

Alma Valenzuela

From: CityAttorney
Sent: Tuesday, August 29, 2023 3:02 PM
To: Monique DeLaGarza; Alma Valenzuela
Cc: Dawn McIntosh; Monica Kilaita; Barbara Gallagher
Subject: FW: Say NO to criminalizing homelessness.

FYI

Kathy Apacible
Executive Assistant

Office of the City Attorney | Executive Office
411 W. Ocean Blvd., 9th Floor | Long Beach, CA 90802
Office: 562.570.2216 | Fax: 562.436.1579



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From: Shaidy Ruiz <info@sg.actionnetwork.org>
Sent: Tuesday, August 29, 2023 2:56 PM
To: CityAttorney <CityAttorney@longbeach.gov>
Subject: Say NO to criminalizing homelessness.

-EXTERNAL-

City Attorney Dawn McIntosh,

Dear Mayor Richardson, Supervisor Hahn, City Manager Modica, City Attorney McIntosh, Homeless Services Officer Duncan, Health and Human Services Director Colopy, Deputy City Manager Chandler, and Long Beach City Council,

We, the undersigned, urge you to reject any and all homelessness criminalization policies that may result from the passing of a revised agenda item (NB-25) exploring enforcement mechanisms ostensibly related to public safety. It is clear from existing research that removing people experiencing homelessness (PEH) from public space by ticketing, arrest, coercion, and other punitive measures exacerbates and prolongs homelessness rather than solving it.

NB-25 passed in City Hall by a 7-2 vote on June 20, 2023, greenlighting research into policy options “related to [unsafe] uses of public spaces, including camping, that contribute to public health issues, nuisance, and public safety concerns” [1]. The item’s author, Councilmember Kristina Duggan, justifies enforcement by appealing to the May 30 attack on people in Belmont Shore by an unhoused man, arguing that “firm,” police-based approaches are needed to manage people who refuse services. We counter, however, that carceral responses not only fail to address the root cause of homelessness (unaffordable housing), they also forsake the very models that could have prevented the attack in the first place.

NB-25 stands in clear contradiction to the City Council’s repeated acknowledgements in recent weeks that homelessness is a housing problem that requires housing solutions. In Los Angeles County, renters must earn an annual income of about \$70,000 to afford a modest one-bedroom market-rate apartment; that equals working more than 80 hours a week on a minimum wage salary [2]. The state-wide shortage of available affordable housing units, the

failure to cap rents, and the rollback of COVID-19 eviction protections mean that more and more people will inevitably end up on the streets as the cost of rental housing continues to rise.

NB-25 has alarmed housing advocates in Long Beach as an anti-homeless measure that will criminalize and police our unhoused neighbors for activities that are unavoidable when unsheltered. The criminalization of homelessness is defined as laws and policies aimed at PEH that prohibit basic, life-sustaining activities from taking place in public. The most common forms of criminalization include bans on publicly sleeping or resting, pitching tents and sheltering, storing personal property in public, and asking for help. These bans may be applied as anti-camping, anti-loitering, anti-panhandling, or nuisance ordinances, and may be justified in the name of public health or safety. Notably, Councilmembers Megan Kerr, Suely Saro, and Joni Ricks-Oddie voiced concern—prior to voting yes—toward NB-25’s shameful implications and precedents, which include Vagrancy Laws, Anti-Okie Laws, Jim Crow Laws, Ugly Laws, Sundown Laws, and other instances in the long history of outlawing and punishing the poor and oppressed people in the United States.

While Councilmember Mary Zendejas and certain of her colleagues insist, unconvincingly, that NB-25 does not entail criminalization, the decision to examine other cities’ enforcement practices is worrying, to say the least. The ACLU reports that homelessness criminalization by local governments is spreading in California partly because such policies legitimize and influence the use of similar mechanisms elsewhere. Local governments have exploited loopholes in *Martin v. Boise* to administer discriminatory measures designed to remove PEH from public space, which may result in displacement, incarceration, hardship, and/or death [3]. In this way, the decision to “look to” other municipalities risks reproducing a vicious feedback loop in which punitive measures in one area justify the enactment of harmful

policies in another, and vice versa. Whereas Long Beach has the opportunity, in part due to the powers granted to it through the emergency proclamation, to lead the way in progressive, housing-first options, this leadership will be abdicated if the City simply imports failed models already in place in Los Angeles, Chico, Santa Cruz, Orange County, and other California regions and municipalities.

Furthermore, it is highly questionable whether anti-homeless enforcement actually betters public safety. Encampment sweeps, one of the go-to mechanisms to remove PEH from sight, which the City and LA County practice regularly [4], have been well documented to negatively impact the health and well-being of swept residents, to make homelessness worse, and to fail to improve public safety in general [5]. The National Health Care for the Homeless Council reports, for example, that encampment residents may refrain from calling 911 in life-threatening emergencies due to fear of a resulting sweep, which leaves residents vulnerable to violence and other emergencies [6]. More broadly, criminological studies examining encampment communities in New York and Los Angeles found little to no reduction in crime rates and reports near encampment areas following police interventions and/or encampment clearances, suggesting that most crime near encampments is not attributable to PEH [7].

Second, criminalization reinforces stigmatization and the social exclusion of an extremely vulnerable group, which reinforce more criminalization and may lead to greater violence and aggression against PEH [8]. The LAPD reports that nearly a quarter of all LA murder victims were unhoused despite only comprising one percent of the population and the LA County Department of Health reports that PEH are 15 times more likely to be victims of homicide than the general public [9]. Relatedly, unhoused people are significantly less likely to factor as suspects in homicide cases, meaning that many of the murders of PEH in LA City and LA County are perpetrated by people with housing [10]. Nevertheless, PEH are consistently

made into scapegoats for violent crime, often without evidence or truthfulness to the accusations [11].

