasing number of cities are passing anti-homeless laws, banning everything

Denver's Criminalization of Homelessness

The City of Denver maintains one of the harshest “anti-homeless” laws in the state—a “camping ban” that prohibits homeless people from utilizing any type of makeshift “shelter” from the elements, other than their clothing. “If it’s a blanket or cardboard or newspapers, that’s ‘shelter.’ Clothing is not,” said a member of the Denver Police Department’s Homeless Outreach program.²⁵ Blankets, bedrolls, tarps, tents, umbrellas, or towels—they are all forbidden forms of shelter for anyone living in public. Homeless individuals have reported police warnings under this law for things as simple as sitting on a towel, to avoid the dirt.

Denver Municipal Code Section 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.”

Vigorously enforcing this law, Denver police logged 5,055 individual camping ban “contacts” in 2016, and another 4,647 “contacts” in 2017 — “interactions that include, at a minimum, law enforcement telling someone violating the ban to pack their belongings and move to another location.”²⁶ The police report 12,000 camping ban contacts with homeless people between the summer of 2012 and January of 2019.²⁷ In previous research, hundreds of homeless residents have reported police orders to desist from using blankets and sleeping bags, even in the middle of a chilly night. Some have been issued tickets for “camping violations,” and many have had their survival gear confiscated by police.²⁸

The Denver camping ban is just one of several laws restricting homeless activities in public places, and prohibiting their survival activities. Other Denver restrictions include a ban on sitting or lying down in much of downtown and enforcement of “right-of-way encumbrance” rules by summarily confiscating and destroying homeless persons’ belongings. Four of Denver’s “anti-homeless” laws are summarized on the next page.



Denver's "Sleep-Sit" Ordinance prohibits anyone from sitting or lying down on sidewalks or streets in the downtown area, unless they are engaging in approved activities, such as patronizing local businesses. In one web-posted video of a police officer ticketing someone for violating the "sleep-sit" ordinance, we hear the officer saying the following:

OFFICER: "You remember last week? We talked about you sitting down? You said you'd never been warned? You can't sit in the alleys, you can't sit the streets, and you can't sit on the sidewalks in Denver....Because there would be Vagrancy... Everybody sitting around everywhere, homeless. People come into downtown for businesses... Shopping... They don't want to see that."



Denver created barriers to sharing free food in parks in 2006, when the city began requiring a permit for any scheduled event in a city park involving more than 25 people. To obtain a permit, groups must pay a fee, and may have to provide proof of liability insurance and a security deposit. Even if a group satisfies these permit requirements, according to city officials, group feedings are not among the typically accepted activities for city parks.



It is not officially illegal for people to sleep in their car in Denver. Yet 24% of homeless survey respondents in 2013 said they were harassed or ticketed for sleeping in a vehicle. An email by Denver Homeless Out Loud to the city's parking office produced the following response. "[Although it is not illegal to sleep in one's car] if the vehicle is in the Public Right of Way, police can check to see why you are in the vehicle (ie, inebriated or safety issues). Depending on why you are in the vehicle, the officers might ask you to move, or let you know you cannot do that. However, again, depending on the location of the vehicle, especially on a public street, if it poses any type of safety concerns, you would be asked to move."



Under Municipal Code 49-253, Public Works staff and police may treat right-of-way encumbrances as trash (such as a homeless person's shopping cart, bags, or tent, if sitting on or near a sidewalk). Officials may summarily dispose of such "trash," especially if such belongings are "abandoned" when a person goes inside a store, or interviews for a job, or enters a shelter where they cannot take their belongings. Here's how one Denver resident described the disposal of her belongings by police.

"I had a tent up and all my belongings were inside. Twice, I walked up to the port-a-john to go to the bathroom, came back 10 minutes later and my stuff was gone, and the rangers or police--one time it was rangers, one time it was police--were driving away with my stuff in the back of their truck. No notice, no nothing telling me how to get it back. Nothing; just gone... If you tow somebody's car, there has to be a sign up saying where it's been towed, so if you tow or take my tent, which is my home, my current home, then I should be able to be told where it's at and how to get it back."^d

A Colorado Couple Struggles with Health and the “Move Along” Order

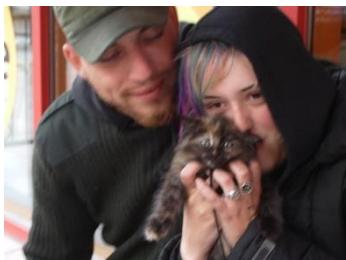


Photo: Paul Kohler

Lisa and Carl live out of their car with their 2-year old and 6-month old daughters. Lisa struggles with health issues, including diabetes and PTSD, and Carl struggles with mental health issues. They alternate days doing day labor so that one of them can be with their kids, and continue to try to save money in order to stay at motels to keep their family healthy and clean. A portion of their interview is detailed below.

Interviewer: Do you struggle with any physical or mental health issues?

Carl: Definitely a lot of depression.

Lisa: My issues are post-traumatic stress disorder, borderline personality disorder, and diabetes. When we are sleeping and someone just come and knocks on the door or window, it scares me half to death because I do not know who it is.

Interviewer: Can you tell me what happens in exchanges with a security officer or cop?

Lisa: Yeah, it is usually a security officer or a cop. The other day it was the police... we were sleeping in our truck. It was about 1-2 in the morning. He [the police officer] woke up our daughter, and she was sleeping up front with us.

Carl: They just told us to move along and told us that the parks were closed.

Interviewer: Can you tell me about other experiences with law enforcement?

Lisa: When I was 8 months pregnant... a police officer told me to get out of the truck in the middle of the winter. I had shorts on. I had short sleeve shirt on. I had nothing that I could cover up with. He would not allow me to cover up...He searched the truck...and told us to move along. He didn't find anything...I was standing outside for at least 15 to 20 minutes.

Interviewer: How do you choose where you park and where you sleep at night?

Carl: We usually go where not a lot of people are, so we feel safe. We try to go somewhere where there is not a lot of confrontation, so we do not have to worry about cops and things like that.

Interviewer: Have you ever had any of your stuff taken?

Lisa: We had [our vehicle] in an area where they said we couldn't have it, and we did not have any gas to move it, so they towed it.

Carl: We lost a vehicle that way too.

Lisa: When we need help, nobody is there to help us... We have gone to law enforcement a couple of times to get motel vouchers and they say, 'Well is it going to be below 30 degrees tonight? If it is under 30 degrees then we can help you, but we can't help you unless it is under 30 degrees.'...[I asked] is there any way you can help us? I have two babies. I do not have any way of feeding them. I don't have any way of taking care of them. I can't even get diapers for them... 'Help 211' is their only answer.

Homelessness, Health and Policing: Unhealthy by Design?



This study examines how the criminalization of public survival activities might be affecting the health of persons experiencing homelessness in Denver. Though it is well-established that homeless people face elevated health and safety risks, we know very little about how the rise in anti-homeless laws across the nation, and in Denver, might be affecting these already elevated risk levels. Do “quality of life” laws like the Denver Camping Ban actually make homeless people more physically sick, more mentally ill, and more likely to be physically or sexually assaulted?

Homelessness and Health: An Overview

Living on the streets dramatically undermines a person’s well-being. “Housing is considered a form of health care, as it can prevent new physical and mental health conditions from developing and provide the ability for people to manage existing conditions and prevent them from getting worse.”²⁹ Exposure to communicable diseases, harsh living environments, unintentional injuries, and substance abuse are all higher among people experiencing homelessness.³⁰ Unstable living conditions, limited financial and emotional resources, and irregular patterns of eating and sleep, contribute to poor mental and physical health among the unhoused.³¹ Compared to the general population, homeless persons suffer higher rates of acute and chronic illnesses and mortality.³² Chronic conditions like diabetes, dental problems and hypertension are common in homeless populations, and are poorly managed.³³ Due to a lack of preventative care and early intervention, people who sleep on the streets have more advanced illnesses that are more expensive and complicated to treat.³⁴

Living on the streets increases the chances of becoming the victim of violent acts. Sleeping rough has been found to increase the risk of mortality by up to eleven times compared to the general population.³⁵ Studies show that between 27% and 52% of homeless people were physically or sexually assaulted in the previous year, and that traumatic brain injury rates are significantly elevated in homeless populations.³⁶

During the winter, the poor health of homeless individuals is often worsened by cold, with problems including congestive heart failure, obstructive pulmonary disease, hypothermia, and frostbite.³⁷ Shelters are not always a healthy alternative to exposure on the streets, as shelters can heighten exposure to infectious diseases (such as skin, respiratory, and viral diseases), and can complicate recovery from injuries and ailments.³⁸ Homeless diabetics face unique barriers to health maintenance. For example, shelters rarely provide clean spaces for diabetes patients to regulate blood sugar and the food provided by shelters is often high in starch and sugar.³⁹

Mental health issues, such as anxiety and mood disorders, are common in homeless populations.⁴⁰ While sleeping rough on the streets can exacerbate these mental health challenges, shelter living brings its own challenges as many homeless individuals face serious psychological challenges in dealing with crowded and claustrophobic conditions, in a shelter situation with little personal privacy.

Homeless people use emergency care at higher rates than the general population. Reasons for frequent use of emergency care use include: inadequate resources for regular care, inability to acquire prescribed medications, exposure to communicable diseases, high rates of chronic diseases, unintentional injuries, comorbid health issues, and substance abuse.⁴¹ Upon discharge from emergency care facilities or regular hospital rooms, homeless people are often too ill to reside on the streets or in a shelter, yet are not ill enough to remain hospitalized.⁴²

Anti-Homeless Laws and Public Health: “Tough Love” and “Coercive Care”?

Many supporters of anti-homeless laws claim that such laws will actually *improve* the health and quality of life of homeless persons. Supporters argue that these laws are “tough love” approaches to force homeless people off the streets and into services that can help them gain better control of their lives. Laws forbidding public sleeping or sitting, and other forms of behavioral supervision, are defended as “compassionate disruption” or “coercive care” strategies to compel service-resistant homeless people to improve their physical and mental health by leaving the streets, coming into shelters, and utilizing services.⁴³

Proponents of Denver “anti-homeless” have advanced just this “coercive care” argument that the city’s camping ban’s restriction on use of blankets or other shelter, even on cold nights, is meant to force service-resistant homeless individuals to move off the streets and into healthy, indoor services. For example, Denver Councilman Chris Herndon has argued that the camping ban would help the homeless “because it would work as a tool to inform them about Denver’s social services.”⁴⁴

*“Denver is a compassionate city...
Removing the option to camp on our
streets will...provide the impetus to
better connect people to services such
as shelter, food and clothing....Our
Number 1 goal is to help move our
most vulnerable residents to safer,
healthier conditions.”*

Denver Mayor,
Michael Hancock (2012)^e

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

Denver City Councilman,
Chris Nevitt (2012)^f

In response to such claims, critics like the Colorado Coalition for the Homeless and the Colorado ACLU have argued that quality of life laws do not help homeless people connect to woefully inadequate services, but only exposes them to constant police harassment and drives them into unsafe hiding places. Such laws, therefore, make it harder for service workers to connect with the homeless, and make it harder for homeless people to stay healthy, go to school, or get a job because of increased tensions with the police and the growth of their criminal record. Similarly, the American Public Health Association has called upon federal, state and local agencies to identify and adopt alternative solutions to criminalizing homelessness, as these measures “are not only ineffective in reducing homelessness and costly to enforce but serve as a barrier to income and housing stability.”⁴⁵

Critics of these laws point to research which suggests that the enforcement of “quality of life” laws such as camping bans contribute to sleep deprivation, increased risk of violence and even survival drug use as homeless persons consume stimulants like Meth to stay awake and keep moving at night. Critics of “coercive care” argue that laws requiring people to leave the streets are especially troubling because they make survival activities illegal (such as sleeping or sheltering in public), even while officials admit that there are not enough affordable housing units or shelter beds for all homeless people to get off the street on any given night. Thus, quality of life policing, cloaked in a false language of compassion, allows officials to punitively remove the homeless from public sight, while disingenuously claiming to be offering adequate shelter and services. Though such parlance may help make quality of life laws publically palatable, critics argue that the real message of quality of life policing is not missed by those experiencing homelessness: “Get out. You are not welcome, and you have no right to be here.”

Denver City Councilwoman Susan Shepherd presented just this argument in her 2012 critique of the camping ban. Instead of encouraging homeless people to move indoors into non-existent services, she claimed, this ban would simply push people into hidden, less safe and harder to reach locales. “The consequences of that is that they may hide or disappear to dispersed areas of the city where we are even less likely to be able to reach them with the services that we have been discussing now. Our overall efforts may actually decline in being able to connect these people to the services that they need.”⁴⁶ For this reason, The National Inter-Agency Council on Homelessness, the U.S. Department of Justice, and the U.S. Department of Housing and Urban Development, have all argued that such laws are cruel and counterproductive to the goal of reducing street living among homeless people or improving the their quality of life.⁴⁷

An Evidence-Based Approach to the “Tough Love” Debate

In this report, we seek an evidence-based approach to this “tough love” debate. Proponents argue that anti-homeless quality of life laws are positive developments for homeless people and will be the “tough love” they need to seek services to improve

their own health. Critics argue that such laws will lead to harsh policing, contribute to sleep deprivation, drive homeless persons into hidden and unsafe and sleeping locations, and otherwise put them at higher health risks.

What does the evidence indicate? In this report, we present survey data that can inform evidence-based answers to public policy questions. What are the consequences of quality of life policing on the health of Denver's homeless residents? Is Denver public policy exacerbating sickness, mental illness and physical assault among the homeless? Are we creating a population that is unhealthy by design?

Denver's Initiative 300: Pushing Back on "Coercive Care"?

In May of 2019, Denver voters will decide whether to declare a right of homeless people to conduct acts of survival in public places. Initiative 300 declares that homeless people have a right to sit non-obstructively in public areas, to shelter with blankets against the weather, to accept food offered by others, to sleep in their own cars, and to protect their belongings from summary disposal by police.

Opponents of Initiative 300 argue that allowing homeless people to sit, sleep or shelter in public places, free of police harassment, will actually hurt them. They claim that homeless people are better off, and will become more healthy, if we have anti-homeless laws prohibiting them from acts of survival. The "NO on 300" webpage claims that declaring a right to survive in public areas is "*inhumane*" and that "*allowing people to sleep outside in public is not safe, healthy, or helpful for the people experiencing homelessness in our community.*"^g

Similarly, a banker and realtor dominated Colorado think tank (The Common Sense Policy Roundtable) maintains that making it "easier" to remain on Denver's streets will undermine the health of homeless people, because "*Denver's current ban [on homeless use of personal shelter] is designed to connect people experiencing homelessness with services and housing.*"^h

The *Gazette* Editorial Board has argued that "*Denver, like most Colorado communities, cares passionately about its homeless residents....Issue 300 works against the homeless, enabling permanent avoidance of the assistance offered by law enforcement, shelters and other social service agencies. Living in a park or parkway is not safe, normal or healthy.*"ⁱ

Such claims that camping bans, and constant police contact, will actually improve the health and quality of life of homeless people are common. But what does the actual evidence say? As Denver has increased its network of anti-homeless laws and increased police contact with the homeless, do we find the health of homeless people improving, as promised by policy-makers? Do laws forbidding acts of survival in public places help or harm people experiencing homelessness?

