

ONTARIO SUPERIOR COURT OF JUSTICE

B E T W E E N:

**KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO,
SHAWN ARNOLD, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS,
ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL,
SHERRI OGDEN, JAHMAL PIERRE, and LINSLEY GREAVES**

Applicants

-and-

CITY OF HAMILTON

Respondent

APPLICANTS' APPLICATION RECORD

VOLUME 6 – TAB 89

HĀKI CHAMBERS

319 Sunnyside Avenue
Toronto, ON M6R 2R3
Sujit Choudhry (LSO# 45011E)
Tel: 416-436-3679
sujit.choudhry@hakichambers.com

COMMUNITY LEGAL CLINIC OF YORK REGION

21 Dunlop Street
Richmond Hill, ON L4C 2M6

Sharon Crowe (LSO# 47108R)
Tel: 905-508-5018 ext. 57
sharon.crowe@yr.clcj.ca

Michelle Sutherland (LSO# 70159T)
michelle.sutherland@yr.clcj.ca

Curtis Sell (LSO # 84128A)
curtis.sell@yr.clcj.ca

ROSS & MCBRIDE LLP

1 King Street West, 10th Floor
Hamilton, ON L8P 1A4
Wade Poziomka (LSO# 59696T)
Tel: 905-572-5824
wpoziomka@rossmcbride.com

Counsel to the Applicants

TO:

GOWLING WLG (CANADA) LLP

Barristers & Solicitors

1 King Street W, Suite 1500
Hamilton ON L8P 1A4

Bevin Shores (LSO#56161F)

Tel: 905-540-2468

bevin.shores@gowlingwlg.com

Jordan Diacur (LSO#65860E)

Tel: 905-540-2500

jordan.diacur@gowlingwlg.com

Counsel to the Respondent

VOLUME 6 INDEX – HEEGSMAN ET AL. v. CITY OF HAMILTON

TAB (EXHIBIT LETTER)	Document
APPLICATION RECORD VOLUME 6	
89.	Transcript of the Cross Examination of Stephen Gaetz dated Aug 30, 2024
a.	Exhibit 1 - Gaetz CV
b.	Exhibit 2 - Gaetz Form 53
c.	Exhibit 3 - Everyone Counts 2018
d.	Exhibit 4 - Hamilton Emergency Shelter Standards
e.	Exhibit 5 - Service Restriction Policy
f.	Exhibit 6 - O'Shea et al Pilot Study of COVID-19 Testing c1aa743
g.	Exhibit 7 - Wen Hudak Hwang Perceptions of Welcomeness
h.	Exhibit 8 - Cohen et al Understanding Encampments
i.	Exhibit 9 Olson Connecting Public Health and Human Rights
j.	Exhibit 10 - Rankin Punishing homelessness
k.	Exhibit 11 - Olson MacDonald Washington's War
l.	Exhibit 12 - Myths and Facts
m.	Exhibit 13 - Fischer et al Homelessness Mental Illness and Criminal Activity
n.	Exhibit 14 to Gaetz XE O'Shea Pandemic Planning in Homeless Shelters

DR. STEPHEN GAETZ - 1 1 Court File No. CV-21-77187 2 3 ONTARIO 4 SUPERIOR COURT OF JUSTICE 5 6 B E T W E E N: 7 8 KRISTEN HEEGSMa, DARRIN MARCHAND, GORD SMYTH, MARIO 9 MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE 10 DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA 11 JORDAN, JULIA LAUZON AMMY LEWIS, ASHLEY MACDONALD, COREY 12 MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE, 13 LINSLEY GREAVES and PATRICK WARD 14 Applicants 15 16 - and - 17 18 CITY OF HAMILTON 19 Respondent 20 21 --- This is the Cross-Examination of DR. STEPHEN GAETZ, 22 a witness on behalf of the Applicants herein, on his 23 affidavit, sworn June 14, 2022, taken via Zoom 24 videoconference, on Friday, the 30th day of August, 25 2024. NIMIGAN MIHAILOVICH REPORTING INC. Hamilton, Ontario - nmreporting.ca - (905) 522-1653	DR. STEPHEN GAETZ - 3 1 TABLE OF CONTENTS 2 A5765 3 INDEX OF EXAMINATIONS: PAGE NO. 4 5 DR. STEPHEN GAETZ; Affirmed..... 9 6 CROSS-EXAMINATION BY MS. SHORES:..... 9 7 RE-EXAMINATION BY MR. CHOUDHRY:..... 173 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 NIMIGAN MIHAILOVICH REPORTING INC. Hamilton, Ontario - nmreporting.ca - (905) 522-1653
DR. STEPHEN GAETZ - 2 1 APPEARANCES: 2 SUJIT CHOUDHRY For the Applicants 3 SHARON CROWE 4 5 BEVIN SHORES For the Respondent 6 7 CURTIS SELL Community Legal Clinic of 8 MICHELLE SUTHERLAND York Region 9 10 11 Also Present: 12 Jojo Johnson Articling student, 13 Gowling WLG (Canada) LLP 14 15 16 17 18 19 20 21 22 23 24 25 NIMIGAN MIHAILOVICH REPORTING INC. Hamilton, Ontario - nmreporting.ca - (905) 522-1653	DR. STEPHEN GAETZ - 4 1 TABLE OF CONTENTS (Continued) 2 INDEX OF EXHIBITS 3 PAGE NO. 4 EXHIBITNO. 1: Dr. Stephen Anthony Gaetz's 13 5 affidavit, sworn June 14, 2022. 6 7 EXHIBITNO. 2: Form 53 - Acknowledgement 14 8 of Expert's Duties, signed by Dr. 9 Gaetz. 10 11 EXHIBITNO. 3: Employment and Social 39 12 Development Canada, 'Everyone 13 Counts 2018 Highlights.' 14 15 EXHIBITNO. 4: Document titled "Hamilton's 49 16 Emergency Shelter Standards," dated 17 September 2023. 18 19 EXHIBITNO. 5: City of Hamilton Service 66 20 Restriction Policy for Emergency 21 Shelters. 22 23 24 25 NIMIGAN MIHAILOVICH REPORTING INC. Hamilton, Ontario - nmreporting.ca - (905) 522-1653 A1481

DR. STEPHEN GAETZ - 5			DR. STEPHEN GAETZ - 7		
1	TABLE OF CONTENTS (Continued)		1	TABLE OF CONTENTS (Continued)	
2	INDEX OF EXHIBITS		2	INDEX OF EXHIBITS	
3	PAGE NO.		3	PAGE NO.	
4	EXHIBITNO. 6: Document titled "Pandemic	88	4	EXHIBITNO. 11: Seattle University School	146
5	Planning in Homeless Shelters: A		5	of Law Legal Paper Series # 15-19,	
6	pilot study of a COVID-19 testing		6	published by the Seattle University	
7	and support program to mitigate the		7	Homeless Rights Advocacy Project,	
8	risk of COVID-19 outbreaks in		8	titled "Washington's War on the	
9	congregate settings," corresponding		9	Visibly Poor: A Survey of	
10	author - Dr. Timothy O'Shea. Other		10	Criminalizing Ordinances & Their	
11	doctors who are the authors of this		11	Enforcement," authored by Justin	
12	study are Claire Bodkin, Vaibhav		12	Olson and Scott MacDonald.	
13	Mokashi, Kerry Beal, Jill		13		
14	Wiwcharuk, Robin Lennox, Dale		14	EXHIBITNO. 12: Fact sheet titled "Myths	153
15	Gunter, Marek Smieja.		15	and Facts of Homelessness in	
16			16	Washington State: Building a New	
17	EXHIBITNO. 7: Article titled "Homeless	118	17	Public Narrative to Combat	
18	People's Perceptions of Welcomeness		18	Criminalization and Advance Real	
19	and Unwelcomeness in Healthcare		19	Solutions."	
20	Encounters," authored by Chuck K.		20		
21	Wen, Pamela L. Hudak, and Stephen		21		
22	W. Hwang.		22		
23			23		
24			24		
25			25		
NIMIGAN MIHAIOVICH REPORTING INC.			NIMIGAN MIHAIOVICH REPORTING INC.		
Hamilton, Ontario - nmreporting.ca - (905) 522-1653			Hamilton, Ontario - nmreporting.ca - (905) 522-1653		

DR. STEPHEN GAETZ - 6			DR. STEPHEN GAETZ - 8		
1	TABLE OF CONTENTS (Continued)		1	TABLE OF CONTENTS (Continued)	
2	INDEX OF EXHIBITS		2	INDEX OF EXHIBITS	
3	PAGE NO.		3	PAGE NO.	
4	EXHIBITNO. 8: Document titled	129	4	EXHIBITNO. 13: Article titled	153
5	"Understanding Encampments of		5	"Homelessness, Mental Illness, and	
6	People Experiencing Homelessness		6	Criminal Activity: Examining	
7	and Community Responses, Emerging		7	Patterns Over Time," by Sean N.	
8	Evidence as of Late 2018," authors		8	Fischer et al, American Journal of	
9	Rebecca Cohen, Will Yetvin, and		9	Community Psychology (2008).	
10	Jill Khadduri.		10		
11			11	EXHIBITNO. 14: Article entitled "Pandemic	176
12	EXHIBITNO. 9: Document titled "Homeless	139	12	Planning in Homeless Shelters: A	
13	encampments: connecting public		13	Pilot Study of a Coronavirus	
14	health and human rights," from the		14	Disease 2019 (COVID-19) Testing and	
15	Canadian Journal of Public Health		15	Support Program to Mitigate the	
16	(2021), authored by Nicholas Olson		16	Risk of COVID-19 Outbreaks in	
17	and Bernadette Pauly.		17	Congregate Settings."	
18			18		
19	EXHIBITNO. 10: Rankin (2019), article	143	19		
20	called "Punishing Homelessness," in		20		
21	the New Criminal Law Review.		21		
22			22		
23			23		
24			24		
25			25		
NIMIGAN MIHAIOVICH REPORTING INC.			NIMIGAN MIHAIOVICH REPORTING INC.		
Hamilton, Ontario - nmreporting.ca - (905) 522-1653			Hamilton, Ontario - nmreporting.ca - (905) 522-1653		

DR. STEPHEN GAETZ - 9

1 --- Upon commencing at 9:03 a.m.
2 DR. STEPHEN GAETZ; Affirmed.
3 CROSS-EXAMINATION BY MS. SHORES:
4 1 Q. Good morning, Dr. Gaetz. As I
5 introduced offline, my name is Bevin Shores, my
6 pronouns are she and her, I'm one of the lawyers from
7 the City of Hamilton in this matter. And we're here
8 this morning to cross-examine you on your affidavit,
9 sworn June 14, 2022.
10 So, can we start by getting you to,
11 please, state your full name for the record.
12 A. My full name is Stephen Anthony
13 Gaetz.
14 2 Q. And are there any names that you
15 like to go by or any pronouns that you wish to share?
16 A. He and him for pronouns. And you
17 can call me anything -- people usually use Stephen
18 but...
19 3 Q. I will probably call you Dr. Gaetz
20 out of force of habit and I hope, I hope you don't take
21 offence to the formality.
22 A. No, that's not a problem.
23 4 Q. Okay. And as we confirmed
24 offline, Dr. Gaetz, you're alone in the room that
25 you're participating from this morning?

