

Law Enforcement Approach to Homelessness

Team Eagles

Lieutenant Frank Ohm, Rochester Police department
Lieutenant Mike Mattson, Minnehaha County Sheriff's Office
Sergeant Joe Stoehr, Washington County Sheriff's Office
Commander Shelly Orlando, Anoka County Sheriff's Office

National Command and Staff College

May 10, 2019

Abstract

Homelessness has been a topic of social debate for decades in the United States. Communities across the country struggle with homelessness, trying to find the best method(s) for tackling the problem. The root causes of homelessness are many and no one single solution has proven to be a “cure-all” method for helping homeless persons. The question that has long been asked seems to be a simple one; is homelessness a community problem, or a law enforcement problem? Law enforcement will often say it is a community problem, but many community members point to law enforcement as the primary agency best suited for attacking the problem of homelessness. Problems can arise however when law enforcement makes contact with the homeless community, as members of law enforcement agencies struggle to handle contact with a population they weren’t trained to help or deal with. Law enforcement professionals will say homelessness is not a crime, so why is law enforcement on the “front lines” of this issue? Regardless, as law enforcement contacts with the homeless population continue to rise, so rises the possibility for greater impact, either positive or negative, and so the need for an analysis and recommended best practices is high.

The purpose of this research paper is to explore the issue of homelessness and how it intersects with law enforcement organizations. Root causes of homelessness will be identified, and the impact of homelessness on law enforcement organizations will be analyzed. Further, analysis of law enforcement contacts with the homeless which can lead to the potential "criminalization" of the homeless, such as homeless "camps" and panhandling, will occur. We will also delve into what are considered best practices today in dealing with homelessness from the law enforcement perspective. Leadership practices will be applied to the problem in an effort to shed light on law enforcement organization best practices from around the country. Upon completion of this analysis and review, the reader will find that application of leadership

concepts such as versatility skills, crisis intervention teams, moral compass, start with the why, emotional intelligence, taking responsibility, organizational change, community leadership, organizational communication, leadership and change, succession planning, and more are critical to law enforcement's efforts to combat the problem of homelessness.

Defining the Problem

As of 2017, there were approximately 553,000 homeless persons in the United States on any given night. While the prevailing public opinion may be that these are all lone individuals for whom poor life choices are the root causes for their current predicament, statistics tell a different story. While yes, 67% of homeless persons were lone individuals, 33% represented members of homeless families with children, shattering the public's misconception of homelessness (Police Executive Research Forum, 2018). Numbers of homeless persons do vary by state, but it is a problem that touches every state and most communities in the country. The root causes of homelessness can be as varied as the members of the homeless community themselves, but there are a few causes that have been identified that present themselves commonly when the problem is analyzed. Top causes of homelessness include lack of affordable housing; unemployment; poverty; mental illness; and substance abuse. Taking a look at these root causes, it seems reasonable to distill the main root causes down to two: income and housing issues (to include lack of affordable housing, unemployment, and poverty) and health issues (to include mental illness, substance abuse, with a sub-concern of military veterans). Before looking into current practices and potential future practices and solutions, it is important to detail the root causes as they are in order to better understand the problem.

When it comes to income and housing issues, law enforcement's ability to impact these causes is decidedly murky. Affordable housing as a concern can impact every socio-economic group in one fashion or another. As an example, there are many communities in California that have homes costing close to a million dollars for a small, rather old home. Affordable housing certainly impacts those at the bottom of the socio-economic scale at a greater rate than other groups on the scale. The Police Executive Research Forum (2018) estimates that there are 11.4 million "renter households" in the United States that are considered Extremely Low Income. It is further estimated that there are only 4 million renter homes that are affordable and available to

this socio-economic group. That means there is a shortfall of over 7 million homes for this group. That is a tremendous amount of “competition” for a decidedly scarce resource. Add to this the large number of individuals who are not actually working, and even those affordable homes become unaffordable and unobtainable. Another complicating factor is the added pressure in larger population centers such as New York City, Boston, and others, where a shortfall in housing is exacerbated by larger numbers of homeless persons.