Third, criminalization degrades public safety because it creates a revolving door between homelessness and the carceral system. The Prison Policy Initiative reports that “people who have been to prison just once experience homelessness at a rate nearly 7 times higher than the general public” and “people who have been incarcerated more than once have rates 13 times higher than the general public” [12]. By the same token, homelessness increases the chance of arrest and incarceration, increasingly for reasons of status rather than behavior, which makes it even harder to access housing, mental health services, and substance abuse treatment [13].

Fourth, this revolving door primarily impacts people of color. As the City Council very well knows, the majority of PEH in Long Beach are Latinx (35.2 percent) and Black (32.4 percent), according to the 2023 homeless count [14]. Alarming, the disproportionate percentages put unhoused members of racial groups that already experience higher rates of police violence at further risk of harm. As studies show, interactions between police and PEH—which criminalization generates—are more likely to result in the use of force by police [15]. In 2019, for example, 34 percent of LAPD “non-categorical” use of force incidents (translation: the use of any forcible or coercive action except deadly force or weapon strikes to the head, such as using riot control weapons, batons, tasers, and/or bodily force) were against alleged PEH—approximately 23 times the rate experienced by the general public [16]. Given these numbers, if the City Council chooses to embolden enforcement, it will actively stoke the conditions for police violence to occur on our streets.

Fifth, other research shows that criminalization neither decreases the visibility of chronic homelessness nor successfully encourages accepting services, a primary rationale for NB-

25. A 2015, San Francisco-based report states: “criminalization did not significantly reduce homeless people’s presence in public space or deter camping, loitering, begging, sitting, or sleeping in public.” In fact, the study found “no evidence to support the claim that criminalization led more homeless people to seek or receive services—police almost never offered services or referrals to our respondents and when they did, these services were primarily in [the] form of a pamphlet, one-night shelter bed, or sandwich” [17].

Finally, criminalization wastes money and resources. Recent studies add to an already significant body of literature demonstrating that punitive enforcement, besides being ineffective, is highly expensive. The cost of policing and penalizing chronic homelessness places significant stress on emergency, legal, shelter, and health systems and resources without the payoff of actually reducing the problem [18]. The price tag of police contact, legal processing, jail time, emergency services, and other expenses associated with criminalization reaches thousands and thousands of dollars per person, far outpacing the amount of money required to implement non-punitive, housing-first alternatives.

Housing-first programs, which provide stable, permanent housing with wrap-around supportive services and no strings attached, have been shown to be cost-reductive, effective solutions. In fact, researchers report that housing-first programs constitute “the most cost-effective, long-term solution to chronic homelessness. When people experiencing chronic homelessness receive PSH [Permanent Supportive Housing], they are less likely to use emergency departments, hospitals, detoxification facilities, and shelters. PSH residents are also less likely to interact with law enforcement, get arrested, and be incarcerated. The decreased use of these expensive services is dramatic and results in savings. Often, cost savings equal or exceed the cost of PSH” [19].

For these reasons, we strongly object to any decision by city officials to adopt and enact

punitive policies based on NB-25, no matter what humanitarian spin is placed on them. Our unhoused neighbors need rehabilitative, care-based, housing-first solutions, not more fines, arrests, and jail time. If adopted, the turn to criminalization will mark nothing less than a failure by the City of Long Beach to lead and a failure to improve the lives of all residents who call Long Beach home.

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6. National Health Care for the Homeless Council, "Impact of Encampment Sweeps on People Experiencing Homelessness," National Health Care for the Homeless Council, Inc.,

December 2022, <https://nhchc.org/wp-content/uploads/2022/12/NHCHC-encampment-sweeps-issue-brief-12-22.pdf>.

7. Bennett Allen, "Impact of a Homeless Encampment Closure on Crime Complaints in the Bronx, New York City, 2017: Implications for Municipal Policy," *Journal of Evidence-Based Social Work* 19, no. 3 (2022): 356-366. Amanda Aykanian and Sondra J. Fogel, "The Criminalization of Homelessness," in *Homelessness Prevention and Intervention in Social Work: Policies, Programs, and Practices*, eds. Heather Larkin, Amanda Aykanian, Calvin L. Streeeter (New York: Springer, 2019), 185-205.
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10. Thacher Schmid, "Homeless People in the US Are Being Murdered at a Horrific Rate," *Jacobin*, May 17, 2022, <https://jacobin.com/2022/05/homeless-homicides-data-surge-victims-suspects>

11. Jeremiah Dobruck and Jason Ruiz, “City officials tied a stabbing spree to homelessness—but the suspect wasn’t homeless,” Long Beach Post, October 22, 2022, <https://lbpost.com/news/stabbing-spreed-suspect-not-homeless-long-beach-yohance-sharp/>.
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14. City of Long Beach, “Press Release: Long Beach Releases Results of the 2023 Homeless Point in Time Count,” City of Long Beach, April 27, 2023, <https://longbeach.gov/press-releases/long-beach-releases-results-of-the-2023-homeless-point-in-time-count/>.
15. Homelessness Policy Research Institute, “Policing Homelessness: A review of the literature on policing policies that target homelessness and best practices for improving outcomes,” University of Southern California, October 21, 2021, <https://socialinnovation.usc.edu/wp-content/uploads/2021/10/Policing-Homelessness-Final-1.pdf>.
16. Ibid., 5.

