

🏠 Homes Not Handcuffs

How Austin Criminalizes Homelessness



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October 2018



This report was authored by Norma A. Herrera and edited by Cate Graziani and Holly Kirby.

Many thanks to Gathering Ground Theater for their engaged, artful advocacy and their thoughtful contributions to this participatory action research project. A special thank you to Steven Potter, Alvin Anderson, and Roni Chelben for their leadership.

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Finally, we are grateful to those individuals experiencing homelessness who candidly shared their personal experiences in an intentional effort to create social change.

Report Design by Catherine Cunningham

Executive Summary

In March 2018, in response to the lack of action taken by Austin city officials, the Grassroots Leadership Action Research Collective (ARC) and Gathering Ground Theater launched a participatory action research project to gather information about three city ordinances that criminalize sitting and lying, camping, and soliciting for Austinites experiencing homelessness. The project sought to elevate the stories and perspectives of the people being criminalized by the ordinances, the people often discriminated against and dehumanized by the police.

What we found suggests that often people end up in homelessness as a result of job loss and unemployment, release from jail or prison, mental health or addiction needs, and domestic violence, among other challenges. Due to police enforcement of the ordinances that criminalize homelessness, the majority of individuals we surveyed got only 3 to 5 hours of sleep per night and were woken up at least once a night. For many, this resulted in increased physical and emotional health issues and decreased energy levels and productivity, all of which create barriers to finding and sustaining employment and securing housing.

The individuals we surveyed were issued an average of 5.7 tickets under the ordinances that criminalize homelessness over the course of the year preceding the date of the survey. The results demonstrate high levels of police harassment and avoidance of police among folks experiencing homelessness. Folks reported walking for hours and going without rest to avoid ticketing and arrest for sitting or lying. Furthermore, the vast majority of individuals who interacted with police due to these ordinances were not connected to social services or housing assistance as a result of ticketing and arrest.

The Austin City Council has yet to take action beyond calling for a stakeholder process to further study what we already know. Our survey findings make clear that criminalization is harmful and ineffective at connecting folks experiencing homelessness to housing supports. We cannot ticket and arrest our way out of homelessness. We must do better. We ask the Austin City Council to move beyond a stakeholder process that only serves to delay justice. We ask for a complete repeal of each of the three ordinances that criminalize sitting, lying, camping, and soliciting help. We ask for homes, not handcuffs.

What folks experiencing homelessness had to say to Austin City Council about the criminalization of their right to rest and seek help:

"I'd like to be allowed freedom to live my life."

"There's not enough adequate housing or services to assist the homeless, [these] laws exaggerate the situation."

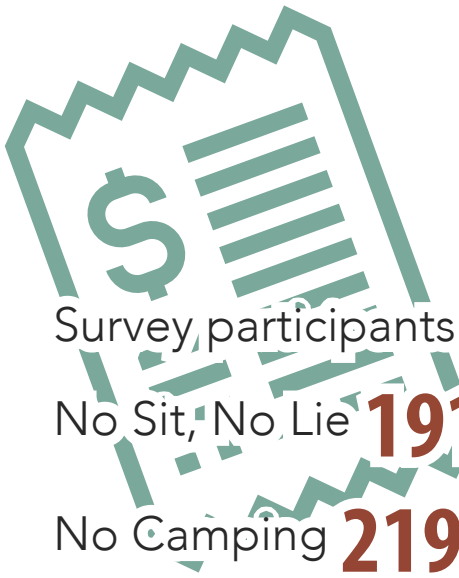
"We are people too. We have a right to be able to sleep and sit down."

"[Getting tickets] makes everything we have to deal with even harder."

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For 1 out of 3 people

cost of living, unemployment, and mental health needs contributed to homelessness



Survey participants reported being issued:


No Sit, No Lie **191 tickets**


No Camping **219 tickets**


No Soliciting **39 tickets**


Folks were ticketed an average of **5.7 times a year.**

How does criminalization affect individuals experiencing homelessness?

57% of individuals get only 3 to 5 hours of sleep per night 

48% find it harder to find a job 

65% feel less safe 

41% find it harder to find housing 

85% experience increased stress 

57% do not feel comfortable calling 911 for help 

Background

In the City of Austin, municipal code criminalizes sitting and lying down, camping, and the solicitation of money and in-kind donations among individuals in the downtown area experiencing homelessness.