Health concerns have a potentially unexpected nexus to homelessness, one which the public or community may not have considered. Estimates are that of the 500,000 plus homeless individuals, as many as 250,000 have a mental illness, and 140,000 have a serious or severe mental illness (Fuller, 2015). Making this worse for the homeless community is the fact that they have limited or no access to health care or prescription medications. Untreated mental illness has tremendous negative connotations for a person, not just for their mental health but also for their physical health. Depending upon the disease or disorder, mental illness can reduce life expectancy by up to 20 years. Combine these physical health ramifications with the problem of substance abuse in the homeless community, and it is very reasonable to reach the conclusion that there is a health crisis within the homeless community. Statistics have shown up to 38% of homeless persons were dependent upon alcohol, and 26% abused other drugs. The correlation between homelessness, mental illness, and substance abuse is very real and is a problem that requires a broad approach to the problem, as each of those individual factors by themselves have proven to be very difficult to overcome. The combination of all those factors is incredibly daunting for a community to address. A third subset of the “health” problem relating to homeless involves military veterans. Among the 62% of homeless veterans who reported two or more years of homelessness, over 61% reported a serious physical health condition, 55% reported a mental health condition, 76% reported a substance abuse habit, and 32% reported all three. (Veterans Affairs, 2011). Also necessary for consideration is the fact that 15% of homeless persons are domestic assault survivors (Police Executive Research Forum, 2015), raising additional concerns of victimization as a potential cause of or contributing factor of

homelessness. These statistics illustrate the importance of considering veteran issues when attempting to address homelessness itself.

Historical Approach

Current practices by City Governments leads to the criminalization of homelessness through creation and enforcement of ordinances that particularly apply to those that are homeless. According to Bauman (2014), the prevalence of laws that criminalize the homeless are: laws prohibiting camping in public, laws prohibiting sleeping in public, laws prohibiting begging in public, laws prohibiting loitering and vagrancy, laws prohibiting sitting or lying down in public, laws prohibiting sleeping in vehicles, and finally laws prohibiting food sharing. These laws can have a big impact on law enforcement officers. The Eighth Amendment of the US Constitution protects people from cruel and unusual punishment. Laws denying essential human functions such as sleep, when no shelter is available, can be viewed as a violation of the 8th Amendment. The ACLU has filed law suits and won on this very topic. Continuing to view the homeless as the problem vs. people with problems is major contributor to the criminalization of the homeless. According to Pusins (2002), “Bum sweeps” which are conducted to remove homeless individuals from certain areas often ends up with police enforcing minor offenses usually with arrests. Events such as these “bum sweeps” help to establish an agency culture of viewing the homeless as criminal’s versus those in need of services. These practices by government and law enforcement establish a feeling of uncertainty amongst the homeless. According to Bauman (2014), “74% of homeless people do not know a place where it is legal and safe for them to sleep.” (p.16)

The new arrests add to the homeless already unfortunate circumstances. Court fees and fines can add strain to someone who has no ability to pay resulting in warrants issued for their arrest. In addition, criminal records can create issues for the employment of the homeless as most employers run criminal checks. According to the ACLU (2019) in Minneapolis between January 2012 and September 2014 49% of the homeless arrested were arrested more than once.

Correctional Facility Considerations

In examining the relation to the homeless population and Adult Correctional Facilities, there is an obvious connection. Communities have a difficult time determining how to deal with their local homeless population and one can infer that without a strong community support system to connect the homeless population with resources in the community, the alternative is to arrest and lodge them in an adult correctional facility.

Greg Greenburg and Robert Rosenheck (2008) examined jail incarceration, homeless and mental illness in the 2002 U.S jail population. This study revealed 15.3% of the jail population had been homeless sometime during the year prior to incarceration. They conclude that the homeless rates of persons incarcerated in jail is disproportionate than that of the general population. They also found that mental illness and substance abuse were significantly higher with rates being up to 20% higher among homeless inmates. The data from the 2008 study indicate that homeless individuals are more likely to come into contact with law enforcement and have a higher chance of being lodged in a correctional facility. This is driven from factors ranging from the person is legitimately involved in criminal activity to pressure from the community to deal with the aesthetically displeasing homeless problem of the community. What options do our current law enforcement officers have to negotiate this difficult situation?

The National Health Care for Homeless Council (November 2013) highlights the Jail Inreach program. This is a program that builds relationships with inmates at risk of homelessness and connects them with case management for continuity of care. This program was started at the Harris County Jail in Houston Texas in an effort to reduce recidivism and the financial impact of incarceration to the community.

Another example of proactively dealing with this problem comes from Minnehaha County in Sioux Falls, South Dakota. The city had an estimated homeless population that climbed from 600 in 2013 to 941 in 2018. In 2019, the homeless population has decreased to 735. One of the projects that was initiated was the Safe Home. This is a 33 unit Housing First program designed to provide long term, chronically homeless individuals with severe alcohol dependence permanent housing opportunities, intensive case management and supportive services. This program directly impacted the Minnehaha County Jail and the cost of incarcerating these individuals as constant repeat offenders.