17. Coalition on Homelessness, San Francisco, "Punishing the Poorest: How the Criminalization of Homelessness Perpetuates Poverty in San Francisco," accessed July 11, 2023, <https://www.cohsf.org/Punishing.pdf>, 67.

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While Councilmember Mary Zendejas and certain of her colleagues insist, unconvincingly, that NB-25 does not entail criminalization, the decision to examine other cities' enforcement practices is worrying, to say the least. The ACLU reports that homelessness criminalization by local governments is spreading in California partly because such policies legitimize and influence the use of similar mechanisms elsewhere. Local governments have exploited loopholes in *Martin v. Boise* to administer discriminatory measures designed to remove PEH from public space, which may result in displacement, incarceration, hardship, and/or death [3]. In this way, the decision to "look to" other municipalities risks reproducing a vicious feedback loop in which punitive measures in one area justify the enactment of harmful policies in another, and vice versa. Whereas Long Beach has the opportunity, in part due to the powers granted to it through the emergency proclamation, to lead the way in progressive, housing-first options, this leadership will be abdicated if the City simply imports failed models already in place in Los Angeles, Chico, Santa Cruz, Orange County, and other California regions and municipalities.

Furthermore, it is highly questionable whether anti-homeless enforcement actually betters public safety. Encampment sweeps, one of the go-to mechanisms to remove PEH from sight, which the City and LA County practice regularly [4], have been well documented to negatively impact the health and well-being of swept residents, to make homelessness worse, and to fail to improve public safety in general [5]. The National Health Care for the Homeless Council reports, for example, that encampment residents may refrain from calling 911 in life-threatening emergencies due to fear of a resulting sweep, which leaves residents vulnerable to violence and other emergencies [6]. More broadly, criminological studies examining encampment communities in New York and Los Angeles found little to no reduction in crime rates and reports near encampment areas following police interventions and/or encampment clearances, suggesting that most crime near encampments is not attributable to PEH [7].

Second, criminalization reinforces stigmatization and the social exclusion of an extremely vulnerable group, which reinforce more criminalization and may lead to greater violence and aggression against PEH [8]. The LAPD reports that nearly a quarter of all LA murder victims were unhoused despite only comprising one percent of the population and the LA County Department of Health reports that PEH are 15 times more likely to be victims of homicide than the general public [9]. Relatedly, unhoused people are significantly less likely to factor as suspects in homicide cases, meaning that many of the murders of PEH in LA City and LA County are perpetrated by people with housing [10]. Nevertheless, PEH are consistently made into scapegoats for violent crime, often without evidence or truthfulness to the accusations [11].

Third, criminalization degrades public safety because it creates a revolving door between homelessness and the carceral system. The Prison Policy Initiative reports that “people who have been to prison just once experience homelessness at a rate nearly 7 times higher than the general public” and “people who have been incarcerated more than once have rates 13 times higher than the general public” [12]. By the same token, homelessness increases the chance of arrest and incarceration, increasingly for reasons of status rather than behavior, which makes it even harder to access housing, mental health services, and substance abuse treatment [13].

Fourth, this revolving door primarily impacts people of color. As the City Council very well knows, the majority of PEH in Long Beach are Latinx (35.2 percent) and Black (32.4 percent), according to the 2023 homeless count [14]. Alarming, the disproportionate percentages put unhoused members of racial groups that already experience higher rates of police violence at further risk of harm. As studies show, interactions between police and PEH—which

criminalization generates—are more likely to result in the use of force by police [15]. In 2019, for example, 34 percent of LAPD “non-categorical” use of force incidents (translation: the use of any forcible or coercive action except deadly force or weapon strikes to the head, such as using riot control weapons, batons, tasers, and/or bodily force) were against alleged PEH—approximately 23 times the rate experienced by the general public [16]. Given these numbers, if the City Council chooses to embolden enforcement, it will actively stoke the conditions for police violence to occur on our streets.

Fifth, other research shows that criminalization neither decreases the visibility of chronic homelessness nor successfully encourages accepting services, a primary rationale for NB-25. A 2015, San Francisco-based report states: “criminalization did not significantly reduce homeless people’s presence in public space or deter camping, loitering, begging, sitting, or sleeping in public.” In fact, the study found “no evidence to support the claim that criminalization led more homeless people to seek or receive services—police almost never offered services or referrals to our respondents and when they did, these services were primarily in [the] form of a pamphlet, one-night shelter bed, or sandwich” [17].

Finally, criminalization wastes money and resources. Recent studies add to an already significant body of literature demonstrating that punitive enforcement, besides being ineffective, is highly expensive. The cost of policing and penalizing chronic homelessness places significant stress on emergency, legal, shelter, and health systems and resources without the payoff of actually reducing the problem [18]. The price tag of police contact, legal processing, jail time, emergency services, and other expenses associated with criminalization reaches thousands and thousands of dollars per person, far outpacing the amount of money required to implement non-punitive, housing-first alternatives.

Housing-first programs, which provide stable, permanent housing with wrap-around supportive services and no strings attached, have been shown to be cost-reductive, effective solutions. In fact, researchers report that housing-first programs constitute “the most cost-effective, long-term solution to chronic homelessness. When people experiencing chronic homelessness receive PSH [Permanent Supportive Housing], they are less likely to use emergency departments, hospitals, detoxification facilities, and shelters. PSH residents are also less likely to interact with law enforcement, get arrested, and be incarcerated. The decreased use of these expensive services is dramatic and results in savings. Often, cost savings equal or exceed the cost of PSH” [19].

