

To: Mayor London Breed, Muhammad Nuru, Chief William Scott, Jeff Kositsky, DPH, DEM
Cc: US Interagency Council on Homelessness, City Supervisors, Commander David Lazar, Sam Dodge

This letter is to express our concern that the Healthy Streets Operation Center is increasing the criminalization of homelessness in the city of San Francisco and contradicting proven best practices for addressing homeless encampments laid out by the US Interagency Council on Homelessness (USICH).

A 2015 USICH report entitled “Ending Homelessness for People Living in Encampments” states that “the forced dispersal of people from encampment settings is not an appropriate solution or strategy, accomplishes nothing toward the goal of linking people to permanent housing opportunities, and can make it more difficult to provide such lasting solutions to people who have been sleeping and living in the encampment.”¹ Effective strategies outlined by USICH in this report include preparation and adequate time for planning and implementation; collaboration across sectors and systems, including public and private agencies and stakeholder; and performance of intensive and persistent outreach and engagement. The USICH also encourages cities to reduce the criminalization of homelessness. In fact, failure to do may impact the federal funds received by the city for homeless services.²

At our October 1 2018 meeting, the Local Homeless Coordinating Board reviewed a presentation of compelling evidence of city data, program reports, and email correspondences of city officials about HSOC operations presented by the Coalition on Homelessness. More recently, testimony from Department heads presenting to the Board of Supervisors on February 27 and March 7, 2019 have raised further concerns about HSOC, which we summarize below:

- **HSOC has led to an increase of forced dispersals without adequate service provision.** According to the City’s data, since the implementation of HSOC in January 2018, camp removals have increased across the city. However, these removals have occurred without adequate preparation and planning or any increase in outreach staffing or services. Services that have been offered have proven unsuccessful and inadequate. An HSH memo stated that during camp resolutions in the Mission in April, only 8 out of at least 150 encampment residents accepted the offer of a 7-day stay in shelter. That’s about a 5% success rate. While navigation center acceptance is much higher (at 65%), the vast majority being asked to move by DPW and SFPD on a daily basis are not being offered this. Although the city is increasing its shelter capacity, if the rate of camp removals exceeds that of service expansion, the result will be increased criminalization and a failure of addressing encampments.
- **HSOC operations have increased the criminalization of homelessness and the destruction of homeless people’s property.** In its October meeting, the Local Homeless Coordinating heard powerful testimony from San Franciscans experiencing homelessness

¹https://www.usich.gov/resources/uploads/asset_library/Ending_Homelessness_for_People_Living_in_Encampments_Aug2015.pdf

² <https://www.usich.gov/solutions/criminal-justice/>

who reported increased policing and camp removals by DPW since April 2018 and intensified threats and punishments. According to San Francisco police records, 101 campers were given 647e misdemeanor citations for sleeping in buildings or vehicles from June 15 to September 15, 2018 . The maximum penalty for such a citation is six months in jail. Twenty-two of those cited in the same three-month period were also booked in county jail. When asked for reports on citations for quality of life laws, the SFPD and courts were not able to readily fulfill this request, suggesting that while HSOC is tracking camp removals and service connections, they are not adequately tracking criminalization. When asked about the process through which 311 calls are dispatched to 911 and how if at all this process was reducing a police response no answer could be provided.

In the recent February 28th and March 7th hearings at the Board of Supervisors, SFPD Commander and HSOC Incident Commander David Lazar told the board that SFPD policy was to confiscate people's tents as evidence and to issue a citation to those who did not accept the offer shelter under the charge of "illegal lodging," a misdemeanor offense. However, most of the shelter offers are for 1 to 7 days and require the person to forfeit most of their property in order to access shelter, while most taking the offer end up back on the street shortly after. Therefore, the current offers of shelter are not meaningful offers of service, but rather a legal work-around to meet the legal requirements to offer shelter before issuing a citation or arrest. Because the District Attorney has publicly announced that the courts will not be prosecuting the 647e violations, recognizing the Ninth Circuit Court of Appeals has ruled that the practice of issuing citations when shelter is not available violates the US Constitution's 8th amendment banning cruel and unusual punishment, one can only assume the police are enforcing this law in order to confiscate people's property, and clear tents from public site, rather than offering the unhoused meaningful services. Why else would the police be "collecting evidence" for charges that the DA has publicly exclaimed he will not be charging? Furthermore, those who are not able to enter shelter due to physical or mental health disabilities, have been banned by shelter, or those with pets, are still given citations and have their property confiscated despite these disqualifying factors.