In the hopes that public policy might be driven by evidence, rather than mere assertion of good will on the part of those who support anti-homeless ordinances, we have designed the survey reported on in this study.

PART II

HOMELESSNESS & HEALTH SURVEY: METHODOLOGY & DEMOGRAPHICS



Survey Background & Methodology



This study examines how interactions with police and criminalization affect the health of Denver residents experiencing homelessness. The official defense of anti-homeless laws is that they are “tough love,” meant to help homeless people improve the quality of their lives by encouraging them to leave unsafe city streets for more safe and secure indoor sleeping locations and to seek the health care and other social services they need to succeed. But critics argue that Denver’s criminalization of homelessness is actually making homeless people more sick, stressed and vulnerable. Critics of anti-homeless policing maintain that the city of Denver is pursuing strategies that are unhealthy by design—measurably harming the public health of Denver residents.

What does the evidence reveal regarding the health consequences of the criminalization of homelessness? We designed this survey to gather evidence to inform the public debate, by answering the following kinds of questions:

- When homeless people are woken up often by police with “move along” orders, what are the effects on sleeping patterns and related health?
- Do laws forbidding the use of blankets and bedrolls lead to increased incidents of frostbite or other exposure-related maladies?
- When people choose hidden sleeping locations to avoid police, are they more likely to experience robbery, violence, and/or sexual assault?
- Does a climate of pervasive police contact negatively affect the mental health of homeless people?

Survey Methodology

To explore these questions, a 2018 CU Denver research team, in partnership with Denver Homeless Out Loud, designed and conducted a survey to collect the experiences of Colorado’s homeless community. A 36 question survey was designed through a series of community meetings. The survey focused on the self-reported health and safety experiences of homeless people, as well as on their interactions with Denver police and other law enforcement individuals.⁴⁸

Training sessions were held with surveyors to discuss survey administration, so as to best insure the survey would be administered in a professional and unbiased way. Surveyors were instructed not to share their personal analysis of any of the survey questions while surveying. Prospective respondents were simply to be informed that the survey related to people’s experiences surviving in public places and interacting with the police, and were then asked to fill out the survey. All

survey respondents were instructed not to fill the survey out again if they had already filled it out before.

Throughout the fall and winter of 2018, surveyors fanned out across Denver to recruit respondents. Survey sampling methodology was a mixture of cluster and convenience sampling. Cluster respondents were selected from strategically chosen sites (such as core downtown areas, shelters, service-providers and other public spaces frequented by the homeless), so as to ensure representativeness of the homeless population living in public spaces. At each of the cluster sample sites, surveyors collected responses from a convenience sampling of all respondents who were present and willing to take the survey. Representative sampling sites are listed below. A semi-structured interview guide was also developed in order to better understand the relationship between some of these survey items. Multiple in-depth interviews of between 30-60 minutes were conducted by one of this study's authors and by a member of DHOL.

Selected “Cluster Sampling” Sites for the Survey

16th Street Mall

Civic Center Park

Free Meals Sites

Parks, Streets, Sidewalks &
Parking Lots

Public Libraries, Shelters &
Day Centers

Resource Centers & Day
Labor Employers

Shelter and Service Sites for
Women and for Youth

In the end, 484 people with recent experiences of homelessness were surveyed. Once surveys were completed, the de-identified survey data were delivered to Dr. Tony Robinson, (Associate Professor of Political Science at the University of Colorado Denver), and to Marisa Westbrook (Ph.D. Student in Health and Behavioral Sciences at the University of Colorado Denver). These researchers completed the data analysis and produced this final report.



Photo: University of Denver

Survey Demographics

The survey was administered to 484 homeless respondents, who were diverse and representative of Denver's homeless population. These 484 respondents equate to 14% of the 3,445 people that Denver reports as its official estimate of how many people were homeless on January 29, 2018, and living either in emergency shelters, transitional housing, "Safe Haven" housing, or unsheltered locations in public. 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) 2018 homeless count.⁴⁹ The diversity of DHOL survey respondents, and their general match to the widely utilized MDHI numbers, suggests that our "Health and Homelessness" survey reached a broad and representative sample Colorado's homeless population.

Table 2. Race/Ethnicity of Health Survey Respondents vs. MDHI Respondents

Race/Ethnicity	Health Survey	MDHI 2018 Point in Time
White	41.9%	75.7%
Latinx	17.6%	22.3%
Black	15.3%	21.9%
Native American	7.3%	4.5%
Asian	1.1%	0.5%
Mixed/Other	16.5%	11%

Note: Numbers add to more than 100% as Latinx ethnicity may be of any race, and respondents may show up in multiple percentage counts.

Table 3. Demographics of DHOL Survey Respondents vs. MDHI Respondents

Survey Demographics	Health Survey	MDHI 2018 Point in Time
Male	67.8%	71.1%
Female	27.7%	27.9%
Transgender/non-binary	4.3%	0.6%
Age Below 18	3.5%	11.8%
Age 18-24	7.6%	6.8%
Age 25-54	64.4%	55.2%
Age Over 54	24.7%	25.1%
Mental Health Issue	28.8%	26.9%
Veteran	13.4%	12.4%

Survey Limitations and Possibilities

There are limitations to this survey as a scientific instrument. For example, the convenience sample methodology means that the sampled population is not perfectly representative of the region's homeless population. But this kind of convenience sampling is common in social science survey research, especially among people experiencing homelessness, a very difficult population to enroll in a perfectly random survey. In any case, the broad mix of survey sites, the large size of the survey sample (484 respondents), and the general match of demographics with the Denver area Point-In-Time survey, suggest that this survey connected with a representative range of homeless people in the region.

This survey asked people about their personal experiences with police officers and other law enforcement individuals. It also asked people to report on their own mental and physical health issues, stress levels, and related matters. There may be a concern that respondents might inaccurately remember their experiences with police, or might not accurately report their health status.

The problem of inaccurate memories and reporting is endemic to all survey research and cannot be avoided. Part of the reason for surveying several hundred respondents (we surveyed 14.4% of all Denver homeless residents, according to the 2018 MDHI Point in Time survey) is so that cases of individual error in reporting can be corrected due to the large number of overall respondents. Furthermore, it is critically important to document the personal experiences of those who know these realities first hand. This survey tells us what homeless people themselves have to say about life on the streets, and about how the growing criminalization of homelessness is effecting the personal health. Taking their personal experiences and reflections seriously is essential in an environment where we far too often ignore or devalue the insights of the very people officials claim to care about in their "tough love" declarations.

Too often, people in positions of power speak for and about people living without homes—offering platitudes about how harsh laws against sitting down or prohibiting the use of a blanket on a cold night are actually good for homeless people. For example, Denver City Councilman Chris Nevitt defended the Denver Camping ban by claiming that too many homeless people need the help of detox to stay sober, or need the help of social service agencies, but yet they often refuse to accept that help. Persistent police contact is needed to force these people to move off the streets, Nevitt argued. "Those are the people right now where we really don't have the tools available to push them into the arms of help," Nevitt claimed. "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."⁵⁰

In the face of comments like this, it is time we hear from homeless individuals themselves.

Just what is it like to face that stick?

PART III

FINDINGS: HOMELESS HEALTH & DENVER POLICING



Overview: Health Patterns Among Denver's Homeless Residents



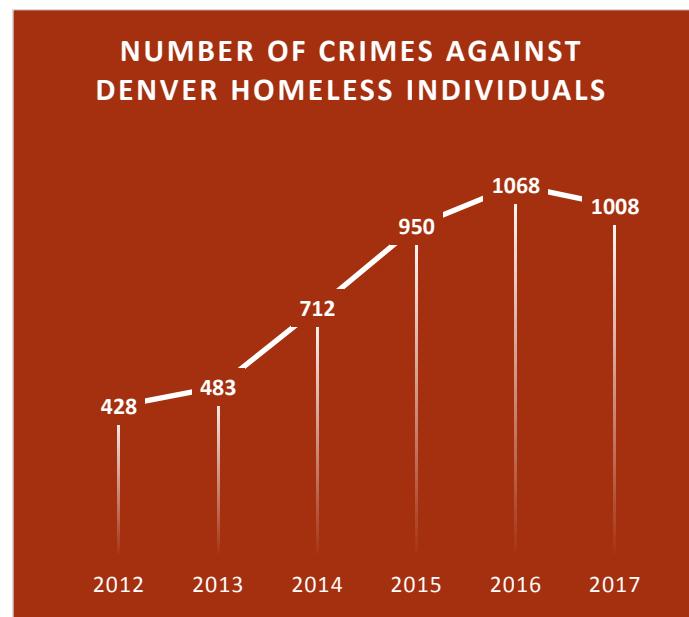
The Colorado Department of Public Health and Environment reports that homeless Coloradans are “at high risk for illness and have higher death rates than the general population.”⁵¹ In fact, for four years in a row, the number of people who have died homeless on Denver’s streets has increased. In 2018, at least 233 people Denver residents died on the streets, many due to exposure or physical violence, and many others due the comorbid conditions of poor health, exposure and frostbite.⁵²

In addition to exposure, blunt and sharp force trauma are other leading causes of death of homeless people, typically due to assaults and physical altercations. Denver police data show that the number of the number of crimes against homeless people—quite often physical assaults—increased for four straight years from 2013-2017—rising 42% over that period, to reach 1,008 crimes in 2017.⁵³

“Homelessness affects a person’s health and puts them at risk for mental illness. When people are forced to live without a stable home, they are exposed to many risk factors for poor health and well-being, including harsh living conditions, violence and unsafe conditions, drug and alcohol use, reduced access to health care services, and physical and behavioral health issues.”

*-Colorado Department of
Public Health and Environment^j*

Chart 2. Crimes Against Denver's Homeless

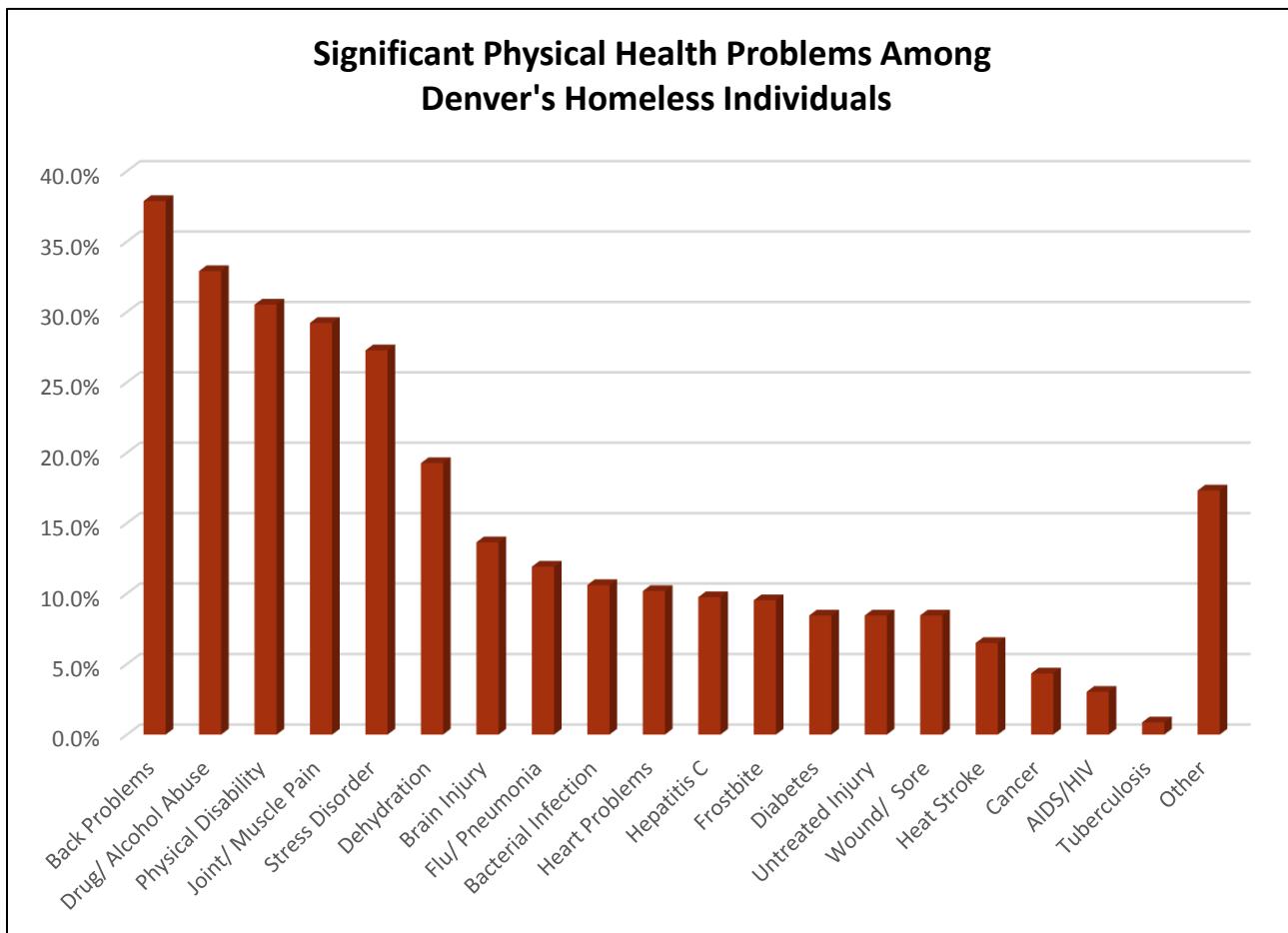


The data in our Health and Homelessness survey confirm the relationship between homelessness and poor health.

- **85% of Denver Homeless Respondents Report a Significant Physical Health Ailment**
- **29% of Denver Homeless Respondents Report a Significant Mental Health Challenge**
- **39% of Female Homeless Respondents in Denver Report having been Sexually Assaulted**

To further explore the responses of the 85% of people who reported a significant health challenge, the chart below categorizes the kinds of physical ailments that survey respondents reported.