For these reasons, we strongly object to any decision by city officials to adopt and enact punitive policies based on NB-25, no matter what humanitarian spin is placed on them. Our unhoused neighbors need rehabilitative, care-based, housing-first solutions, not more fines, arrests, and jail time. If adopted, the turn to criminalization will mark nothing less than a failure by the City of Long Beach to lead and a failure to improve the lives of all residents who call Long Beach home.

Sincerely,

The People of Long Beach

1. We appreciate that Councilmembers Cindy Allen and Roberto Uranga had the courage to vote no on NB-25
2. National Low Income Housing Coalition, “Out of reach 2020: California,” accessed July 11, 2023, <https://nlihc.org/oor/state/ca>.

3. American Civil Liberties Union, *Outside the Law: The Legal War Against Unhoused People* (California: ACLU, 2021).
4. DSA Long Beach Housing Justice Committee, "Long Beach Swept Encampments Before Grand Prix," *Knock LA*, April 30, 2023, <https://knock-la.com/long-beach-grand-prix/>.
5. Diane Qi, Kamran Abri, M. Rani Mukherjee, Amy Rosenwohl-Mack, Lina Khoeur, Lily Barnard, and Kelly Ray Knight, "Health Impact of Street Sweeps from the Perspective of Healthcare Providers," *Journal of General Internal Medicine* 37 (2022): 3,707-3,714.
6. National Health Care for the Homeless Council, "Impact of Encampment Sweeps on People Experiencing Homelessness," National Health Care for the Homeless Council, Inc., December 2022, <https://nhchc.org/wp-content/uploads/2022/12/NHCHC-encampment-sweeps-issue-brief-12-22.pdf>.
7. Bennett Allen, "Impact of a Homeless Encampment Closure on Crime Complaints in the Bronx, New York City, 2017: Implications for Municipal Policy," *Journal of Evidence-Based Social Work* 19, no. 3 (2022): 356-366. Amanda Aykanian and Sondra J. Fogel, "The Criminalization of Homelessness," in *Homelessness Prevention and Intervention in Social Work: Policies, Programs, and Practices*, eds. Heather Larkin, Amanda Aykanian, Calvin L. Streeter (New York: Springer, 2019), 185-205.
8. Robert J. B. Lehmann, Joscha Hausam, and Friedrich Lösel, "Stigmatization and Victimization of People Experiencing Homelessness: Psychological Functioning, Social Functioning, and Social Distance as Predictors of Reporting Violence to the Police," *Policing: A Journal of Policy and Practice* 17 (2023): <https://doi.org/10.1093/police/paac033>.

9. Eric Leonard, "LA's Homeless Were 24% of City's Murder Victims," NBC Los Angeles, January 4, 2023, <https://www.nbclosangeles.com/investigations/las-homeless-were-24-of-citys-murder-victims/3066979/>. Los Angeles County Department of Public Health, "Mortality Rates and Causes of Death Among People Experiencing Homelessness in Los Angeles County: 2014-2021," May 2023, http://www.publichealth.lacounty.gov/chie/reports/Homeless_Mortality_Report_2023.pdf.
10. Thacher Schmid, "Homeless People in the US Are Being Murdered at a Horrific Rate," Jacobin, May 17, 2022, <https://jacobin.com/2022/05/homeless-homicides-data-surge-victims-suspects>
11. Jeremiah Dobruck and Jason Ruiz, "City officials tied a stabbing spree to homelessness—but the suspect wasn't homeless," Long Beach Post, October 22, 2022, <https://lbpost.com/news/stabbing-spreed-suspect-not-homeless-long-beach-yohance-sharp/>.
12. Lucius Couloute, "Nowhere to Go: Homelessness among formerly incarcerated people," Prison Policy Initiative, August 2018, <https://www.prisonpolicy.org/reports/housing.html>.
13. Marina Fisher, Nathaniel Miller, Lindsay Walter, Jeffrey Selbin, "California's New Vagrancy Laws The Growing Enactment and Enforcement of Anti-Homeless Laws in the Golden State," Social Science Research Network, February 12, 2015, <https://ssrn.com/abstract=2558944>.
14. City of Long Beach, "Press Release: Long Beach Releases Results of the 2023 Homeless Point in Time Count," City of Long Beach, April 27, 2023, <https://longbeach.gov/press-releases/long-beach-releases-results-of-the-2023-homeless-point-in-time-count/>.

15. Homelessness Policy Research Institute, "Policing Homelessness: A review of the literature on policing policies that target homelessness and best practices for improving outcomes," University of Southern California, October 21, 2021, <https://socialinnovation.usc.edu/wp-content/uploads/2021/10/Policing-Homelessness-Final-1.pdf>.
16. Ibid., 5.
17. Coalition on Homelessness, San Francisco, "Punishing the Poorest: How the Criminalization of Homelessness Perpetuates Poverty in San Francisco," accessed July 11, 2023, <https://www.cohsf.org/Punishing.pdf>, 67.
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19. Lavena Staten and Sara K. Rankin, *Penny Wise But Pound Foolish: How Permanent Supportive Housing Can Prevent a World of Hurt* (Seattle: Seattle University School of Law, 2019), i.

Stephanie
California

Alma Valenzuela

From: Kathy Apacible
Sent: Friday, August 25, 2023 7:00 AM
To: Monique DeLaGarza; Alma Valenzuela
Cc: Barbara Gallagher
Subject: FW: Say YES to Making Our City Safer

Follow Up Flag: Follow up
Flag Status: Completed

Good morning and FYI.