The Ending Community Homelessness Coalition's 2017 point-in-time count suggests there are over 2,100 individuals who experience homelessness each night in Austin, but only about 1,300 emergency & transitional beds in the City's shelters.¹ An estimated 800-900 people a night are therefore forced to sleep on the streets due to lack of shelter space, rendering the criminalized activities unavoidable and life-sustaining.

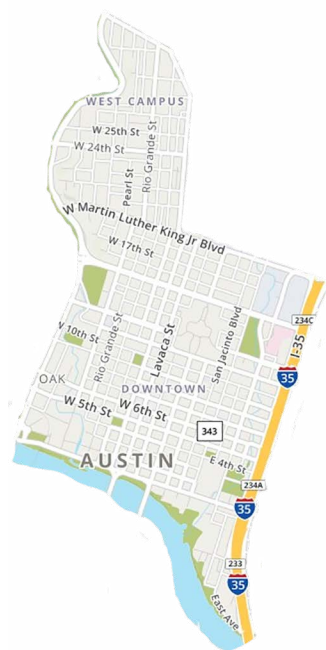
The three ordinances that specifically target and criminalize Austin's homeless residents are:

1. "No camping" (§9.4.11) — People often receive citations under this ordinance for storing personal belongings in public areas, sleeping in a vehicle, or otherwise appearing to be living in a public area.
2. "No soliciting" (§9.4.13) — In theory, this only applies to "aggressive solicitation." In practice, people experiencing homelessness are cited for simply flying signs.
3. "No sit/lie" (§9.4.14) — This ordinance forbids sitting or lying down in downtown Austin and surrounding areas. Folks in homelessness are often cited simply for resting outside, even if they are not blocking pedestrian traffic or otherwise causing any harm. The area where this ordinance is enforced includes downtown Austin, or the area enclosed by I-35 on the east end, Lamar Blvd. on the west end, MLK Blvd. on the north end, and Cesar Chavez St. on the south end. It also includes West Campus, or the area enclosed by Guadalupe St. on the east end, Lamar Blvd. on the west end, 29th St. on the north end, and MLK on the south end. See Figure 1 for a map of the downtown and surrounding area where this ordinance is enforced.

"This last cold season, I was miserable. I didn't go off to work in time to make it to the cold weather shelter. I was living in the woods, but the police kept hunting me down there and giving me tickets for camping. I started sleeping in a creek to hide from them so I wouldn't be arrested, and it was so cold. Somebody stole my sleeping bag, and there was nobody I could call to help. A lot of people don't seek help from the system because the system gives us tickets."

**-Alvin Sanderson, age 63
Gathering Ground**

Figure 1.
Austin No Sit/No Lie
Enforcement Area



In 2017, 1200 tickets were written for sitting and lying, 400 tickets for camping, and 450 tickets for solicitation.² Of the 18,000 citations issued for camping, sitting/lying, or solicitation between fiscal year 2014 and fiscal year 2016, 90% of the time the person cited did not appear in court. This then led to a warrant in 72% of cases.³ Active warrants can show up on criminal background checks, disqualifying many people from employment and housing opportunities. Arrest and jail time for unpaid citations can lead to job loss and present an additional challenge to individuals trying to get out of homelessness.

To raise awareness about the impact of these ordinances on folks surviving homelessness, Gathering Ground Theater was formed. The group consists of individuals with a personal history of homelessness who draw from lived experience and create socially conscious productions in the style of Theater of the Oppressed.⁴ Gathering Ground developed No Sit No Lie, a production that exposes what it's like to be homeless and be targeted for engaging in necessary activities.