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 10

1 A. I'm alone in the room.
2 5 Q. Okay. Where are you participating
3 from this morning?
4 A. Colborne, Ontario, which is where
5 I live.
6 6 Q. And you're aware that you're to
7 have no assistance in giving your answers today?
8 A. That's right.
9 7 Q. You've told us offline that you
10 have an electronic copy of your affidavit with you.
11 And I'll also confirm that we've discussed that if you
12 do refer to any other materials in giving your answers,
13 we need to state what you're referring to, make it an
14 exhibit and explore how it informs your evidence; is
15 that understood?
16 A. That's understood.
17 8 Q. Okay. Dr. Gaetz, you've been
18 affirmed to tell the truth today?
19 A. Yes.
20 9 Q. What do you understand your role
21 is in this litigation?
22 A. Well, I'm a researcher, so I am to
23 provide evidence from the perspective of a research --
24 researcher as to the matters at hand.
25 10 Q. And have you been qualified to

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 11

1 give evidence in court before as an expert witness?
2 A. Yes, I have. **A5767**
3 11 Q. In which courts?
4 A. Oh, Ontario, in Nova Scotia, in
5 Yellowknife. Probably other places, I don't have the
6 details at hand.
7 12 Q. Which court in Ontario, do you
8 know, Superior Court, Provincial Court?
9 A. I believe Superior Court and
10 Provincial Court.
11 13 Q. Okay. And in what areas have you
12 been qualified to give evidence in court as an expert
13 witness?
14 A. As a researcher, my expertise is
15 on homelessness, its causes, its conditions, and the
16 potential solutions to the problem of homelessness.
17 So, depending on the case, some have been looking at
18 things like people and panhandling or soliciting funds
19 on the streets, people's access to medical marijuana
20 while they're in emergency shelters, these kinds of
21 thing.
22 14 Q. Dr. Gaetz, I'm going to share my
23 screen and put up your affidavit and a couple of other
24 documents.
25 A. Okay.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 12

1 15 Q. So, on the screen you should be
2 able to see, hopefully, the first page of your
3 affidavit, sworn June 14, 2022?
4 A. Mm-hmm.
5 16 Q. Sorry, you have to give a verbal
6 answer.
7 A. Oh, yes.
8 17 Q. Thank you. And in the version
9 that we received, there was no curriculum vitae
10 appended to it, even though it says it's attached as
11 Exhibit "A." We were ultimately provided with one in
12 2023 in the course of receiving some motion materials.
13 So I've tabbed over to the curriculum vitae.
14 A. Okay.
15 18 Q. Is this your CV, Dr. Gaetz?
16 A. Yes, it is.
17 19 Q. And when would that have been
18 current; do you know?
19 A. Well, it would have been up to
20 date as of the date that you received it. You said
21 2023, so, you know, time has passed, there's new
22 publications and things like that that would be in it.
23 20 Q. So it would have been --
24 A. In one that was current today.
25 21 Q. Okay. Dr. Gaetz, do you **A1483**

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 13

1 remember -- and the reason I'm asking, I'm not trying
2 to be unfair to you, is, just based on the dates on
3 your CV, it looks like it may be current to 2022?

4 **A.** Right, yes.

5 **MR. CHOUDHRY:** Counsel, if I -- excuse
6 me, if I may. Counsel, if we could stipulate that this
7 was the CV that was current when Dr. Gaetz provided his
8 affidavit, it was admitted in error, but it's current
9 as of, as of when he provided his affidavit.

10 **THE DEPONENT:** That's right, I agree.

11 **BY MS. SHORES:**

12 **Q.** So this is your affidavit, to the
13 best of your knowledge, from approximately June of
14 2022?

15 **A.** That's right.

16 **Q.** Okay.

17 **A.** Yes.

18 **MS. SHORES:** Okay. So let's mark, Dr.
19 Gaetz, your CV as Exhibit 1 to the cross-examination.

20 **EXHIBIT NO. 1:** Dr. Stephen Anthony
21 Gaetz's affidavit, sworn June 14, 2022.

22 **BY MS. SHORES:**

23 **Q.** And another document, Dr. Gaetz,
24 that I'll take you to, also wasn't included with your
25 report, this is a Rules of Civil Procedure, Form 53 -

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 15

1 **A.** There were a couple of questions,
2 which I can't recall, so... **A5768**

3 **Q.** Okay. And those questions are
4 addressed in the content of your affidavit?

5 **A.** Yes.

6 **Q.** And the factual assumptions that
7 your opinions are based on those are set out in your
8 affidavit?

9 **A.** Yes.

10 **Q.** So, similarly, the documents
11 relied on informing the opinion set out in your
12 affidavit, those are also indicated in your affidavit?

13 **A.** Yes. And as a researcher, what's
14 particularly important is the evidence behind
15 statements that get made. So -- yeah. Yes.

16 **Q.** So, in other words, Dr. Gaetz, if
17 I understand you correctly, you're saying that the
18 citations and footnotes in your affidavit are that
19 evidence?

20 **A.** They are that evidence. As well,
21 that, as a scholar, my knowledge of homelessness
22 extends beyond the publications that I've produced. So
23 I have expertise in the area of homelessness and, as I
24 said, its causes, its conditions and responses to
25 homelessness. Not all of that has wound up in a

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 14

1 Acknowledgement of Expert's Duties that I've placed --
2 placing on the screen. Are you able to see that?

3 **A.** I am indeed, yes.

4 **Q.** Okay. And it's dated June 14,
5 2022. Do you remember when it was signed?

6 **A.** No. I'm assuming it was the date
7 but I don't recall.

8 **Q.** Okay. And in the lower right-hand
9 corner, is that your signature?

10 **A.** Yes, it is.

11 **MS. SHORES:** So, we will mark as
12 Exhibit 2 the Form 53 signed by Dr. Gaetz.

13 **EXHIBIT NO. 2:** Form 53 -

14 Acknowledgement of Expert's Duties, signed by Dr.
15 Gaetz.

16 **BY MS. SHORES:**

17 **Q.** Dr. Gaetz, I want to take you back
18 to your CV, if I may.

19 **A.** Okay.

20 **Q.** Actually, before I do that, just
21 on the topic of the Form 53, Dr. Gaetz, at the time
22 that you wrote -- or the time you swore your affidavit,
23 what instructions were provided to you specifically
24 with respect to the evidence contained in your
25 affidavit?

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 16

1 publication but is nevertheless evidence,
2 evidence-based --

3 **Q.** Okay.

4 **A.** -- as opposed to just opinion.

5 **Q.** Understood. But if there are any
6 documents that you've relied on informing your opinion,
7 those are in -- those are cited in your affidavit,
8 correct?

9 **A.** That's right.

10 **Q.** And in terms of the opinions that
11 are contained in this affidavit, you didn't conduct any
12 fresh research of your own in order to do so, correct?

13 **A.** That's correct.

14 **Q.** So, now I'm going to go back to
15 your CV, Dr. Gaetz. So, you're a professor with the
16 Faculty of Education at York University?

17 **A.** Yes.

18 **Q.** And you're still the president and
19 CEO of the Canadian Observatory on Homelessness?

20 **A.** Yes.

21 **Q.** You're still the research director
22 at Making the Shift - the Youth to Homelessness Social
23 Innovation Lab?

24 **A.** Yes.

25 **Q.** And you're still the director of

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 the Toronto Centre of Excellence on Youth Homelessness
2 Prevention at York University?

3 A. Yes.

4 40 Q. Okay. And when it says, "United
5 Nations Economic Commission for Europe," is that a
6 different role or is that also part --

7 A. No, that's the body that
8 designates you as a Centre of Excellence, it's a United
9 Nations' body.

10 41 Q. Understood. And these -- York
11 University, I'm aware, is in Toronto. And you give
12 your address as the York University campus in Toronto
13 on Keele Street; is that where you're based?

14 A. Yes.

15 42 Q. Now, reviewing your CV, Dr. Gaetz,
16 is it fair to say that your work has been almost
17 exclusively on the topic of homelessness?

18 A. Yes.

19 43 Q. Okay. You paused there a bit, you
20 can expand if you want to.

21 A. Well, my writing on youth often
22 applies more broadly, so that's dealing with developing
23 adolescents and young adults, and is relevant in those
24 areas as well, so yeah. And, also, like, talking about
25 how public systems operate. The research is relevant

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 beyond the field of homelessness but my -- the bulk of
2 my work is in that area, definitely.