Kathy Apacible
Executive Assistant

Office of the City Attorney | Executive Office
411 W. Ocean Blvd., 9th Floor | Long Beach, CA 90802
Office: 562.570.2216 | Fax: 562.436.1579



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From: Leslie Bryant <leslie@lab-con.us>
Sent: Friday, August 25, 2023 6:51 AM
To: Mayor <Mayor@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>; CityAttorney <CityAttorney@longbeach.gov>; Prosecutor <Prosecutor@longbeach.gov>; Tom Modica

<Tom.Modica@longbeach.gov>

Subject: Say YES to Making Our City Safer

-EXTERNAL-

Dear Mayor Richardson, Long Beach City Council, City Attorney Dawn McIntosh, Prosecutor Doug Haubert, and City Manager Tom Modica:

I applaud the Long Beach City Council's decision to support agenda item NB-25, The Ensuring Usable and Safe Public Spaces proposal. It's a smart, common-sense approach to understanding what other cities are doing to balance the rights of people experiencing homelessness and people's right to use our public spaces. On any given day, Long Beach residents encounter violent and/or mentally ill individuals blatantly breaking our laws without repercussion. Open drug use, vandalism, harassment, and public nudity and masturbation happen every day in our public spaces and business districts. As a result, many of our favorite areas have become unusable and less safe for residents, particularly children, who wish to enjoy them.

We are seeing cities across the country implement the same policies that Long Beach residents are told are not allowable under *Martin v. Boise* so I was encouraged by the 7-2 vote on June 20, 2023 to greenlight research into policy options "related to unsafe uses of public spaces, including camping, that contribute to public health issues, nuisance, and public safety concerns," as I believe it demonstrates that this has become a widespread issue impacting all parts of our City.

We care for people that are homeless and need support to get back on their feet, but we must also acknowledge that some people experiencing homelessness don't want to change their lifestyle. As such, it's reasonable to put some limits on where they can establish encampments. While I recognize that putting parameters where encampments can be established won't stop all illegal activity, it is well past time for our City to have an open discussion about what is legal and allowable and what is not.

I am supportive also of housing-first programs, which provide stable, permanent housing and supportive services, but I don't think they should take the place of enforcing laws meant to keep our communities safe. I recognize you hear frequently from homeless advocates, but less so from those of us that actually reside within the City of Long Beach's borders.

I support this measure and exploration of policy changes that may result from the effort.

Leslie Bryant
District 3

Alma Valenzuela

From: CityAttorney
Sent: Wednesday, August 23, 2023 1:08 PM
To: Alma Valenzuela
Subject: FW: Say NO to criminalizing homelessness.

FYI

Kathy Apacible
Executive Assistant

Office of the City Attorney | Executive Office
411 W. Ocean Blvd., 9th Floor | Long Beach, CA 90802
Office: 562.570.2216 | Fax: 562.436.1579



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From: LILIANA MONROY <info@sg.actionnetwork.org>
Sent: Wednesday, August 23, 2023 12:34 PM
To: CityAttorney <CityAttorney@longbeach.gov>
Subject: Say NO to criminalizing homelessness.

-EXTERNAL-

City Attorney Dawn McIntosh,

Dear Mayor Richardson, Supervisor Hahn, City Manager Modica, City Attorney McIntosh, Homeless Services Officer Duncan, Health and Human Services Director Colopy, Deputy City Manager Chandler, and Long Beach City Council,

We, the undersigned, urge you to reject any and all homelessness criminalization policies that may result from the passing of a revised agenda item (NB-25) exploring enforcement mechanisms ostensibly related to public safety. It is clear from existing research that removing people experiencing homelessness (PEH) from public space by ticketing, arrest, coercion, and other punitive measures exacerbates and prolongs homelessness rather than solving it.

NB-25 passed in City Hall by a 7-2 vote on June 20, 2023, greenlighting research into policy options “related to [unsafe] uses of public spaces, including camping, that contribute to public health issues, nuisance, and public safety concerns” [1]. The item’s author, Councilmember Kristina Duggan, justifies enforcement by appealing to the May 30 attack on people in Belmont Shore by an unhoused man, arguing that “firm,” police-based approaches are needed to manage people who refuse services. We counter, however, that carceral responses not only fail to address the root cause of homelessness (unaffordable housing), they also forsake the very models that could have prevented the attack in the first place.

NB-25 stands in clear contradiction to the City Council’s repeated acknowledgements in recent weeks that homelessness is a housing problem that requires housing solutions. In Los Angeles County, renters must earn an annual income of about \$70,000 to afford a modest one-bedroom market-rate apartment; that equals working more than 80 hours a week on a minimum wage salary [2]. The state-wide shortage of available affordable housing units, the

failure to cap rents, and the rollback of COVID-19 eviction protections mean that more and more people will inevitably end up on the streets as the cost of rental housing continues to rise.

NB-25 has alarmed housing advocates in Long Beach as an anti-homeless measure that will criminalize and police our unhoused neighbors for activities that are unavoidable when unsheltered. The criminalization of homelessness is defined as laws and policies aimed at PEH that prohibit basic, life-sustaining activities from taking place in public. The most common forms of criminalization include bans on publicly sleeping or resting, pitching tents and sheltering, storing personal property in public, and asking for help. These bans may be applied as anti-camping, anti-loitering, anti-panhandling, or nuisance ordinances, and may be justified in the name of public health or safety. Notably, Councilmembers Megan Kerr, Suely Saro, and Joni Ricks-Oddie voiced concern—prior to voting yes—toward NB-25’s shameful implications and precedents, which include Vagrancy Laws, Anti-Okie Laws, Jim Crow Laws, Ugly Laws, Sundown Laws, and other instances in the long history of outlawing and punishing the poor and oppressed people in the United States.