Participatory research methods

The Action Research Collective (ARC) is the research arm of the Decarcerate ATX Coalition. The ARC works in partnership with directly affected communities to identify alternatives to criminalization and incarceration using participatory action research methods. Participatory Action Research (PAR) is a process and research orientation that informs and enables action for change.⁵ It is a form of collective self-reflective inquiry.⁶ According to the Public Science Project, a prominent center for PAR, the method "values the significant knowledge people hold about their lives and experiences and positions those most intimately impacted by research as leaders in shaping research questions, framing interpretations, and designing meaningful research products and actions."⁷

In the spring of 2018, a collaboration began between Gathering Ground and the ARC focused on exploring the prevalence and impact of police enforcement of the ordinances that criminalize sitting and lying, camping, and soliciting in the City of Austin. Working together, we developed a survey for folks who were experiencing homelessness at the time of the survey or had in the year prior and who had interacted with police due to enforcement of the ordinances. Individuals did not need to have been arrested or even issued a ticket to participate; they simply had to have interacted with law enforcement as a result of the ordinances.

As a group, we chose to ask about ticketing, arrest, and harassment, as well as the consequences of those experiences, including efforts to avoid police interactions and effects on health and sleep.

To reach individuals experiencing homelessness, we partnered with local churches to survey during service hours. Sunrise Community Church, the Trinity Center, and University United Methodist Church welcomed us throughout the month of April 2018. Members of the ARC and Gathering Ground that interviewed folks and collected survey responses were compensated for each survey and individuals experiencing homelessness who participated were issued bus passes.



A man we spoke with shares his sign at Sunrise Community Church. After trying out different messages, he says he found this one worked best.

The ARC aims to influence local advocacy campaigns to reduce the number of people who are arrested and jailed, focusing specifically on improving outcomes for community members of color and those with mental health needs. Because PAR is a tool for organizing, ARC goals include developing community-informed best practices, building campaigns to ensure best practices are implemented, decreasing the number of people in Travis County Jail while eliminating racist jailing practices, and creating community-based support systems for individuals who need help, not handcuffs.

Findings

Over the course of April 2018, we talked to hundreds of individuals and surveyed 79 who were experiencing homelessness at the time of the survey or had in the year prior. We surveyed 61 cisgender men, 17 cisgender women, and one self-identified transgender woman. Survey respondents tended to be older, with 63.3 percent of individuals over the age of 40.

Figure 2.
Age of Survey Respondents

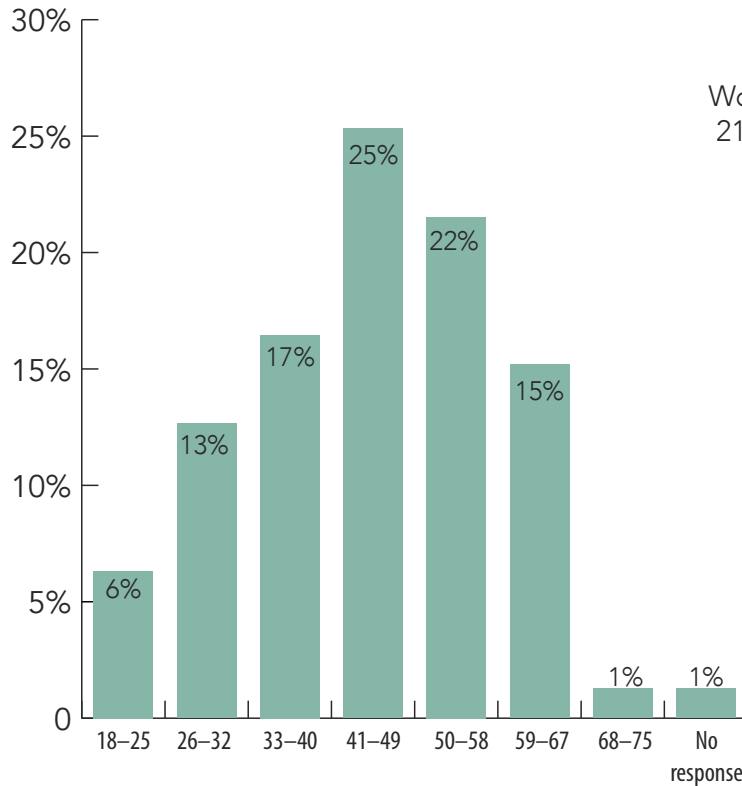
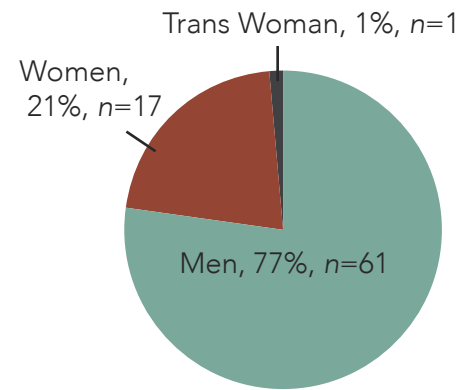