Minnehaha County is also working collaboratively with area stakeholders including county representatives, area medical hospitals and mental health institutions to develop a Community Triage Center. The Community Triage Center concept is to provide voluntary, mid-level care alternative for those with substance/alcohol abuse as well as those with mental illness who are not violent in behavior. The target population are individuals in a mental health and/or substance use disorder crisis, regardless of socio-economic background. The concept is to provide law enforcement an alternative option to bring individuals to the triage center instead of area hospitals or lodging them in the Jail.

The Community Triage Center Conceptual Plan (2018) illustrates in 2016, the Sioux Falls Police Department and Minnehaha County Sheriff's Office made 1,691 adult arrests in

which the only charges were disorderly conduct, liquor law violations, trespassing, curfew, loitering, or vagrancy violations. These accounted for 17.8% of all arrests, and were used as the base for calculating law enforcement referrals, assuming only non-violent, Class 2 Misdemeanors would be eligible for referral to the CTC. The law enforcement referral estimate assumes 20% of the 1,691 arrests (338) would be referred to CTC, based off the observed rates of self-reported mental health or substance use disorders among unsentenced bookings (23.3%) and misdemeanor bookings (21.2%) in 2016.

Programs such as those described are the future of dealing with the homeless populations. Obtaining local stakeholder involvement and connecting individuals with community services to provide ongoing case management and care. Future analysis would be beneficial to see the impact that these programs have on the way law enforcement, local communities and correctional facilities.

Best Practices and Leadership Theories

Homeless Outreach Teams (H.O.T.) have been created in law enforcement in an effort to handle the issues in dealing with homelessness. Typically, an officer is paired with a mental health service provider in an effort to connect homeless persons with services. These officers must be patient, and are chosen for the team based upon their practical experience and emotional intelligence. According to Police Research Forum (2018), "In Long Beach, CA, the multi-disciplinary team that responds to homelessness noted that it takes, on average, 17 contacts with a homeless individual before they will agree to enter services" (p. 42). Having dedicated officers to a team to respond brings benefits of officers developing relationships with community partners and service providers.

Communities are divided on how to deal with homelessness. Getting a homeless person into the system to receive services can take a long time and the problem persists in the meantime. Many citizens and businesses want the “problem” to go away, at least out of the parks, sidewalks and community surrounding them. Law enforcement does not always have many options in how to deal with homelessness. In January of 2018, law enforcement personnel and other experts met to discuss the issues in addressing homelessness and how to develop solutions in alleviating the problem in a caring and compassionate way that the community would agree with. The following eleven steps that law enforcement agencies can take to improve response to homelessness came from this Police Executive Research Forum meeting.

1. Take a problem-solving approach to homelessness. Utilize dedicated officers to deal with homeless issues and do not make arrests for minor offenses. Look at having specialized homeless courts, a pool of regional resources that are available to assist, and a form of technology to track individuals and the services that they are receiving. Having an adaptive leadership style will assist in taking a problem-solving approach. The adaptive leader is flexible and tries to identify what might go wrong and how to deal with it prior to implementing the plan. The adaptive leader is also open to feedback from subordinates, who will be the ones who are out on the streets conducting the interactions.
2. Create A Dedicated Homeless Outreach Team. These teams get to know the homeless community members and connect them to resources available. In large cities, they need to work in conjunction with their uniformed officers and external agencies that are involved in response. In this step, proper use of Crisis Intervention Team members would be instrumental. This paper has established that there is a strong intersection

between mental illness and homelessness, and inclusion of C.I.T. trained Officers in this Outreach Team will be critical.

