

Interrogating San Francisco's Approach to Street Homelessness

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At a [committee hearing](#) of the San Francisco Board of Supervisors this past Thursday, Supervisor Hillary Ronen described a recent visit by a UN official who reported that “these are some of the worst conditions she has ever seen in the entire world, in the richest city in the richest country in the world, when we have declared not one, but two states of emergency on homelessness in our city. . . .” Although the official Ronen mentions, Leilani Farha, UN Special Rapporteur on Adequate Housing and Human Rights, did compare the conditions of homelessness in the supervisor’s Mission neighborhood to the slums of Mumbai, the true American exceptionalism Farha found was not its condition of homelessness, but rather its criminalized treatment: “There’s a cruelty here that I don’t think I’ve seen.”¹ In her [annual report](#) that consolidated findings from her visits around the globe in 2017, the single mention of the United States was that “the denial of the unhoused of water, sanitation, and other basic necessities, as has been witnessed by the Special Rapporteur in San Francisco and Oakland, California, United States of America. This constitutes cruel and inhuman treatment and is a violation of multiple human rights, including the rights to life, housing, health and water and sanitation.”

In a visit just two months prior to Farha’s, another envoy from the UN’s Commission on Human Rights, Philip Alston, the Special Rapporteur on Extreme Poverty visited San Francisco and highlighted the same cruelty.² In the [statement](#) he released from his visit across the US, Alston’s main take-away from his time in San Francisco was what he considered the city government’s human rights abuses against the unhoused where he “witnessed a San Francisco police officer telling a group of homeless people to move on but having no answer when asked where they could move to.”

This Thursday the board of supervisors is set to discuss the city’s “winter shelter protocol.” The official policy relates to the provision of shelter when weather conditions reach certain tipping points of frigid temperatures, high winds, and heavy precipitation. The hearing is also set to investigate the city’s treatment of homelessness on the street during these conditions, where more than half the city’s unhoused reside on any given night. However, to adequately address a reform of the “winter protocol” for shelter, sanitation, and policing we first must recognize the existing protocol for these provisions. This article considers what I hope will be the two primary questions of the hearing. First, is there adequate shelter? And second, is the treatment of street homelessness effective and humane?

About the Research

Since 2013, as PhD candidate in the Sociology Department at the University of California I have been researching how the City of San Francisco manages homelessness, trying to better understand how, when, and why we criminalize, medicalize, or socialize the condition. To study these questions, I carried out an intensive ethnography between 2014 – 2017 looking both at how homelessness is managed from above and experienced from below. Studying from the top-down, I made observations on ride-alongs with police officers enforcing anti-homeless laws, public health workers on street outreach, and sanitation workers on street sweeps; sitting in office hours with shelter social workers; and working in city hall at the Mayor’s Office of Homelessness as a research assistant for three months. Across these years, I’ve also worked as an organizer with the San Francisco Coalition on Homelessness’ human rights workgroup.

¹ <https://www.theguardian.com/us-news/2018/jan/22/un-rapporteur-homeless-san-francisco-california>

² While both UN officials used their visits to San Francisco and Oakland to highlight the criminalization of poverty in the United States, these cities are in no way unique or even especially punitive in comparison to other US cities.

These observations from above were paired with perspectives from below. Over the course of a year, I spent nine full months immersed living on the streets, in the shelters, and daily/weekly “welfare hotels” alongside those experiencing homelessness.³ This entailed spending 57 nights sleeping out on sidewalks, parks, beneath underpasses, and over one hundred with those in or trying to access shelter; spending days acquiring the means of survival through charity, informal work, begging, and the illicit economy; and experiencing the lines and people processing to access meals, benefits, jails, and courts firsthand with a variety of homeless individuals. On a weekly, and often daily basis, I witnessed arrests, citations, and move-along orders. While residing on the streets I was personally given move-along orders dozens of times, and threatened with citation, arrest, and offered one-way bus tickets out of town by officers.

In addition to the ethnographic observations, I examined a trove of city documents and data in attempts to analyze information agencies collect, but do not scrutinize nor publicize. These include citation records for homeless related quality-of-life laws as well as 911 and 311 records. I have also worked to collect quantitative data that the city does not collect, in particular the scope and impact of the enforcement of anti-homeless laws. With Professor Dilara Yarbrough of SF State and the Coalition on Homelessness I co-directed a [study](#) that surveyed 351 unhoused San Franciscans about their experiences of criminalization. Although most of my ethnographic research concluded in 2017, I continue to monitor the situation on San Francisco’s streets on regular outreach with the Coalition on Homelessness and am currently collaborating with UC Berkeley Law School’s Policy Advocacy Clinic investigating the city’s Healthy Streets Operation Center.

When politicians try to pry out the answers to these questions from agency officials they typically walk away with limited and contradictory information and answers. This is due to three fractures in our current bureaucracy of homelessness and urban governance more generally. First is the disjuncture between agencies. The policies affecting street homelessness span the departments of Police, Public Works, Fire, Emergency Management, Parks, Health and Human Services, Public Health, and Homelessness and Supportive Housing. Even with the increased coordination between agencies through the new Department of Homelessness and Supportive Housing and Healthy Streets Operation Center (HSOC), as we saw at last Thursday’s hearing, each department had their representative present their own data and performance metrics, with little context in how they relate and interact with those of other agencies. Second, is the disjuncture between how policies are written on paper and how they are practiced on the ground. This is not so much an issue of rogue police officers or sanitation workers violating official policy for some sort of personal convenience or benefit, which inevitably does occur, but primarily one of stressed tensions between front-line sanitation workers, police officers, and social workers and their agency directors struggling to make-do under conditions of a chronic scarcity of resources. Finally, there is a sizeable gap across all these agencies in the things we measure, and those that we don’t, which shape our assumptions about what’s actually occurring on our city’s streets. The research methods I deploy help overcome these three limits, and it’s my hope that my analysis can stitch together a more complete reality of how homelessness is being treated in San Francisco’s shelters and on its streets.

³ I took every step to ensure I did not take a shelter bed from someone who wanted one. While shelters were at full capacity nearly all the time, during the first week of each month there were often free beds due to welfare payouts, and during winter months with shelter expansion one-night beds became occasionally available. Over two years I was able to reside 96 nights in shelter and several more waiting.

Is there adequate shelter in San Francisco?