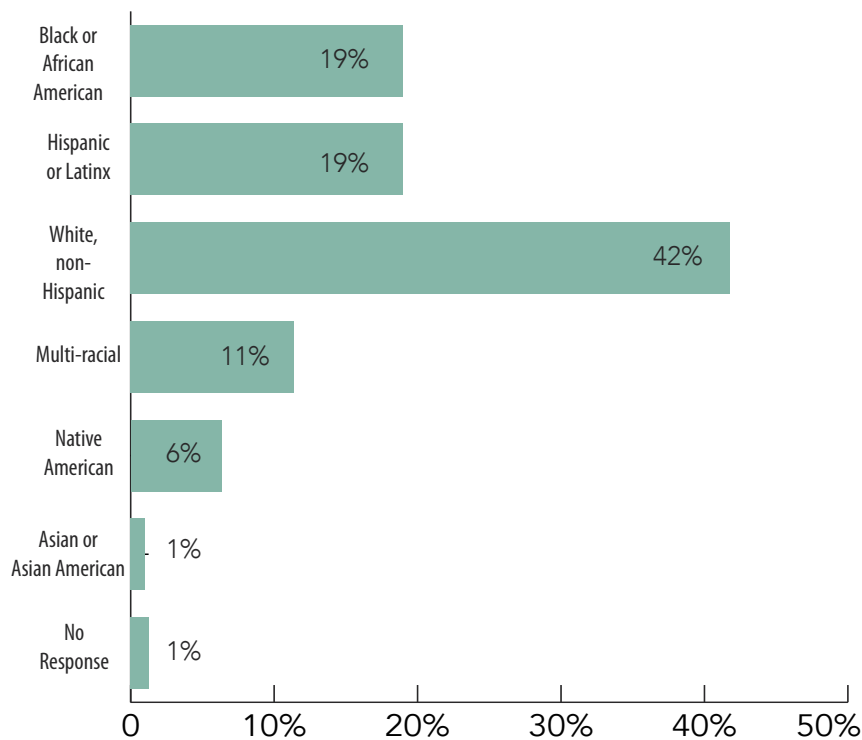
Figure 3.
Gender of Survey Respondents



Survey respondents were about 41 percent White, 19 percent Black, and 19 percent Latinx. For comparison, Austin’s Action Plan to End Homelessness⁸ reports that in Travis County, Whites make up 41 percent of the population experiencing homelessness, Blacks make up 34 percent, and Latinxs 33 percent. Respondents were asked to report their own racial and ethnic identity. Notably, individuals who reported multiple races and ethnicities were grouped in the multi-racial category, which totaled over 11 percent. The racial and ethnic makeup of the folks we surveyed did not match up with that of the larger Austin homeless population as reported by the city, with Blacks and Latinxs being relatively underrepresented among the individuals we surveyed. One reason for this is the inclusion of some Black and Latinx folks in the multi-racial category.

Another factor is the potential under-representation of Black and Latinx folks among the individuals who visit the local churches we partnered with for food assistance and social services. As our survey outreach methods were limited to a few church partnerships, we did not reach a representative sample of individuals experiencing homelessness.

Figure 4.
Race/Ethnicity of Survey Respondents



Individuals experiencing homelessness varied in the amount of time they'd spent living unsheltered, from 9 days to 30 years. Average time living unsheltered was 25 months, or just over 2 years.

When asked, What led you to homelessness? Over 35 percent of individuals cited a job loss and unemployment, 24 percent had been released from jail or prison into homelessness, 30 percent reported mental health needs, and an overwhelming 43 percent identified family issues as leading to homelessness.

Folks we talked to had experienced homelessness an average of

25 months



“The medical bills started to catch up with me. In 1999, I was hit by a car. Since then, mobility has been a problem, also vision. And those are things you need for a job.”

One out of five people cited drug use as a contributor to homelessness. Nearly 13 percent had experienced domestic violence, and almost 18 percent had been kicked out of their home. Categories are not mutually exclusive, and respondents were asked to check all that apply.