Chart 3. Physical Health Problems Among Denver's Homeless Individuals



A humane public response to homelessness must begin with the understanding that Denver's residents who experience homelessness are at exceptionally high risk for physical disease, mental illness and physical assault. Public policy should be designed to mitigate, not exacerbate, these conditions. A few details in Chart 3 deserve particular attention, as they raise the possibility that any policy making it harder to survive on Denver's streets will further undermine, not improve, the health of Denver's homeless residents.

- **About 27% of all respondents experience stress disorder.** This is a condition that might predictably be exacerbated by frequent contact with law enforcement, including persistent and repeated waking up by police during sleep. This report will provide data on that dynamic in a later section.
- **A full 19% of all respondents report problems with dehydration.** Considering how vital adequate hydration is to health, it is deeply concerning that so many homeless individuals cannot find adequate clean water in Denver. The lack of public bathrooms, or other areas with running water able to be accessed by people experiencing homelessness, surely exacerbates this high number.
- **Almost 10% of respondents have experienced frostbite, while 6% have had a heat stroke.** Denver's camping ban forbids anyone who lives in public from using any form of shelter from the elements other than their clothes. As data will later show, many homeless people have been instructed by police to desist from using blankets, bedrolls, or other shelter, from the cold and heat--and many more have proactively chosen to quit using such shelters, in order to avoid contact with police. It is a reasonable conjecture that forbidding people from using shelter from extreme cold and heat—and enforcing those edicts with persistent police contact and warnings—is likely to exacerbate high rates of frostbite and heat stroke.

We will explore these possible connections between “quality of life” policing of anti-homeless laws and the health consequences for people experiencing homelessness in the following sections of this report.



Samuel has lung cancer and trouble breathing.

He watches his friend's tent, while his friend works nearby

Photo Credit: Paula Bard

Frequency of Police Contact



Our study hypothesis is that Denver's growing criminalization of the homeless—as represented by the proliferation of anti-homeless “quality of life” laws that are vigorously enforced by police—undermines the physical and mental health of Denver's already vulnerable homeless residents. Before exploring the data regarding the links between aggressive policing and poor health outcomes among the homeless, this study section provides detail regarding the frequency of police contacts with Denver's homeless population.

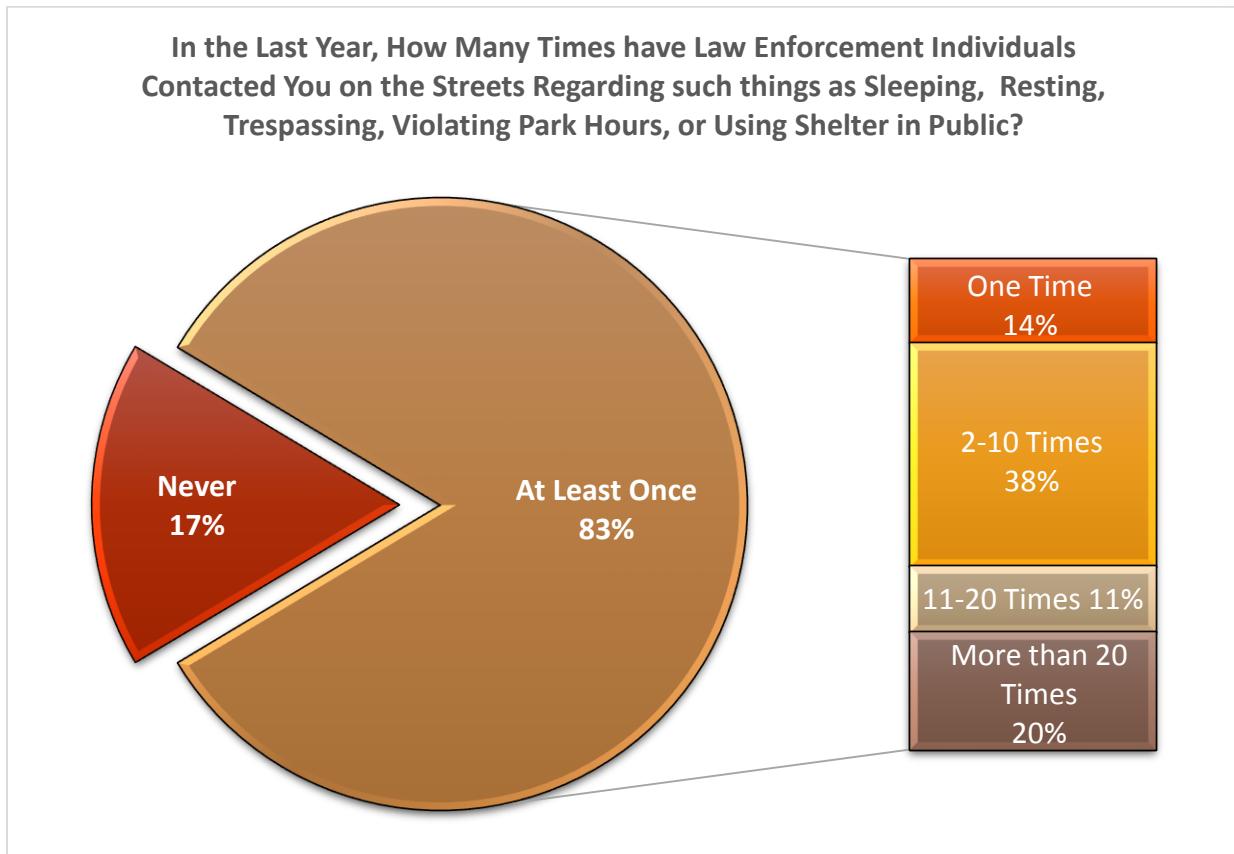
Previous studies by University of Colorado researchers, University of Denver researchers, and Denver Homeless Out Loud members, have well documented how police contacts, warnings, citations and arrests have become a way of life for Denver's homeless residents. In Denver, homeless residents are frequently contacted, ticketed and even arrested by police for crimes of homelessness, such as violating the “Sleep-Sit” ordinance (which makes it a crime for people to sleep or sit in public in much of downtown Denver). A 2013 survey of Denver's homeless residents revealed that 90% of respondents had been contacted by police and advised to move along or otherwise change their behavior in the previous year, while 70% reported receiving a ticket for crimes of homelessness, such as violating park curfew, sleeping in public, or trespassing in a business alcove.⁵⁴

DHOL Homeless Survey Results from 2013

36% of Respondents ARRESTED for Crime of Homelessness
70% of Respondents TICKETED for Crime of Homelessness
90% of Respondents Report Police HARASSMENT

Our current “Health and Homelessness” survey shows these same patterns of frequent police contact as a way of life for Denver's homeless residents. As Chart 4 shows, 83% of all respondents who sometimes sleep outside have been contacted at least once in the previous year by law enforcement for such things as sleeping, sitting, or using shelter in public: 31% have been contacted more than ten times in the previous year for such “quality of life” crimes.

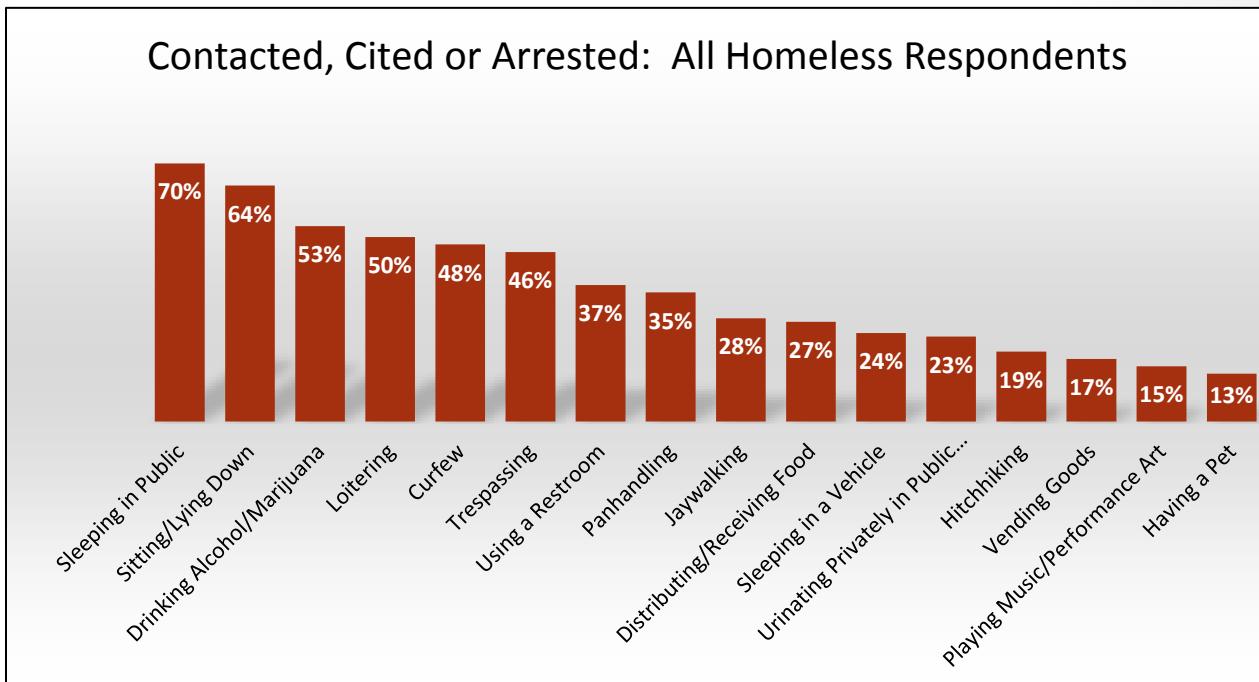
Chart 4. Frequency of Police Contact for Sleeping, Resting, Using Shelter, etc.



As reported above, 74% of all 2018 Denver survey respondents report police contact for sleeping or using shelter in public in the preceding year. Similarly, 90% of respondents to a 2015 Colorado survey reported police contact for a wider range of “crimes of homelessness.” “Crimes of homelessness” can be defined as laws that result in warnings, tickets or arrests of homeless people for engaging in activities in public that are hard to avoid if one is to survive while homeless, such as sleeping in public, violating curfews, trespassing in business alcoves, or having a pet without a license.

Chart five is drawn from a 2015 survey of Colorado’s homeless residents and reveals the kinds of “quality of life” offenses homeless people in the state are most often contacted, cited or arrested for.⁵⁵

Chart 5. Common Violations for which Homeless People are Contacted, Cited or Arrested



Though citations and arrests are possible for violating quality of life ordinances, the most common result of police contact is an order to “move along.” A full 74% of our survey respondents reported at least one police request to “move along” in the previous year, with 26% of respondents having been asked to “move along” more than ten times.

Chart 6. Frequency of Police Requests to “Move Along”

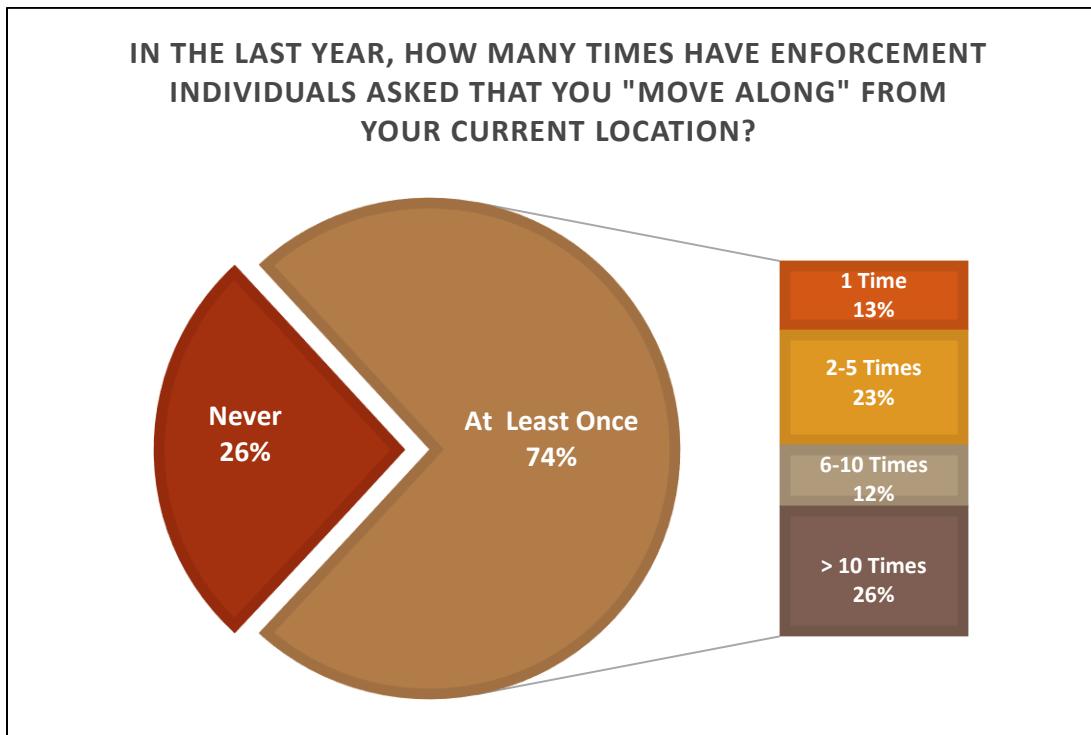


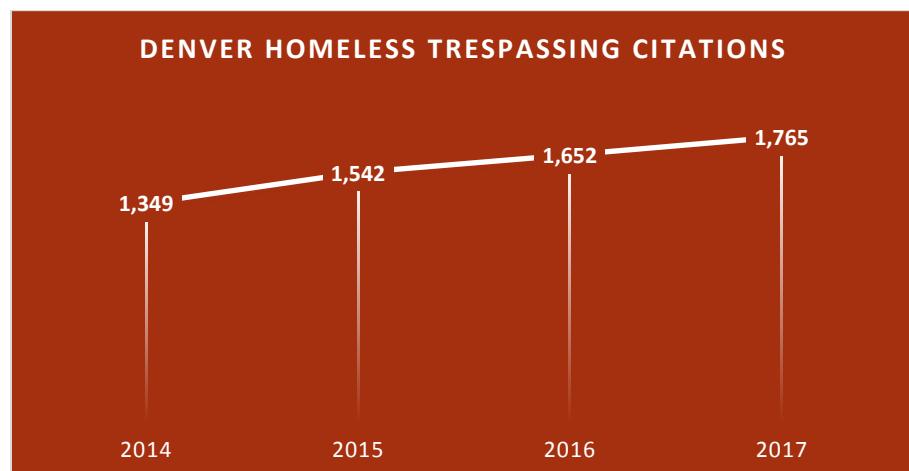
Table 4, below, shows the results when people were asked to explain in more detail what occurred as a result of police contact in the preceding year. While the most common result of contact is a “**Move Along**” request, a large number of homeless respondents (44%) report arrest as a result of police contact, and 27% of respondents report police warning them about laws against such things as sleeping, sitting, or sheltering in public. Only 14% were asked if they were in need of services, and in only 3% of cases was a social worker or medical staff contacted to help with the situation.