- **HSOC has failed to collaborate across systems and sectors.** Although there is evidence that HSOC has increased the collaboration between of the SFPD, , the Department of Public Works, the Department of Emergency Management, the Department of Homelessness and Supportive Housing, and the Department of Public Health, HSOC has failed to collaborate across other public and private sectors, most importantly among advocacy groups, service providers, and the Local Homeless Coordinating Board. SFPD created a community homeless advisory board in September of 2017. However, 30% of the advisory board meetings have been cancelled by the SFPD, and another 10% have been rescheduled by the SFPD without community input, and the advisory board has never discussed HSOC during any of the meetings that did take place. Homeless service providers and the Local Homeless Coordinating Board were given no briefing before its implementation or in its first months of operation.

The Local Homeless Coordinating Board invited agency directors to our October 1, 2018 meeting to discuss and address these concerns . Only Sam Dodge from the Department of Public Works responded. However, the evidence he presented did not convincingly negate the claims outlined in this letter, and in many cases confirmed their accuracy.

We ask the agencies involved in HSOC to review these concerns and respond by taking constructive steps to align the HSOC's operations with the guidelines from the United States Interagency Council on Homelessness and to show demonstrable evidence that HSOC's operations meaningfully reduce the criminalization of homelessness and the forced dispersal of homeless encampments when adequate shelter and services are not available. We hope that in a few months more agency representatives who are involved in HSOC might attend our meeting and report on these efforts.

Questions about service provision under HSOC

1. What are the outcomes of those exiting the 1-day shelter beds, 7-day mats, and 30-day navigation center beds being offered through HSOC? In particular what portion return to the streets? (Please provide these numbers separate from those clients utilizing "family reunification" or "homeward bound" services)
2. Is there any assessment prior to offer of shelter, to determine if shelter is an appropriate referral ie presence of PTSD, inability to live in congregate settings. What is offered to those for whom shelter is inappropriate, how often does this alternative offer of service occur?
3. On what portion of responses to "encampments with people" by HSOC is there a public health or department of homelessness and supportive housing outreach worker present?
4. What is the justification for privileging and fast-tracking those on the streets who are subject to policing into shelter over those who have been waiting?
5. What does existing data indicate (or how might we start collecting such data) that could inform us how to better meet the needs of those currently on the streets within shelters or safe organized spaces?

Questions about encampment clearances under HSOC

1. How frequently are citations being given on HSOC operations and across the city for homeless related quality-of-life violations? From responses to public records requests and collaboration with the San Francisco's treasures department to obtain this data, it is apparent that the SFPD and the Courts are not regularly monitoring the issuance of citations. The last report of citations produced by the City was filed in September 2017.
2. Is there any evidence that HSOC has reduced the criminalization of homelessness? (i.e. reductions in arrest, citations, police dispatches for quality of life ordinances?)
3. Why are tents being collected as evidence by police if cases are not being regularly prosecuted by the District Attorney? Even if they were being prosecuted, why and how would a tent be necessary for successful prosecution as opposed to a photograph or some other form of evidence?
4. Of the total tent clearances reported each week, how many bag-and-tag procedures to store people's property are being carried out? Of the total tent clearances, how many homeless people were successful at retrieving 100% of the property taken?

5. How can the Department of Public Works be held accountable to the widespread claims by those experiencing homelessness that their belongings have been confiscated and destroyed by the agency during camp clearances and/or have been unable to receive their belongings?

Sincerely

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