Table 1. What led you to homelessness?

Reason	Number of Respondents	Percent of Respondents
Arrest	13	16.5%
Cost of living	26	32.9%
Unemployment	28	35.4%
Job loss	30	38%
Released from social services	7	8.9%
Released from jail or prison	19	24.1%
House foreclosure/Eviction	14	17.7%
Bankruptcy	3	3.8%
Mental health needs	24	30.4%
Drug use	16	20.3%
Medical	20	25.3%
Life transition	22	27.8%
Domestic violence	10	12.7%
Choice	9	11.4%
Family issues	34	43.0%
Natural disaster	--	0%
Kicked out of house	14	17.7%
Ran away	4	5.1%
Other	5	6.3%

A common theme that ran across the experiences shared was that external circumstances, factors out of individuals’ control, contributed to homelessness. People reported, for example, employers that stole wages, aging out of foster care, abusive relationships, and changing standards for housing assistance.

The majority of individuals (77.2%) spent every night of the week sleeping on the street. Several (15.2%) stated there was “nowhere” they felt safe.

On average, individuals reported being woken up at least 1 time per night. The majority (57%) of individuals stated that they got 3 to 5 hours of sleep per night, with nearly 13 percent reporting only 0 to 2 hours of sleep. For many, this resulted in increased physical health issues (63.3%), increased emotional health issues (58.2%), decreased energy levels (72.2%), and decreased productivity (67.1%).

Figure 5.
Hours of Sleep per Night

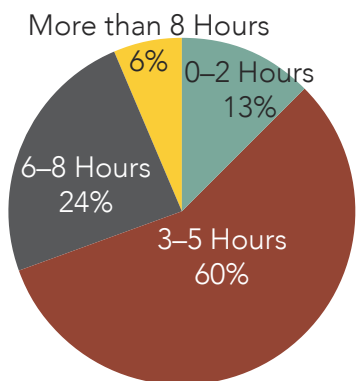
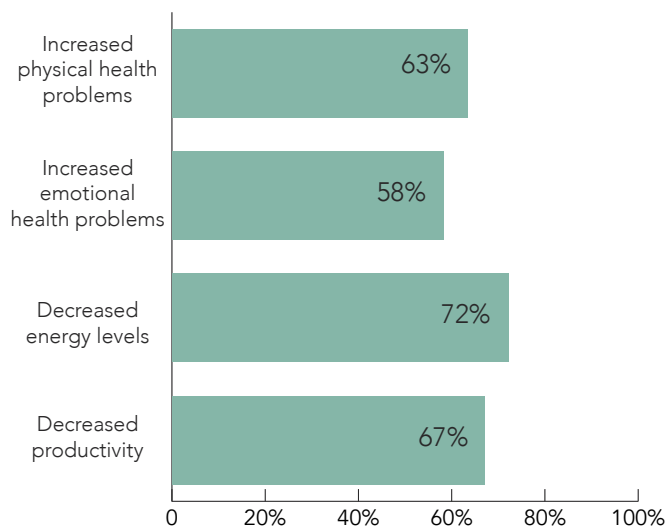


Figure 6.
Effects of Sleep Deprivation



The table on the next page outlines prevalence of ticketing, arrest, harassment, and avoidance of police among the 79 individuals we interviewed. The individuals we surveyed were issued 191 tickets under the No Sit, No Lie ordinance; 219 tickets under the No Camping ordinance; and 39 tickets under the No Soliciting ordinance over the course of the year preceding the date of the survey. This means individuals were ticketed an average of 5.7 times a year. The results demonstrate high levels of police harassment, particularly for sitting and lying. A majority of folks we surveyed reported avoiding police as a result of the criminalization of sitting, lying, and camping.

It is important to note that many people did not respond to any of the survey items pertaining to the solicitation ordinance, often explaining that they did not engage in those activities. Some folks reported they had to stop due to excessive police enforcement. Because they no longer engage in soliciting, those interactions are not reported here. Figure 7 reports rates of harassment and police avoidance among all 79 individuals interviewed, though only 60 responded to the item on harassment and only 59 responded to the item on avoiding police. As a percentage of folks who responded, 41.7 percent reported harassment and 37.3 percent reported actively avoiding the police.

