

## **Police Records Show Significant Increase in Anti-Houseless Law Enforcement in 2024**

Since January of 2024, after Mayor Johnson touted “housing” over 1000 visible houseless people from Denver streets, we’ve experienced a significant increase in police, SET, and other “enforcer” enforcement of anti-houseless laws (otherwise known as “quality of life crimes”) across Denver. We asked the City for data on the enforcement of a list of these types of laws. (Thanks to Newman McNulty Law for assistance!) In return we received the included enforcement data for 2022, 2023, and January through March of 2024.

Sorting through this data revealed that our on-ground experience of increased enforcement mirrors the police data.

From January through March of 2023, there were a total of 694 enforcement actions for these anti-houseless ordinances. Those same three months in 2024 showed 1017 enforcement actions - a nearly 50% increase (46.5%).

You can see more key data below showing a large increase of enforcement and ticketing of specific anti-houseless laws since January 2024.

### **Trespass Enforcement**

This increasing trend is true for specific ordinances, such as enforcement of Trespass, the most used anti-houseless ordinance. In January-March of 2023 there were a total of 651 Trespass enforcements, while January-March of 2024 there were 941 (an increase of 44.5%).

### **Survival Ban Enforcement**

Survival Ban (aka camping ban) enforcement has also increased significantly since January 2024, however the data tracking this is incomplete. After receiving this data from the police department, city attorneys informed us that the police department was not consistently tracking camping ban enforcement of “move on” orders and warnings until recently “due to the direction being given that the ordinance was not being enforced (meaning they were not typically citing or arresting for violations).” This is problematic on many levels. First, we know for a fact from personal experience, statements from city officials, and even the police data that camping ban was being enforced during this time (since the pandemic). Second, recording “street checks for unauthorized camping” has always been done for “move on” orders and warnings, not just tickets and arrests. This makes enforcement patterns very hard to assess as there is some recording of enforcement, but it is far from complete. Furthermore, the data we did get can be confusing as the City changed their method of tracking camping ban enforcement part way through 2023.

Nonetheless, even knowing we are missing enforcement records, the increase in camping ban enforcement is clear.

For example, in a three month period of 2023 (Mar-May) there were 18 “GO reports” (General Offense) for the camping ban, whereas in three months of 2024 (Jan-Mar) there were 206 “GO reports” for the camping ban. Combined street checks and GO reports for camping ban for Jan-Mar of 2023 and 2024 show an increase from 100 in 2023 to 267 in 2024 - a 167% increase.

Furthermore, the statement from the city attorney’s office that “enforcement paused during the pandemic up until late March/early April of this year,” tells us that (in spite of the reality that there has been consistent enforcement of the camping ban through “move on” orders this whole time - aside from about 2 months during beginning of the pandemic) Mayor Johnston has authorized new increase in camping ban enforcement starting now (just after the timeframe our data shows). This will likely lead to the most camping ban enforcement ever since its passage.

## **Survival Ban Ticketing**

As can be seen in this data, the City primarily uses “move on” orders and threats to enforce the camping ban, however some tickets are issued as well. Since 2022, there has been an increase in tickets going from 1 in 2022, to 14 in 2023 (12 of which happened under the Johnston administration), and 4 in the first three months of 2024 (on track to be a continued increase in ticketing for this year). If we compare this to the full history of camping ban ticketing since it was enacted in 2012, 2023 is only one ticket behind 2014’s 15 tickets, which was the year with the most camping ban ticketing - but we are now on track to seeing the most camping ban ticketing ever in 2024.

## **“Solicitation Near Roadway” Ticketing**

Another ordinance with significant increase of ticketing in 2024 is “Solicitation Near Roadway”. In 2022 and in 2023 there were 4 tickets for this the entire year, but in Jan-Mar of 2024 there were 16 tickets given. This significant increase in ticketing for “Solicitation Near Roadway” is likely connected to a rash of tickets given to recent migrants who have been offering window washing for donations near roadways. Houseless migrants seeking any work they can find have been offering services such as window washing, only to be given tickets they cannot resolve.