3 44 Q. Okay. And going to number three
4 on your CV, your list of degrees, so you have a PhD, an
5 MA and a BA, all of them are in Anthropology?

6 A. That's right.

7 45 Q. Okay. So your background is
8 Anthropology?

9 A. My research background is
10 Anthropology but it is -- it's more complicated than
11 that, in that the methodologies of Anthropology guide
12 much of my work but it has evolved considerably
13 methodologically and in terms of disciplinary relevance
14 since 1990.

15 46 Q. And so speaking of methodology, is
16 that the connection to your current role as a professor
17 within the Faculty of Education?

18 A. Not specifically. It's a --
19 education is an interdisciplinary subject, to which
20 many different methodologies can apply. And that is
21 true of homelessness as well. They're complex issues
22 for which different methodologies provide different
23 kinds of evidence.

24 47 Q. So perhaps you can explain to me
25 then, what is the connection between your current role

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 as a professor with the Faculty of Education and your
2 work studying homelessness? **A5769**

3 A. Well, I'm a professor in, as you
4 say, in the Faculty of Education. So in that capacity,
5 I have responsibilities within the Faculty, for
6 instance, to teach, that's about a third of my
7 responsibility; to conduct research, is about a third;
8 there are also service obligations on behalf of the
9 Faculty of Education, both internal to the Faculty, so
10 chairing committees, I was associate dean for a number
11 of years, plus committee work regarding the broader
12 university. That my homelessness research doesn't
13 focus specifically on schooling is not an issue because
14 that's the nature of being a professor in Faculty of
15 Education.

16 However, I should point out that I have
17 done research and published on the role that schools
18 can and should play in addressing homelessness.

19 48 Q. And when you're teaching in your
20 role as a professor of Faculty of Education, what is
21 the nature of the courses that you teach?

22 A. In the last ten years, it's, for
23 the most part, been on adolescents, at the undergrad
24 level. And at graduate level, a course on youth
25 homelessness and another course on knowledge

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 mobilization, which is how we take research and make it
2 matter to different audiences.

3 49 Q. Okay. So, that's a point I'm
4 going to return to shortly but before we get there, I
5 wanted to ask you another question about your CV. So,
6 I've taken you to the -- 57, going by the pages at the
7 very bottom, under the heading "Funding."

8 A. Right.

9 50 Q. So, at the top, there's a summary,
10 and you've got it broken down in three categories -
11 "Research funding received as Principal Investigator,"
12 "Research funding received as Co-Investigator or
13 Partner," "Program Evaluation Contracts," and then the
14 "Total."

15 Research funding, I think I can figure
16 out what that is. But for program evaluation
17 contracts, are those basically for, like, consulting
18 type work?

19 A. The Canadian -- or the Homeless
20 Hub, which is our web-based interface, and the Canadian
21 Observatory on Homelessness, we operate something
22 called "Hub Solutions," which does contract work around
23 graphic design but also around issues that involve
24 basically doing contractual work with -- it could be
25 the City of Toronto, it could be an organization in

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653 **A1485**

DR. STEPHEN GAETZ - 21

1 York Region. But doing program evaluation, which is
 2 largely what it results in, which is, you know, an
 3 evidence form of research, ideally done by a third
 4 party.

5 ⁵¹ Q. So, in other words, they'll
 6 contract you to do research in order to evaluate a
 7 program that they're considering or have implemented,
 8 something like that?

9 A. That's -- yes, that's right.

10 ⁵² Q. Now, according to the summary at
 11 the top of page 57 of your CV, you've obtained a total,
 12 at least as of mid-2022, \$54,111,085 in research
 13 funding?

14 A. That's correct.

15 ⁵³ Q. And if I'm just taking the first
 16 four, so the research grants from 2021 and 2022, I
 17 added them up, and I got 6,448,571 in grant money just
 18 for that period of time; does that sound about right?

19 A. That sounds about right. Although
 20 you need to know that the way funds are allocated by
 21 Research Funding Council, a grant I received in 2019,
 22 for instance, may still be funding operations in
 23 2022 --

24 ⁵⁴ Q. I see.

25 A. -- like, Making the Shift.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 22

1 ⁵⁵ Q. So, for example, you said 2019,
 2 and I just scrolled down, there's one called "Making
 3 the Shift - Homelessness Demonstration Lab," [as read]
 4 that's a \$2.9 million grant, and that could still have
 5 been providing funding throughout the period of time in
 6 2021 and 2022?

7 A. That's right.

8 ⁵⁶ Q. Okay. And to date, you've
 9 continued to obtain research grants for your work?

10 A. Yes -- yes, the work requires
 11 funding. We have research -- researchers, we fund
 12 graduate students, postdoctoral fellows, those kinds of
 13 things. And then there's operational costs of doing
 14 research, including providing, for instance, stipends
 15 to the research participants, that kind of thing. So
 16 to do these large scale projects, you need
 17 infrastructure to make them happen.

18 ⁵⁷ Q. And "stipends," you mean
 19 participation money for the people who, for example,
 20 answer surveys?

21 A. That's correct.

22 ⁵⁸ Q. Now, Dr. Gaetz, I said I would
 23 circle back to the question of the impact of research,
 24 and so I've just, I've just changed my window sharing.
 25 Going to your CV, I'm going to turn to page 26. And

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 23

1 the second item down, if you can see that, you did a
 2 TEDx Presentation, Making Research Matter - Mobilizing
 3 Homelessness Research; is that correct?

4 A. That's correct.

5 ⁵⁹ Q. Okay. Now, I think I've found
 6 that TEDx talk. So I'm going to place this up on the
 7 screen here. So this is, this is YouTube; are you able
 8 to see that?

9 A. I am.

10 ⁶⁰ Q. Okay. And it says, "TEDx YorkU
 11 2010 - Stephen Gaetz - Research Matter," that would be
 12 the item on your CV?

13 A. Yes.

14 ⁶¹ Q. Okay. And if I scroll down to the
 15 caption here, it's a little bit small type, but the tag
 16 is "Making Research Matter: How the mobilize research
 17 to have a greater impact on the homelessness crisis."

18 A. Right.

19 ⁶² Q. That's the tag line of your
 20 presentation?

21 A. Right.

22 ⁶³ Q. And the topic of that
 23 presentation?

24 A. Yes.

25 ⁶⁴ Q. Okay. And on the screen, it's a

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 24

1 bit blurry, but that's, that's you?

2 A. Yes, that's me.

3 ⁶⁵ Q. Okay. Now I'm going to -- you may
 4 see, I've got this video cued up to 14 minutes and 46
 5 seconds into the video. I'm going to play this very
 6 briefly, and then I'd like the recording to be played
 7 on the record, and then I'll ask you a question about
 8 it.

9 A. Okay.

10 --- Video played.

11 DR. GAETZ: This kind of information.

12 And so how are we doing then, to wrap up here, is it
 13 working? Well, since that first conference, we've now
 14 had two more conferences, right. The conferences
 15 aren't enough. What I'm seeing across Canada is a
 16 growing connection between the research community and
 17 the policymakers and service providers - in Victoria,
 18 B.C., St. John's, Newfoundland. A couple of years ago,
 19 the Government of Canada wanted to close down a program
 20 called "Insite," in Vancouver, which is a safe
 21 injection site. The research community pulled together
 22 30 top articles that showed why this is a good program
 23 and fought back, so research became a stick to beat
 24 back bad decisions.

25 --- Video ended.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 25

BY MS. SHORES:

Q. So I've now -- you were able to hear that clip from your presentation, Dr. Gaetz?

A. Yes.

Q. Okay. And you said, if I'm quoting you, "Research became a stick to beat back bad decisions"; you agree?

A. Well, that's a bit of hyperbole, but I think research can and should influence policy and practice. So, you know, that language might be a little over the top but you have to understand you're referring to a TED Talk, which is a different kind of presentation than I would normally give.

Q. So I'm going to take you back, Dr. Gaetz, to your affidavit. I'm just closing some windows here so my computer doesn't freeze. Start with paragraph 7.

A. Right.

Q. At paragraph 7 of your affidavit, you describe that, "Homelessness describes a spectrum of housing and shelter circumstances."

A. Mm-hmm.

Q. And one of them is "Unsheltered, or absolutely homeless and living on the streets or in places not intended for human habitation, including

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 26

encampments."

And then you also go on to describe "Emergency Sheltered, Provisionally Accommodated or At Risk of Homelessness."

So you'd agree with me that not all homelessness is unsheltered homelessness, correct?

A. Absolutely, yes, I agree with that.

Q. And your affidavit doesn't address what portion -- what proportion of people experiencing homelessness are unsheltered, correct?

A. This definition does -- did not have that kind of data because it needed to be more of a conceptual piece. The figures, if I were to have put this in, would be rather stale-dated as things went on. And there may be differences between communities. Overall there's more similarities than there are differences but there are sometimes more, you know, differences. So the definition is meant to be broad enough to refer to different kinds of circumstances that people might find themselves in.

You know, I'll give you an example in Toronto, because of the location of Pearson Airport, we all are aware that many refugees wound up in the homeless shelter system in Toronto -- or I assume

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 27

people are aware of that. We had a lot of people come and it overwhelmed our shelter -- or our settlement -- refugee settlement system. And so that skews Toronto's data in terms of people who are homeless because of, you know, migrating, for instance, which wouldn't be reflected necessarily elsewhere. But overall I would say there's a -- as I said, there are more similarities than differences.

Q. And, Dr. Gaetz, just to the point of there being differences within communities, your affidavit doesn't address specifically with respect to Hamilton what proportion or percentage of people experiencing homelessness are experiencing unsheltered homelessness, correct?