Table 2. Ticketing, Arrest, Harassment, and Avoidance of Police

Ordinance	Tickets	Arrests	Harassed	Avoid Police	Avoid Police Daily
No Sit, No Lie	191	7	79.7%	75.9%	48.1%
No Camping	219	7	57%	55.7%	30.3%
No Soliciting	39	5	31.6%	27.8%	21.5%

Furthermore, the vast majority of individuals who interacted with police due to these ordinances were not connected to social services or housing assistance.

- » Did not receive services or assistance
 - » No Sit, No Lie 86.7%
 - » No Camping 97.1%
 - » No Soliciting 98.4%

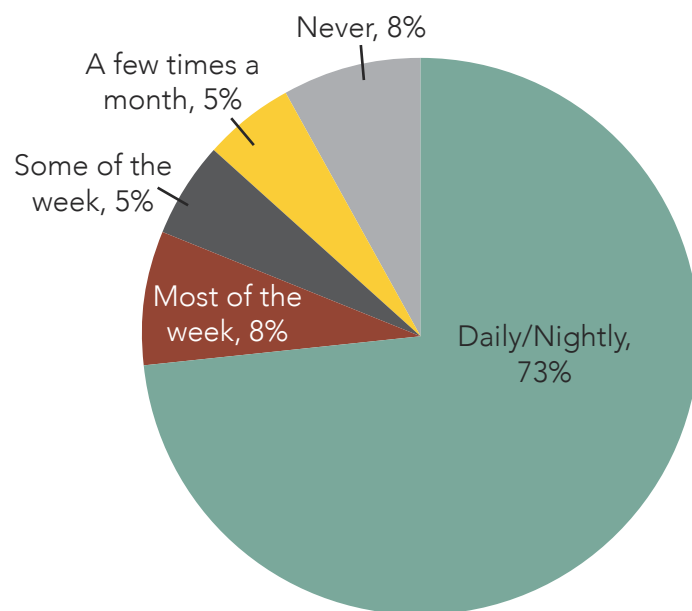
When asked how experiences with the ordinances have impacted their day-to-day lives, 84 percent of survey respondents reported increased stress. A majority of individuals reported feeling less safe, experiencing financial difficulties, and a reluctance to call 911 for help. Only 13 percent were connected to resources as a result of police enforcement of the ordinances. Additionally, respondents shared that criminalization made it harder to find a job and housing because they have to be constantly moving and finding somewhere to keep their belongings. Facing the added risk of sexual harassment, women experiencing homelessness reported a lack of spaces where they can “just sit there and have a peaceful moment.”

Table 3. Impacts of Criminalization on Individuals Experiencing Homelessness

Connected me to resources	13.9%
Made me feel safer	3.8%
Made me feel less safe	64.6%
Caused more stress	84.8%
Caused financial problems	60.8%
Caused loss of job	16.5%
Gave me a criminal record	39.2%
Made it harder to find a job	48.1%
Made it harder to find housing	40.5%
Not comfortable calling 911 for help	57%

Generally, the folks we talked to reported high levels of police avoidance. Over 73 percent avoided police on a daily basis, while only 8 percent reported never avoiding interactions with police. Folks, for example, walk for hours to avoid ticketing and arrest for sitting or lying. They go without rest or find ways to avoid appearing like they are asleep. When they do lie down to sleep, some do so in groups and take turns keeping a lookout for police.

Figure 6.
Time Spent Avoiding Police



Finally, we asked survey takers what message they would like to send to Austin City Council members who make decisions about the ordinances that target people experiencing homelessness. The comments shared reflected a desire to be allowed to live freely, a need for housing and jobs, a frustration with punitive enforcement, and an assertion of legal rights.

- "I'd like to be allowed freedom to live my life."
- "There's not enough adequate housing or services to assist the homeless, [these] laws exaggerate the situation."
- "We are people too. We have a right to be able to sleep and sit down. We have rights as citizens too."
- "A lot of people have mental health issues and have given up hope on services."

What folks experiencing homelessness had to say about calling 911 for help:

"I'm afraid they'll run my name and see I have a warrant and put me in jail when I'm calling for help. It feels like they are anti-homeless. The police treat [us] like we are trash. They think they are above the law. When they take off the badge, they are civilians just like us."

