

CRIMINALIZATION & HOMELESSNESS

Homelessness in the Denver community and across Colorado is a terrible reality. Compared to housed people, individuals experiencing homelessness have a life expectancy of 17.5 years fewer¹ and have higher rates of harmful health conditions including diabetes, heart attacks, HIV, depression, substance use disorder, hypertension, and mental health disorders.² Children experiencing homelessness experience developmental, emotional, and behavioral issues, including anxiety, depression, and social withdrawal, at twice the rate of children with homes.³ It is estimated that between 10,000 and 53,000 people are experiencing homelessness on any given night in Colorado.⁴

2023 will see the first change in mayoral and City Council leadership in Denver in over a decade. In response to the legitimate concerns from Denver neighbors and businesses regarding visible homelessness and the pressure it puts on communities, a major focus of the upcoming Denver Mayoral election has centered on homelessness and affordable housing.

Many debates among Denver's prospective leaders have offered possible solutions to homelessness, and criminalization and enforcement plans continue to come up. While the Colorado Coalition for the Homeless does not endorse candidates, we have nearly 40 years of experience in the sector and can provide the necessary context to counter false narratives that criminalization and camping ban enforcement are constructive responses to homelessness. We would like to see the dialogue more focused on proven solutions to homelessness resolutions that are both compassionate and economically viable.

**Quite simply, criminalization of homelessness doesn't work.
Housing with supportive services does.**

CAMPING BANS DON'T WORK

In our decades of work, the Colorado Coalition for the Homeless has seen no evidence that enacting or enforcing a camping ban provides meaningful solutions to solving the critical problem of homelessness. In fact, according to community members experiencing homelessness and local service providers, camping bans and resulting sweeps have the opposite effect and make exiting homelessness more difficult.

Camping bans:

- Create mistrust between law enforcement and unhoused people and make it more difficult for people experiencing homelessness to access critical outreach and assistive services that can bring them indoors and into housing.
- Encourage sweeps, which result in confiscated or lost personal property, severe sleep deprivation, and injury from exposure.
- Disrupt the progress people experiencing homelessness may be making towards long-term housing solutions. Sweeps cause people to miss medical appointments or meetings with housing support providers.
- Do not resolve homelessness. Denver Homeless Out Loud surveyed more than 500 community members and found that fewer than four percent of those who were part of sweeps had been connected to housing services.

1. <https://pubmed.ncbi.nlm.nih.gov/29267330/>
 2. <https://nhchc.org/wp-content/uploads/2019/08/homelessness-and-health.pdf>
 3. https://cdphe.colorado.gov/sites/cdphe/files/PSD_SDOH_Homelessness_brief.pdf
 4. https://drive.google.com/file/d/1dQ-FbbNyCW9eepqBJcCkxrOad_5X7lsh/view

NO TO CRIMINALIZATION

A 2016 report found that Colorado’s 76 largest cities have 351 anti-homeless ordinances.⁵ Unfortunately, the criminalization of marginalized Coloradans is costly, ineffective, and unconstitutional.

According to the Denver Post, sweeps cost the city of Denver more than \$400,000 for a single year.⁶ In Denver in 2016, each person experiencing homelessness had, on average, 24 contacts with police over a period of 90 days, which cost the city approximately \$4,000 in arrests, citations, and other expenses per person. And yet, over the past 10 years, chronic homelessness in Colorado has grown 130%.⁷

Some of the activities that are deemed illegal in Colorado include camping, sleeping, sitting, lying down, loitering, storing property, sharing food, and solicitation of money in public. People experiencing homelessness are 11 times more likely to be arrested than people with housing,⁸ often for behaviors that would be legal if they were housed. This criminalization leads to a cycle of homelessness. In a study of incarcerated individuals in Colorado jails (with an oversampling of unhoused individuals), 46.3% of respondents who had not experienced homelessness in the past 30 days reported that they expected to be unhoused upon leaving the jail. For those who had experienced homelessness in the past 30 days, this figure was 79.2%.⁹

In addition to being costly and ineffective, criminalization is also unconstitutional. Courts across the country have struck down laws related to sleeping and camping in public, as well as the practice of sweeps, under the 4th, 8th, and 14th amendments.