Shelter Shortage: A crisis of quantity

During the [most recent single night count](#) of homelessness, 3,146 houseless individuals were sheltered and 4,353 were counted unsheltered in San Francisco. While the number of those sheltered is precise and extensive including 641 people (20%) counted in jails, hospitals, and residential programs who identify as homeless, the number of those counted on the streets by untrained volunteers' hours before many bed-down for the night is most certainly an undercount. Subtracting the jail and hospital beds, the city of San Francisco has about 2,5000 shelter beds for at least 7,500 unhoused people in the city on any given night.

According to city shelter data, these shelters are at functional capacity nearly every night of the year with the exception of a few days at the start of each month when people's social security and general assistance payments allow some to take a break from the shelter. I have heard city officials try to confuse the public on this point a number of times, citing the numbers reported by shelters that say only 90 – 99% of their beds are full to demonstrate that vacancies remain. However, this vacancy is rather a product of bureaucratic mismanagement in failing to fill beds, than demand being met by supply.⁴

As I write this article there are 1,308 people waiting on [San Francisco's single adult shelter waitlist](#) for a ninety-day bed, which takes anywhere between 1 – 2 months to reach the top of the cue. After ninety days, the person will have to exit shelter, get back on the list, and wait another 1-2 months for a guaranteed bed. Without a guaranteed bed, one can always wait for a single-night bed. During my research, I spent over ninety days and nights waiting in line with research companions attempting to access shelter. I found that to access a bed for a single night, one typically has to wait four hours, and it is not unusual to wait for over eight. These waits almost always required hours outside exposed to the elements and cold concrete, with only the protection of a narrow awning. Every afternoon and evening at MSC South, and mornings in front of Glide where people go for their nightly bed assignments, I would witness elderly men and women, disabled, and the violently sick waiting for hours outside without chairs or a place to sit. Even in the cold freezing rain, requests for blankets or chairs were denied by staff who said it was against protocol. While waiting, people regularly endured the interpersonal conflicts that would inevitably arise between frustrated clients, insults hurled by those biking or driving by, and solicitations for sex in exchange to end the arduous wait and a guaranteed bed somewhere for the night. The wait was almost always punishing. Yet even with these arduous waits, not only are the city's shelters full nearly every night, but typically often over one hundred people end up sleeping in chairs who waited for hours yet failed to get a bed for an evening.

Shelter Paltriness: A crisis of quality

How is it then that some city officials can claim that the critical issue is not a lack of shelter, but rather the lack of cooperation by the unhoused to avail themselves to it? Increasingly, the question of whether those on the streets deserve punishment hinges on whether some form of shelter has been made available to the person. After all, the entire premise of "service resistance" or that one is "homeless by choice" hinges on human agency and personal choice of being able to deny a reasonable

⁴ During my fieldwork I regularly observed dozens of bodies slumped over asleep in chairs who had tried, but failed, to access shelter for the evening at MSC South. Several times I cross-checked these observations with the city's nightly shelter reports that reported empty beds those same evenings. At the same time, all of those I researched with reported regularly seeing empty beds and mats in shelters every night despite the long waits.

offer of shelter. At last Thursday's hearing, Commander Lazar, the San Francisco's Police Departments Commander of the Healthy Streets Operation Center (HSOC) insisted that "We're not citing individuals unless there is navigation or shelter available. To your point, supervisor, we have 15 seven-day beds set aside for the police department and E.M.S. 6, and we always have MSC and other shelters that we can bring people (for one-night). That's our policy."

Here we need to always be careful to not simply ask "are shelter and services being offered," but "what sort of shelter and services are being offered." We can't reduce the adequacy of shelter to a question of quantity, ignoring the questions of criteria and quality. Both Supervisors Haney and Ronen recognized this in their lines of questioning. Supervisor Ronen contrasted the first Navigation Center in her district, which had extremely high rates of housing placements to the current Centers that are primarily aimed at street clearance and triage - moving people off the streets for a number of days or other shelter options, most often within 30 days, rather than placing people into housing:

"When we were offering someone services to move into the navigation center, we weren't offering them a day or seven days or 30 days, we were offering them a spot in the navigation center until we could find housing for them. So at the time I was saying this is a safe, dignified really person-centered place where we're offering really robust services and help, so if a person chooses not to accept those services, then -- then we can say it's not okay to camp on the streets. But it was because we were offering something real and genuine on the back end. What I'm afraid has happened is that what we've now done is taken that model, and we've said, if we offer you a night or seven nights in a navigation center, then, we're going to take your tent, and we're not going to allow you to sleep on the streets -- or sleep in this spot. We're going to push you to a different neighborhood, which is not the same thing as the model that we were trying to create. I don't think you can short shift this. Because if I was sleeping in a tent on the street and I was offered seven days in a navigation center, and I was going to give up my security system and my belongings, and the spot that I feel comfortable in for the moment, the rational choice is not to accept that. The rational choice is if I'm going to be back out on the street in seven days, then I'm not going to accept this to begin with. So that's my question, how we're doing things now and what we're really offering people as an alternative on the streets."

None of the city officials on the stand at last Thursday's hearing, from the San Francisco Police Department, Fire Department, or those who should have known better at the Department of Homelessness and Supportive Housing or the Department of Public Health were able to tell her what I had learned early on in my research -- which is that these short-term shelter offers are meaningless at best and counterproductive at worst for the majority of houseless individuals on our streets.

Rather than a service, these one-night and seven-day mats are used as a threat. As Commander Lazar laid out later in the hearing where he described in full transparency the step-by-step policy procedure of his officers. Those on the streets are asked to surrender their tents and all their belongings that don't fit into a backpack and take shelter for one night or face citation and the confiscation of their tent. Lazar noted that for those who wish to store their property (though presumably not the tent, which is confiscated as evidence) Department of Public Works can store the items through its "bag and tagging" process. However, as I will discuss in the next section the multiple loopholes in the policy allow workers to destroy the property at will, the department's records repeatedly demonstrate that very little property is actually stored, and that there is a widespread, and in my assessment well-founded, understanding on the streets that if you forfeit your property to the Department of Public Works there is very little chance you will ever see it again.