While Councilmember Mary Zendejas and certain of her colleagues insist, unconvincingly, that NB-25 does not entail criminalization, the decision to examine other cities’ enforcement practices is worrying, to say the least. The ACLU reports that homelessness criminalization by local governments is spreading in California partly because such policies legitimize and influence the use of similar mechanisms elsewhere. Local governments have exploited loopholes in *Martin v. Boise* to administer discriminatory measures designed to remove PEH from public space, which may result in displacement, incarceration, hardship, and/or death [3]. In this way, the decision to “look to” other municipalities risks reproducing a vicious feedback loop in which punitive measures in one area justify the enactment of harmful

policies in another, and vice versa. Whereas Long Beach has the opportunity, in part due to the powers granted to it through the emergency proclamation, to lead the way in progressive, housing-first options, this leadership will be abdicated if the City simply imports failed models already in place in Los Angeles, Chico, Santa Cruz, Orange County, and other California regions and municipalities.

Furthermore, it is highly questionable whether anti-homeless enforcement actually betters public safety. Encampment sweeps, one of the go-to mechanisms to remove PEH from sight, which the City and LA County practice regularly [4], have been well documented to negatively impact the health and well-being of swept residents, to make homelessness worse, and to fail to improve public safety in general [5]. The National Health Care for the Homeless Council reports, for example, that encampment residents may refrain from calling 911 in life-threatening emergencies due to fear of a resulting sweep, which leaves residents vulnerable to violence and other emergencies [6]. More broadly, criminological studies examining encampment communities in New York and Los Angeles found little to no reduction in crime rates and reports near encampment areas following police interventions and/or encampment clearances, suggesting that most crime near encampments is not attributable to PEH [7].

Second, criminalization reinforces stigmatization and the social exclusion of an extremely vulnerable group, which reinforce more criminalization and may lead to greater violence and aggression against PEH [8]. The LAPD reports that nearly a quarter of all LA murder victims were unhoused despite only comprising one percent of the population and the LA County Department of Health reports that PEH are 15 times more likely to be victims of homicide than the general public [9]. Relatedly, unhoused people are significantly less likely to factor as suspects in homicide cases, meaning that many of the murders of PEH in LA City and LA County are perpetrated by people with housing [10]. Nevertheless, PEH are consistently

made into scapegoats for violent crime, often without evidence or truthfulness to the accusations [11].

Third, criminalization degrades public safety because it creates a revolving door between homelessness and the carceral system. The Prison Policy Initiative reports that “people who have been to prison just once experience homelessness at a rate nearly 7 times higher than the general public” and “people who have been incarcerated more than once have rates 13 times higher than the general public” [12]. By the same token, homelessness increases the chance of arrest and incarceration, increasingly for reasons of status rather than behavior, which makes it even harder to access housing, mental health services, and substance abuse treatment [13].

Fourth, this revolving door primarily impacts people of color. As the City Council very well knows, the majority of PEH in Long Beach are Latinx (35.2 percent) and Black (32.4 percent), according to the 2023 homeless count [14]. Alarming, the disproportionate percentages put unhoused members of racial groups that already experience higher rates of police violence at further risk of harm. As studies show, interactions between police and PEH—which criminalization generates—are more likely to result in the use of force by police [15]. In 2019, for example, 34 percent of LAPD “non-categorical” use of force incidents (translation: the use of any forcible or coercive action except deadly force or weapon strikes to the head, such as using riot control weapons, batons, tasers, and/or bodily force) were against alleged PEH—approximately 23 times the rate experienced by the general public [16]. Given these numbers, if the City Council chooses to embolden enforcement, it will actively stoke the conditions for police violence to occur on our streets.

Fifth, other research shows that criminalization neither decreases the visibility of chronic homelessness nor successfully encourages accepting services, a primary rationale for NB-

25. A 2015, San Francisco-based report states: “criminalization did not significantly reduce homeless people’s presence in public space or deter camping, loitering, begging, sitting, or sleeping in public.” In fact, the study found “no evidence to support the claim that criminalization led more homeless people to seek or receive services—police almost never offered services or referrals to our respondents and when they did, these services were primarily in [the] form of a pamphlet, one-night shelter bed, or sandwich” [17].

Finally, criminalization wastes money and resources. Recent studies add to an already significant body of literature demonstrating that punitive enforcement, besides being ineffective, is highly expensive. The cost of policing and penalizing chronic homelessness places significant stress on emergency, legal, shelter, and health systems and resources without the payoff of actually reducing the problem [18]. The price tag of police contact, legal processing, jail time, emergency services, and other expenses associated with criminalization reaches thousands and thousands of dollars per person, far outpacing the amount of money required to implement non-punitive, housing-first alternatives.

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For these reasons, we strongly object to any decision by city officials to adopt and enact

punitive policies based on NB-25, no matter what humanitarian spin is placed on them. Our unhoused neighbors need rehabilitative, care-based, housing-first solutions, not more fines, arrests, and jail time. If adopted, the turn to criminalization will mark nothing less than a failure by the City of Long Beach to lead and a failure to improve the lives of all residents who call Long Beach home.

Sincerely,

The People of Long Beach

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2. National Low Income Housing Coalition, "Out of reach 2020: California," accessed July 11, 2023, <https://nlihc.org/oor/state/ca>.
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4. DSA Long Beach Housing Justice Committee, "Long Beach Swept Encampments Before Grand Prix," Knock LA, April 30, 2023, <https://knock-la.com/long-beach-grand-prix/>.
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7. Bennett Allen, "Impact of a Homeless Encampment Closure on Crime Complaints in the Bronx, New York City, 2017: Implications for Municipal Policy," *Journal of Evidence-Based Social Work* 19, no. 3 (2022): 356-366. Amanda Aykanian and Sondra J. Fogel, "The Criminalization of Homelessness," in *Homelessness Prevention and Intervention in Social Work: Policies, Programs, and Practices*, eds. Heather Larkin, Amanda Aykanian, Calvin L. Streeeter (New York: Springer, 2019), 185-205.