Table 4. Common Results of Contacts with Law Enforcement

During the Last Year, If You Had Contact with Enforcement Individuals, What was the Result of that Contact?	
I was Asked to "Move Along"	46.9%
I was Arrested	43.8%
Police Checked for Arrest Warrant	38.6%
We Just Talked	32.1%
Police Informed Me of Laws Forbidding Camping, Covering Myself, Sleeping, Sitting, Panhandling, Park Curfew, Etc.	27.1%
Police Issued a Verbal or Written Warning	26.9%
Police Issued a Citation	15.8%
I was Asked if I was in Need of Services	14.2%
Police Contacted Social Worker or Medical Staff	3.2%

The high number of reported arrests of homeless persons (44% of all respondents) is supported by official police data. For example, in 2017, Denver police issued 1,765 trespassing citations to homeless people—mostly for trespassing in business alcoves or other such private spaces downtown where people seek to shelter and survive on the streets. Denver’s official “Point in Time” survey reports that there were 3,445 homeless people living on the streets, in shelters, or in transitional housing on a single night in 2018,⁵⁶ which means that for just this one crime alone (trespassing), police issued citations equivalent to 51% of the entire population of reported homeless persons.

Chart 7.
Denver Homeless Trespassing Citations



Source: Denver Police Data, Reported by University of Denver Sturm College of Law

Policing and Health: Sleeping Patterns and Consequences



For Denver's homeless, inadequate overall sleeping time is exacerbated by frequent wake-ups by police during the night, which disturb sleeping patterns. The difficulty of getting a good night's sleep while facing the noise, insecurity, lack of privacy, and extremes of cold and heat on the streets is a profound challenge. Denver's policing practices only make the problem worse, and the health of people experiencing homelessness is suffering because of it.

Poor Sleeping Patterns For Homeless Persons

Our survey shows that only 29% of Denver's homeless who sometimes sleep outside get more than 6 hours of sleep a night; fully 30% only get three hours or less of sleep each night. In addition to diminished hours of sleep, people experiencing homelessness typically sleep in short bursts, subject to frequent interruption. In Denver, our survey reveals that 16% of homeless residents only sleep for 30 minutes on average before being wakened by an interruption; another 24% sleep 1-2 hours at a stretch before interruption.

Chart 8. Hours of Sleep per Night for Homeless Persons who sometimes Sleep Outside

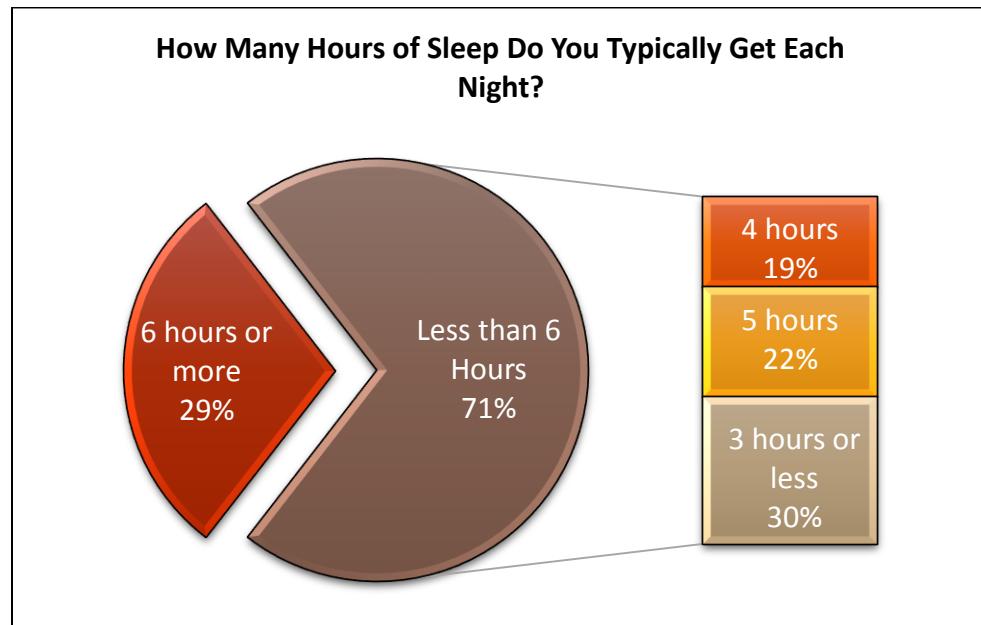
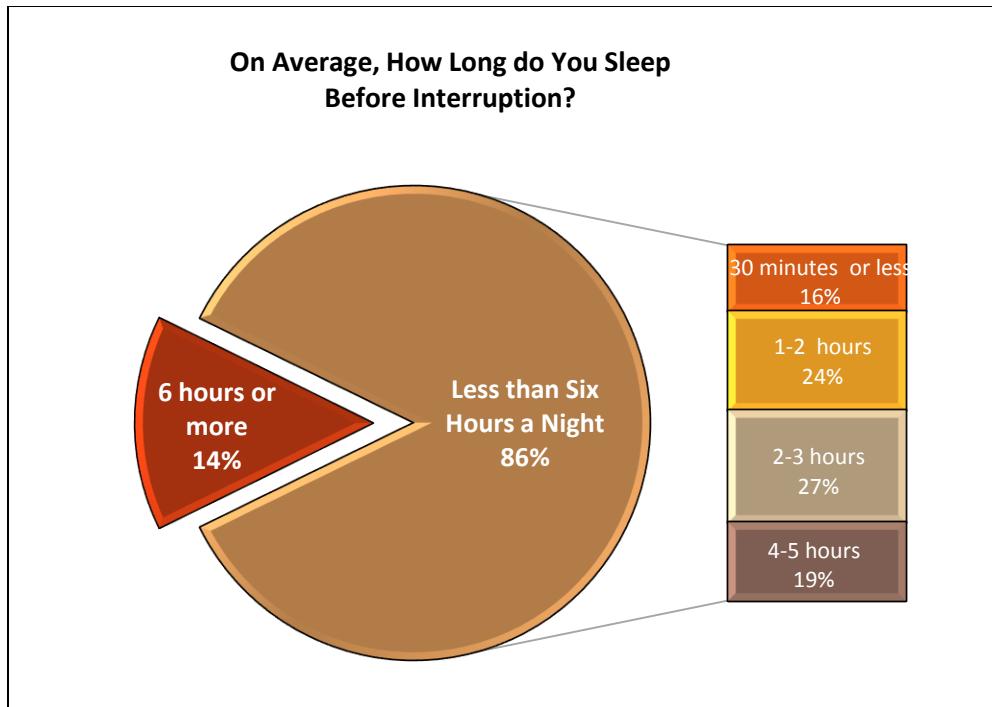


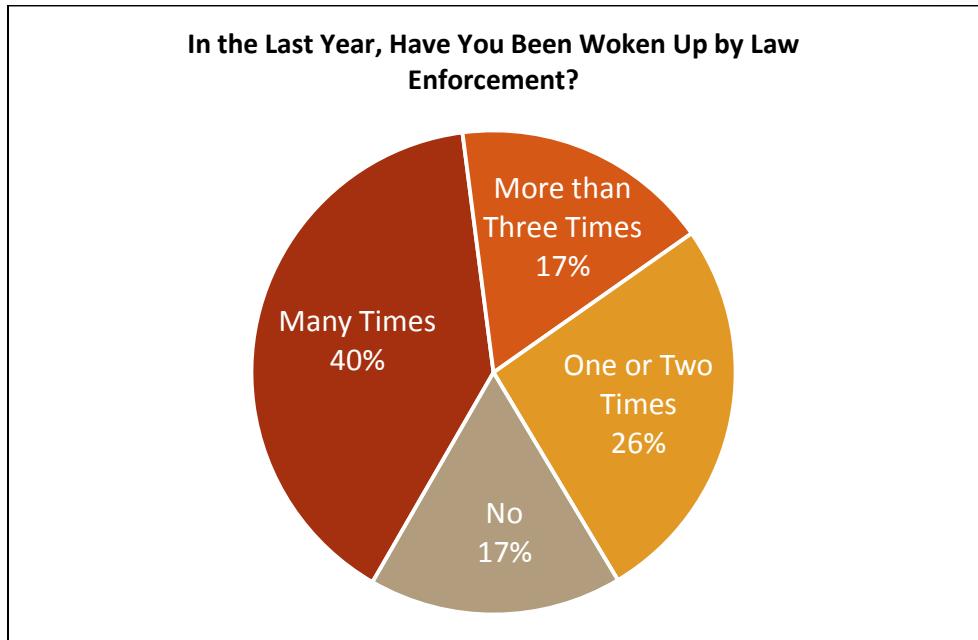
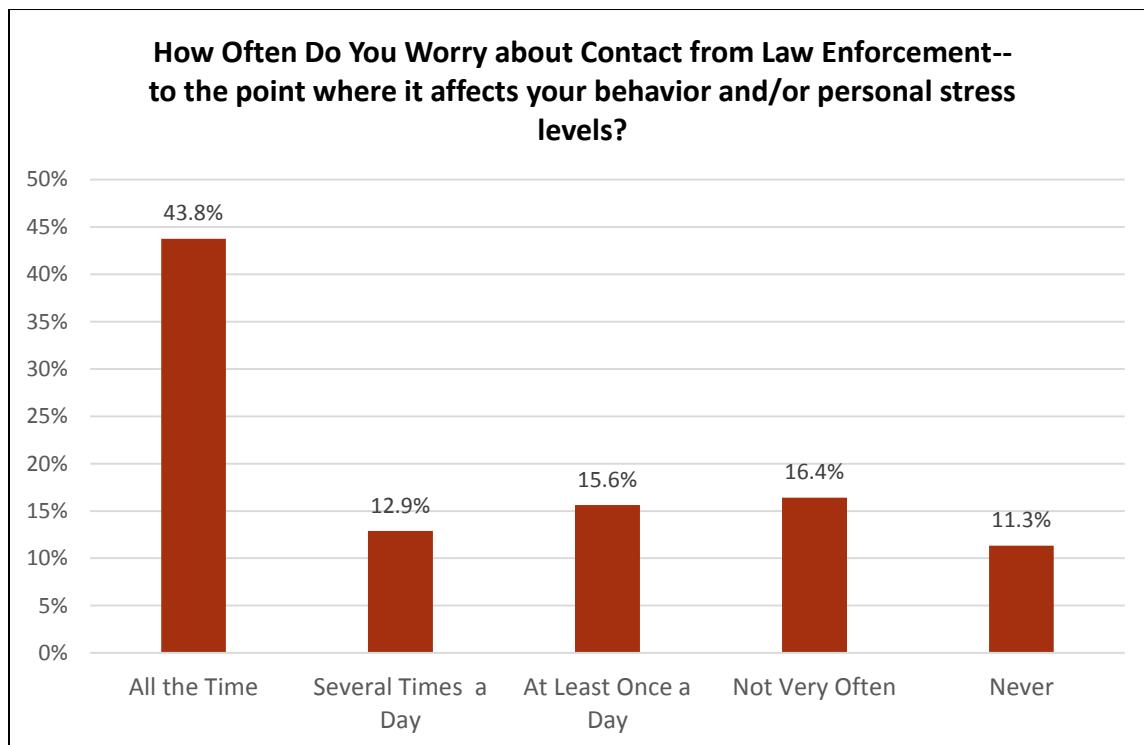
Chart 9. Average Hours of Uninterrupted Sleep for Homeless Persons who sometimes Sleep Outside



Police Exacerbation of Poor Sleeping Patterns

The challenging sleeping situation for homeless people is exacerbated by frequent police interruptions, especially for the 54% of survey respondents who sometimes sleep outside, without any formal shelter at all. As our survey revealed, Denver police constantly wake these people up from sleep. Our survey found 83% of people who sometimes sleep outside have been woken by police in the last year. Of that group, 57% have been woken more than three times (see Chart 10).

It is a situation that leads to constant stress and worry among homeless people. Even when police aren't waking people up, advising against use of blankets, and urging them to "move on," homeless Denverites are frequently *concerned* about the possibility, to the point where it causes people to lose sleep and change their behavior (Chart 11).

Chart 10. Number of Times Woken Up by Law Enforcement**Chart 11. Frequency of Concern Regarding Contact from Law Enforcement**

People experiencing homelessness face profound sleeping challenges, which undermines physical and mental health. When these difficulties are exacerbated by frequent police wake-ups, orders to move along, and confiscation of blankets and

bedrolls, the health of homeless individuals predictably deteriorates. The data in Table 5 below, reveal that as the frequency of police contact increases, the quality of sleep for homeless people deteriorates. It is noteworthy that among those woken by police frequently, 21% of respondents sleep in blocks of 30 minutes or less, while only 9% sleep in blocks of 6 hours or more a night. The numbers reveal much better sleeping patterns for those who are not regularly woken by the police at night. Among those who have not been woken by police, only 11% sleep in blocks of 30 minutes or less (half the rate of those frequently woken). Also, 42% of those not bothered by the police sleep more than four hours at a time before waking—while only 28% of those woken often by police get similarly lengthy periods of “good sleep.” These numbers are highlighted in the tables below.

Table 5. Policing & Time Sleeping Correlation I

Have You Been Woken by Law Enforcement? As Cross-Tabulated with Average Length of Uninterrupted Sleeping Period	
Yes, Woken Many Times	33.63%
30 Minutes or less	21.48%
1-2 hours or less	27.52%
2-3 hours or less	22.82%
4-5 hours or less	18.79%
6 hours or more	9.40%
Yes, Woken More than Three Times	14.90%
30 Minutes or less	22.73%
1-2 hours or less	22.73%
2-3 hours or less	33.33%
4-5 hours or less	13.64%
6 hours or more	7.58%
Yes, Woken One or Two Times	21.67%
30 Minutes or less	8.33%
1-2 hours or less	25.00%
2-3 hours or less	29.17%
4-5 hours or less	19.79%
6 hours or more	17.71%
No, Police Have Not Woken Me	29.80%
30 Minutes or less	11.36%
1-2 hours or less	18.18%
2-3 hours or less	28.03%
4-5 hours or less	21.21%
6 hours or more	21.21%
Grand Total	100.00%

Table 6. Policing & Time Sleeping Correlation II

Have you been Woken by Law Enforcement? As Cross-Tabulated with Average Hours of Sleep in a Night	
Yes, Woken Many Times	34.0%
Less than 3 hours	20.9%
3 hours	16.3%
4 hours	21.6%
5 hours	22.9%
6 hours or more	18.3%
Yes, Woken More than Three Times	14.9%
Less than 3 hours	17.9%
3 hours	17.9%
4 hours	23.9%
5 hours	14.9%
6 hours or more	25.4%
Yes, Woken One or Two Times	21.3%
Less than 3 hours	6.3%
3 hours	9.4%
4 hours	16.7%
5 hours	21.9%
6 hours or more	45.9%
No, Police have Not Woken Me	29.8%
Less than 3 hours	7.5%
3 hours	13.4%
4 hours	12.7%
5 hours	23.1%
6 hours or more	43.3%
Grand Total	100.0%

Table 7 summarizes some of the core data presented in the two preceding tables. The table shows a substantial deterioration in healthy sleeping patterns among homeless respondents who have frequent contact with the police. When respondents are woken by the police many times, they get less sleep overall and have shorter periods of uninterrupted sleep.