A. No, my affidavit doesn't. And the one thing that's a challenge in Canada is the quality of data that we have regarding the numbers of people who are homeless. It's improving a lot with the introduction of the Point in Time Counts. And Point in Time Counts are more likely to capture some of the population that is unsheltered, for instance, and some of the population that's provisionally accommodated but there's a lot of hidden homelessness as well. Though the affidavit doesn't speak specifically to Hamilton, there is -- I'm quite familiar with Hamilton, and

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 28

there's not a lot that makes me think that Hamilton has particular characteristics that would put it out of line with what we know about homelessness in other Canadian communities.

Q. I'm going to go to paragraph 12 of your affidavit, where you describe structural factors. And this is in the context of the preceding paragraph, which states -- or, sorry, which attempts to explain or overview -- give an overview of explaining the causes of homelessness. So with respect to structural factors, at the fourth sentence, you state, "Other contributing factors include discrimination in the form of homophobia, transphobia, racism, and bullying." But I notice you didn't cite any sources for that statement. And, particularly, you haven't cited any research or scholarly works about whether or how much discrimination in the form of homophobia, transphobia, racism or bullying contributes to homelessness, correct?

A. I haven't indicated it there, that is true, but I am -- as a scholar, I'm aware of the body of research and can speak with a high degree of certainty that there is a considerable body of research regarding homophobia and transphobia as contributing to the risk of homelessness, as well as racism, racism,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 against black people but also against Indigenous
2 people, that is pretty well established in the research
3 body that these things are factors. And then a history
4 of bullying is also an example of the kinds of
5 individual experiences that maybe have structural
6 roots, as well. So though there's not citations
7 there -- I mean, I could give you citations or
8 recommend you go to certain researchers who would be
9 able to speak to that. We're currently publishing --
10 we are currently publishing an article out of the
11 Canadian Observatory on Homelessness on black youth and
12 their experience of homelessness, as well. So there is
13 a body of research. The purpose of this affidavit was
14 not to be a PhD dissertation with a literature review
15 of every single point, right, it was to provide the
16 broader strokes. And, also, recall my point earlier
17 that my job is a scholar, as a researcher. And so my
18 knowledge of the issues that are in here, and that make
19 me confident to stand behind them, is that I have
20 expertise in this area as a researcher. So I know the
21 body of researcher -- of research, and I know -- stand
22 behind these definitions and issues. The Canadian
23 definition of homelessness is now official definition
24 for StatsCan and Government of Canada. So these things
25 have been taken on not just by researchers but also

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 have an impact on government and service provision as
2 well.

3 ⁷⁴ **Q.** At paragraph 13 of your affidavit,
4 under subparagraph 1, you identify, under the heading
5 "Systems Failures" --

6 **A.** Right.

7 ⁷⁵ **Q.** -- "Barriers to accessing public
8 systems (e.g., health, social services, legal
9 supports)." And you state, "These barriers are
10 unequally distributed, with some groups facing greater
11 disadvantage than others."

12 And, again, here you haven't quantified
13 which groups are at a greater disadvantage or to what
14 extent they may experience greater disadvantage,
15 correct?

16 **A.** I haven't in that statement, no.
17 Again, this is drawn from a conceptual document that
18 isn't, you know, like, intended to be stacked with
19 research. But I stand behind these, absolutely. And
20 just the -- you know, some of the examples of the
21 subpopulations mentioned in the previous question would
22 definitely apply here. It's well understood, for
23 instance, how Indigenous people face incredible
24 barriers receiving health services -- not just
25 receiving them and having access to them but

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 experiencing them in a way that diminishes them,
2 through the racism that continues to operate in our
3 society in all kinds of places, including public
4 sectors.

5 ⁷⁶ **Q.** At paragraph 14, you identify
6 individual and relational factors. And going down to
7 subparagraph 5, one of the factors you've identified is
8 "Trauma," and state, "The relationship between
9 homelessness and trauma is bidirectional; trauma in the
10 form of adverse experiences is both a risk factor for,
11 and a potential outcome of homelessness, and can lead
12 to mental health challenges and behavioural changes
13 that can impair decision making."

14 But I noted, Dr. Gaetz, that you didn't
15 cite any sources that correlate homelessness and trauma
16 or speak to a specific causal link between the two; is
17 that correct?

18 **A.** I haven't cited sources but I can
19 assure you there is a huge body of literature on this.
20 The -- I'll give you an example. We know that young
21 people who have adverse childhood experiences, so that
22 may be a physical, sexual, emotional abuse, and neglect
23 are more likely to experience all kinds of negative
24 outcomes as they get older, including a higher risk of
25 addictions, higher risk of unemployment, higher risk of

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 obesity, higher risk of early death, and a higher risk
2 of homelessness. That body of research is very
3 extensive. And, you know, following the rules of
4 science, it's like the strongest evidence that we have
5 now, that a lot of that exists outside of the home.
6 You know, there's both research within -- from scholars
7 on homelessness but also the research that's done on
8 adverse childhood experiences, which, you know,
9 focuses -- that manifests itself at the individual
10 level, as well, is very consistent on this.

11 ⁷⁷ **Q.** So thank you for that example, Dr.
12 Gaetz. I'm going to take you to next to paragraph 15
13 of your affidavit, under the heading "Who is homeless
14 in Canada and who stays in homeless shelters?" The
15 first sentence in paragraph 15 you state -- or
16 actually, sorry, to contextualize my question, I'm
17 actually going to go to the second sentence. So you
18 state, "A study by the Government of Canada identified
19 that in 2016 there were an estimated 129,000 unique
20 emergency shelter users, and just over 14,000 Canadians
21 stayed in an emergency shelter on any given night.
22 This suggests that almost half of all Canadians who
23 experience homelessness in a given year do not access
24 emergency shelters at any time during the year, which
25 begs the question as to why they do not."

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 And then taking you back up to the
2 first sentence -- sorry, the second sentence, you
3 state, "More than 235 [sic] people in Canada experience
4 homelessness in any given year, and 25 to 35,000 people
5 may experience homelessness on any given night." [As
6 read]

7 So, Dr. Gaetz, if I'm understanding you
8 correctly, you're doing some math here and stating that
9 if there's 235,000 people in a given year or 25 to
10 35,000 people on any given night, and 129 approximately
11 -- 129,000 approximately per year or 14,000 per night
12 are in shelter, that's about roughly half of them,
13 correct?

14 A. Right.

15 78 Q. Okay. And there's no indication
16 here how many of the 235,000 people in any given year
17 or the 25 to 35,000 on any given night, there's no
18 indication how many of those people were experiencing
19 unsheltered homelessness at the time, correct?

20 A. No. Methodologically, one of the
21 challenges of doing research on enumerating
22 homelessness is that a lot of homelessness is hidden.
23 And so I mentioned in a previous response that one of
24 the positive outcomes of doing Point in Time Counts is
25 that it includes more people who are unsheltered,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 captures more of them, doesn't capture all of them, but
2 captures more of them. And so that kind of data is
3 considered more accurate than if you just relied on the
4 Government of Canada's survey of people who stay in
5 emergency shelters. So it informs our understanding of
6 the problem but it doesn't capture everything. So I'll
7 give you an example here, we know that in Canada 40 --
8 over 40 per cent of all currently homeless youth had
9 their first experience before the age of 16. So 40 per
10 cent. That's a horrifying stat. Twelve year olds, 13
11 year olds, 14 year olds were homeless and unattached to
12 their family. In Canada, we do nothing for that group.
13 And most homelessness services start at 16, 18 or 21.
14 And so the infrastructure that we have in place gives
15 us an indication of who's homeless, but the lack of
16 infrastructure then obscures important things, like,
17 that all these young people are experiencing
18 homelessness. There's no services for them, nobody is
19 helping them, and they're going to become the
20 chronically homeless people of the future. So, so
21 there's a complexity to thinking about who's homeless
22 but not showing up on the shelter data, that kind of
23 thing.

24 79 Q. Dr. Gaetz, if I can just take
25 something that you said there, you said "there's no

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 services." You're not speaking specifically about the
2 City of Hamilton, are you? **A5773**

3 A. I'm not speaking specifically
4 about Hamilton, I would say that's true across Canada.

5 80 Q. Across Canada. You mentioned --
6 well, before I take you to the Point in Time Counts,
7 because I did want to ask you about that though, when
8 you say, Dr. Gaetz, in paragraph 15 of your affidavit,
9 you raise the question of almost half of all Canadians
10 not in a shelter -- I'm sorry, almost half of all
11 Canadians experiencing homelessness who are not in a
12 shelter, you would agree that some of them may not be
13 in a shelter because they're not experiencing
14 unsheltered homelessness to begin with, correct?

15 A. No, it would be that they are
16 experiencing unsheltered homelessness, because we
17 wouldn't count them as homeless if they weren't, right.
18 So it fits within the definition.

19 81 Q. So you're saying that in the
20 Stats. Canada definition, that's counting only people
21 who are experiencing unsheltered homelessness?

22 A. In the StatsCan definition? No,
23 it's -- oh, no, no, no, it's the full Canadian
24 definition of homelessness that you have here. It
25 includes all the different levels, right. So -- and

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 including being sheltered, provisionally accommodated,
2 and to some degree at risk of homelessness. But that
3 is the definition now that is the official Canadian
4 definition.

5 82 Q. Okay. So if only approximately
6 half of them, according to your rough math, are staying
7 in shelter, the question is, it's possible that some
8 people aren't staying in shelter because they weren't
9 experiencing unsheltered homelessness to begin with;
10 they may be staying with someone, they may be couch
11 surfing, they may be in transitional housing, something
12 else?

13 A. That's still homelessness.

14 83 Q. Right. We're not debating that,
15 it is still homelessness. But the question was about
16 unsheltered homelessness.

17 A. Yeah, there would be a difference
18 between -- like, the definition, it has more
19 specificity if you were to see the full definition.
20 But, yes, it -- there's differences. But one thing to
21 bear in mind when looking at these kind of questions is
22 people's pathways into and out of homelessness may mean
23 that they experience, over a single year or over their
24 lifetime, multiple forms of homelessness, right. So
25 some -- you know, a young person might be couch surfing

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653 **A1489**

1 but then eventually wind up sleeping in the field
 2 behind a school, then may eventually wind up in, you
 3 know, an emergency shelter. And that's the same for
 4 people at any age, that it's very typical that people's
 5 experience of homelessness is varied and not just
 6 linked to one kind of experience of homelessness.