At least by remaining on the street, the homeless person has a chance to maintain more of their survival gear and property than if were they to accept shelter for one to seven nights, which has strictures on the number of belongings one can bring inside. As Ronen herself recognized, that when considering that a person will still need their survival gear when they return to the streets after their shelter time is up, “the rational choice is not to accept that.” In this situation *the offer of shelter is not a genuine offer of services, but a weapon to dispossess the city’s poorest who have already lost everything else*. The current procedures essentially hold the houseless at gun-point saying, “Either go into shelter for a night and give up your tent and gear willingly, or give me your tent, take a ticket, and we’ll let you run off with your other property,” that is if you aren’t arrested.

After all, if the offer of shelter was indeed a desirable and helpful service for the unhoused to get back on their feet, then the fifteen mats set aside for the police each night would extend longer than their current seven-day limit and would quickly be filled to capacity. This would cause the department to acknowledge there is no available shelter, which is a requirement under federal law to enforce anti-homeless laws in the first place. As Commander Lazar admitted during Thursday’s hearing, if the police were unable to offer shelter to those it was asking to move-along, the city would be in violation of the recently upheld [9th Circuit Court of Appeals ruling](#) that enforcing anti-homeless laws when no shelter is available amounts to a form of “cruel and unusual punishment” and violation of the 8th amendment. Inevitably, this places every incentive of ensuring a constant turnover within our shelters, and minimal supportive conditions to suppress demand.

Finally, it’s important to acknowledge that although shelter is a critical stabilizing factor for many experiencing homelessness in San Francisco, for several others it destabilizes their health, safety, and ability to escape poverty and homelessness. The strict curfews and limits on nights-out interferes with those trying to hold down jobs with odd hours, maintaining and caring for family, or who are suffering from addictions, or mental health conditions that are exacerbated by congregate settings. For many, avoiding shelter is a critical means of avoiding a life dominated by the institution and the dependency and stigma they feel it entails. The limits on pets and partners in most of the city’s shelters tears apart one’s closest and often last social ties. The congregate settings, some with as many as 200 people bunked in a single open space, in beds spaced less than two feet apart is a design, that not only deprives a person of privacy forced to exist perpetually in public spaces but incubates diseases and provokes regular violence and social conflict between inmates. All of these factors especially tax those suffering from physical and/or mental health disabilities, many of whom I’ve seen had their conditions exacerbated by shelter in comparison to when they were living on the streets. I don’t take these facts to say that the residing in public spaces is a healthy and productive option for those experiencing homelessness, but it is to say that compared to San Francisco’s current shelter options it is a healthier, more humane, and workable setting for many.

Failing to track service outcomes

At last Thursday’s hearing, Supervisor Haney also questioned the service provision of the city’s Healthy Streets Operating Center (HSOC), which coordinates the dispatch of police, sanitation, and department of public health outreach workers. After hearing the presentations of the Department of Public Works and Department of Homelessness that highlighted multiple times the 34% reduction in tents since Mayor Breed took office, Supervisor Haney explained:

“One concern of mine is how we are measuring our success. I’m a little surprised to see so many slides here that say HSOC’s success is based on tent reduction. I’m wondering why tent reduction is the main way why we’re describing what our success is. One, I don’t even

understand how we're measuring the number of tents on the street. Can you take someone's tent and say we've reduced a tent? That's one question I have here, but in addition to that, you could get rid of a tent and still have somebody who's on the street, still have somebody who is potentially in an even more desperate situation. I can tell you where I live in the Tenderloin, we see a lot of people who have a piece of card board over them who are with a blanket at best. I don't think any understanding of success that we would look to that and say we're doing a good job. In many ways, we may be putting people in a more dangerous situation in that case. I'm wondering why we're looking at tents as opposed to placing human beings in shelter or services as a sign of our success. Just as a general point, what sort of data are we actually collecting? on page 18, we're talking about the healthy streets intervention program, the thing I would want to know is how many people are we interacting with, who is interacting with them, because our goal is to actually have folks who are from public health or social workers out there, are they the ones actually doing this, what are they being offered -- what are the rates of placement on those offers, and are we giving folks citations? . . . This is about getting people services, except I'm not seeing anything that actually tells me that the support and help that people are getting, where they're going, who's offering it to me. That to me is a fundamental question if we're assessing a program.”⁵

From documents gained through a public record acts request, between January and August of 2018 HSOC operations placed an average of 65 persons per week from the streets into emergency shelter or navigation centers through the Department of Public Health’s homeless outreach team and the Department of Homelessness and Supportive Housing’s encampment resolution team.⁶ However, it does not appear that they are collecting data or evaluating the broader outcomes of these individuals after their temporary shelter placements ended, many of which last only one or seven nights and likely returned directly to the streets.

Nor does it appear that HSOC is evaluating why so few people take the shelter offers in the first place. Even during a series of camp clearances that heavily involved Encampment Resolution Teams and Department of Public Health outreach teams carried out this past April in the Mission an HSH memo stated that only eight people out of at least 150 people accepted the 7-day shelter offer. That’s about a 5% success rate. While navigation center acceptance was much higher (at 65%), the vast majority being asked to move by DPW and SFPD on a daily basis are not being given this offer.

Another data point highlighted in Thursday’s hearing by HSOC that deserves further explanation and context was that not only has there been a reduction of tents, but that there has been a significant reduction in 311 complaints regarding homelessness. Some officials seemed to suggest that we should understand this reduction as a sign of increased customer satisfaction among resident and businesses who are complaining less about visible homelessness on San Francisco’s streets. However, when examining the data, most of the decrease has occurred through the suppression of complaint options given to users of the 311 mobile app and callers – in particular complaints of “wellness checks,” which in all cases were dispatched to SFPD in the past, and “aggressive behavior,” which is highly subjective and vague.