## **Failure-to-Appear Warrant Enforcement**

We also received data from the City Courts that shows “active warrants” for cases where someone was ticketed for one of the anti-houseless ordinances we listed. In every one of these cases, the person was at one point ticketed for one of these laws, and their inability to understand or access court resulted in an active Failure to Appear (FTA) warrant out for their arrest.

As you can see in this data, there are active FTA warrants for 11 camping ban cases from Jan 2023 through mid-March of 2024. This means 11 out of 18 camping ban tickets turned into current, active, FTA warrants.

## **Trespassing Tickets (& Eventually Warrants)**

From this data, it is blatant to see that the large majority of these tickets and warrants are for trespassing - 1,493 (91.0%). The City uses trespass not just on private property, but even on some public property. For example, a few years back the City posted “no trespass” signs under bridges along the rivers to fabricate another way to ticket houseless people without having to use the camping ban. There has been a continual increase in areas turned “private”, even if they are public, such that the City can turn to trespass as the law used against houseless people the majority of the time.

It is important to note, from this “active warrant” data, the high number of tickets for crimes of being houseless that turn into FTA warrants (and usually later arrest and jail time). While the original ticket may sound innocent as it is “just a ticket”, the majority of these tickets for houseless people turn into arrest and jail time.

## **Knowing The Enforcers**

The Denver Police are not the only, or even the primary, enforcers of these anti-houseless laws anymore. The Mayor’s new “yellow vest ambassador” initiative and the Street Enforcement Team are out actively moving houseless people “away” to nowhere every single day.

## **Street Enforcement Team**

The Street Enforcement Team (SET) is a civilian team hired under the City Safety Department as a non-police enforcement team. While the original description and current marketing of SET try to claim their job is to use “authority to issue citations for a wide range of ordinance violations, but not make arrests,” and that they have a range of enforcement duties not just focused on houseless people, the records of SET work from 2023 prove otherwise.

We received a copy of the SET work log for 2023. This is a log of all SET contacts in that year. This comprehensive SET data revealed that every single contact/attempted contact - the entire SET workload - was related to houseless people. The log sheet specifically included a column for “# of tents, structures, RVs.” Of the 2,134 contacts/attempted contacts, only 556 of these list “0, N/A or No” for # of tents/structures/RVs. 73.9% (1,578 of 2,134) of contacts involved tents, structures, or vehicle dwellings.

The large majority of contacts/attempted contacts that are listed with “0, N/A or No” for tents/structures/RVs specified in the notes either “Area clear,” “no encampments found,” “ready for trash pickup,” or occasionally had no notes. This indicates that most of these contacts were still related to calls about encampments, but the camp had already been cleared by the time they arrived.

Furthermore, the notes on remaining contacts/attempted contacts listed under “0” revealed that all were still related to houseless people. 45 of these simply state “full compliance” (without specifying what law they were breaking). In 9 cases, they refer to a person “loitering” despite this no longer being a law in Denver anymore after it was deemed unconstitutional many years back). In 3 cases they refer to trespassing and in 3 other cases they refer to people “actively packing”.

Other notes on contacts with no tents/structures are very telling about the nature of SET’s job:

- “Vans do not appear to be homeless, has current plates”
- “1 person by river passed onto rangers”
- “One male sleeping, full compliance, area clear”
- “House breached, sent to D1”
- “1 female loitering, transported to hospital, welfare check”
- “14 people in area, we were advised to leave location”
- “Not homeless related”
- “Three people sitting on grass covered, informed had to be uncovered”
- “Four individuals camping under blanket, full compliance”
- “One male leaving alley and large amount of items on sidewalk”
- “Five males, two females asked to leave the alleys”
- “One male in alley, walked away”

It is abundantly clear that SET knows their job is specifically to harass houseless people. In the very rare cases that contacts are found to not be houseless, they will note this and leave them alone.

SET records for “resources offered” list “Yes” in about half of the contacts/attempted contacts. However, when you compare this to the notes, it is unclear if they actually offered resources in all these instances since most notes never refer to resources offered, while just a few do. Of the 2,134 contacts/attempted contacts, only 41 noted a resource being offered or provided. 9 of these simply say “resource offered” without elaborating and many others are unclear about whether the resource was actually provided/received, or simply “offered”.