3. Select the right personnel to staff the Homeless Outreach Team. There are specific skills and mindset that the H.O.T. officer must have. They must think more like a social-worker than law enforcement officer. They must be emotionally intelligent, compassionate, patient and have good communication skills. Officers cannot be put in this assignment just based on seniority. Officers chosen should be strong in the areas of Justice, Service and Equity on the Moral Compass. According to Normore, Anderson, Normand, Scott & Hoina (2014), officers with Justice enforce laws that are fair and just for everyone. Servitude is important for those chosen. This type of individual “is motivated by the opportunity to serve, to make a difference, and to accomplish the organizational mission.” (Normore et al., 2014 p.33). The officer’s chosen must understand “the why” behind the mission. This is an opportunity to make the community a better place by providing quality service to those in a less fortunate situation.
4. Provide staff with training to work effectively with persons experiencing homelessness. In addition to providing training to the H.O.T. officers, all patrol officers need to be trained on how to interact with homeless persons. Crisis Intervention Training and Integrating Communications, Assessment, and Tactics are two examples of good training programs to assist officers in their interactions with the homeless community. Officers must be well versed in what community services are available for referral. H.O.T. officers should have more specialized training regarding homelessness and how best to connect homeless with services. In Sheriff Robinson’s module on Practical Emotional Intelligence, we learned about the benefits utilizing emotional intelligence. Having

emotionally intelligent officers as part of the H.O.T. team will be very beneficial as they have self-awareness, are able to self-regulate (which will be essential when frustrations rise), have social skills and are able to display empathy. In the Crisis Intervention Teams module, we also learned of the importance of having officers trained in the C.I.T. technique. The C.I.T. trained officers have skills which make them more likely to have a peaceful and helpful resolution. This training allows officers to have confidence in their ability to respond to calls involving mentally ill persons. Studies have also shown that C.I.T. trained officers are less likely to view using force as an option when dealing with mentally ill persons.

5. Take a multi-disciplinary approach to the problem. The problem of homelessness is an issue that requires a multi-disciplinary approach to be successful in resolving. The approach may be headed by law enforcement, but needs to involve all service providers – health, human services, housing, employment, fire and emergency medical services, as well as non-profit and faith-based organizations. This multi-disciplinary approach to addressing the problem of homelessness will require an organizational change that includes a community leadership approach. Having an understanding of why the change in approach is necessary and needs to be clear on its importance throughout the agency. This would be a collaborative effort between agency leaders and community leaders to develop a reasonable approach and to identify what resources are available. Once a specific plan is developed, recruiting formal and informal leaders at every level throughout the agency to effect this change will be the most effective approach to effect the change.

6. Collect, analyze, and share data to better understand the community of homeless individuals and their service needs, and to track progress. This will allow an agency to see if their efforts are having an impact on the issue. However, this needs to be done in a manner that does not violate privacy laws and regulations. This step speaks to the need for strong organizational communication. There are likely several persons or divisions within a law enforcement organization that possess important data and information that relates to a given community's homeless population. Having the ability to break down those silos and readily access the information needed is critically important.
7. Form regional partnerships to address the problem in a coordinated fashion. There is not a geographical boundary on homelessness and by law enforcement agencies working together as regional partners, they can coordinate the services and programs available in the adjoining communities. This is helpful for resource sharing, especially in smaller agencies. This is another example of how a community leadership approach is important on this issue. Identifying the relevant stakeholders and having good interagency communication amongst those stakeholders and community leaders is paramount.
8. Pursue a variety of funding sources. Resources needed to assist in homeless issues are not cheap. Housing, outreach, services and follow-up can be very expensive. Agencies need to look into available grants, special sales taxes and charitable organizations that may defer some of the costs.
9. Create or expand homeless courts. This type of specialized court will help get a homeless person who has minor criminal infractions into the services that can help them, without subjecting them to jail time and excessive fines.

10. Work to identify and eliminate unnecessary, counterproductive barriers that prevent homeless persons from improving their lives. For example, as part of being homeless, a person may have incurred citations and fines to pay as a result of violating ordinances. By waiving these types of fines, it can help give a person a start without worry about how they will raise the funds, thus eliminating a barrier.
11. Evaluate what you are doing. In order to make sure the initiative is having a positive impact, research into the program must be conducted. This speaks to the importance of succession planning. Having a good plan in place for your organization as it moves forward is critical for a new program that is just beginning. Proper succession planning by constant evaluation and continuous improvement will engrain the program into the culture of the department and help make sure the program continues in the future despite the inevitable changes and turnover in personnel (PERF, 2018, pp. 73-75).

The way that law enforcement has been addressing this problem is not in alignment with our organizational goals of authenticity and the moral compass. To be authentic, it is necessary for us to set goals throughout the organization that are in alignment with this particular mission; to do the best we can to reduce the incidence of homelessness in our community. In addition, there is going to be a need to collaborate with many other non-law enforcement organizations, so aligning ourselves as community leaders and practicing community leadership to show we want to be good community partners working towards a common goal. Proper alignment within the leadership subsystem will have an impact on the psychosocial subsystem in influencing behaviors and motivation towards the desired goal.

