



Searching Out Solutions:  
Alternatives to the Criminalization of Homelessness  
*Webinar*

April 16, 2012



# Welcome

**Anthony Love**  
Deputy Director  
U.S. Interagency Council on  
Homelessness



**Purpose:**

- To introduce the recently released report: *Searching Out Solutions: Constructive Alternatives to Criminalization*
- To promote and encourage the implementation of the solutions contained in the report.



## Proposed Solutions

- Creation of comprehensive and seamless systems of care
- Collaboration between law enforcement and behavioral health and social service providers
- Alternative justice system solutions

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## Agenda

1. Alternatives to criminalization makes sense for communities
2. Access to Housing and Services is a better solution
3. The benefits of alternative/specialty courts and how you can get started setting them up where you live

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## Panelists

- Melanca Clark: Senior Counsel, Access to Justice Initiative U.S. Department of Justice
- Christy Respress: Executive Director Pathways to Housing DC
- Steve Binder, Esq: San Diego County Deputy Public Defender & co-founder of the Homeless Court Program in San Diego

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## Webinar Format

- Call will last approximately 1 hour
- We have reserved time at the end of the webinar for Q&A
- **Audience members who would like to pose a question can do so at any time through the “questions” function found in the “GoToWebinar” toolbar**
- Call audience members are “muted” due to the high number of participants
- Call will be recorded

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<http://www.usich.gov/>

## Searching Out Solutions

USICH Webinar on Alternatives to the Criminalization of  
Homelessness  
April 16, 2012

Melanca Clark  
Senior Counsel, Access to Justice Initiative  
U.S. Department of Justice



## Homelessness Persists

On a single night in January 2011:

- 636,017 people were homeless in the United States, including 399,836 homeless individuals and 236,181 persons in families.
- 107,148 people were chronically homeless in the United States, or about 17 percent of all homeless people.

Source: HUD's 2011 Point-in-Time Estimates of Homelessness

## Criminalization Measures are Proliferating

- Legislation that makes it illegal to sleep, sit, or store personal belongings in public spaces
- Ordinances that punish people for begging or panhandling in order to move people who are poor or homeless out of a city or downtown area
- Local measures which ban or limit food distribution in public places in an attempt to curb the congregation of individuals who are homeless
- Sweeps of areas in which people who are homeless are living in order to drive them out of those areas
- Selective enforcement of neutral laws such as jaywalking, loitering, and open container laws against people who are homeless
- Public health ordinances related to public activities and hygiene regardless of whether public facilities are available

## Criminalization Undermines Real Solutions

- **Criminalization Policies:**
  - ▣ Can further marginalize men and women experiencing homelessness.
  - ▣ Are often costly and consume substantial state and local resources.
  - ▣ Do not address underlying problem.

# Convening & Report

Report Link:  
[www.usich.gov/criminalization](http://www.usich.gov/criminalization)

## SEARCHING OUT SOLUTIONS

*Constructive Alternatives to the  
Criminalization of Homelessness*



United States Interagency  
Council on Homelessness  
2012

## Constructive Solutions: Creation of Comprehensive and Seamless Systems of Care

1. Develop and Implement Communitywide Plans to End Homelessness
2. Develop “Housing First” Permanent Supportive Housing
3. Ensure 24-hour Access to Emergency Shelter
4. Create Street Outreach Teams and Provide Safe Havens
5. Communitywide Collaboration through Education, Volunteerism and Donations
6. Communitywide Coordination of Food Sharing
7. Improve Access to Mainstream Benefits for Persons Experience Homelessness

## Constructive Solutions: Collaboration between Law Enforcement and Behavioral Health and Social Service Providers

1. Outreach and Engagement
2. Cross-Training of Police Officers and Service Providers
3. Crisis Intervention Teams



## Constructive Solutions: Alternative Justice System Strategies

1. Problem-Solving Courts
2. Citation Dismissal Programs
3. Holistic Public Defender Offices
4. Volunteer Legal Services Project and Pro Bono Attorneys
5. Reentry or Transition Planning
6. Reentry Housing
7. Reentry Employment



## Department of Justice Stakeholders



OFFICE OF JUSTICE PROGRAMS

Innovation • Partnerships • Safer Neighborhoods

[www.ojp.usdoj.gov/](http://www.ojp.usdoj.gov/)



[www.nij.gov/](http://www.nij.gov/)

**COPS**

COMMUNITY ORIENTED POLICING SERVICES  
U.S. DEPARTMENT OF JUSTICE

[www.cops.usdoj.gov/](http://www.cops.usdoj.gov/)



[www.justice.gov/atj/](http://www.justice.gov/atj/)