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19. Lavena Staten and Sara K. Rankin, *Penny Wise But Pound Foolish: How Permanent Supportive Housing Can Prevent a World of Hurt* (Seattle: Seattle University School of Law, 2019), i.

LILIANA
California

Alma Valenzuela

From: LILIANA MONROY <info@sg.actionnetwork.org>
Sent: Wednesday, August 23, 2023 12:34 PM
To: CityClerk
Subject: Say NO to criminalizing homelessness.

-EXTERNAL-

City Clerk Monique De La Garza,

Dear Mayor Richardson, Supervisor Hahn, City Manager Modica, City Attorney McIntosh, Homeless Services Officer Duncan, Health and Human Services Director Colopy, Deputy City Manager Chandler, and Long Beach City Council,

We, the undersigned, urge you to reject any and all homelessness criminalization policies that may result from the passing of a revised agenda item (NB-25) exploring enforcement mechanisms ostensibly related to public safety. It is clear from existing research that removing people experiencing homelessness (PEH) from public space by ticketing, arrest, coercion, and other punitive measures exacerbates and prolongs homelessness rather than solving it.

NB-25 passed in City Hall by a 7-2 vote on June 20, 2023, greenlighting research into policy options “related to [unsafe] uses of public spaces, including camping, that contribute to public health issues, nuisance, and public safety concerns” [1]. The item’s author, Councilmember Kristina Duggan, justifies enforcement by appealing to the May 30 attack on people in Belmont Shore by an unhoused man, arguing that “firm,” police-based approaches are

needed to manage people who refuse services. We counter, however, that carceral responses not only fail to address the root cause of homelessness (unaffordable housing), they also forsake the very models that could have prevented the attack in the first place.

NB-25 stands in clear contradiction to the City Council's repeated acknowledgements in recent weeks that homelessness is a housing problem that requires housing solutions. In Los Angeles County, renters must earn an annual income of about \$70,000 to afford a modest one-bedroom market-rate apartment; that equals working more than 80 hours a week on a minimum wage salary [2]. The state-wide shortage of available affordable housing units, the failure to cap rents, and the rollback of COVID-19 eviction protections mean that more and more people will inevitably end up on the streets as the cost of rental housing continues to rise.

NB-25 has alarmed housing advocates in Long Beach as an anti-homeless measure that will criminalize and police our unhoused neighbors for activities that are unavoidable when unsheltered. The criminalization of homelessness is defined as laws and policies aimed at PEH that prohibit basic, life-sustaining activities from taking place in public. The most common forms of criminalization include bans on publicly sleeping or resting, pitching tents and sheltering, storing personal property in public, and asking for help. These bans may be applied as anti-camping, anti-loitering, anti-panhandling, or nuisance ordinances, and may be justified in the name of public health or safety. Notably, Councilmembers Megan Kerr, Suely Saro, and Joni Ricks-Oddie voiced concern—prior to voting yes—toward NB-25's shameful implications and precedents, which include Vagrancy Laws, Anti-Okie Laws, Jim Crow Laws, Ugly Laws, Sundown Laws, and other instances in the long history of outlawing and punishing the poor and oppressed people in the United States.

While Councilmember Mary Zendejas and certain of her colleagues insist, unconvincingly, that NB-25 does not entail criminalization, the decision to examine other cities' enforcement practices is worrying, to say the least. The ACLU reports that homelessness criminalization by local governments is spreading in California partly because such policies legitimize and influence the use of similar mechanisms elsewhere. Local governments have exploited loopholes in *Martin v. Boise* to administer discriminatory measures designed to remove PEH from public space, which may result in displacement, incarceration, hardship, and/or death [3]. In this way, the decision to "look to" other municipalities risks reproducing a vicious feedback loop in which punitive measures in one area justify the enactment of harmful policies in another, and vice versa. Whereas Long Beach has the opportunity, in part due to the powers granted to it through the emergency proclamation, to lead the way in progressive, housing-first options, this leadership will be abdicated if the City simply imports failed models already in place in Los Angeles, Chico, Santa Cruz, Orange County, and other California regions and municipalities.

Furthermore, it is highly questionable whether anti-homeless enforcement actually betters public safety. Encampment sweeps, one of the go-to mechanisms to remove PEH from sight, which the City and LA County practice regularly [4], have been well documented to negatively impact the health and well-being of swept residents, to make homelessness worse, and to fail to improve public safety in general [5]. The National Health Care for the Homeless Council reports, for example, that encampment residents may refrain from calling 911 in life-threatening emergencies due to fear of a resulting sweep, which leaves residents vulnerable to violence and other emergencies [6]. More broadly, criminological studies examining encampment communities in New York and Los Angeles found little to no reduction in crime rates and reports near encampment areas following police interventions and/or encampment clearances, suggesting that most crime near encampments is not attributable to PEH [7].

Second, criminalization reinforces stigmatization and the social exclusion of an extremely vulnerable group, which reinforce more criminalization and may lead to greater violence and aggression against PEH [8]. The LAPD reports that nearly a quarter of all LA murder victims were unhoused despite only comprising one percent of the population and the LA County Department of Health reports that PEH are 15 times more likely to be victims of homicide than the general public [9]. Relatedly, unhoused people are significantly less likely to factor as suspects in homicide cases, meaning that many of the murders of PEH in LA City and LA County are perpetrated by people with housing [10]. Nevertheless, PEH are consistently made into scapegoats for violent crime, often without evidence or truthfulness to the accusations [11].