"Why would I [call 911]? No matter what happens, I'm homeless so it's my fault."

"Always being aware of the possibility of being questioned or arrest. I have an injury, and I can't take breaks. Cops may think I'm lying."

"I already know that if the situation comes down to us and someone else, [police] are going to side with the other person especially if they're white or look like they're housed."

- “[Getting tickets] makes everything we have to deal with even harder.”
- “Please leave homeless people who have nothing alone. We’re just milling around in your world trying to stay alive. Take your foot off our neck. We have nothing already, you want to take nothing from us?”
- “We didn’t ask to be homeless; some things are unavoidable.”
- “Please help with jobs. People like me with felonies can’t get jobs. Housing is the number one thing to help people get jobs and a better life.”
- “Instead of punishing the homeless, you should offer resources. People should have a right to work instead of a criminal background.”



Members of Gathering Ground Theater perform No Sit No Lie at a housing conference as a call to action for people of conscience to stand with Austinites experiencing homelessness in their fight to end the criminalization of their most basic needs.



In April 2018, the Homes Not Handcuffs coalition testifies at a City Council hearing on Austin’s plan to end homelessness. Alvin Sanderson, a member of Gathering Ground, speaks before City Council.



Steven Potter, a member of Gathering Ground, testifies before City Council.

Next Steps

Survey findings suggest that folks experience a myriad of challenges that contribute to homelessness, like job loss and unemployment, release from jail or prison, and mental health or addiction needs. Due to police enforcement, a majority of individuals we surveyed experienced mental and physical health challenges from chronic lack of sleep. Folks we talked to were issued an average of 5.7 tickets over the course of a year and experienced high levels of police harassment. Some reported going without rest to avoid police harassment for sitting or lying. As a result, most folks feel less safe and are reluctant to call 911 for help. Ticketing and arrest were not associated with meaningful connections to social services or housing assistance.

The Austin City Council has yet to take action beyond calling for a stakeholder process to further study ordinances we know to be harmful and ineffective at connecting people to housing supports. We cannot ticket and arrest our way out of homelessness. We must provide homes, not handcuffs. While we fully support a comprehensive plan to provide additional housing and social supports in the years to come, we ask for immediate action on ordinances that serve no humane purpose than to disappear and further marginalize folks with nowhere else to go right now. We demand complete repeal of all three ordinances. Meaningful decriminalization must come with a guarantee from City Council that Austin Police will not turn to higher-level penalties to continue to criminalize Austinites who need a place to sit, lie down, camp, and solicit help from their community.

In April 2018, the Homes Not Handcuffs coalition takes over the Austin Convention Center during a conference on housing for a performance of No Sit, No Lie.



Endnotes

1. *Ending Community Homelessness Coalition (ECHO) 2017 Point-in-Time Count (Rep.)*. (2017). Austin, TX: Ending Community Homeless Coalition. <http://www.austinecho.org/wp-content/uploads/2017/04/170420-ECHO-2017-Homeless-Count-Final-Results.pdf>.
2. Mergler, M. S. (2018, March). Retrieved August 15, 2018, from <https://docs.google.com/document/d/1IBgBoyQCP8FDSPLd3lgRly0h699nQuPKfv0AoLo-QHe8/edit>.
3. *Homelessness Assistance Audit Series: City Policies Related to Homelessness (Rep.)*. (2017). Austin, TX: City of Austin Office of the City Auditor. <https://www.austinmonitor.com/wp-content/uploads/2017/11/homeless-audit.pdf>.
4. The Theatre of the Oppressed describes techniques that use theatre as means of promoting social and political change.
5. Baum, F., MacDougall, C., & Smith, D. (2006). *Participatory action research* (Vol. 60, Ser. 10, pp. 854-857, Tech.). *J Epidemiol Community Health*. doi:10.1136/jech.2004.028662.
6. Ibid.
7. The Public Science Project. (n.d.). Retrieved August 15, 2018, from <http://publicscienceproject.org/>.
8. *Draft Austin Action Plan to End Homelessness (Rep.)*. (2018). Austin, TX: Ending Community Homeless Coalition. <http://www.austintexas.gov/edims/document.cfm?id=296578>.

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