Sarasota Florida began a Homeless Outreach Team after seeing a large spike in their homeless population beginning in 2014. The H.O.T. officer works with a case manager who will

make referrals to services available. These officers focus on the three E's – Educate about social services, Encourage referral to those services through outreach and diversion, and Enforce the criminal code (CIT International, 2018, slide 51). Sarasota went further and created a homeless shelter in the city. When an officer has an interaction with someone who is homeless, they would offer to take them to the shelter. If the person agrees to go to the shelter, they will not face criminal charges for their minor violations. The person also is given information on community resources available. The Sarasota PD has called this program a success. In 2017, they had 9,973 community contacts. From 2015 to 2018, they had showed a 61% reduction in homeless population per the HUD PIT study (CIT International, 2018, slide 104).

Conclusion

Undoubtedly there is a strong correlation between the homeless population, mental illness, substance abuse and the impact that it has on the general community. The responsibility that has been placed on law enforcement historically has been ineffective and has had a negative impact on the local jails and court system. Taking a community approach with community stakeholders and changing organizational philosophy on how to deal with the homeless individuals that are encountered will be beneficial to the community as a whole. Placing importance on providing officers with Crisis Intervention Technique training appears to be a good starting point in providing law enforcement officers the skills that are helpful in bringing about peaceful resolutions. Officers also need to be knowledgeable about the resources that are available in their communities. Working as part of a multi-disciplinary team seems to be one of the best practices that is being utilized. Having caring, emotionally intelligent, empathetic officers as part of a response team also appears to bring positive resolutions to the interactions

between law enforcement and homeless people. Community resources need to be part of the answer in how best to deal with homelessness. Being mindful of the laws that may criminalize homelessness is also an important part of finding solutions to the issues, without causing further periods of incarceration and mounting debts that cannot be paid for, other than spending time in a correctional institution. Homelessness may not really be a law enforcement issue, however law enforcement is who responds to the calls from citizens and businesses. Having a plan in place for dealing with these types of calls will only help to guide officers in their interactions.

References

Community Triage Plan , CTC Policy Committee. (2018). Retrieved from,

<https://www.minnehahacounty.org/ctcp/reports/Community%20Triage%20Center%20Conceptual%20Plan.pdf>

Crisis Intervention Team International. (2018). *Law Enforcement Strategies To Address Homelessness*. Retrieved from,

<http://www.citinternational.org/resources/Documents/H.O.T.%20Cops%20-%2021st%20Century%20Policing%20of%20the%20Homeless.pdf>.

Fuller, T. (2015, January). *250,000 Mentally Ill are Homeless. 140,000 Seriously Mentally Ill are Homeless*. Retrieved from, <https://mentalillnesspolicy.org/consequences/homeless-mentally-ill.html>

Greenberg, G., & Rosenheck, R. (2008). *Jail Incarceration, Homelessness, and Mental Health: A National Study*. Retrieved from,

<https://ps.psychiatryonline.org/doi/full/10.1176/ps.2008.59.2.170>

Knopf-Amelung, S., National Health Care for the Homeless Council (2013, November).

Incarceration & Homelessness: A Revolving Door of Risk. Retrieved from,

https://www.nhchc.org/wp-content/uploads/2011/09/infocus_incarceration_nov2013.pdf

Normore, A. (2017). *Crisis Intervention Teams*. Retrieved from, National Command and Staff College. Week 6.4.

Normore, A., Javidi, M., Anderson, T., Normand, N., Scott, W., & Hoina, C. (2014). *Moral Compass for Law Enforcement Professionals*. Holly Springs, NC; IAPS

Police Executive Research Forum. (2018, June). *The Police Response to Homelessness*.

Retrieved from, <https://www.policeforum.org/assets/PoliceResponsetoHomelessness.pdf>

Pusins, R. (2014). *Police Response to Homelessness the Fort Lauderdale Model*. Retrieved

from, <https://popcenter.asu.edu/sites/default/files/library/awards/goldstein/2002/02-12.pdf>

Robinson, M. (2017). *Practical Emotional Intelligence*. Retrieved from National Command and Staff College. Week 1.3.

Veterans Affairs. (2011, November). *National Survey of Homeless Veterans in 100,000 Homes*

Campaign Communities. Retrieved from,

https://www.va.gov/homeless/docs/nationalsurveyofhomelessveterans_final.pdf