In looking at what data city agencies have chosen to collect and present to lawmakers one can only conclude that rather than a meaningful service to support the unhoused, the city’s short-term shelter spaces are instead first and foremost a necessary tool to legitimate their policies of property

⁵ http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=178&clip_id=32541

⁶ “Placements of Persons Experiencing Homelessness during the Operational Period of the Healthy Streets Operations Center 1/16/2018 – 8/24/2018.” DSHS. Prepared by Scott Walton, 8/28/2018.

confiscation aimed at reducing the number of tents. It is also an essential ritual to cast houseless San Franciscans as “service resistant” worthy of criminal processing and as untrustworthy in their own consistent reports of police harassment and property confiscation, to further ease the resistance to these practices. By presenting limited information to the public, these city officials continually displace the blame of residing on the streets to the individual pathologies of those who have chosen to be “service resistant,” or as Commander Lazar put it at Thursday’s hearing “not service ready,” to deflect criticism in their own agency’s shortcomings to provide meaningful services, and in doing so hide the structural realities of scarcity and squalid conditions of the shelters from the public’s understanding of homelessness. Furthermore, the lopsided presentation of information by city agencies to officials and the public simultaneously *undermines efforts at increasing services, shelter, and housing for the poor*, who are (mis)understood from these renderings as already being offered plenty of services and simply not availing themselves to them and *bolsters hatred towards the homelessness and efforts of criminalizing homelessness*, whether it be through backing anti-homeless laws, emboldening people to call 911 on encampments, or encouraging harassment and even violence towards the unhoused by vigilante residents taking action into their own hands.⁷

Questions we should be asking about service provision

- 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?
- 2) 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?
- 3) 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?
- 4) 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?

Is San Francisco’s current approach to street homelessness effective and humane?

The second question that naturally follows from the recognition that adequate shelter is not readily available to the majority of those facing homelessness on San Francisco’s streets, is whether city agencies are treating these members of our community humanely as they try to survive without access to private property or public shelter.

Since January 2018 the city’s efforts to address street homelessness have been coordinated through the Healthy Streets Operation Center (HSOC). The interdepartmental project charter of HSOC presents the following goals and objectives of the new effort:

Objectives: “The primary objective of HSOC is to ensure unity of effort among City departments addressing homelessness and street behaviors across San Francisco. The Center coordinates and supports efforts to offer services and resources to residents that may be unsheltered or engaged in unhealthy street behavior.”

⁷ At the February 28, 2019 Supervisor hearing both Supervisors Brown and Ronen mentioned increased cases of vigilante attacks on the unhoused in their district.

Goals: “Ensure San Francisco’s streets are safe and clean; Meet the shelter and service needs of individuals on the street; Establish a unified City response to homelessness and street behavior.”

Core Values: “Lead with compassion and respect; Empathize with the whole community; Believe that everyone can change and that safe and clean streets can be maintained.”⁸

Although there is evidence that efforts between departments addressing street homelessness is more unified, that tents and structures have been reduced in certain areas, and that response-time and redundant responses have been diminished, as already covered in the first part of this article, there is little evidence that shelter and service needs of individuals are being better met. Furthermore, there are many indications that criminalization have in fact increased.

Leading with Criminalization and Sanitation.

While one might expect that a unified effort titled the “Healthy Streets Operation Center” aimed at addressing street homelessness would have an official from the department of public health, homelessness, or human services at its helm, the day to day operations of the center are instead managed by a commander of the SFPD. According to the agency’s Frequently Asked Questions in its public messaging handbook: In response to “Who is in charge of the Healthy Streets Operation Center?” it explains, “The incident commander is Commander David Lazar from the San Francisco Police Department. As the incident commander, Lazar is responsible for coordinating the efforts of the agencies responsible for addressing homelessness and unhealthy street behavior in San Francisco.”⁹

In an email sent to Department of Public Work street cleaners 6-months into HSOC’s operation, a sanitation official outlines the HSOC process.

Review HSOC process

HSOC – Extended Hours and Days

- SFPD has their Special Homeless Officers clearing encampments 6am to 11pm / 7 Days
- They will be calling to the Radio Room for debris
- The SFPD Shift Sergeant will call the Swing Supervisor for special needs.
 - We are to respond and assist with their requests
- The number at HSOC is 415-558-2723

We will have radio room dispatchers at HSOC starting Wednesday, 8/8

- Call Channel 1 for HSOC assistance
- 7 days / 7am to 11pm

We need to stay very diligent and proactive in addressing tents

- Take them down as you see them, and/or coordinate with HotSpot
- Resolved sites need to stay Tent Free Zones
- Keep reporting issues with SFPD

Screenshot of email from Peter Lau, DPW, on HSOC Process to DPW workers (Aug 8, 2018).

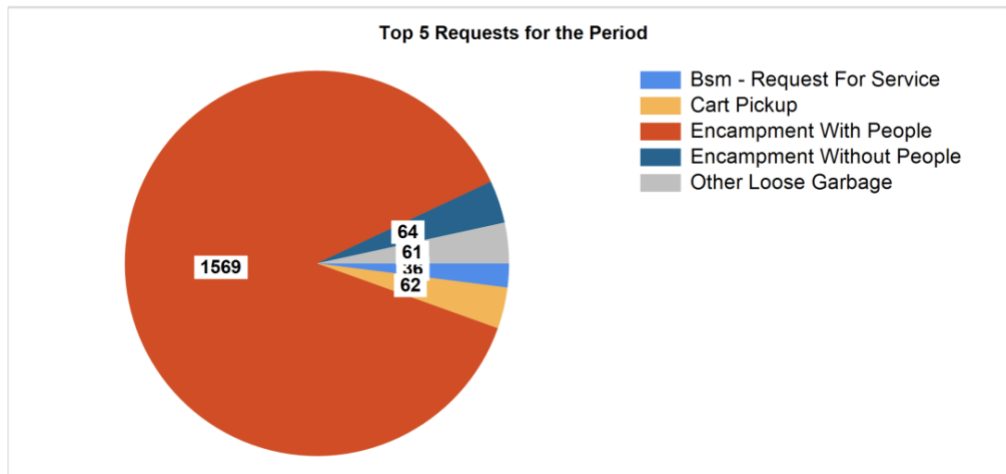
⁸ Interdepartmental Project Charter for San Francisco’s Healthy Streets Operation Center (HSOC), Draft, August 8, 2018.

⁹ HSOC Public Messaging Appendix B.

What is most significant about this process is that there is no mention of services or shelter, but rather a tag-team operation between the police and sanitation workers. Yes, the officers are trained to offer one-night beds and seven-night mats in their move-along orders, but due to the scarcity of public health and homeless department outreach workers, they are not regularly dispatched on HSOC responses. This procedure is also acknowledged by the Director of the Department of Homelessness and Supportive housing, who wrote in an email to other agency officials in June, 2018: “Public Works and SFPD can clear areas rapidly when there is not a designated resolution in progress, especially encampments we have already cleared. HSH will assist in these efforts when we have the capacity to do so, if not Public Works and the SFPD will still proceed to clear the area.”¹⁰ However, as will be discussed it appears that social and or public health workers are rarely present at camp clearances.