Table 7. Policing and Time Sleeping Correlation III

	In Last Year, Were You Often Woken by Law Enforcement?	
	Yes, Many Times	Not at all
I typically sleep in periods of two hours or less before interruption	49%	30%
I typically sleep in periods of four hours or more before interruption	28%	42%
I typically sleep Less than four hours of sleep, on average	59%	34%
I typically sleep six hours or more of sleep per night, on average	18%	43%

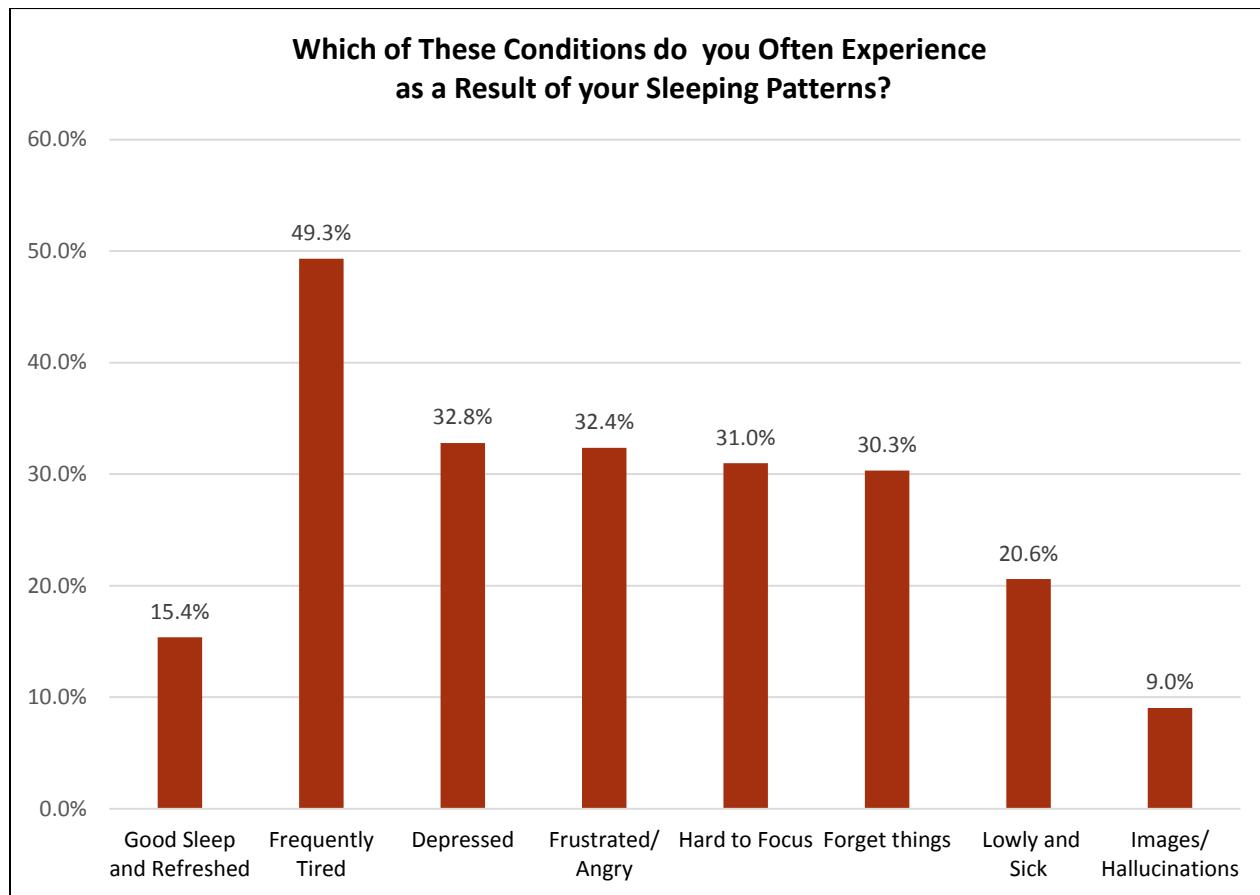
Sleep-Related Deterioration of Health

Poor sleeping patterns have a devastating effect on one's mental and physical health. Sleep deprivation is linked to a cascade of health problems, such as increased rates of mental illness, diabetes, hypertension, drug abuse, and violence. Schizophrenia-like symptoms are associated with lack of sleep, as are increases in anxiety, memory loss, and depression. It is reasonable to expect, therefore, that the enactment of laws against sleeping and resting in public spaces might exacerbate unhealthy bodily changes caused by lack of sleep. It is also reasonable to assume that loss of sleep caused by frequent policing of the homeless contributes to mental and emotional imbalance by people experiencing homelessness.

To investigate the possibility of negative "health & sleeping" consequences of anti-homeless policing, our survey asked respondents about the kinds of outcomes they suffer as a possible result of their sleeping patterns. While about 15% of respondents

said they often experienced good sleep, most others reported a variety of problems related to their poor sleep.

Chart 12. Health Consequences of Poor Sleep



While the data in Chart 12 report on the disturbing consequences of lack of sleep for all homeless respondents, it is additionally troubling that *these negative consequences all occur at substantially higher rates among those who are frequently concerned about police contact*. Table 8, on the next page, demonstrates that among those who are often “very concerned” about police contact due to their sleeping location or use of personal shelter, poor sleep and its negative consequences are much more pronounced than among the minority of homeless respondents who are “not concerned” about police contact while they sleep.

The data is clear: police contact, and the fear of police contact, substantially undermines the sleeping-related health of Denver’s homeless residents.

Table 8. Concern Over Police and Poor Sleep Health Correlation

	During Sleep, How Often Do you Worry About Police Contact, Due to your Sleeping Location or use of Personal Shelter?	
	Very Concerned (42%)	Not Concerned (32%)
After Sleep I Feel Refreshed	7.0%	24.6%
I Have Anger/Frustration Related to Poor Sleep	47.7%	20.5%
I Often Feel Lowly or Sick due to Poor Sleep	38.5%	18.1%
I Often Feel Very Depressed due to Poor Sleep	44.4%	19.2%
I Am Frequently Very Tired due to Poor Sleep	64.3%	38.8%
I Find it Hard to Focus due to Poor Sleep	43.9%	14.7%
I Often Forget Things Due to Poor Sleep	40.9%	20.9%
I See Images and Hallucinations due to Poor Sleep	14.0%	4.6%

These data make it clear that poor sleeping patterns have negative health consequences, and constant police contact with Denver's homeless residents is dramatically undermining their ability to sleep well. The data in these preceding tables is confirmed by multiple interviews with Denver's homeless residents. We conducted interviews in 2013, in the first summer after Denver's Camping Ban was passed, and conducted another round of interviews in 2019. Comments from these interviews confirm established medical knowledge that lack of sleep is profoundly dangerous to health and decision-making capacity. They also confirm that relationships with police have deteriorated since the Denver Camping Ban was passed, thus exacerbating the deleterious health effects of police contact. Consider the following representative testimony, taken from several interviews.⁵⁷

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."

"The hardest thing about being homeless would be where to sleep...where you are not going to be harassed by the police or get harassed by anyone. If I did not have a car...I would have to be with a weapon, and I would sleep very scared."

"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 2013 survey respondents say that it has become more necessary to avoid the police since the camping ban passed. 4% say the police have become more helpful to them.^k

"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."

"My problem is sleep deprivation. I'm having a problem with the police waking me up in the middle of the night for no reason...They wake us at 4 am every morning, and they basically just say 'you gotta sit up. It's against the law to lay on the sidewalk. You gotta wake up and sit up.' I'm like, 'why?' It's 4 in the morning. Normal people sleep around this time."

"There was a couple of incidents when we were laying down and sleeping. Someone's gotta stay up while someone else is sleeping. They'll roll up with a big ol' horn, a bullhorn, they get tired of getting out of their car and they use the bullhorn to say, 'you need to get up and move now!"'

"3 o'clock in the morning, they'll tell us, 'start moving.' We were kind of camped out with a lot of other folks here at the shelter property and the police will roll up and stuff and say, you guys need to move, you guys can't stay here. And then you have an exodus of homeless people around the city trying to find a spot to sit down or try and rest or something. You're having us walk around with all our property and stuff and now we're vulnerable."

"It's hard, cause right around that time you're getting some good sleep. If you had to wake up because of the police or to pee, it's hard to go back to sleep; like, now you up. That's the sleep deprivation part. So if they wake you up and it's 2, and it's cold, it's hard to go back to sleep. Then you up until the sun come up. And when the sun come up, it's warm, and you try to get some sleep, because you've been up since 2:00 am... If you're staying outside, it's hard to sleep because they're waking you up. You can't sleep."

"I was real tired because I was walking around looking for a job, I wanted to sit down and relax. I had some clean clothes so I laid my coat down and I sat on it, but I was so tired that I relaxed a little bit and I went down. I had police roll up on me. They were like, 'you need to get up and move since now you're camping... If you're laying down on a blanket or a coat, you're considered for camping and we can give you a ticket. If you're against a tree or something propped up, that's okay, but you would have to move.'"

"There's nowhere in the city for us to kind of sit down and relax. Even a normal person who is working and has a job and wants to relax and enjoy themselves, but the police will come over here and say, 'get up and move.'"

Policing and Health: Physical Safety and Personal Security



In Denver, crimes against the homeless increased 42% between 2013-2017⁵⁸—and our survey suggests that the city’s policing strategy has contributed to this increased vulnerability of homeless residents. When Denver police enforce “quality of life” laws like the “sleep-sit” ordinance (which prohibits sleeping in well-lit, downtown areas), or the “urban camping ban” (which prohibits homeless people from using blankets, tarps or other personal shelter in public places), it often involves the police breaking up groups of homeless people living downtown. As the *Denver Post* reports, “*As camps are broken up, the advocates say, homeless people disperse from the safety of groups into more remote areas where they won’t be rousted by cops, but where they also are at more risk for crimes ranging from petty theft to assault.*”⁵⁹

Advocates of the Denver camping ban and other quality of life ordinances argue that such ordinances are humane efforts remove the option of sleeping in public so as to force homeless people into more safe, indoor alternatives.

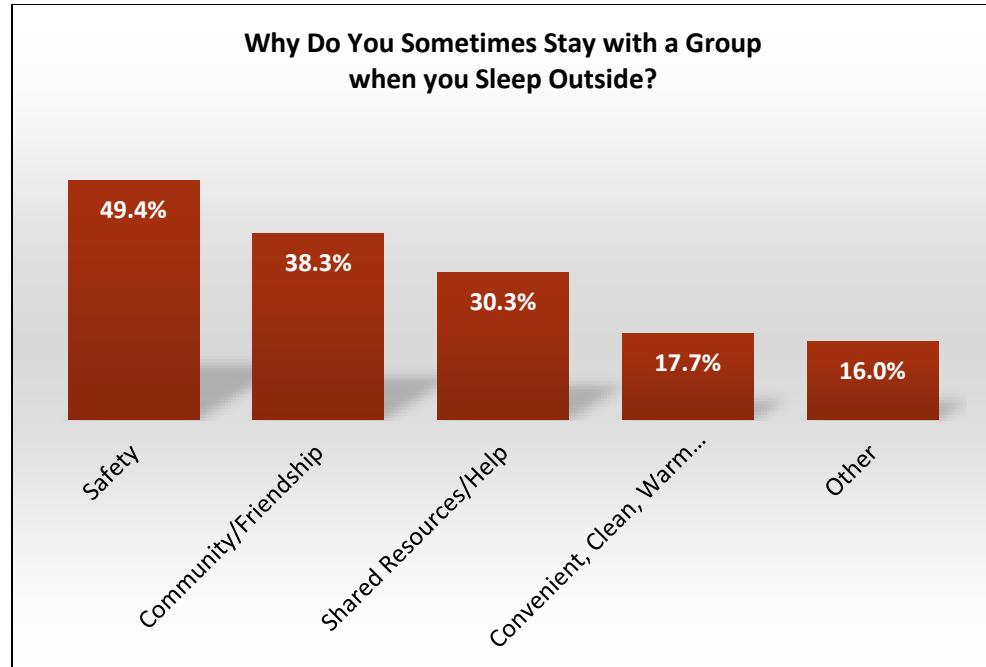
Unfortunately, these hopes have no foundation in reality. The actual data reveals quite clearly that these laws lead homeless residents increasingly to fear and avoid the police and drives homeless people into more hidden and isolated locations. The result is increased physical and sexual assaults, robberies, and other crimes against the homeless.

Previous survey research has demonstrated that many people experiencing homelessness prefer to sleep among groups, in well-lit downtown areas.⁶⁰ “One of the reasons that people stay in groups is because of safety,” notes Raymond Lyall, a member of Denver Homeless Out Loud, with personal experience living on the streets.⁶¹

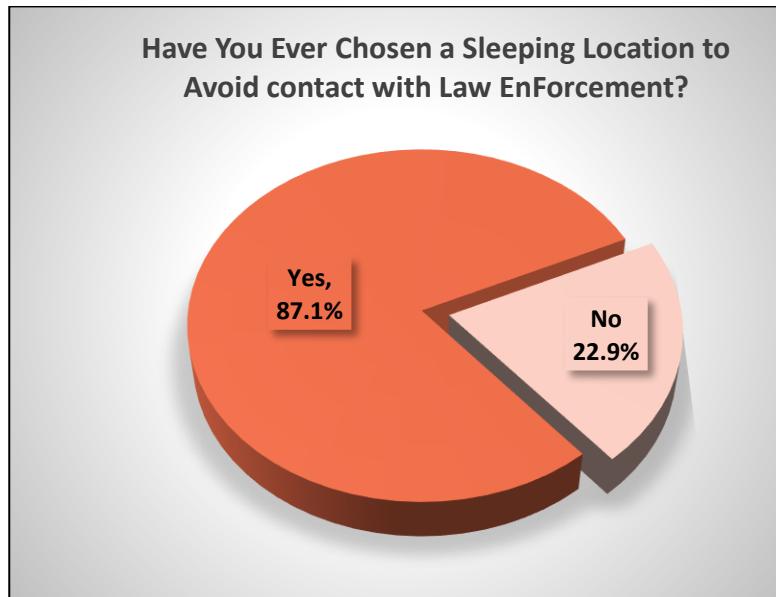
In this current Health and Homeless survey, 83.7% of all respondents noted that they sometimes sleep outside with a group. When asked why people choose to sleep with a group, personal safety was a prominent response.