The notes on these resources can be seen below, but of note, the only times in these 2,134 contacts that resources involved direct support (not just a referral or offer) are 6 to a hospital, 1 to a solution center, 1 to a safe house, and a single time they administered Narcan.

### **Yellow Vests and “Clean & Safe” App**

In January 2024, Mayor Johnston launched a new enforcement tool to keep houseless people out of sight downtown using “ambassadors” and an app called “clean and safe.” The “ambassadors” in this program are a combination of private security and volunteer citizens who wear yellow vests and are tasked with informing houseless people of laws, in particular the camping ban, and reporting camping to security guards or police. Furthermore, everyone is encouraged to use the “clean and safe” app to report houseless people with any sort of camp or who just appear suspiciously houseless. (Read more on this program here

<https://www.denverpost.com/2024/01/08/downtown-denver-homeless-problems-ambassadors-program-app-mike-johnston/>)

This new enforcement tool is being used actively to enforcement camping ban and other anti-houseless laws, as well as general harassment for appearing houseless in public. This enforcement is not included in the police data as they are simply using private citizens and security to enforce the laws or just “move along” the visible presence of houseless people.

### **Enforcement Beyond March 2024**

It is also important to note that, since the data we received ending in March 2024, there has been further significant increase in police enforcement against houseless people - a notable example being those recently scattered in a 150 person sweep in South Denver with no hotel/microunit offer. This has included police running names of all present at a camp, saying it is justified in doing so because they are violating the camping ban, and then arresting anyone who has old warrants of any kind. This has been blatantly used as a tool by the City to get “criminals” out of a camp prior to offering any hotel/micro units. It has also been used to try to intimidate houseless people into breaking up any visible camps. Police have also been increasing harassment under any possible law (or stating no law at all) in an attempt to push all those still on the streets after the 8th and Mariposa sweep (and throughout the City) out of sight. This has included vehicles tows (even for legally parked vehicles), mass arrests for trespass, general SET harassment (even against people with no tents who are just sitting on public property resting), and countless other forms of harassment and enforcement against visibly houseless people.

And as we heard from the city attorney's office, there is now a “re-authorization” of increased camping ban enforcement - possibly to include tickets and arrests - starting in late March of this year.

Mayor Johnston's attempt to make houseless people invisible may make much of the general public believe he has successfully “housed the homeless” and “closed down large encampments”, but we know what is really going on here - and the police data reveals this too. The majority of houseless people have not been “housed” - they have been and are being policed out of sight on a daily basis. The 46.5% increase in police enforcement of anti-houseless laws, combined with the new teams and tools used to harass houseless people for existing, has pushed houseless people into scattered, hidden corners of (or out of) our city, or into jail.

This is not a plan to “house 1000 or 2000” or get “All In” - it is a plan to effectively frisk anyone who appears houseless and “close” all spaces, including public, in our City to houseless people through the use of policing, harassment, fences, jail, and more. This must end.

See data summaries below and full data attached.

- Total Enforcement Actions
  - 2022 Jan-Mar = 433
  - 2023 Jan-Mar = 694
  - 2024 Jan-Mar = 1017 (large increase)
  
- “Trespassing” Enforcement
  - 2022 Jan-Mar = 419
  - 2023 Jan-Mar = 651
  - 2024 Jan-Mar = 941 (large increase)
  
- “Solicitation Near Roadway” Enforcement
  - 2022 entire year = 4

- 2023 entire year = 4
- 2024 Jan-Mar = 16 (large increase)
  
- “Marijuana” Enforcement
  - 2022 Jan-Mar = 8
  - 2023 Jan-Mar = 17
  - 2024 Jan-Mar = 38 (large increase)
  
- GO Reports for Camping
  - 2023 Mar-May = 18
  - 2024 Jan-Mar = 206 (large increase)
  
- Number Contacted Under GO Reports
  - 2023 Mar-May = 52
  - 2024 Jan-Mar = 360 (large increase)
  