According to HSOC’s weekly resolution summaries, “encampments with people” are far-and-away the largest task of the center. The graph below summarizes the top 5 requests based on 311 calls fielded by the unified command for a typical week in August. Of these total calls, 624 were found to be duplicates, invalid, or unable to locate according to the Center.

Healthy Streets Operations Center - Weekly SF311 Resolution Summary



Top 5 requests handled by HSOC in a typical week: 8/4/18 – 8/10/18

Looking at how the Center resolved the remaining “encampments with people” during this same according to its weekly report again reveals that far and away the primary response to this problem is through policing and sanitation.

On the following page is a list of all the ways cases were resolved or transferred that week for “encampments with people.” Of the 574 cases “resolved” by HSOC, all were dispatched initially to DPW and in 100 cases referred to the Police. At least according to the data tracked in HSOC’s weekly summaries none were dispatched to public health workers. Where HSOC does list DPW’s involvement for the week it includes a total of one assignment to the DPH -Homeless Outreach Team cue.¹¹

¹⁰ June 15, 2018 email from Jeff Kositsky to Muhammad Nuru, Chief Scott, Jason Elliott, and Naomi Kelly

¹¹ Page 4 under “Cases Handled By Agencies” of the “Healthy Streets Operation Center – Weekly SF311 Resolution Summary” 8/4/2018 – 8/10/2018.

Case Resolved	No Resolution Provided (DPW)	211	11.0%
	Public Works cleaned up.	154	8.0%
	Public Works cleaned up.	50	2.6%
	Cleaned by DPW	28	1.5%
	complete.	25	1.3%
Case Transferred	DPW - Cleaned and Referred to PD	100	5.2%
	Reported to CalTrans for abatement.	1	0.1%
	Reported to Caltrans.	1	0.1%
	PLEASE NOTIFY SFPD NON EMERGENCY AT (415) 553- 6111	1	0.1%
	Case sent to DPW Enforcement Department for private	1	0.1%
	See 9365975	1	0.1%
	Request does not indicate an encampment. Please contact	1	0.1%

Summary of resolutions. “Weekly SF311 Resolution Summary” 8/4/18 – 8/10/18

Looking across nineteen of these weekly reports between January – August, 2008 that were gathered through a public records act requests shows that HSOC typically resolves between 400 - 600 311 calls for unique “encampments with people” each week and only 65 placements are made. This means that less than 15% of all camp clearances carried out by HSOC include a single service placement.¹²

However, one must also remember that while HSOC does envelope the entire scope of the Department of Public Health and Department of Homelessness’ outreach and service provisions to those on the street, it encapsulates only a portion of the city’s overall policing of street homelessness. According to Department of Emergency Management 911 and 311 call data, SFPD typically responds to between 1400 – 1700 calls they classify as “homeless complaints” each single week.¹³ This number is obviously greater than the 400-600 HSOC resolutions of “encampments with people.” These police dispatches do not include more serious crimes that homeless people may engage in, but merely reflect the calls for violations of quality-of-life ordinances related to homelessness. Add on top of this the police interactions that occur between officers on their beat who are not being dispatched by caller complaints and one sees how the policing of homelessness is even more pervasive and disproportional to that of the city’s public health responses to homelessness in the form of outreach and street medicine, reducing the rate of placement per police interaction far below 5%.

Rather than provision of services, the overwhelming response to street homelessness in San Francisco is criminalization and sanitation. A [budget and legislative analyst’s report](#) issued in 2016, found that 15% of homeless complaint incidents addressed by officers resulted in citation. In 2017, the last year data citation data has been released, 10,790 citations were issued to homeless individuals for violating quality of life laws, primarily for obstructing sidewalks, camping in parks, and loitering where prohibited. The report concluded that “Because police officers are dispatched to incidents related to quality of life laws at an annual cost of \$18.5 million, the Board of Supervisors should consider implementing a new strategy to address these issues that shifts response to quality of life incidents from the Police Department to other City agencies, including the proposed Department of Homelessness and Supportive Housing.”

Since the release of this report, it seems that city agencies may be increasingly pushing homelessness onto the police and that enforcement has intensified. One key policy procedure that has

¹² The typical range for 311 calls responded to by HSOC are derived from 19 weeks of HSOC data between February and August, 2018.

¹³ The typical range of SFPD dispatches is derived from daily 311 and 911 call data from the Department of Emergency Management.

changed since the spring of 2018 is the police department's regularized confiscation of tents. Between 2014 – 2016 when I was observing homeless police interactions on an almost daily basis, I never once witnessed the protocol described by Commander Lazar at last Thursday's hearing that,

“We will try to convince them, but if there is shelter available and they refuse, we will cite them and take their tent in the case of illegal lodging. . . the overwhelming majority of times, they're issued a citation. We do take the tent as evidence in our case.”

Before this year, I only observed police confiscating property following an arrest. This new policy procedure, which not only fails to offer adequate shelter as already discussed, but also fails to provide the ability for people to maintain their property and protection from the elements is especially harsh. The claim that the police are taking the tent as evidence, is particularly curious considering that I don't believe the DA is no longer prosecuting these cases. This makes the tactic seem to be primarily about removing tents rather than protecting evidence for a case.

Another change reported by those residing on the streets since the implementation HSOC has been the intensification of street cleanings. In the past two years, the city has hired more sanitation workers assigned to clearing encampments, increasing the regularity of cleanings. HSOC has also implemented a much stricter policy against “re-encampment” and “concentration,” focusing particular attention on preventing campers from returning to a site after cleaning or clustering in groups larger than two. One person on the street recently reported to me after the implementation of HSOC that they were told by an officer, “If you camp by yourself, set-up after 10pm and are packed up by 7am you're not going to have trouble out here.” This reminded me of Los Angeles' Skid Row failed experiment to limit day-time camping on its streets under William Bratton's Safe and Healthy Streets Initiative.¹⁴ The practice was eventually overturned through a lawsuit

During my time residing with those on the streets for research, it was not uncommon for sanitation workers and the unhoused to work together in clearing their area. This was in large part because in 90% of the cases you'd be allowed to return to your spot almost immediately after a cleaning, so campers and workers were mutually vested in keeping the space clean. Property confiscation caused by street cleanings was widespread at the time, but it was rare to have your belongings confiscated or destroyed if you were present at the time of the street cleaning. It was almost always when people had left their belongings unattended, which for many was a requirement to accomplish the most basic task of finding food, using the restroom, or going to the hospital. Even when belongings were left under supervision of a neighbor or friend, they'd often be unable to protect everything or actively prevented to do so by sanitation workers. With the increased coordination between police officers who are now actively confiscating tents and issuing more citations and DPW workers who are cleaning with more regularity with demands of dispersion, those on the streets are reporting even crueler and harsher conditions of survival.