7 ⁸⁴ Q. Okay. But when we're saying on
 8 any given night just over 14,000 Canadians stayed in an
 9 emergency shelter, so we're talking about a given
 10 night, out of the 25 to 35,000 people experiencing
 11 homelessness, you're not saying here, at paragraph 15
 12 of your affidavit, that the remaining 19 to 29,000
 13 people are all experiencing unsheltered homelessness,
 14 correct?

15 A. Well, that math is incorrect, what
 16 you just said. But -- so, you know, 16 --

17 ⁸⁵ Q. Sorry, 9,000 to 19,000, yes.

18 A. Yes, okay. So, yes, we are -- but
 19 it includes not just, you know, unsheltered
 20 homelessness, right. If people aren't in a shelter, it
 21 doesn't mean that they're unsheltered, or that that's
 22 their -- the kind of homelessness they're experiencing.

23 ⁸⁶ Q. Now, I want to take you to -- you
 24 mentioned a point in time count, Dr. Gaetz, so I did
 25 want to take you to, to those. So, at footnote 8, in

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 the second citation in footnote 8, you cite the
 2 Employment and Social Development Canada, 'Everyone
 3 Counts 2018 Highlights.'" So I want to take you to
 4 that. Give it a moment to load up.

5 So, I've now placed this document on
 6 the screen, is this the 2018 Everyone Counts Highlights
 7 that's cited in your affidavit?

8 A. Yes.

9 ⁸⁷ Q. Now, if we go to page 6, Figure 1,
 10 there's an infographic that says, "Overnight
 11 Locations." And according to this, it looks like it
 12 says 14 per cent people were in unsheltered locations?

13 A. Right.

14 ⁸⁸ Q. Do you have any reason to believe
 15 that that is inaccurate?

16 A. It's probably a low count.

17 ⁸⁹ Q. So you believe that this is not
 18 accurate?

19 A. Well, because methodologically,
 20 identifying everybody who's homeless but not in the
 21 shelter is problematic. It's easy when they're in the
 22 shelter, because they're, they're there, their name is
 23 on a list. But given the various situations under
 24 which people may be living in unsheltered conditions,
 25 you know, we can detect and find and identify some but

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 not all of them.

2 MS. SHORES: All right. So I'm going

3 to mark as Exhibit 3 the Everyone Counts document.

4 EXHIBIT NO. 3: Employment and Social
 5 Development Canada, 'Everyone Counts 2018 Highlights.'"

6 BY MS. SHORES:

7 ⁹⁰ Q. Taking you back, Dr. Gaetz, to
 8 your affidavit at paragraph 18, and, again, still
 9 discussing the Everyone Counts document, you state
 10 that, "The majority (62%) of the Point in Time Count
 11 respondents identified as male, 36% identified as
 12 female."

13 So, you'd agree that the proportion of
 14 women or people who identify as female in the
 15 population of people experiencing homelessness is
 16 comparatively fewer than in the overall population,
 17 correct?

18 A. Yes.

19 ⁹¹ Q. I'm sorry, did someone say
 20 something? Sorry, Dr. Gaetz, I thought -- it must have
 21 been something on my end. At paragraph 18, in the
 22 third sentence from the end, you have stated, "When
 23 women become homeless, they are at increased risk of
 24 violence and assault, sexual exploitation and abuse,
 25 which may explain the lower numbers of women in the

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 shelter system."

2 I notice the use of the word "may," do
 3 I take it to mean that this does not conclusively
 4 explain the lower numbers of women in the shelter
 5 system?

6 A. I think that the evidence is quite
 7 strong on that. And I have done research in that area,
 8 and it's pretty clear. Certainly, the data around
 9 increased risk of violence and assault and sexual
 10 exploitation and abuse, there's a strong body of
 11 literature there. There's also literature that
 12 demonstrates -- and I've published this kind of work as
 13 well, a study in 2004, that identified that women will
 14 often, as it says in the next sentence, "go to great
 15 lengths to avoid the shelter system," [as read] for all
 16 kinds of reasons, and may make decisions that, that --
 17 like, for instance, to stay with a partner who is
 18 abusive because their thinking is that there's greater
 19 risk of me being on the streets -- there's greater risk
 20 to my safety in that situation. So people -- so part
 21 of that hidden homeless population is women who need an
 22 alternative to the household they're in but they stick
 23 it out, because of fear of what would happen if they
 24 were on the streets.

25 ⁹² Q. And, Dr. Gaetz, you've used the
NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 phrase "on the streets," and that's also the
2 terminology used in your affidavit. I can tell you I
3 also reviewed the sources that you cited at footnote
4 15, and those sources, I'll put to you, speak to the
5 risk of violence and exploitation on the streets but
6 not specifically in the shelter system, correct?

7 **A.** There -- I -- I believe that they
8 are focussing -- I'd have to go back and read it,
9 because people often use the terminology -- and did in
10 the past more than would be the case now -- used the
11 terminology of "on the streets" to refer to
12 homelessness writ large, rather than just the
13 experience of being unsheltered, right. So I'd want to
14 have a closer look at those to determine how, how
15 that's been framed. I've used that terminology in the
16 past broadly myself, it's not as accurate, right. And
17 also bear in mind that there is a bidirectional flow
18 into the shelter system, right. Women who are on --
19 sleeping in unsheltered situations, it doesn't mean
20 that they've never been in a shelter, nor does it mean
21 that they will never wind up in a shelter. And what
22 the challenge is, we don't necessarily have good data
23 to parse out that, that flow. You know, so, so
24 hopefully in the future we'll have a better take on
25 that.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 snowflake, right. Like, there's more in common across
2 the different communities than there is differences.
3 And so though this report does not speak directly to
4 Hamilton, I can, with a high degree of certainty, say
5 it is relevant to understanding Hamilton, nonetheless.

6 **Q.** And --

7 **A.** Like, if you do a national survey
8 with 2,000 people, we're able to extrapolate, with
9 varying degrees of confidence, depending on the sample
10 size, whether the views of those people or the
11 experiences of those people can be generalized beyond
12 that, right. And so the sample size for the Point in
13 Time Count is high enough that you could have a high
14 degree of confidence that generally the results in that
15 Point in Time Count will also not be totally out of
16 whack with what's found in Hamilton.

17 **Q.** Thank you, Dr. Gaetz. At
18 paragraph 23, under the heading "The Homelessness
19 Emergency Shelter System - an overview," you, again,
20 begin by citing an Employment and Social Development
21 Canada report, stating that, "There were 'over 15,400
22 emergency shelter beds at about 400 emergency shelters
23 across Canada.'"

24 And in this paragraph, you're going on
25 to describe some statistics. These are across Canada,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 **Q.** At paragraphs 19 through 22 of
2 your affidavit, Dr. Gaetz, you identify other factors,
3 scrolling a bit, but -- so gender identity, age,
4 Indigenous identity. And, again, here, your citations
5 are all to the Everyone Counts Point in Time Count
6 report.

7 **A.** Right.

8 **Q.** And that report, that report looks
9 at 61 communities across Canada, correct?

10 **A.** That's right.

11 **Q.** And one of those communities is
12 Hamilton, correct?

13 **A.** Yes.

14 **Q.** All right. But it's not
15 specifically discussing the situation in Hamilton?

16 **A.** My understanding that it isn't.

17 But I'm guessing that the City of Hamilton produced its
18 own Point in Time Count report.

19 **Q.** Certainly. But the Everyone
20 Counts reports and the figures that you're citing in
21 your affidavit are not specific to Hamilton?

22 **A.** They're not specific to Hamilton
23 but I would assume that -- I wouldn't make the
24 assumption that each Point in Time Count in every
25 community makes that community at -- special, a

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 not specific to the City of Hamilton, correct?

2 **A.** Let me look. Yeah, that's right.

3 **Q.** At paragraph 24, the last
4 sentence, referring to "shelter standards," you state,
5 "The City of Hamilton had such a plan, called the
6 'Blueprint for Emergency Shelter Services.' However,
7 this document is no longer available online and it is
8 not clear if there are any current standards."

9 You're not aware, I take it, of the
10 emergency shelter standards for the City of Hamilton?

11 **A.** Since that time, no. If I put
12 that in there, yeah. I haven't been following Hamilton
13 in particular.

14 **Q.** And so at paragraph 25 you state,
15 "Bearing in mind there is variation in how shelters
16 operate, there are some common characteristics." And
17 you go on to list, in several subparagraphs,
18 characteristics which you state are the features of
19 emergency shelters.

20 But I take it from your affidavit and
21 your previous answer, you're not describing the
22 shelters in Hamilton specifically, correct?

23 **A.** I'm not describing the shelters in
24 Hamilton specifically but that doesn't negate this
25 evidence at all. There's nothing that makes me feel

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

that the shelter system in Hamilton is different than other places in Canada.

Over the course of my career, right, so I started working in the homelessness sector in the 1990s, and since that time, I have -- I can't tell you how many emergency shelters I've been in. When you go to a conference that's on homelessness, usually the host city -- like, I'm going to one in Budapest -- they will take us on a tour of shelters and we'll talk to people who live there, we'll talk to people -- to staff there, and, you know what, it's the same old thing every time. And it usually ends with, you know, would you like to see our bedbug protocol, that kind of thing. And so I'm talking about international differences the same as in Canada, right. I don't think we can make any conclusion that what the shelter system is like in Hamilton is somehow special or distinct.

There's a long history of emergency shelters in Canada, and many of them are well meaning but I think that that whole system is highly problematic. And I have done enough talking with people, you know, and -- both service providers but also residents, and I think that the way I've described the shelter system there is fair -- very accurate.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

way, right. The history of shelters in Canada is deep, and there's a consistent type of practice that happens, you know, that -- and so I'm going to go with that kind of research experience ahead of what a shelter provider might say.