- Street Checks & GO Reports Combined
  - 2023 Jan-Mar = 100
  - 2024 Jan-Mar = 267 (large increase)
  
- Verbal Warnings
  - Over 10 months (Mar-Dec) in 2023 (not full year due to change in data tracking)= 100
  - 2024 Jan-Mar (over just 3 months) = 135 (large increase)
  
- Active FTA Warrants for Trespass
  - 2023 Jan - 2024 mid March = 1,493
  
- Active FTA Warrants for Camping Ban
  - 2023 Jan - 2024 mid March = 11 (6 of these in 2023 Nov-Dec)
  
- Other Active FTA Warrants (2023 Jan - 2024 mid March)
  - Closed Parks - 89
  - Park Curfew - 21
  - Drinking in Public - 19
  - Order of Removal - 5
  - Being on Median - 2
  - Camping in Park - 1
  
- SET Team Notes on “Resources offered” -
  - “Offered resources” - listed 9 times
  - “Seeking/Referred to EIT (City’s Early Intervention Team)” - listed 8 times
  - “SUN (Substance Use Navigators) offered/referred” - listed 6 times
  - “Transported to hospital” - listed 6 times
  - “2 males accepted MAT treatment”
  - “SUN and EIT helped get back to Mexico”
  - “One male overdosed and we had to Narcan”
  - “Needed mental health services”
  - “Transported to solution center”
  - “Provided services - AID Center”

- “Safe House”

## Anti-Houseless Enforcement Interview Quotes from interviews in spring of 2024 –

They just kinda forced me to be out of the public eye... Its public property... when told to leave you just kinda go...

It was the yellow shirts who told us to leave... not too long after that they came and started throwing people's stuff away – no written notice. They took my bike – they actually took my dog. They said I need a better living condition to have a dog out here. I saw people lose everything. They took a lot of my clothes – I didn't have anything.

The yellow vests were rude – came in and said get your stuff and move – they brought the police with them... They said we can't be in tents, but then we can't be in parks, so I don't know where to go...

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The SET teams, they come up and down the alleys telling you have to move every 15 minutes...telling you you have to move from where you sit – no matter where you are, you could be on public property, by the road, it doesn't matter... they are gonna tell you you have to move you are trespassing - there has never been a complaint or anything and they threaten to arrest you and all that – never a crime being committed.

They will go to the business or house or wherever and ask of its ok if there is a “bum” sitting out there, and of course they are going to say no – then we have to move or we are trespassing.

Since 8<sup>th</sup> ave got swept over here, that is when it started, its pretty much been ever since.

Not setting up a tent – I'm just sitting there with my wheelchair and my dog...

I have been out here 8 years and not harassed and now they F'ing with me all the time...

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Police raid at 4<sup>th</sup> and Lipan - This morning we were woken to Denver's finest, Denver police department, talking about they weren't sure whose property we were on but because I have an umbrella up I was violating the camping ban – which allowed them to run me and my wife's names. They proceeded to tell me I had a warrant for fight out of Lakewood for 5 years ago... and they arrested my wife on a pariphinla charge from years ago... they put me the in car, 45min latter they let me go because there was not a warrant out for me.

They proceeded to take a few of the tents because there was hazardous material found in the area – a package of unused needles – trashed everything, tents and all – the people whose property it was were already arrested.

It was nothing but harassment.

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Yellow vest – They are another team that does their own sweeps – they ride around and they will literally take your stuff with no warning. Everything I had was latterly on a pallet so I can put my skateboard under it and roll it away right like that – and they trashed it... my social security card, all my VA paperwork, I don't have a signal thing of it now...

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They told me I couldn't stay where I was staying – there is not safe places to go... I am hiding in a bush – I have three dogs so I can't get put in a hotel or anything... They took everything, food, cloths... They took my car within 6 hours never wrote a warning or anything they, just took it...

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They won't let us grab our stuff – they threw our stuff away... tents, bikes, cloths – threw it away – no written warning - called it trespassing... I was under the bridge from doubletree... It was raining... They harass me all the time - I have asked myself – why do they do this to us...