The Impacts of Criminalization on the Unhoused: The perpetuation of poverty and homelessness

Most of the officers I got to know during my research did not feel as if the policing they engaged in was particularly punitive or harsh. As one officer told me after a 5-hour shift chasing homeless complaints without a single citation or arrest:

“We're just moving people around, we aren't ‘criminalizing homelessness.’ Look, you've

¹⁴ For a comprehensive study of LA's policing of homelessness on Skid Row and its failures see sociologist Forrest Stuart's ethnography *Down, Out, and Under Arrest*. 2016. University of Chicago Press.

researched other cities. You've got to admit, what we're doing is really soft-glove compared to other places."

While arrest rates were far below other major west coast cities during the time of my fieldwork, the move-along orders, citations, and confiscation of property coalesced into a process of *pervasive penalty*, a punitive process of policing through move-along orders, citations, and threats of arrest that falls short of booking that is pervasive both in its reach across a targeted population and in its depth of lingering impact.¹⁵

Through a [community-based study](#) I co-directed with Dilara Yarbrough of SF state and the Coalition on Homelessness we surveyed a representative sample of 351 homeless individuals across the city of San Francisco, we found criminalization to be widespread, frequent, and with lingering impacts. In contrast to the frequent statements by proponents of quality-of-life ordinances who claim the laws are targeted at specific behaviors and problem individuals rather than criminalizing homeless status, the study found that fully 70% of respondents had been forced to move in the past year by a police officer, over a third had this happen at least once a month, and 20% on a weekly basis.¹⁶ While only 15% of homeless complaints are resolved through citations according to police data (BLA 2016), our survey found that 69% of all respondents had been cited in the past year with 22% receiving more than five citations.

The enforcement of anti-homeless laws is also pervasive in their lingering impact. Over 60% of the survey respondents could not pay their most recent citation, which resulted in a further \$300 assessment, revocation of their driver's license, a bench warrant issued for their arrest and the fine being sent to collections. This negatively affected people's credit and created barriers in accessing services, housing, and work. The move-along orders also frequently resulted in the loss of personal property. Forty-six percent of survey respondents reported having their belongings taken or destroyed by city employees. During my fieldwork embedded within encampments, those I resided with had lost tools, bikes, or computers used for their work; expensive daily medicine for HIV and Hepatitis C, ID and benefit cards that were key to their survival; and their last remaining treasured possessions such as family photos, letters, and priceless mementos.

As discussed earlier in this paper, most of those residing on the streets considered sanitation workers, not police officers, to be the greatest arbiters of criminalization and threat to their survival. This fear influenced many daily routines. In the camps I resided in, people would take turns leaving the camp to work, make appointments, gather food or supplies, or go to the toilet, leaving their belongings under the watch of fellow campers. However, if a camp clearance would occur while others were away, we would be limited to the amount of property we could salvage as sanitation workers and police would prevent us from packing only what we could carry in a single trip and sometimes barred us from taking items they thought were not our own. In one instance, an elderly veteran in his 70's had his walker crushed in a dump truck, despite the fact that those present explained to the sanitation workers and officers that he was hospitalized. Another elderly man I resided with for weeks in a camp had all his belongings destroyed by sanitation workers while hospitalized for a stroke. While we demanded the workers follow the department's "bag and tag" policy, storing a person's belongings for

¹⁵ Herring et. al. 2019. "Pervasive Penalty: How the Criminalization of Homelessness Perpetuates Poverty." *Social Problems*.

¹⁶ It's important to note that the city-wide survey comprised a representative sample of those experiencing homelessness across shelter/street status to match the city's point in time count. Only 50% of those surveyed resided primarily on the streets, as others were mainly sheltered in vehicles, weekly hotels, and shelters. For the sub-population on the street, over 90% had been forced to move from public spaces and 85% received citations, with nearly 40% receiving 5 or more citations in the past year.

30 days so they might reclaim it, the workers claimed as they often did that the tent contained perishable items so the whole tent with all its belongings had to go.

The criminalization of homelessness through property destruction resulted in many people on the streets avoiding the hospital, missing social service appointments, and being unable to hold a job. During my observations out with public health workers on outreach and residing in the camps I witnessed people refusing hospitalization in the face of gruesome infections, debilitating pain, and churning stomach sicknesses out of an expressed fear of losing their belongings at the hands of city workers. One of the elderly men previously mentioned who lost his property while hospitalized, called my cell phone before calling 911 laying paralyzed on a city sidewalk during a stroke in hopes I could get to camp to watch his property before he was taken into the ER. It was common for people to miss appointments with social workers in order to protect their property, which would result in their benefits lapsing. Public health outreach workers would regularly be frustrated when clients lost access to medicine or services due to a brief incarceration or were unable to locate their clients on the streets to distribute medicine or notify them that they had been granted access to shelter, rehab, and even housing due to the fact they'd been relocated by police or sanitation workers. On several occasions I witnessed move-along orders triggering psychotic episodes and violent reactions among those struggling with mental health disorders. And the few people I came to know residing on the streets who managed to work part-time were all either fired or came repeatedly close to losing their job from missing or leaving a shift to salvage property from raids by police and sanitation workers. In these ways, the criminalization of homelessness undermined other state efforts of supporting the poor, as well as individual efforts to end their homelessness.