Q. I'm going to put a document up on the screen. Dr. Gaetz, this is a document called "Hamilton's Emergency Shelter Standards," dated September 2023. Have you ever seen this before?

A. I haven't.

Q. I put it to you, Dr. Gaetz, that this document is a document by the City of Hamilton that sets out the standards for shelters that receive funding by the City of Hamilton and that operate within the City of Hamilton homelessness serving system. Do you have any reason to disagree with that?

A. That's what this document is? Yeah, no, I -- most cities have shelter standards. And so I've seen -- I'm more familiar with Toronto shelter standards, so I'm aware of the kinds of things that they operate -- I think to understand about emergency shelter standards is that though they purport to be like ironclad, you have to do this if you want funding from the city. Not all shelters are directly funded, like, their core budget doesn't necessarily come from

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

Q. So let's take some of these. For example, subparagraph d), "Some shelters limit the number of nights an individual can stay."

Do you know, Dr. Gaetz, whether any of the shelters in Hamilton limit the number of nights an individual can stay?

A. I do not know that.

Q. Subparagraph f), where you say, "There is typically a curfew, after which people will not be admitted."

Do you know that in any shelter in the City of Hamilton people are not admitted after a said curfew?

A. I would say with a high degree of certainty that is the case, but I don't have a particular example of that. I would be shocked if that wasn't the truth.

Q. And perhaps you may be shocked by some of the evidence that the shelter providers have given in this proceeding.

A. I may or may not be, but, as a researcher, I would say that one has to be careful when you're talking about, you know, people who work in shelters or run shelters because they will have an interest in portraying the situation in a particular

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

the municipal government, right. Many are -- rely on charitable donations and other sources of income. Most have multiple sources of income. And so the standards are there but, like, with all of these things, there will be reason to -- what I'd want to know is, how consistent are they in the application of those standards.

Q. And, Dr. Gaetz, you don't have any data or any knowledge of how consistent these shelters in Hamilton are in adhering to these standards, do you?

A. No, I don't.

Q. I'm going to take you to paragraph 26 of this document, which I'll mark as Exhibit 4. So this document states, at Item "3.4 Curfew and Overnight Passes," it states, under "Standard Statement," "Emergency shelters may require clients to return to the shelter to access their bed by a certain time. Curfews are a tool for managing safety, reducing interruptions during the night for clients, and managing shelter occupancy."

The second paragraph, and I'm skipping over -- for the record, I'll state I'm not reading this entire thing -- "In shelters where a nighttime curfew exists, provisions will be in place to accommodate clients who expect to be late for reasons such as work,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 accessing medical services, family reunion, etc.
 2 Emergency shelters may grant extensions to curfew or
 3 overnight passes to accommodate clients at their
 4 discretion." [As read]

5 So you'd agree, at least, that this
 6 shelter standard doesn't provide that no admissions are
 7 to be made after curfew, correct?

8 A. It uses the language of "may"
 9 rather than that they "must."

10 109 Q. Well --

11 A. So that makes it a discretionary
 12 choice on the part of the shelter --

13 110 Q. Well, it does not, respectfully --

14 A. -- it's not the proper gauge.

15 111 Q. -- Dr. Gaetz, the first sentence
 16 of the second paragraph states, "In shelters where a
 17 nighttime curfew exists, provisions will be in place to
 18 accommodate clients who expect to be late," correct?

19 A. It says that provisions will be in
 20 place but it doesn't specify what those are.

21 EXHIBIT NO. 4: Document titled
 22 "Hamilton's Emergency Shelter Standards," dated
 23 September 2023.

24 BY MS. SHORES:

25 112 Q. So let's go back to your

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 affidavit. You state, at subparagraph h), "At most
 2 shelters, people are discharged in the morning and are
 3 not allowed back in until the evening, regardless of
 4 the weather, whether a person is ill or has a disabling
 5 condition."

6 Do you know that that is the case for
 7 the shelters in the City of Hamilton?

8 A. I would assume it is and would be
 9 skeptical of claims otherwise. The -- there's long
 10 been calls for emergency shelters to be open 24 hours a
 11 day, because it's enforced movement, which is not
 12 desirable for the residents, but that's very expensive,
 13 right. And I'm not aware of any communities in Canada
 14 where this is not the case. There may be an odd
 15 shelter here and there but I would say that it's
 16 definitely not standard practice.

17 113 Q. Well, again, Dr. Gaetz, I'm going
 18 to take you to the shelter standards for the City of
 19 Hamilton previously marked as Exhibit 4, this is item
 20 "3.3 Daytime Access," at page 25 of the PDF, which
 21 states, "At shelters -- well, let -- third paragraph
 22 down, "Clients will have access to hygiene facilities
 23 such as toilets, sinks, and showers at all times and in
 24 rare instances that access is not possible during
 25 daytime hours, emergency shelter operators will provide

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 clients with information on drop-in programs and other
 2 services with hygiene facilities that clients can
 3 access during daytime hours."

4 So you'd agree here that this shelter
 5 standard does provide for daytime access, at least for
 6 hygiene facilities such as toilet, sinks and showers,
 7 correct?

8 A. Okay, there's several things here.
 9 One is that, you know, in rare instances where access
 10 is not possible, that's more squishy language.

11 But the other thing is, like, you can't
 12 conflate having access to toilets, sinks or showers
 13 with access to the shelter. What if I want to be in
 14 the shelter to just -- because I'm depressed and I want
 15 to sleep, but I don't want to talk about my depression
 16 with my -- with the staff? What if I'm feeling sick?
 17 What if I'm scared to go out? You know, like, the --
 18 this is -- if this is considered access to the shelter
 19 during the day, that's, like, very kind of, you know,
 20 limited, extremely limited notion of what access to
 21 shelter mean.

22 For instance, I live in a house, right,
 23 we have two bathrooms in the house, I am -- I can leave
 24 during the day, but there is no condition or rule
 25 between the members of my family that I can only come

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 in to use the bathroom or the shower. Like, that is
 2 not normative in society. Access to the shelter means
 3 access to everything and the services that are there 24
 4 hours a day; and this document is not saying that at
 5 all.

6 114 Q. Now, Dr. Gaetz, you asked, you
 7 think rhetorically or hypothetically what if I'm
 8 feeling depressed, what if I'm, what if I'm ill? The
 9 second paragraph of this document -- or of this page of
 10 the document, "At shelters where daytime access is
 11 limited, provisions will be in place for people who
 12 work overnight shifts or who are ill and need a place
 13 to rest (provided they are not in need of medical
 14 care). Some emergency shelter operators may require a
 15 doctor's note specifying the medical need and timeline
 16 for accommodating clients during the day."

17 So, again, you'll agree that there is a
 18 provision that may be made for people to rest and
 19 access the shelter during the day, correct?

20 A. It's full of conditions. My wife
 21 doesn't require that I get a doctor's note specifying
 22 my illness, okay. So, like, this is, this is not
 23 normative in terms of housing standards and practices
 24 in Canada. You also have to understand that many
 25 people who are homeless have experienced trauma, as we

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 mentioned before, and many will have had difficult
 2 encounters with public systems, from health care to the
 3 policing and emergency shelters. And so the idea that
 4 they have this procedure they have to go through to get
 5 access to the shelter during the day, that may require
 6 that they go externally and get a doctor's note -- and
 7 I'd like to know where is the doctor that's going to do
 8 that, are they going to wait in emerg.? Most people
 9 who are homelessness don't have a family doctor. This
 10 is masking as a liberal document that looks out for
 11 people and that the shelters are helpful; it ignores
 12 that the provisions are not normative in terms of how
 13 people access housing in the rest of Canada, how you
 14 do, how I do, how do the staff at the City of Toronto.
 15 You know, like, this is, this is not what it seems,
 16 right. And that's why we have to parse the language
 17 very carefully. This would be -- this would not be
 18 necessarily atypical but I would not ever say that this
 19 means people have access to the shelter during the day.
 20 It's all conditional. And, you know, like, if, if, if
 21 I'm not working, I might want to just rest today, I may
 22 not want to -- you know, like, there's all kinds of
 23 reasons why any of us use our housing how we want,
 24 right. This is really, really the kind of thing you
 25 would not see with -- as I say, it's not the rules in

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 my house, and I'm pretty sure it's not the rules in
 2 your house, right. And so let's not pretend that this
 3 is really about daytime access, it's about a very
 4 limited and conditional kind of access to the shelter.
 5 ¹¹⁵ Q. And speaking of daytime access,
 6 you'll agree that this document, at the last paragraph
 7 under the heading "Standard Statement," says, "During
 8 Cold Weather or Heat Alerts, it is necessary that all
 9 shelters attempt to relax service restrictions and
 10 extend daytime hours wherever possible to minimize risk
 11 factors to people experiencing homelessness. When
 12 unable to admit a client during the Cold Weather or
 13 Heat Alert emergency shelter operators will provide
 14 clients with information on drop-in programs and
 15 warming and cooling centres." [As read]
 16 So, again, you'd agree that there is
 17 provision being made for daytime access, correct?
 18 A. No. No, I would not. I would
 19 actually say that this is more squishy language,
 20 "Shelters shall attempt to provide -- or "to relax
 21 service restrictions." [As read] In their own
 22 document, it says there's service restrictions, right.
 23 Like, that sentence says there exists service
 24 restrictions that could be relaxed. That's not the
 25 same as daytime access, right. And so giving people a

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 list of places to go I think is insulting to those
 2 people. You know, that many people experiencing
 3 homelessness have disabilities, and the services aren't
 4 all in one area. And so during a winter storm, if
 5 you're to say, "You can't come in here but you can go
 6 across town to that other shelter," and then say, "We
 7 helped the person, we advised them," that's not access
 8 at all. That's, I think, de-humanizing and, again, is
 9 totally against norms that we have about how to
 10 access -- you know, if you don't have a home, it
 11 doesn't mean that you should be subjected to, like,
 12 rule-bound, you know, de-humanizing situations in an
 13 emergency shelter. Right, this is one of the problems
 14 in Canada, we've relied on these public systems that we
 15 think are doing so well and are all about, you know,
 16 helping clients but every -- if you read that
 17 paragraph -- or those -- this section very carefully,
 18 it's very revealing the degree to which the shelters do
 19 not mimic having your own place in any way. That level
 20 of rules and restrictions, all in favour of the
 21 shelter, and all the squishy language about "may" or
 22 "should attempt" to do things, that's not good enough,
 23 right. My wife doesn't -- isn't responsible for making
 24 an attempt to let me use the house during the day. I
 25 don't know if you have a partner but you wouldn't

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 accept that either. And yet here we are with a system
 2 that's, like, yes, there's daytime access. I don't
 3 call this daytime access, it's very conditional, it's
 4 rule-bound, it's expecting people who may be very
 5 alienated from public systems and have horrible
 6 experiences, it's expecting them to make decisions and
 7 do things that I think are really, really difficult and
 8 inappropriate while they're in the crisis of
 9 homelessness.