“One concern I have [with the Denver camping ban] 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 consequence 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 services...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, Former Member of Denver City Council, District 1¹

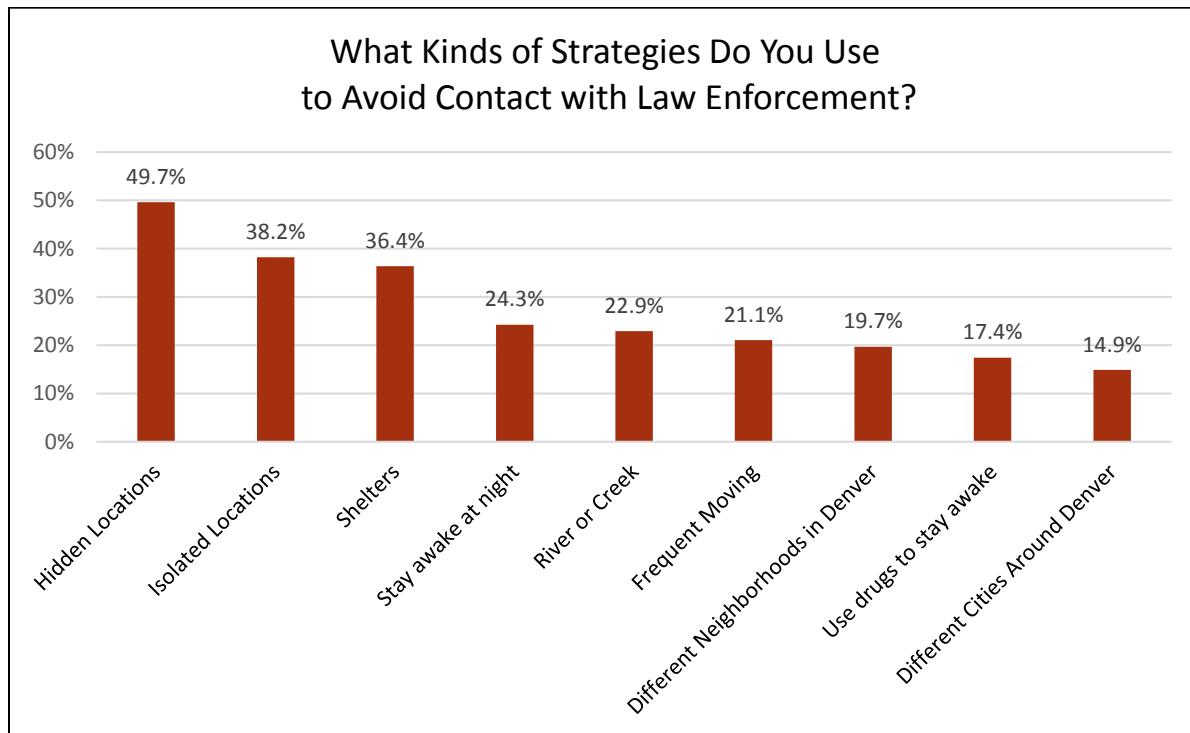
Chart 13. Reasons for Sleeping With a Group, Outside

Though many homeless persons prefer to sleep with groups, where they feel more safe and protected among friends, in well-lit and warmer locations, Denver police often break up such groups as part of quality of life” policing. In our survey, 64% of respondents who commonly sleep outside report that they have been separated from their group, due to police telling the group to break up or move along. In response to such orders, our survey shows that homeless residents commonly chose sleeping locations with an aim to avoiding contact with the police. Of all those who choose sleeping locations to avoid police contact (87%), most of those (69%) do so frequently.

Chart 14. Do You Choose Sleeping Locations to Avoid Police?

What kinds of strategies do Denver's homeless residents utilize to avoid the constant contact with police that results from "Quality of Life" law enforcement? Mostly, they choose to leave the security of groups, and the safety of well-lit downtown areas, and they seek more hidden and isolated locations to sleep. About 50% of our survey respondents chose to find more hidden locations to avoid the police. About 40% found isolated locations, while others chose to keep moving all night (23%) or to hide along a river or creek-bed (22%).

Chart 15. Strategies to Avoid Contact with Law Enforcement



How would you describe the safety and security of the places you have moved to, in order to avoid contact with police, compared to previous locations?

40% say "Worse" or "Much Worse"

27% say "Better"

When homeless residents leave the safety of groups and frequently move to hidden and isolated locations to avoid police, they are predictably more at risk of physical and sexual assault. *“When you are pushed to areas where you are not with your community, you are more in danger of having things happen to you,”* notes Terese Howard, a community organizer with Denver Homeless Out Loud.⁶²

The perception among homeless respondents that they are being forced to less safe locations by constant police contact is confirmed by actual incidents of violence. Table 9 reveals that homeless residents who move often to avoid police contact experience much higher rates of sexual assault, physical assault, robbery and violent threats than those who don’t feel forced to move. For example, *women who feel forced to move often to avoid police are 60% more likely to be sexually assaulted, and 247% more likely to be physically assaulted, than women who don’t move often.*

Table 9. Moving to Avoid Police Correlated with Experiences of Assault

	Male		Female		Transgender M or F	
	Don't Move to Avoid Police	Move Often to Avoid Police	Don't Move to Avoid Police	Move Often to Avoid Police	Don't Move to Avoid Police	Move Often to Avoid Police
Sexual Assault	5.9%	8.1%	18.8%	30.1%	0%	33.3%
Physical Assault	14.7%	39.4%	12.5%	43.4%	0%	50.0%
Robbery	35.3%	48.7%	25%	37.7%	0%	55.0%
Violent Threats	32.4%	62.0%	33.3%	60.8%	100%	50%

*Note: The transgender numbers in this table are suggestive, but not reliable. Our survey only reached about 20 individuals who identified as transgender. This low number of respondents means that the survey results may or may not accurately reflect the experience of the broader universe of transgender individuals experiencing homelessness. We include this data as a suggestive look into the likely experiences of this community, but recognized that additional research on this topic is called for.



“I have friends that I can stay with now, friends that keep me safe. [My rape last year] was pretty traumatic. I don’t like to talk about it too much cause it just makes my anxiety go way high ... Your mind messes with you so bad.”

- Monica

Photo Credit: Paula Bard

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

"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."

"The back of the alley we sleep now is definitely more dangerous than the [16th Street] Mall where we used to sleep. 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..."

"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 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 2013 survey respondents say they feel LESS safe in Denver since the ban passed.

Only 6% felt more safe^m

"There's a lot of violence out here, and sometimes you have to defend yourself. I've had more dudes come up to me to start shit, start fights with me, than chicks. The police fuck with us every night, no matter where we go. I might get a tarp when it snows. Having a tent is pointless at this point."

"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... 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."

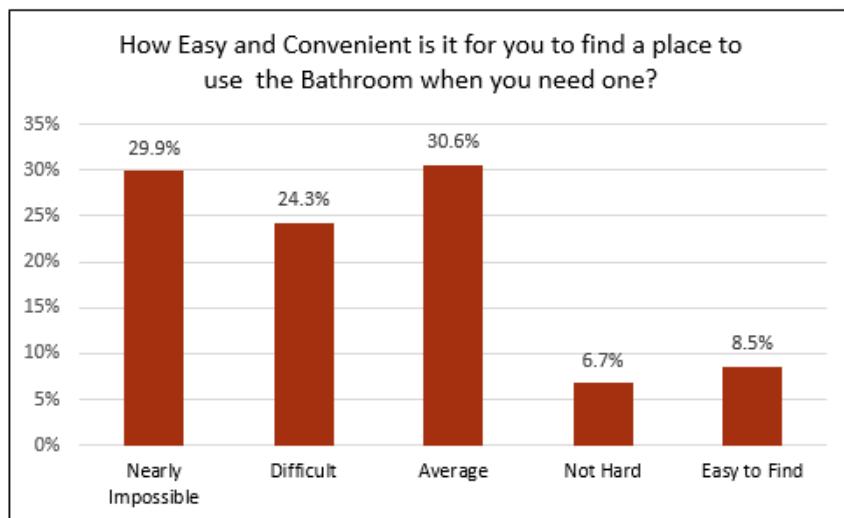
Bathroom Access and Personal Hygiene

Denver residents experiencing homelessness face serious difficulties in bathroom access and locating facilities to wash up and attend to personal hygiene. This lack of access to bathrooms, showers, or even running water, has significant public health consequences and undermines the mental health of homeless residents. The *International Journal of Environmental Research and Public Health* recently reported that “*persons experiencing homelessness in the United States experience significant barriers to self-care and personal hygiene, including limited access to clean showers, laundry and hand washing facilities. While the obstacles to personal hygiene associated with homelessness may increase risk of infectious disease... Personal hygiene has also been identified as a positive contributor to mental health among persons experiencing homelessness.*”⁶³

Unfortunately, Denver provides far too few public bathroom and hygiene facilities. Recent inventories of downtown public bathrooms count only about 25 bathrooms—far below what is needed for Denver’s thousands of unsheltered homeless persons, especially considering these bathrooms also serve all segments of Denver’s population (shoppers, bikers, park-users, tourists, library patrons, etc.). Furthermore, not a single one of these public bathrooms “meets the criteria of being open 24/7 to all regardless of membership or payment, with water available, and of a standard above that of a porta-potty.”⁶⁴

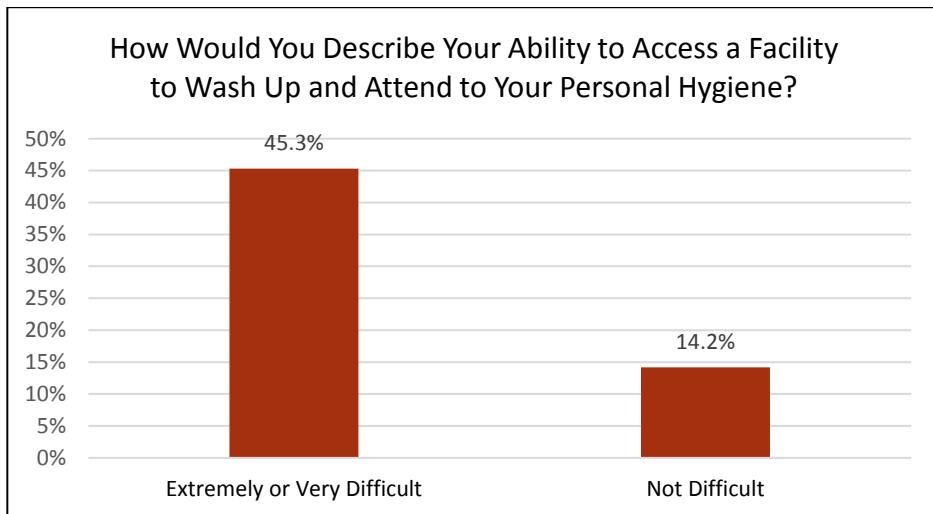
The dearth of bathrooms and hygiene facilities helps explain why 54% of our survey respondents noted it was “difficult” or “nearly impossible” to find a place to use the bathroom when needed.

Chart 16. Ease of Finding Bathrooms



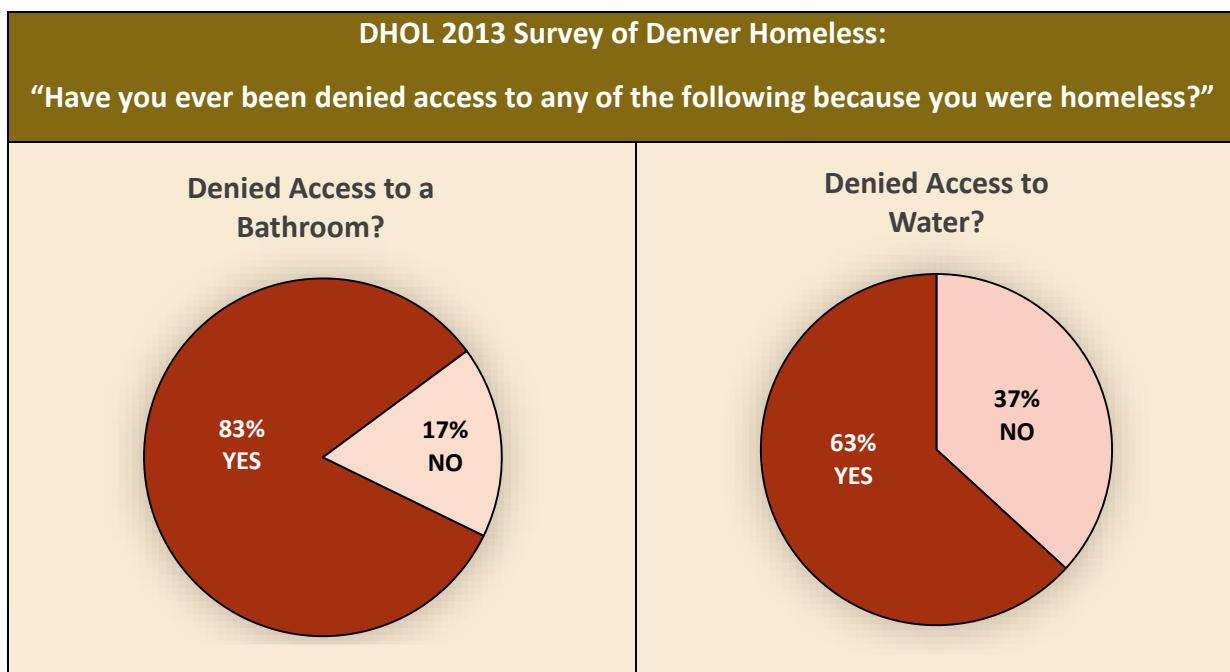
These same numbers are replicated when asking people experiencing homelessness *“how would you describe your ability to access a facility to wash up and attend to your personal hygiene?”* In response, 45.3% of all respondents say “extremely difficult” or “very difficult.” Only 14.2% say it is “not difficult” to find a place to wash up.