“It should be uncontroversial that punishing conduct that is a universal and unavoidable consequence of being human violates the Eighth Amendment ... Sleeping is a life-sustaining activity—i.e., it must occur at some time in some place. If a person literally has nowhere else to go, then enforcement of [an] anti-camping ordinance against that person criminalizes her for being homeless.”
 - U.S. Dept of Justice, *Bell v. Boise* (2015)

"TREATMENT FIRST"

Some advocate for a “treatment first” to homelessness that includes not only increasing enforcement but also requiring that people engage in substance use or behavioral health treatment before becoming “eligible” for housing. This could include involuntarily committing unsheltered people to mental health or substance use treatment programs. This approach purports to assist unhoused individuals, but, in fact, takes decision-making out of their hands. Not only is this approach dehumanizing, but it’s also a callback to a decades-old approach that has been proven time and time again to be less effective than housing people with services under Housing First programs. According to the National Library of Medicine, for those individuals experiencing chronic homelessness and desiring housing, the treatment-first approach presents “a series of hurdles” for individuals experiencing homelessness.¹⁰ Numerous studies from the past two decades prove that housing-first models demonstrate greater success than the outdated treatment-first models.¹¹

5. <https://bit.ly/3L7N2yi>
 6. <https://dpo.st/3ZyMkq>
 7. <https://bit.ly/429aSQy>
 8. <https://bit.ly/3L8HuUg>
 9. <https://bit.ly/2KogGBp>

10. <https://www.ncbi.nlm.nih.gov/books/NBK519590/>
 11. <https://bit.ly/3yp8vv6>

PROVEN SOLUTIONS

We must move away from inhumane and ineffective punitive approaches to homelessness and, instead, towards investments in stabilizing our community. Evidence shows that investing in people through a **Housing First** model can break the homelessness-incarceration cycle and reduce costs to taxpayers.¹² All people deserve the chance to gain stability and retain dignity. Housing First models ensure these universal rights for all our neighbors.

Housing First best practices dictate that there are no pre-conditions for receiving housing. But, Housing First does not mean housing only. This model employs crisis intervention, rapid access to housing, follow-up case management, and support services to prevent the recurrence of homelessness. The Supportive Housing Social Impact Bond Initiative (SIB) implemented in Denver in 2016 managed to increase housing stability—while reducing police contacts by 34%, decreasing arrests by 40% and significantly cutting the amount of time participants spent behind bars.¹³ The full independent report from the Urban Institute on the impact of SIB is located [here](#).

The Coalition has found that we can provide supportive housing and services for approximately \$13,400 per person annually, compared to the \$21,000–\$40,000 in costs to taxpayers for medical care, incarceration, detox treatment, and shelter services for each person living on the streets. While Housing First has a cost, inaction has an even greater cost, both fiscally for taxpayers and personally for those experiencing homelessness.

In addition to Housing First, other strategies to assist people experiencing homelessness:

- **Affordable housing:** Nationally, every \$100 increase in rent in a city leads to a 9% increase in homelessness.¹⁴ In Colorado, the 8th least affordable state in the country,¹⁵ housing opportunities such as subsidized housing, rent control, and eviction prevention help to keep community members from falling into homelessness.
- **Access to health care:** Not only do medical debt and severe medical conditions cause people to become unhoused, health care access helps people experiencing homelessness to manage physical, mental health, and substance use disorder conditions so that they can work to resolve homelessness.
- **Street Outreach and Street Medicine:** An average of 713 unique individuals per month are referred to services through the Denver Street Outreach Collaborative.¹⁶

ACTIONS

- **Research** housing and homelessness policies from Denver mayoral candidates before the April 4th election.
- **Join** the Coalition’s [Advocacy Committee](#) to learn how to contact your legislators and about topics impacting homelessness, affordable housing, and health care access.
- **Attend** the Coalition’s online [Education Series](#), such as the March 16 “Homelessness 101” or the April 20 “Alternatives to Shelter” session. [Previous sessions can be viewed here](#)
- **Learn** about affordable housing solutions [here](#). The best way to solve homelessness is to prevent homelessness.

12. <https://www.urban.org/features/housing-first-breaks-homelessness-jail-cycle>
 13. https://www.urban.org/sites/default/files/publication/104501/breaking-the-homelessness-jail-cycle-with-housing-first_1.pdf
 14. <https://www.gao.gov/blog/how-covid-19-could-aggravate-homelessness-crisis>
 15. <https://nlihc.org/oor/state/co>
 16. <https://bit.ly/3Zx98Ph>