10 ¹¹⁶ Q. So, Dr. Gaetz, is it your belief
 11 that the emergency shelter system is supposed to
 12 replicate housing?

13 A. I don't think -- I think that our
 14 response to homelessness should be focussed on ensuring
 15 people have access to real housing and that we should
 16 stop pretending that emergency shelters are a
 17 reasonable alternative for people, right. It's -- so
 18 to your question, should it replicate housing, the only
 19 thing that would replicate housing would be housing.

20 ¹¹⁷ Q. Well, Dr. Gaetz, I want to --

21 A. Emergency shelters --

22 ¹¹⁸ Q. -- make sure that you understood
 23 my question because my question was, is it your belief
 24 that the shelter system is intended to replicate
 25 housing?

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 A. It's, it's intended to put in
2 place emergency supports. But the conditions should be
3 done with dignity and should, as close as possible, be
4 normative, right. And so I don't think that we can let
5 shelters off the hook by saying, Well, we're not
6 intended to be housing, people wind up staying in
7 shelters in some cases for, for years, for decades, and
8 we still call it an emergency service, right. I'm
9 saying that that whole infrastructure and that approach
10 to homelessness that we've been buying into for years
11 is highly problematic. And, you know, shelters aren't
12 replicating housing, is the question. Could they? I
13 would rather that we eliminate shelters and house
14 people instead. I don't think that shelters can ever
15 provide the kind of support. You know, they're like --
16 they're institutions, it's institutional care for
17 people -- or not even care, it's institutional support,
18 at best, for people who are experiencing homelessness,
19 who are expected, I guess, to say I don't deserve
20 anything better than this.

21 119 Q. At paragraph -- subparagraph k) of
22 paragraph 25, you state that, "Shelters typically have
23 rules and restrictions." And in your last answer to me
24 you referred to being, I think, "rule-bound," was the
25 phrase that you used.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 Continuing on with sentence one of
2 subparagraph k), "In some cases informal practices -
3 allowing staff to discharge those accessing the
4 shelter, for a range of reasons, including fighting,
5 being disruptive, coming in drunk or having used
6 drugs."

7 Certainly your evidence, Dr. Gaetz,
8 isn't that the rules are in place simply so that staff
9 can have an excuse to discharge people though, is it?

10 A. The -- 90 -- or I'm making up this
11 number. Actually, let me start again. We -- what's
12 listed here doesn't surprise me at all. It provides a
13 lot of leeway to the staff to discharge people for
14 different reasons. If you talk to people experiencing
15 homelessness who have been discharged from shelters,
16 it's often for very frivolous reasons. The rules are
17 there to protect the shelter staff, that's what they're
18 there for. They're not there to respect the dignity of
19 the people who are using that service. It doesn't have
20 to be that way. There's examples in Canada of shelters
21 who have a zero discharge into homelessness policy,
22 which means that even if there's trouble going on or
23 difficulty, we, we have to not make the person even
24 more homeless. So I think the rules and restrictions
25 are another example of norms -- the -- ignoring

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 normative behaviour in situations. People get
2 discharged because the staff don't like them or they
3 talk back. You know, the grounds under which people
4 can be discharged is really broad, right. You're a
5 lawyer, right, you can see that that's a wide range of
6 things. Like, coming in drunk or having used drugs -
7 how are you going to determine if someone's used drugs,
8 do the shelters do blood tests?

9 120 Q. Well, Dr. Gaetz, you don't know
10 that coming in drunk or having used drugs is a reason
11 for discharge of any shelter in Hamilton, do you?

12 A. It says this in the third row,
13 "coming in drunk or having used drugs." If that was --

14 121 Q. Dr. Gaetz, this is your affidavit.
15 A. Oh, okay. Oh, okay.

16 122 Q. Right in your affidavit.
17 A. I got confused. Well, I'm
18 standing by this, right. Like, I don't have any reason
19 to believe that this is not the case in the shelters in
20 Hamilton. It's -- I've never -- outside of a few
21 examples that I mentioned, you know, where there's zero
22 discharge into homelessness, this is standard practice.

23 123 Q. But, Dr. Gaetz --
24 A. Standard practice. And I would be
25 very skeptical of if a shelter said that this doesn't

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 happen. I would be very skeptical if a shelter said,
2 Oh, we have clear rules that are always followed by
3 staff. I know lots of cases where people will -- have
4 been discharged and, you know, the reason will be a
5 trumped up thing that just allows them to discharge
6 them. And sometimes getting the person to discharge
7 themselves, because they're so frustrated that they'll
8 leave.

9 124 Q. And even though you don't have
10 direct knowledge of the policies or adherence to the
11 policies in the City of Hamilton, you believe that's
12 the case because you're skeptical of the shelter
13 operators, correct?

14 A. It's not that I'm skeptical, it's
15 that the research -- I come from a research
16 perspective. There's evidence of this. It's not just
17 skepticism. It is -- I think that --

18 125 Q. Well, Dr. Gaetz, where --
19 A. -- would be incumbent upon --

20 126 Q. -- is the research? Where is the
21 research?

22 MR. CHOUDHRY: Excuse me, excuse me,
23 Ms. Shores, I think Dr. Gaetz was finishing his answer.
24 Could we please let him complete his answer.

25 THE DEPONENT: Yeah. So as an --

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 you've -- I've been called as an expert witness, so on
 2 a -- my expertise is on homelessness, the experience of
 3 people while they're homeless, including the experience
 4 in the shelter system, and it's also expertise on the
 5 response to homelessness. And the emergency shelter
 6 system is the number one response to homelessness in
 7 Canada. Overwhelmingly, we spend multiple millions of
 8 dollars annually, that's where most of the investment
 9 and most of the practice is. So as an expert witness
 10 and a researcher, what I'm presenting to you is what I
 11 know to be the case. It's not -- I'm not suggesting it
 12 or it might be like this, this is what is clear. And
 13 if you were to talk to people who experience
 14 homelessness across Canada and service providers, I'd
 15 say you'd get a, you know -- people would agree with
 16 this. This is based on -- as I've said, you have no
 17 idea how many shelters I've been in in my life, and
 18 they all have rules, all of them. They all will
 19 discharge people into homelessness. It's part of what
 20 happens when you have public institutions where it may
 21 be a little more chaotic, right, that people then fall
 22 into using rules and regulations to control what can
 23 be -- for the staff maybe be stressful situations, but
 24 it's based on the well-being of the staff more than it
 25 is of the clients.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

BY MS. SHORES:

1 **Q.** But, Dr. Gaetz, you don't have any
 2 evidence to point to with respect to adherence of the
 3 shelters in Hamilton to their own policies, correct?

4 **A.** Hamilton specifically, I don't.
 5 But, again, I do -- like, you have to -- as a
 6 researcher, you can't just dismiss my knowledge and
 7 experience of this as hearsay. And I'm saying to you
 8 that this is typical, that -- I've only seen a couple
 9 of places in my travels, and what's great is that they
 10 do exist, where there's zero discharge into
 11 homelessness. Like, it is typical, that's the norm.
 12 It's normative within the logic of the emergency
 13 shelter to have rules and to be able to discharge
 14 people for a whole number of things, and typically that
 15 ability to discharge leaves a lot of discretion up to
 16 the staff in question, right. So, so having said that,
 17 unless there's incredible solid evidence, and I'd want
 18 to be able to review it, I would be shocked if Hamilton
 19 somehow was different than the rest. There's nothing
 20 that I've heard from people in Hamilton about that, and
 21 so I'm going to go with what my research evidence is,
 22 which is that this is standard practice.

23 **Q.** And, Dr. Gaetz, is it your
 24 evidence that the rules that are typically in place in

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 shelters are not there to protect other occupants of
 2 the shelters? **A5780**

3 **A.** There, there may be cases when
 4 there's physical conflict between people but very
 5 little is done to ensure safety for clients in
 6 shelters, right. So if there's a fight --

7 **Q.** What do you mean by --

8 **A.** -- there might be a staff
 9 intervene. But here's what -- here's a thing to
 10 consider, okay. Like, when someone goes into a
 11 shelter, what's that like? They might go in and --
 12 most of them have congregate sleeping arrangements, so
 13 there's more than one person in the room. You can go
 14 in there, the shelter might have beds for 30 people,
 15 you may know 15 of them, you may be terrified of eight
 16 of them, there's another person over in the corner who
 17 is coughing and is clearly very sick, there's people
 18 screaming at night, right, and so, you know, that's a
 19 very difficult situation to live under. So to suggest
 20 that these efforts by, you know, evicting people is
 21 somehow driven by the need to protect clients, it's
 22 like they're not protected, they're not protected, you
 23 know. Like, here's the thing I like to say to people,
 24 you know, it's hard enough to live with other people
 25 when you choose them, right, like a partner or

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 roommates, that kind of thing. When you're in a
 2 shelter, there is no choice, you're surrounded by
 3 people, as I say, who may pose a threat to you, that
 4 you're afraid of, that they're sick, all of these
 5 things, right. So shelters cannot get around that as
 6 long as they operate under these conditions. It's why
 7 we have to not imagine that shelters are a positive
 8 solution for people experiencing homelessness.