Chart 17. Ease of Finding Places to Wash Up



While public bathrooms and running water available to homeless residents are rare across Denver, bathrooms in private locations (such as grocery stores, office buildings, or restaurants) are even harder to access. In a 2013 survey of Denver’s homeless population, 83% of all respondents had been denied the use of a bathroom in a private business location, while 63% had been denied access to water.

Chart 18. Denials of Bathrooms and Water to Homeless Persons



These policies and practices induce unhealthy results by design. We know that inadequate access to hygiene facilities increases rates of both communicable and non-communicable diseases, as well as rates of ectoparasite infestation (e.g., lice or scabies). In addition, our survey confirms the numerous research studies which find that inadequate bathroom and hygiene access is a contributor to mental stress and mental illness.⁶⁵ As Table 10 shows, 23% more of the respondents who found it “extremely difficult” to access hygiene facilities reported mental or emotional health problems than did respondents who found it “easy” to access hygiene facilities.

Table 10. Access to Hygiene Facilities Correlated with Mental Health

How Would You Describe Your Ability to Access a Facility to Wash Up and Attend to Personal Hygiene?	Percent of Those Respondents Who Experienced Significant Mental or Emotional Health Problems
Pretty/Extremely Difficult (25.7%)	67.6%
Moderate/Hard (30.0%)	50.2%
Easy (14.2%)	44.1%

It is a positive development that Denver in the last few years has developed a pilot program to increase the number of attended and well-maintained public restrooms, with working sinks, in high-use locations. This pilot program has provided three mobile restrooms across the city, and officials are evaluating how the program might be expanded and made permanent.⁶⁶ The evidence indicates that positive policies such as these will decrease the rates of communicable and non-communicable diseases in Denver, and will improve the mental and emotional health of people experiencing homelessness.

“I mean even the restrooms...half the time they’ll tell you even if they’re buying something, that their bathrooms are out of order. Why do you have your business open [then]? Where do you guys use the restroom at? There’s no facilities anywhere”

“If we don’t have any money, we cannot go into the stores, so you cannot use the restroom. In the middle of the night if I have to go to the bathroom, I go in a cup.”

“I almost died of [staph infection] back in November of 2015 because I was not able to take showers often and keep myself clean. They [the hospital] said if I ‘hadn’t gone to the hospital, I would have died in a week.’ ...that why we do more motel stays if we can, so that I have regular access to water so that I can clean myself and my kids so they do not develop [staph infections].”

Bathroom Solutions

There are solutions to the public health crisis created by not providing adequate public bathrooms and running water for Denver residents experiencing homelessness.

For example, consider the following two innovations reported on by Stacey McKenna, for *Bright*.ⁿ

“There is a need and a demand for public restrooms,” said Robert Hudson, a [Denver Homeless Out Loud] volunteer. “So what we’re doing is looking at possibly doing urban rest stops.” The group has adopted this idea from ongoing projects in Seattle and San Francisco.

In several Seattle neighborhoods, the nonprofit Urban Rest Stop (URS) hosts “hygiene centers” with free restrooms, showers, laundry facilities, and toiletries. In addition to helping homeless men, women, and children meet these basic needs, the centers offer clean overalls while people wash their clothes in a safe environment. As of February 2014, URS had provided over 700,000 showers, 1.3 million restroom visits and 300,000 loads of laundry to 36,361 individual clients.

In San Francisco, a new program called Lava Mae offers shower buses for homeless populations. They launched their first pilot bus in June 2014 and currently have two buses serving four main areas of the city. The non-profit aims to expand to four buses in the coming months with the goal of offering up to 50,000 showers annually.”

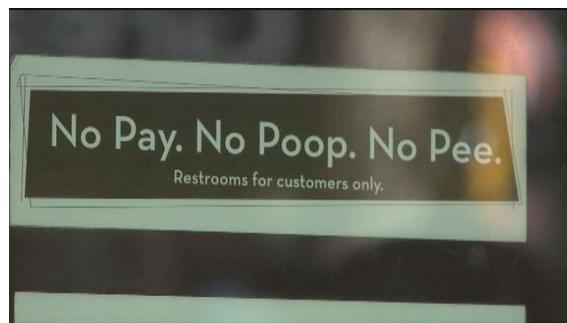


SIGN IN COLFAX BUSINESS WINDOW

Photo: Kevin J. Beaty/Westword



LOCKED BATHROOMS AT SONNY LAWSON PARK, DOWNTOWN



SIGN OUTSIDE INK! COFFEE IN CHERRY CREEK NORTH

“From a public health perspective, the hand-washing station is a basic need that reduces disease. [It decreases] incidence of food-born illness, reduces transmission of communicable diseases such as colds and flu.”

Meghan Hughes, Communications Director for Denver’s Department of Environmental Health.^o

Policing and Health: Severe Weather Challenges



Denver's unauthorized camping ban makes it a crime for any person to reside with shelter in any outdoors space, without appropriate permission. According to the law, illegal shelter in Denver 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 person residing outdoors in Denver can legally use any form of protection against the elements—snow, rain, wind or sun—other than their clothes.

Since the Denver camping ban passed, the police have conducted thousands of officially recorded checks for "unauthorized camping." In these checks, officers reach out to homeless people who appear to be using shelter in a public place (a blanket, a sleeping bag, a tarp, etc.). If the homeless person is determined to be using shelter from the elements, they are typically advised to desist from such shelter and often asked to "move along." According to a 2013 survey of homeless residents in Denver, during these "camping checks" (or checks for related code violations like sleeping or sitting in restricted areas), common police actions include:⁶⁷

- Informing campers of the "camping ban" and asking them to "move along" (83% of homeless respondents stated they were asked to "move along")
- Checking the "camper" for arrest warrants (71% of homeless respondents stated they were checked for arrest warrants during a camping check)
- Issuing a citation, or arresting the camper for various violations, or due to an outstanding warrant (26% of respondents said they were ticketed or arrested for some reason following police contact due to camping, sitting, or sleeping in public).

When people face this kind of police harassment, and worry about warrant checks, citations, and arrests, it is no surprise that our survey data shows that they often choose NOT to shelter themselves from the weather, in hopes of avoiding police attention.



- **52% OF RESPONDENTS STATED THAT THEY HAD SOMETIMES CHOSEN NOT TO USE SHELTER, SUCH AS A BLANKET OR TARP, DUE TO FEAR OF BEING CONTACT BY LAW ENFORCEMENT.**
- **55% SAY THAT POLICE HAD INSTRUCTED THEM TO QUIT USING A BEDROLL, BLANKETS, TARP, TENT, OR OTHER FORM OF SHELTER FROM THE ELEMENTS.**

The danger of not using shelter from the elements is obvious—exposure, frostbite, and even death may result. In our survey, there is a correlation between police instructions not to use shelter and frostbite. Of all those who police *have not instructed* to remove their shelter, 6.7% have experienced frostbite. But among those who *have often been instructed* by police to quit using shelter, between 12%-17% have experienced frostbite. These same patterns are replicated among homeless respondents who have *chosen* not to use shelter, in an effort to avoid police attention. Almost 13% of people who self-chose not to use shelter have experienced frostbite—twice the frostbite rate of those who have not felt forced to remove their shelter.

The problem of exposure is not only a cold weather challenge. During the hot summer months, the inability to shelter oneself from the elements (either due to police directive, or fear of attracting police contact) can lead to significantly higher rates of heat stroke and dehydration. The charts below show that homeless residents who have been instructed many times by the police to quit using shelter are more than twice as likely to suffer heat stroke, and 43% more likely to suffer dehydration. Once again, the data shows that police enforcement of Denver's camping ban, through directives to quite using shelter, is linked to worsening health outcomes for Denver's homeless residents.

Table 11. Police Instructions to Quit Using Shelter Correlated with Frostbite

Have Police Ever Instructed You to Quit Using Shelter (Blankets, Sleeping Bags, etc.)?	Percent of Respondents
Yes Many Times	34.2%
No Frostbite	87.7%
YES, I have suffered Frostbite	12.3%
Yes, More than Three Times	10.4%
No Frostbite	83.3%
YES, I have suffered Frostbite	16.7%
Yes, one or two times	10.9%
No Frostbite	88.6%
YES, I have suffered Frostbite	11.4%
No	44.6%
No Frostbite	93.3%
YES, I have suffered Frostbite	6.7%

Table 12. Police Instructions to Quit Using Shelter Correlated with Heatstroke and Dehydration

Have Police Ever Instructed You to Quit Using Shelter (Blankets, Sleeping Bags, etc.)?	Yes, Many Times	34.2%
Suffered Heatstroke	10.1%	
Suffered Dehydration	25.4%	
No	44.6%	
Suffered Heatstroke	4.4%	
Suffered Dehydration	17.8%	

Police Confiscation of Blankets and Bedrolls

In 2016, it was reported that the City of Denver paid private contractor work crews to confiscate the belongings of people experiencing homelessness. Further evidence of the city's policy of confiscating blankets, tents and other survival gear of homeless people, even on winter nights, was captured in 2016 video of a group of Denver police officers taking the blankets and sleeping bags of homeless people sleeping near city hall. The incident led the Colorado ACLU to call for a halt in enforcement of the Denver Camping Ban. Though officials called for a short pause in blanket confiscation shortly thereafter, widespread reporting indicates the policy continues.

"The ACLU of Colorado is horrified by widely-circulating videos showing Denver police confiscating blankets, sleeping bags, tents, and other survival gear owned by unhoused persons as winter weather and sub-freezing temperatures set in, potentially endangering their lives. While Denver is home to many people of good will who value freedom, compassion, and care for all people, especially those in the most vulnerable circumstances, the City of Denver's record on the treatment of people experiencing homelessness is abominable. From the inappropriate use of a Homeless Services Donations Fund to forcibly move, harass, and take the property of unhoused persons to increasingly aggressive sweeps of people experiencing homelessness, ratcheting up arrests of people whose only crime is to have nowhere to live, and now the use of police resources to confiscate blankets and survival gear on bitter cold nights, the City of Denver is exhibiting a level of cruelty that should bring deep shame..."

-- ACLU of Colorado²⁰

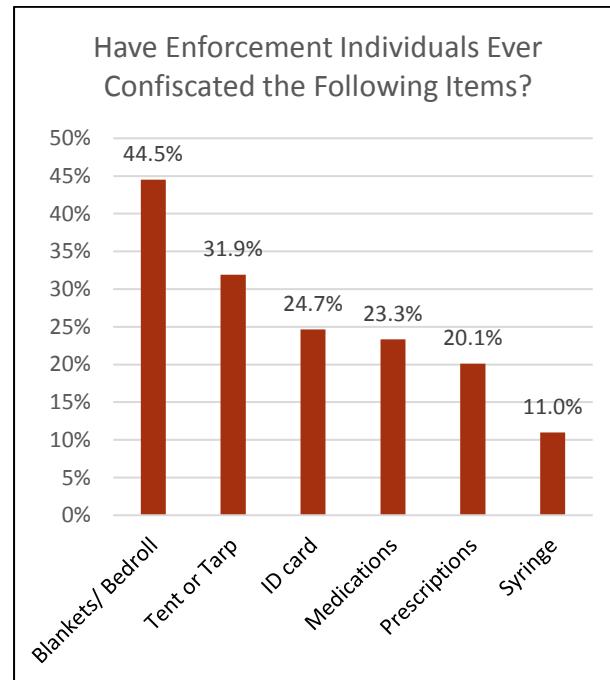


Photo: Kevin J. Beaty / Denverite

"I get my shit taken every day. Every morning, it's like their mission. They move us like cattle—the police. We don't know how to accumulate our stuff again to keep warm."

While police directives to desist from sheltering are challenging enough, Denver's homeless often face the even more direct challenge of having their blankets, tents, bedrolls, and medications simply confiscated by police. It is further evidence of an already exceptionally vulnerable population being made unhealthier by the design of Denver public policy.

Chart 18. Police Confiscation of Survival Gear



In Freezing Snowfall, Rangers Take Tent

"You Took Only the Things that I need to Survive the Sub-Freezing Temps"



Photo by Unicorn Riot, Nov. 12, 2017

surviving for many months, to attend to some business downtown. Two of his friends were watching over his belongings when park rangers approached them and asked them to remove their belongings from the area and '**move along**.' Even though Jackson's friends were there watching his belongings, the park rangers told them since Jackson was not there, it was abandoned property. Therefore they entered Jackson's tent without consent and began throwing everything that was inside of it outside onto the ground, leaving trash and debris everywhere. The park rangers took Jackson's sleeping bag, blankets, and his tent, yet left all of his other property on the ground. Jackson and his comrades believe the park rangers only took the survival gear to force them into shelters or force them to move farther out of sight and out of mind"

A UNICORN RIOT REPORT:⁶⁸ "On Tuesday, November 7, 2017, despite below freezing temperatures and snowfall, daily sweeps of unhoused Denver residents continued. As usual, Denver police, city workers, and park rangers descended on people keeping warm under blankets and inside their tents and told them to '**move along**' or risk getting a camping ban ticket."

"Eric Jackson, an unhoused Denver resident, left his spot along the South Platte River, where he has been

"In spite of claiming that they do not throw away homeless people's property in sweeps but rather take it to storage...the city threw a homeless person's cart with all their worldly belongings — such as back pack, tarp, tent — straight in the trash...This has happened many times before... but this time it was caught on camera."

-- Denver Homeless Out Loud
Commentary on footage of city employees throwing a homeless person's shopping cart into a garbage truck.^q

Open Letter from Eric Jackson to Denver Park Rangers

I want all my property returned...What possible reason could you have to take only my personal property, mostly limited to blankets, sleeping bag and tent and tarps...

You took only the things that I need to survive the sub-freezing temperatures of last night and the next few nights at sub-freezing and wet... I am 51 and my two sons would be very distressed if I freeze to death or end up with frostbite...Leaving 60% of the items that were inside the tent sprawled all over the Riverfront, Denver Ranger takes homeless man's tent, sleeping bag and blankets, leaving trash everywhere while only taking survival gear is ludicrous!

Policing and Health: Mental Health



Frequent contacts with police are not likely to improve the mental health of people experiencing homelessness. From this data, we see that contact with police rarely ends in delivery of social services, but far more typically ends in a “move along” orders, and warnings to quit using blankets or other shelter from the elements. Other common results are warrant checks, citations, and arrests. It is a dynamic designed to disrupt the daily lives and emotional balance of Denver’s homeless residents.