Third, criminalization degrades public safety because it creates a revolving door between homelessness and the carceral system. The Prison Policy Initiative reports that “people who have been to prison just once experience homelessness at a rate nearly 7 times higher than the general public” and “people who have been incarcerated more than once have rates 13 times higher than the general public” [12]. By the same token, homelessness increases the chance of arrest and incarceration, increasingly for reasons of status rather than behavior, which makes it even harder to access housing, mental health services, and substance abuse treatment [13].

Fourth, this revolving door primarily impacts people of color. As the City Council very well knows, the majority of PEH in Long Beach are Latinx (35.2 percent) and Black (32.4 percent), according to the 2023 homeless count [14]. Alarming, the disproportionate percentages put unhoused members of racial groups that already experience higher rates of police violence at further risk of harm. As studies show, interactions between police and PEH—which

criminalization generates—are more likely to result in the use of force by police [15]. In 2019, for example, 34 percent of LAPD “non-categorical” use of force incidents (translation: the use of any forcible or coercive action except deadly force or weapon strikes to the head, such as using riot control weapons, batons, tasers, and/or bodily force) were against alleged PEH—approximately 23 times the rate experienced by the general public [16]. Given these numbers, if the City Council chooses to embolden enforcement, it will actively stoke the conditions for police violence to occur on our streets.

Fifth, other research shows that criminalization neither decreases the visibility of chronic homelessness nor successfully encourages accepting services, a primary rationale for NB-25. A 2015, San Francisco-based report states: “criminalization did not significantly reduce homeless people’s presence in public space or deter camping, loitering, begging, sitting, or sleeping in public.” In fact, the study found “no evidence to support the claim that criminalization led more homeless people to seek or receive services—police almost never offered services or referrals to our respondents and when they did, these services were primarily in [the] form of a pamphlet, one-night shelter bed, or sandwich” [17].

Finally, criminalization wastes money and resources. Recent studies add to an already significant body of literature demonstrating that punitive enforcement, besides being ineffective, is highly expensive. The cost of policing and penalizing chronic homelessness places significant stress on emergency, legal, shelter, and health systems and resources without the payoff of actually reducing the problem [18]. The price tag of police contact, legal processing, jail time, emergency services, and other expenses associated with criminalization reaches thousands and thousands of dollars per person, far outpacing the amount of money required to implement non-punitive, housing-first alternatives.

Housing-first programs, which provide stable, permanent housing with wrap-around supportive services and no strings attached, have been shown to be cost-reductive, effective solutions. In fact, researchers report that housing-first programs constitute “the most cost-effective, long-term solution to chronic homelessness. When people experiencing chronic homelessness receive PSH [Permanent Supportive Housing], they are less likely to use emergency departments, hospitals, detoxification facilities, and shelters. PSH residents are also less likely to interact with law enforcement, get arrested, and be incarcerated. The decreased use of these expensive services is dramatic and results in savings. Often, cost savings equal or exceed the cost of PSH” [19].

For these reasons, we strongly object to any decision by city officials to adopt and enact punitive policies based on NB-25, no matter what humanitarian spin is placed on them. Our unhoused neighbors need rehabilitative, care-based, housing-first solutions, not more fines, arrests, and jail time. If adopted, the turn to criminalization will mark nothing less than a failure by the City of Long Beach to lead and a failure to improve the lives of all residents who call Long Beach home.

Sincerely,

The People of Long Beach

1. We appreciate that Councilmembers Cindy Allen and Roberto Uranga had the courage to vote no on NB-25
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10. Thacher Schmid, "Homeless People in the US Are Being Murdered at a Horrific Rate," Jacobin, May 17, 2022, <https://jacobin.com/2022/05/homeless-homicides-data-surge-victims-suspects>
11. Jeremiah Dobruck and Jason Ruiz, "City officials tied a stabbing spree to homelessness—but the suspect wasn't homeless," Long Beach Post, October 22, 2022, <https://lbpost.com/news/stabbing-spreed-suspect-not-homeless-long-beach-yohance-sharp/>.
12. Lucius Couloute, "Nowhere to Go: Homelessness among formerly incarcerated people," Prison Policy Initiative, August 2018, <https://www.prisonpolicy.org/reports/housing.html>.
13. Marina Fisher, Nathaniel Miller, Lindsay Walter, Jeffrey Selbin, "California's New Vagrancy Laws The Growing Enactment and Enforcement of Anti-Homeless Laws in the Golden State," Social Science Research Network, February 12, 2015, <https://ssrn.com/abstract=2558944>.
14. City of Long Beach, "Press Release: Long Beach Releases Results of the 2023 Homeless Point in Time Count," City of Long Beach, April 27, 2023, <https://longbeach.gov/press-releases/long-beach-releases-results-of-the-2023-homeless-point-in-time-count/>.

15. Homelessness Policy Research Institute, "Policing Homelessness: A review of the literature on policing policies that target homelessness and best practices for improving outcomes," University of Southern California, October 21, 2021, <https://socialinnovation.usc.edu/wp-content/uploads/2021/10/Policing-Homelessness-Final-1.pdf>.
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18. Angela Ly and Eric Latimer, "Housing First Impact on Costs and Associated Cost Offsets: A Review of the Literature," *The Canadian Journal of Psychiatry* 60, no. 11 (November 2015): 475-487.
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