The constant move-along orders that I observed also resulted in conflict between the unhoused and their housed neighbors. The state's theft of homeless people's property in some cases provoked unhoused people to steal in response. In one of the camps I spent months following, the group of men constantly drew on their work as recyclers as a moral boundary of dignity between themselves and other "criminals" on the street who stole and the "service dependent" who relied on charity. However, after an eviction in which they lost all their belongings, each of them turned to theft – from people's vehicle, REI, an outdoor goods store, and the drugstore CVS. When it was clear which business or house had made the complaint that triggered the eviction, campers would sometimes take retribution by leaving trash or feces on their doorstep. What often appeared to officials and the public as street violence emerging from the internal chaos and pathologies of camp life was all too often primed and provoked by the subtle state violence enacted through enforcement.

Even more often than fueling conflict between the housed and the houseless, the policing of homelessness continually sparked interpersonal conflict between those residing on the streets. First, by disrupting the security and trust established within existing encampments through eviction, and second by forcing people into territories of other unhoused people surviving on the streets. When conflicts between those residing on the street did occur there was rarely feasible legal recourse available to the victims. One woman who was raped almost immediately following a police-move along order that pushed her into an unfamiliar area in the dead of night explained:

What's the point? If I called them, they would have made all of us move. Would he (the officer) even believe me? The whole camp of new people would hate me, and what would stop him (the offender) from getting revenge? It's not like I've got a locked door to hide behind.

Similar to how sociologists Matt Desmond and Nicol Valdez found in their study of eviction found that "the enforcement of nuisance property ordinances has the effect of forcing abused women to choose

between calling the police on their abusers (only to risk eviction) or staying in their apartments (only to risk more abuse)”¹⁷ (2014: 225), the unhoused similarly avoided calling the police in the face of abuse or theft for fear of eviction from public space. Although San Francisco is a sanctuary city in part so undocumented immigrants, who may be housed, but lack citizenship, may call on and receive protection from the city’s police without fear of punishment, the city’s unhoused, regardless of their citizenship status, have no such protections.

Questions we should be asking about Camp Removals

The US Interagency Council on Homelessness (USICH), which includes members from the federal departments of Housing Urban Development and the Department of Justice, issued a [report](#) in 2015 entitled “Ending Homelessness for People Living in Encampments” to lay out best practices for city’s in addressing homeless encampments. It 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.” Among its guidelines of effective strategies are that preparation and adequate time for planning and implementation of a camp removal, collaboration across sectors and systems including public and private agencies and stakeholders, and performance of intensive and persistent outreach and engagement. The USICH also [encourages cities to reduce the criminalization of homelessness](#), and a failure to do may impact the federal funds received by the city for homeless services.

From the research documented in this article it is clear that the city is not providing preparation, adequate time or planning for homeless individuals residing on the street. Instead, they are having their tents confiscated or are forced to move at a moment’s notice, without reasonable shelter offers. Although HSOC does demonstrate collaboration across agency sectors, it has failed to meaningfully to collaborate with non-profit service providers, homeless advocates, and most importantly homeless individuals with its policy formulation and implementation. In 2017 at hearing I presented at, the San Francisco Police Commission instructed commander Lazar to work with the San Francisco Coalition on Homelessness at reforming the 311 and 911 triage system. To this date no effort has been made. An SFPD community homeless advisory board was created in September of 2017. HSOC opened without any discussion or even mention to the advisory board. Since starting 30% of advisory board meetings have been canceled by the SFPD, and another 10% have been rescheduled by SFPD without other board members input. While performance of intensive and persistent outreach and engagement has been increased over the years HSOC has been in operation, in the vast majority of camp clearances there is no outreach or engagement beyond that by police officers. And as this article has documented, there is no evidence of a reduction in criminalization through the efforts of HSOC.

To better asses how our city agencies are meeting these best practices we should be asking:

- 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.
- 1) 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?)

¹⁷ Desmond, Matthew, and Nicole Valdez. 2013. “Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women.” *American Sociological Review* 78 (1): 117–141.

- 2) 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?
- 3) Of the total tent clearances reported each week, how many bag-and-tag procedures to store people's property are being carried out?
- 4) 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?

Alternatives

Decriminalizing Homelessness: Following Federal Guidelines and the UN Mandate

While the long-term alternative to criminalization on the streets is clearly the increased and improved provision of housing, shelter, and services, until we end homelessness on our streets it is imperative that we follow the United Nations and Federal recommendations of reducing the criminalization of homelessness and ending camp removals when no meaningful forms of shelter and housing are available. While legal challenges work their ways through the courts, and statewide efforts to nullify the enforcement of anti-homeless laws such as the Right to Rest Act that was heard in the California State Assembly in 2015 and 2016, the city of San Francisco can take some immediate steps to reduce the current levels of the criminalization of homelessness. A [recent successful lawsuit against the city of Denver](#) in their handling of homeless sweeps is a useful model for improvement. Among these immediate steps include:

- Reverting back to the SFPD's previous policy of not confiscating tents for evidence when issuing citations.
- Reduce the use of citations in resolving homeless complaints.
- Avoid the dispatch of police officers to Department of Public Work cleanings and 311 calls that may not require a police response.
- Provide at least 24-hour notice before clearing an encampment. This best practice procedure was even included in the Proposition Q tent ban passed by voters in 2017.
- Work with homeless individuals and advocates to reform the current "bag-and-tag" process designed to store homeless people's property, which is considered a failure by those residing on the streets.
- Institute accountability procedures to assure that homeless property is not being destroyed. This could include changing the policy that a person's entire belongings can be destroyed if such items of perishable food or other "hazardous materials" are found in a tent. Taking photographs and making a record of all property destroyed.

Increased AND Improved Shelter: Lessons and Limits of the Navigation Centers and Pier 80

There is a dire need for pro-active measures of treating homelessness through increased public health, social services, shelter and ultimately housing. Otherwise homelessness will continue to be displaced into the hands of the police and the criminal justice system, which through either legal mandate or relative resource investment inevitably becomes the "service provider" of last resort. Since 2015, the city has added a net of only 491 shelter beds. This is a welcome improvement compared to the previous decade that saw far less shelter development, and a 30% reduction of emergency shelter

under then Mayor Gavin Newsom. However, it is not enough, and it is increasingly inadequate. As should be made clear from this article there is a high demand for traditional shelter already in this city. However, the demand for placements in the existing shelter system for large groups of those on the streets is lower. However, the city has proven that when offering only slightly improved conditions of shelter, most people will gladly take the offer.