U.S. Department of Justice  
Civil Rights Division

[www.justice.gov/crt/index.php](http://www.justice.gov/crt/index.php)

## Federal Interagency Reentry Council

- ✓ Actions the federal government can take to better coordinate/leverage resources for reentry
- ✓ Actions the federal government can take to remove barriers to reentry
- ✓ Bully pulpit opportunities to advance the reentry agenda, dispel myths/clarify policies, and signal to the field the importance of the issue


Federal Interagency Reentry Council Website:  
<http://www.nationalreentryresourcecenter.org/reentry-council>





*"AS PRESIDENT OBAMA RECENTLY MADE CLEAR, THIS IS AN ADMINISTRATION THAT BELIEVES IN THE IMPORTANCE OF SECOND CHANCES – THAT PEOPLE WHO HAVE PAID THEIR DEBT TO SOCIETY DESERVE THE OPPORTUNITY TO BECOME PRODUCTIVE CITIZENS AND CARING PARENTS, TO SET THE PAST ASIDE AND EMBRACE THE FUTURE. PART OF THAT SUPPORT MEANS HELPING EX-OFFENDERS GAIN ACCESS TO ONE OF THE MOST FUNDAMENTAL BUILDING BLOCKS OF A STABLE LIFE – A PLACE TO LIVE."*

Letter from Secretary Shaun Donovan and Assistant Secretary Sandra B. Henriquez to public housing authority directors, June 17, 2011.



U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, D.C. 20410-0001

THE SECRETARY June 17, 2011

Dear PHA Executive Director:

Each year, more than half a million people are released from prisons in the United States, and an additional seven million are released from jails. Research shows that ex-offenders who do not find stable housing in the community are more likely to recidivate than those who do, yet people returning to their communities from prison often face significant barriers to obtaining housing. Studies have also found that the majority of people released from prison intend to return to their families, many of whom live in public or other subsidized housing.

The Department is engaged in several initiatives that seek a balance between allowing ex-offenders to reunite with families that live in HUD subsidized housing, and ensuring the safety of all residents of its programs. To that end, we would like to remind you of the discretion given to public housing agencies (PHAs) when considering housing people leaving the criminal justice system. The Department encourages you to allow ex-offenders to rejoin their families in the Public Housing or Housing Choice Voucher programs, when appropriate.

Within HUD statute and regulations, there are only two explicit bans on occupancy based on criminal activity. PHAs must establish a lifetime ban on admission to the Public Housing and Housing Choice Voucher programs for:

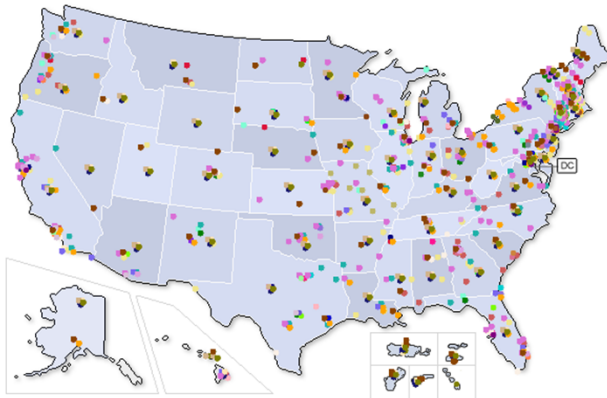
1. Individuals found to have manufactured or produced methamphetamine on the premises of federally assisted housing (24 CFR 960.204, 24 CFR 982.553); and
2. Sex offenders subject to a lifetime registration requirement under a State sex offender registration program (24 CFR 960.204, 24 CFR 982.553).

Additionally, PHAs must establish standards that prohibit admission if the PHA determines that any household member is currently engaged in illegal use of a drug, or the PHA has reasonable cause to believe that a household member's illegal drug use, alcohol use, or pattern of drug or alcohol abuse may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. PHAs must also prohibit admission of an applicant for 3 years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. In this case, however, PHAs retain discretion to consider the circumstances and may admit households if the PHA determines that the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program, including those supervised by drug courts, or that the circumstances leading to eviction no longer exist (24 CFR 960.204, 24 CFR 966.4, 24 CFR 982.553).