A significant percentage of homeless people face mental health challenges. In our survey, 28.8% of all respondents said they faced significant mental health issues, roughly matching Denver’s official Point in Time Survey count of 26.9% of homeless facing mental health challenges.⁶⁹ It is predictable that when an already destabilized population faces constant police surveillance and harassment, their mental health will deteriorate. An earlier section of this study reported on how frequent police contact undermines the sleep of many homeless people, resulting in toxic effects on mental health, such as increasing frustration and anger, deepening depression, memory loss and inability to focus on tasks (see Chart 12 on page 44).

For such reasons it is not surprising that the more often homeless people engage with or worry about the police, the less emotionally and mentally healthy they feel. Our survey asked people *“Thinking about your time while homeless, how often do you worry about the possibility of contact with law enforcement individuals—to the point where it affects your behavior and/or personal stress levels?”* A substantial majority-- 64.5% of all respondents—noted that they were stressfully worried about police contact multiple times every day.

Furthermore, there is a strong correlation between actual police contact and a deterioration in how homeless respondents feel about their own mental health. Respondents who stated that they were contacted many times by the police in the last year were 57% more likely to self-assess their mental health as worsening, when compared to respondents who were contacted rarely or never by the police.

Table 13. Frequency of Police Contact Correlated with Poor Mental Health

		In the Last Year, How Many Times, if any, have Enforcement Individuals Contacted You on the Streets Regarding Such Things as Sleeping, Sitting Resting, Trespassing, Violating Park Hours, or Using Shelter in Public Areas	
		I Was Contacted Many Times	I Was Contacted Rarely or Never
I Feel My Overall Mental Health is Better than Last Year		26.50%	30.10%
I Feel My Overall Mental Health is Much Worse than Last Year		46.60%	29.90%

For additional insight into how contact with police might affect the mental health of Denver's homeless residents, we gave respondents a list of adjectives. Word choices were offered in "positive vs. negative" pairings, for example: "*optimistic/depressed*," "*stressed/peaceful*," "*hopeless/hopeful*," "*happy/anxious*," "*miserable/comfortable*," "*protected/vulnerable*," "*healthy/sick*," and "*insecure/secure*." Respondents were asked to circle all words that described their feelings after encounters with law enforcement. We counted the number of times each word was circled, and then produced a "word cloud" to display word choice frequency. The resulting word cloud is below, and provides a visualization of the mental state of people experiencing homelessness when they are approached by the police.

Figure 1. Homeless Person's Mental State after Contact with Police

Health and Homelessness: Shelters are No Solution

Supporters of anti-homeless laws always point to shelters as a healthy alternative to sleeping rough, and claim that if only homeless residents would move into the shelters, there would be no need for harsh, anti-homeless policing, and the living conditions and mental health of homeless people would actually improve.

These claims are not supported by evidence. Denver has more homeless people sleeping on the streets on any given night than there are available shelter beds. In a 2013 survey of Denver's homeless population, 73% report having been turned away from shelters at various times, and most report frequent turn-aways.⁷⁰ In addition, there are very few shelter beds at all available for particular categories of homeless people, such as: couples, fathers with children, teenagers, people with pets, people dealing with mental health crisis, people who struggle with claustrophobia or crowded conditions, or people with a disruptive record that causes shelters to deny them access.

But even if there were enough shelter beds for every homeless person, the evidence suggests that forcing everyone into shelters would not improve their quality of life. Academic research has demonstrated that the typical homeless shelter actually *undermines* the mental and emotional well-being of their residents, especially if the shelter has restrictive rules and is perceived by the residents as poorly maintained. As the authors conclude, *"This is commonly due to [shelters'] potential to diminish personhood and autonomy, which are integral to overall well-being as well as to the recovery process from trauma. In addition, shelter rules have been found to be an impediment to parenting practices and family routines that can support mental and emotional well-being."*⁷¹

Our survey confirms that homeless residents typically find shelters controlling, and without adequate privacy, space or security, which correlates with poor mental health and stability among residents. In our survey, we asked respondents *"How do you feel about the kind of shelters you have recently stayed in?"* Respondents were allowed to choose numbers between 1 and 7, with 1 meaning "terrible" and 7 meaning "delighted." The average perception of shelter conditions was between "very unhappy" and "Mostly dissatisfied." Respondents were dismayed with the amount of privacy they have in shelters, with their lack of freedom and personal space, and with the noise and lack of sleep possible in the crowded environment. Overall, 31.6% of all respondents self-reported that their mental health and stability was "terrible" while staying at shelters—the very lowest possible score on our 7-point scale.

Table 14. Homeless Perceptions of Shelter Quality

How Do You Feel About the Kinds of Shelters You Have Recently Stayed In?									
1 = Terrible; 2 = Very Unhappy; 3 = Mostly Dissatisfied; 4 = Mixed; 5 = Mostly Satisfied; 6 = Pleased; 7 = Delighted									
Place	Overall	Privacy	Space	Freedom	Cleanliness	Noise	Personal Safety	Security of Belongings	
	2.9	2.4	2.6	2.8	2.9	2.6	2.7	3.2	2.7

Homeless Residents Share their Perspectives on Shelter Life

"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."

"There are noises, and people fighting keeps me up. There have been emotional effects. I'm feeling more stressed."

"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."

"The shelters in my opinion are not very clean - we have a 6-month-old and a two-year old. At [shelter name redacted], you go in there healthy and at least two weeks later, you are as sick as a dog. They actually had a hepatitis A breakout there. It is not ideal for our babies."

"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."

"At the shelter, you're gonna get sick, you safer sleeping outside by yourself. Four walls with 300 people, and 200 people are coughing. We prefer to be outside. I'm healthier out here."

"The reason why I don't go into the shelter, is there's so many homeless out here, that we're being bussed. If I'm the last person, it's like 3am, and two hours later they're bussing us back. It's difficult. If I have 2-3 suitcases, we're only allowed to take 1 - where is the rest of my stuff going to? Maybe they should have storage for people like me. I have to make tough choices sometimes. I got to leave this behind because these people don't have space for it."

PART IV

Health and Homelessness: Responding to the Crisis



Responding to the Crisis: Declaring a “Right to Survive”



Denver has a public health crisis. People experiencing homelessness are facing significant health problems, with 85% of our survey respondents reporting ailments, including frostbite, physical disabilities, dehydration, heat strokes, and mental illness. Inadequate access to hygiene facilities is increasing emotional and mental stress among the homeless, and is known to increase the rates of communicable and non-communicable diseases. Sleeping outdoors in hidden and isolated locations is increasing the rates of physical assault, sexual assault, robbery and violent threats.

What's worse, the city's policies and policing practices are exacerbating these problems. Denver's policy of criminalizing daily activities of homeless people (e.g., the urban camping ban), and police practices of “move along” orders, breaking up of a groups of homeless people, and confiscation of belongings, are harming the physical health of homeless people, making them more prone to violent attack and robbery, and undermining their mental stability. We are creating a public health crisis by design.

For these reasons, The National Inter-Agency Council on Homelessness has called anti-homeless laws “cruel and counterproductive.”⁷² This Council claims these laws are morally suspect in that they target the most vulnerable members of a community, they are legally fraught as they violate constitutional and human rights, and they are pragmatically counter-productive, undermining public health and costing localities substantial funds to police and incarcerate homeless people.

In some cases, courts are overturning these laws. The Ninth Circuit U.S. Court of Appeals has overturned an Idaho law forbidding homeless people from sleeping outside, claiming that the lack of realistic indoor alternatives for all homeless people made this law violate the 8th Amendment's prohibition of “cruel and unusual” punishment (*Martin v. City of Boise*, 2018). In 2014, the Ninth Circuit Court of Appeals struck down a Los Angeles law forbidding people from conducting “acts of living” (such as sleeping or eating food) in their own automobiles (*Desertrain v. City of L.A.*, 2014). The court concluded that laws forbidding people from eating in their cars, taking naps in cars, watching videos on their phones, or changing their clothes in cars, would inevitably be enforced only against homeless people, even though a broad swath of society does in fact engage in such activities in their car on a regular basis.

As research demonstrates, and as a growing number of court cases confirm, criminalization of homelessness is wrong-headed. A more humane, legally defensible and practical approach is called for. Recognizing this fact, there are growing movements to encode rights for homeless people into state codes (such as a right to sit, sleep or shelter in public). Some states have responded by passing “Homeless Bills

of Rights" (such as Rhode Island, Connecticut and Illinois), and pressure is growing for other jurisdictions to join the movement. The Western Regional Advocacy Project, a network of homeless advocacy groups, has worked for several years to pass a "Right to Rest Act" in Oregon, California and Colorado. This act "would protect all residents' right to rest, allowing people to occupy and use public spaces without fear of discrimination."⁷³ In Oregon, State Senator Chip Shields sponsored a Right to Rest Act, stating: "people who are homeless not only struggle with life on the street, they struggle with the indignity of being treated like criminals because they have nowhere to eat, sit or sleep. This bill is about making sure everyone is treated humanely under the law."⁷⁴

Though the Colorado General Assembly has voted against the Colorado Right to Rest Act in the last four legislative sessions, in May of 2019 Denver voters will have their own chance to weigh in on Initiative 300—a voter initiated effort to declare the rights of homeless people in the city of Denver and to overturn cruel and counterproductive laws like the Denver Camping Ban. **Initiative 300 is the first time in the nation that an initiative to decriminalize homelessness and establish a "right to survive" for people experiencing homelessness has been put before voters.**

The evidence is clear. Laws that forbid sleeping, sitting, and sheltering oneself non-obstructively, are harmful to the health of people experiencing homelessness. Police enforce these laws vigorously, constantly waking homeless people up, ordering them to remove their blankets and other cover, and directing them to move on. Homeless people lose sleep, seek less safe sleeping locations, experience increased stress levels, and find their physical and mental health deteriorating. Meanwhile, the problem of inadequate housing opportunities, low wages, and inadequate services for people with mental and physical disabilities is in no way addressed, and Denver's homelessness rates remain the same. Nothing is improved, but homeless people are made more unhealthy by design. Initiative 300 is Denver voters' opportunity to end the cruel and counterproductive criminalization of homelessness in their city.

Denver's Initiative 300: "The Right to Survive" Summary of the Proposal

"Shall the voters of the City and County of Denver adopt a measure that secures and enforces basic rights for all people within the jurisdiction of the City and County of Denver, including the right to rest and shelter oneself from the elements in a non-obstructive manner in outdoor public spaces; to eat, share accept or give free food in any public space where food is not prohibited; to occupy one's own legally parked motor vehicle, or occupy a legally parked motor vehicle belonging to another, with the owner's permission; and to have a right and expectation of privacy and safety of or in one's person and property?"

PART V

Appendix & Endnotes



Appendix

Initiative 300: FAQs



Initiative 300—the Right to Survive Act—will make it legal for people experiencing homelessness to rest, sleep, and shelter themselves non-obstructively in public places across Denver. Police will no longer be able to warn, cite, or arrest people for using blankets or other shelter from the cold, and will not be able to confiscate belongings at will. Persons without homes will be able to sleep in their own legally parked cars, or the car of a friend, without fear of police harassment. Simply put, the Initiative will allow people to conduct basic acts of survival in public places, as long as they do so without obstructing others on the sidewalks or parks.

Many people have questions about the Initiative. The “Yes on 300” webpage lists some of those questions, and provides answers. That material is reprinted here.

What will a “YES” Vote on 300 Accomplish?

A “yes” vote on 300 will mitigate the 2012 Denver camping ban, which prevents people from sleeping, eating, or using any kind of shelter beyond their clothing. This ban forces Denverites experiencing homelessness to move from safer, well-lit areas to unsafe places, and has resulted in the destruction of life-sustaining property and shelters. Telling people to “move along” can be life-threatening when there is no safe place for them to move to. A “yes” vote on 300 will not solve the problem of homelessness in Denver. But it is the first step toward a real solution, instead of the status quo--which we all know is not working.

Won’t Repealing the camping ban make it harder to connect people with Services?

Efforts to connect homeless people with services through laws against being in public do not work. For those who need these services, such services are so severely limited that many people do not have the option to access them--and thus being told to “move along” out of public spaces into these services is often not possible. In fact, David Henninger of the Denver Day Works employment program says that the camping ban actually makes it harder for Denverites to get to work, as they are swept out to surrounding communities. Making it harder to work means people are less likely to be able to support themselves and find housing services.

Isn’t it unsafe to have homeless people camping in public and not be able to move them?

The Right to Survive Initiative will not stop homeless people from having to follow the law. Just like anyone else, they will not be able to litter. Nor would anyone be allowed to obstruct sidewalks or roads, or to camp on private property. This initiative would protect people who merely want to exist as safely as possible--not those who threaten public safety. In fact, a study by the Guardian found that areas with city-sanctioned homeless camps were more likely to experience a decrease in crime.⁷⁵

If we can't have camping bans, won't homeless people take over the parks?

Everyone, housed or unhoused, will be able to use public parks as long as they obey the laws and respect curfews. It is important to remember that there are currently laws making sleeping with cover, sitting in certain areas, or the like, illegal, and nonetheless thousands of homeless people currently are spending their days in public spaces like parks. This activity is not a choice, and thus will not change with the passing of Right to Survive. What will change with the passing of the Right to Survive is that homeless people will not be harassed by police, continually told to move along from one place to another, moved to more hidden, distant, less safe places, and left in the cold without needed protection from the elements.

Where will people go? What if they block sidewalks or camp out in front of homes?

Initiative 300 asks that people experiencing homelessness be allowed to subsist in public spaces in a non-obstructive manner--meaning they cannot block sidewalks or entrances to homes or stores; they can't take over private property; and they can't break laws--whether by disobeying park curfews or by trespassing. The reality is that there is not enough shelter space or housing, and people have to live somewhere. People are already living unsheltered out of necessity, and Yes on 300 will mean they can do so with less fear and danger, but in compliance with the law. Keep in mind that most people without homes, like any people, do not want be somewhere they're not wanted, or somewhere they will run into conflict.

What about sanitation? Isn't it unhygienic to have people living outside?

Thanks to a recent settlement with the City of Denver, the city will be providing a few public toilets, as well as lockers, for homeless residents. This settlement is a step toward confronting the reality of homelessness, and will help Denverites, both homeless and housed, keep our city safe and sanitary. There is much more to do, however.

Will this law mean that city crews will no longer be able to clean up public areas?

No. Laws against littering and obstructing a right-of-way would still be in place, so cleanup crews could still do their job. It just means that cleanup crews will not be allowed to simply throw away possessions of value to people--like backpacks, sleeping bags, and blankets when those possessions are on public property and are not obstructing a right-of-way.

How will cities deal with people's bad behavior in public places if this law passes?

Initiative 300 would not affect localities' ability to enforce laws against such things as assault, being drunk in public, harassment, or trespassing. It would only end the practice of arresting or citing people for the simple acts of survival such as resting or sharing food in public.

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