In 2015 when the first Navigation Center opened in the Mission, I was spending most of my time researching with those on the streets of San Francisco living in encampments. Unlike most of the navigation center placements today that last between 1 – 30 days, then clients would regularly stay for three to six months, and nearly 30% of those who entered received a placement in supportive housing, a rate far exceeding the housing offers in traditional shelters. Furthermore, the smaller congregate settings, the ability to bring your pets and property, and the ability to come and go as you pleased made the Navigation Center exceptionally popular among those on the streets. In a matter of weeks, everyone on the street was constantly asking me how to get into the navigation center. Several groups of campers I knew moved into the Mission in hopes of getting a bed, since at the time Department of Public Health Outreach workers were instructed to only offer beds in that neighborhood except under certain special conditions. Most of those I talked to on the streets the time were not waiting for a shelter bed, nor interested in the city's traditional shelter system for the various reasons documented in this article. However, I'd say over 80% I spoke with were interested in trying a stay at the navigation center, and more than half were adamant of finding some way in.

By 2017 though housing placements were no longer a central component of navigation centers, and stays were reduced at some places to 30 days with a possibility of extension. This was due to a rebalancing of housing placements, and not for bad reasons – those I knew at the time who had been languishing in shelter for years were furious when they discovered those who had been homeless for much shorter periods of times were getting housing at the Navigation centers. It was also due to pressures of creating quicker turnover of shelter beds so that camps could continue to be “resolved.” Nonetheless, the model shows that the problem is not primarily one of homeless individual's resistance to services, but rather the city's inability to provide dignified shelter with meaningful service outcomes.

Another example I like to draw on from my fieldwork of how people will accept shelter when it meets their basic needs, was the city's Pier 80 shelter that operated for only a few months in 2016. This pop-up shelter located on a Pier in the Bayview was originally designed to be available to all of the city's unhoused during that year's El Nino's rain. However, by the time it was up and running, it had been refashioned to offer shelter only to those who had been camped out in the tent-city on Division Street that had grown to some 300 people that Mayor Ed Lee was clearing at the time. Unlike the Navigation Centers with their tasteful architectural designs that make clients feel as if they are residing in something more akin to a college dorm than an institutionalized jail or hospital, this bare-boned facility more resembled that of a disaster relief shelter – 150 green mats laid out on a concrete floor under a tent within a sprawling industrial warehouse. Like the navigation centers, people were able to bring in their property, pets, and stay with their partners. They could come and go as they please without a curfew or limits on nights out and had no limitation on the length of their stay as long as the shelter remained open. However, unlike the navigation centers there was no onsite social workers let alone any path to more permanent supportive housing.

As I went to visit the Pier-80 shelter in April of 2016, where I completed surveys and interviews with over twenty residents, I had expected to report on the squalid conditions which materially seemed inferior to those in our broader shelter system – no beds, a far-flung location away from soup kitchens and services, and 150 people in a single space. At the time of my visit there had

been no running water for days. However, most everyone I met at the shelter which was constantly at full capacity, insisted that the city should be opening more of these spaces which they felt were far preferable than the city's mainline shelters. In fact, 9 of the 26 people we surveyed had left city shelters and secured an offer of a Pier 80 placement, by hanging out around division street during the day to be intercepted by the department of public health and offered a bed. This is not all to say that we can and should be offering those on the streets far less amenities like water and beds at our city's shelters, but rather to highlight the central importance of how a rules-matrix that offers people dignity and autonomy can play in making a shelter a viable and effective option for people.

The examples of Pier 80 and the first navigation center also offer lessons of important limits and challenges that the expansion of new shelters or safe organized spaces in the city will bring. The criteria of entry to both Pier 80 and the first navigation center were spatially targeted. For the most part, to get a bed you had to be camping in a catchment area. This led to people migrating to different neighborhoods to become eligible and frustrated many Department of Public Health Workers who I knew at the time, who felt that the system was privileging political interests and caller complaints, rather than privileging those most vulnerable based on physical and mental health needs. The new shelters also frustrated the thousands who were relying on the mainline shelters at the time, who felt that they were being excluded from the improved facilities with longer and more flexible hours and better amenities simply because they were willing accept and endure the harsher treatments of the traditional shelter system. These critiques should encourage policymakers to make the expansion of new shelters or safe organized spaces as equitable and broadly based across the city as possible, centered on client needs and vulnerabilities rather than political interests or calls of complaints, and to not neglect the improvement of existing shelters while new shelters are being established.

At the same time that models that have worked in San Francisco such as navigation centers and the Pier 80 shelter are expanded, policymakers should also consider models of sanctioned encampments, safe parking programs and other forms of safe organized spaces that can may be established much more quickly and affordably. Seattle, Portland, Eugene, Olympia, Fresno, Santa Clara, Santa Cruz, and dozens of other cities have implemented a variety of interim solutions to homelessness that have proven successful at mitigating the immediate suffering and dangers of those on the streets and providing humane and dignified alternatives to shelter. When the Pier-80 shelter had reached capacity there was widespread outcry among those on the streets to be allowed to set up their tents within the sprawling pier parking lot. During the Coalition's series of homeless led People's Assembly, a call for a self-managed safe space to camp was a consistent priority among participants. The Coalition on Homelessness has investigated a number of models and has a "Safe Sleep" policy paper that could guide this process and Amy Farah Weiss with the [Saint Francis Challenge](#) has spent years working with homeless people, residents, and business researching and experimenting with these models.

Finally, in the absence of these efforts, or in the most immediate future, the city could work to at least provide more safe paces that those without a home can safely rest in public space, whether it be in parks, schools, or churches. The city could increase the provision of trash receptacles, toilets, and needle disposal so that cleanings and camp clearances are less necessary, and construct storage lockers to provide better protection of people's property. Finally, in light of the city's continual confiscation of people's survival gear and tents, the city government and its residents should also consider offering tents to those on our streets who otherwise might be forced to survive without protection to the elements. As Supervisor Brown pointed out in her opening statement at last Thursday's Board of Supervisor's hearing: "If we had an earthquake today and we lost our homes, where would we be camping out? In the parks." And we would also expect that for those who didn't have a tent, our

churches or government would provide one. While this Thursday's hearing will be specifically considering the city's protocol for extreme winter weather, I hope that the supervisors do not fixate too much on the weather and the city's treatment of the unhoused under the special conditions of natural disaster, and instead use the opportunity to consider its broader everyday treatment under the continual social emergency of homelessness faced by our city.