[www.hud.gov](http://www.hud.gov) [espaol@hud.gov](mailto:espaol@hud.gov)

## Reentry Council Resources

National Reentry Resource Center mapped major federal reentry resources going to states and localities



[www.nationalreentryresourcecenter.org](http://www.nationalreentryresourcecenter.org)

## Searching Out Solutions: Alternatives to Criminalization

### Access to Housing and Services is a Better Solution

*Christy Respress, Executive Director  
Pathways to Housing DC*

## Who We Serve

- ▶ Average length of time homeless 5+ years. As much as 30 yrs.
- ▶ Average age of 50
- ▶ 73% male, 26% female, 1% transgender
- ▶ 77% African American, 21% Caucasian, 2% Latino
- ▶ 100% SPMI on the ACT teams
- ▶ 80% co-occurring disorders
- ▶ 40% + involvement with criminal justice
- ▶ High medical needs: hypertension, diabetes, HIV, obesity, cancer, etc.

## Housing First

Outreach

Permanent Housing  
and Support Services

## Prevention is the key...

- Why do the people we serve have contact with the criminal justice system?
- Impact of Housing First on reducing contact

## Resources Needed

- ▶ Housing
- ▶ Services
- ▶ Additional Program Supports
  - Example: Partnership with CSH for Frequent Utilizers Services Enhancement (FUSE)

## Partnerships

### Private Sector Partners

- Downtown Business Improvement District
- Landlords willing to work with persons with criminal records

## Partnerships

### Law Enforcement

- Crisis Intervention Officers (CIOs)
- Mental Health Treatment Courts

## Housing First, what next?



## Thank You

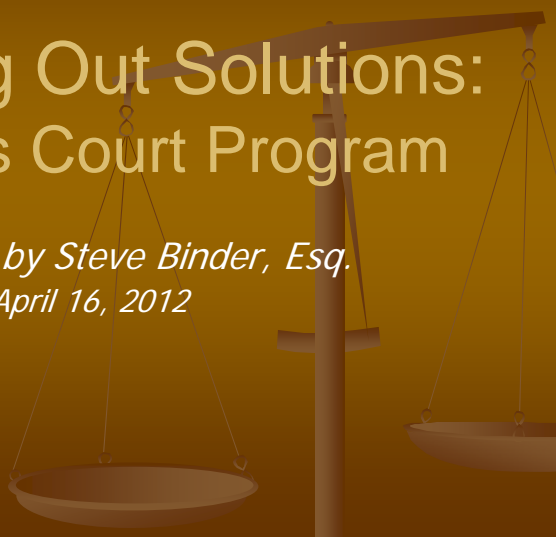
Christy Respress  
Executive Director, Pathways DC  
crespres@pathwaysdc.org

For more information please see the  
Pathways to Housing website:  
[www.pathwaystohousing.org](http://www.pathwaystohousing.org)



## Searching Out Solutions: Homeless Court Program

*Presented by Steve Binder, Esq.  
April 16, 2012*



ORIGINS:

*Frustration & Despair*




SURVEY SAYS....:

*116 of 500 Homeless  
Veterans Speak Up*




## ACCESS:

- Access to Justice
  - Promoting Confidence in the Court
  - Implementation and Replication
- 
- A faint, stylized image of a balance scale is visible in the background of the slide, symbolizing justice and equity.

## PURPOSE, PROCESS & PROOF:

Building blocks for  
treatment and public  
safety

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## PROCESS:

- Transparency of Process
  - OVERCOMING fear of the unknown
  - SHARING information
  - PREPARING for Court

(for all the collaborative partners)

PROCESS & ATTITUDE:  
*Relationship and Trust*

## TRUST:

- Step-by-Step Review and the Reasons for Doing So



## IDENTIFY:

- ✓ *Veteran Status*
- ✓ *Diagnosis*
- ✓ *Treatment & Action Plan*



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ABA PUBLICATION:  
*"The San Diego Service  
Provider Tool Kit"*

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RESOURCES:  
Steve Binder  
San Diego County  
Office of the Public Defender  
**619-338-4708**  
**[Steve.binder@sdcounty.ca.gov](mailto:Steve.binder@sdcounty.ca.gov)**

## RESOURCES:

American Bar Association Commission on Homelessness and Poverty

[http://www.americanbar.org/groups/public\\_services/homelessness\\_poverty.html](http://www.americanbar.org/groups/public_services/homelessness_poverty.html)

National Coalition for Homeless Veterans

[www.nchv.org](http://www.nchv.org)

Veterans Village of San Diego

[www.vvsvd.net](http://www.vvsvd.net)



## Questions?

- Please submit your questions via the chat function.
- The webinar will be available by the end of the week on our websites at <http://www.usich.gov>





# Resources



Learn more about the report and solutions on our website:  
<http://www.usich.gov/criminalization>



# Stay Informed

Sign up for our newsletter at [www.usich.gov](http://www.usich.gov)

Join us on  and 



No one should experience homelessness—no one should be without a safe, stable place to call home.