9 **Q.** But on the topic of rules, Dr.
 10 Gaetz, you mentioned things like people, people
 11 shouting, people who are ill, rules, you would agree,
 12 would help mitigate some of the effects of that
 13 setting; would they not?

14 **A.** Well, it depends what the rule is,
 15 right. But if the rule is that you can potentially be
 16 discharged into homelessness and the -- you know, like
 17 it's -- can I ask you a question?

18 **Q.** I'm --

19 **MR. CHOUDHRY:** Dr. Gaetz --

20 **MS. SHORES:** -- not obliged to answer
 21 it.

22 **THE DEPONENT:** Okay. It's okay. I'd
 23 be interested, anyway, to see if those shelter
 24 standards speak to that question of, question of under
 25 what circumstances people can be evicted or --

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653 **A1496**

BY MS. SHORES:

Q. Well, let's look at that, because I believe that they do. So at paragraph -- or page -- I believe what we're talking about are service restrictions, which is under heading 3.7 at page 29 and 30 of the document. "Services restrictions, it says, "are primarily utilized in situations where other interventions and responses do not resolve behaviours or circumstances that pose significant risk to the safety and well-being of the client, other shelter stayers, staff, shelter property and/or the community. Service restrictions may also be issued due to ongoing behaviour which interfere with shelter operations, illegal activities, court order, significant damage to property, or prolonged refusal to engage [in] program requirements. Emergency shelter operators must balance the well-being of individual clients against risk of harm to other clients, staff, guests, volunteers and neighbours, as well as their obligations under the *Occupational Health and Safety Act*."

"All emergency shelters will follow the City of Hamilton's service restriction policy and appeal process. The service restriction policy provides guidance for emergency shelter operators and staff on best practices and considering when issuing

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

restrictions, including:

Bullet point, "The process for approving, reviewing, documenting and appealing service restrictions."

Second bullet point, "Informing clients of the service restriction policy and appeals process at intake, or as soon as feasible."

"How and when clients will be informed of a service restriction."

And I've stopped to read the bullet points but it refers to the Hamilton homelessness serving system service restriction policy, which I'll bring up momentarily.

So, I have now placed on the screen City of Hamilton Service Restriction Policy for Emergency Shelters. Mark this as Exhibit 5.

EXHIBIT NO. 5: City of Hamilton Service Restriction Policy for Emergency Shelters.

BY MS. SHORES:

Q. Under the heading "Guiding Principles" -- well, let me ask you this: Dr. Gaetz, have you seen this document before?

A. No, I haven't.

Q. Are you -- so I take it you're not familiar with it?

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

A. I'm not familiar with this

document, no.

Q. You have not reviewed the service restriction policy for the City of Hamilton shelters?

A. No.

Q. Under Guiding Principles, this document states, "Service restrictions should primarily be utilized in situations where there has been, or is been a significant risk of, harm to other clients, guests, and/or staff. Service restrictions may also be issued due to ongoing behaviours which interfere with shelter operations, illegal activities, court order, significant damage to property, or prolonged refusal to engage in program requirements. Service restrictions are not to be applied in instances where a client is turned away to shelter due to ineligibility based on demographic factors or medical accommodations beyond the capacity of the agency mandate. Staff and management responsible for issuing and reviewing service restrictions will be mindful of the following guidelines when applying this policy." [As read]

And then it sets out another -- a series of guidelines, among which, I'll draw your attention to the fourth one, "Service restrictions are not to be used as a punitive measure."

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

You agree it says that?

A. I do agree it says that.

However -- if I can just pause there. You know, I've spent a lot of time looking at policies and things like this and talking about policies within particular institutions. And so these policies may exist but the question is to what degree are they followed. One of the things that -- as I mentioned before, you know, people often get discharged for things that are trumped up and are used as punitive measures. You know, people are human beings who work in shelters, they may like some clients and dislike others. They're not necessarily trained on de-escalation and how to deal with situations. Again, in -- I didn't get a chance to read it all because you went by certain sections, but, again, as with many policies, there's a lot of wiggle room here and a lot of squishy language around requirements. There is -- the thing -- for instance, that people should be allowed to -- or if they're evicted, that they should have -- be able to appeal the situation, really masks -- you know, this is very much a privileged-based statement. You know, that people who are used to being treated poorly in public institutions are not likely going to appeal a decision, right. Because that would be interesting to -- you

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 know, they're not likely to appeal because they won't
 2 trust the system. It's like in Ontario they used to
 3 have the requirement until ten years ago that if you
 4 had a problem with a police officer and felt
 5 mistreated, including were assaulted, you had to go
 6 into a police station and fill out a one-page form
 7 which had this much information about you and this much
 8 information about the complaint. Public systems find
 9 ways of creating rules and language and policies that
 10 are protecting the public system more than the clients.
 11 And so I'm not, I'm not really impressed by this, nor
 12 do I trust that that's followed, because my knowledge
 13 of what happens in other jurisdictions and other
 14 shelters is that even when from, you know, the
 15 leadership and at a policy level it's clear to
 16 really -- to not discharge people into homelessness, or
 17 only in the most extreme cases, because people are
 18 working in a chaotic environment, it's going to happen
 19 all the time. You've got language in there about being
 20 disruptive to the operations of the shelter, right.
 21 The language is all about, you know -- from my
 22 perspective -- not -- I mean, there is about, like,
 23 harm to other people, right, but I would not stand
 24 behind this as, like, a glowing example of how to think
 25 about service restrictions, it's really built around

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 the needs of the shelter.
 2 ¹³⁷ Q. And with respect to service
 3 restrictions types, going on to page 4 of Exhibit 5,
 4 this document sets out a series of ways in which, it
 5 states, "Access to location may be limited or denied,"
 6 the first one is "Postponement Period/Warning: A brief
 7 period in which the client is asked to leave the
 8 premises with a view of taking time and space to
 9 de-escalate their current behaviour. In such intense
 10 situations, the client will be invited to return when
 11 they feel better equipped to engage appropriately in
 12 the environment. Postponement period/warnings cannot
 13 exceed 12 hours in length and will not be issued
 14 overnight."

15 So you'd agree that at least this level
 16 of service restriction, when imposed, isn't discharging
 17 people into homelessness, they can come back?

18 A. Well, one has to consider the
 19 weather and things like that. And the one thing I want
 20 to suggest, so, like, how many -- I'm not sure how many
 21 pages in this document.

22 ¹³⁸ Q. It's a ten-page document.

23 A. Ten-page document, okay. So one
 24 thing you need to understand with emergency shelters, I
 25 mentioned that they're very chaotic environments,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 there's a lot of staff turnover, there's minimal
 2 professional development, and we're sitting here
 3 imagining what happens in a shelter based on what a
 4 policy says. And I think it's important to note that
 5 policies do not policy -- policies can inform practice,
 6 they don't determine practice. Given that -- you know,
 7 in an emergency shelter you'd have staff for, like, the
 8 operating hours but before night, you have temporary
 9 staff who work the overnight shift, you have, you know,
 10 people who are part-time, people who are doing it as a
 11 short-term job, people cycling in and out of those
 12 roles, I'm -- I would go to the point of saying I very
 13 much doubt that your average shelter worker has seen
 14 this document or read the ten pages and then
 15 internalised it. So the fact that there's a policy
 16 there, with squishy kind of conditions, that is, in
 17 essence, designed to protect the shelter, I don't think
 18 we should be considering this to be a positive, nor do
 19 I have any confidence that it's applied with the let --
 20 not just with the letter of the policy but the intent
 21 of it.

22 ¹³⁹ Q. Dr. --

23 A. I just can't imagine that Hamilton
 24 is so unique that they stand out in Canada, they stand
 25 out internationally for a progressive approach to

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 dealing to service -- dealing with service
 2 restrictions.

3 ¹⁴⁰ Q. Dr. Gaetz, you indicated
 4 skepticism that any shelter workers in Hamilton are
 5 familiar with the service restriction policy, but you
 6 don't actually know whether they're familiar with the
 7 service restriction or not --

8 A. I think one can infer through
 9 experience, I've worked with the City of Toronto, I've
 10 worked in the homelessness sector, I've been around
 11 this, I would say that this is true in most sectors,
 12 right. Like, staff -- York University has got reams of
 13 policies, including ones that are directed at me,
 14 people like me, at professors, do I sit around and say
 15 I need to look at the policy - on very rare occasions.
 16 Like, this is how --

17 ¹⁴¹ Q. Well, if it was something --

18 A. -- institutions operate.

19 ¹⁴² Q. -- that needs to be implemented --

20 MR. CHOUDHRY: Excuse me, Ms. Shores,
 21 and Dr. Gaetz too, I'd also ask you as well, I think
 22 this is quite energetic, and so let's make sure
 23 everyone can complete their sentences before we answer,
 24 that's fair.

THE DEPONENT: Right.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 73

1 MR. CHOUDHRY: But you were finishing,
 2 sir.
 3 THE DEPONENT: Yeah, just I, I think
 4 that -- there's a whole amount of research on public
 5 institutions, institutional ethnography is a whole
 6 methodology that's dedicated to this. I'm more
 7 familiar with it with reference to schools. But,
 8 generally, the research on this kind of thing, on, you
 9 know, institutional policies is that they're
 10 generally -- the existence of a policy does not
 11 necessarily mean that the practice follows it, nor does
 12 it mean that it's sufficiently clear that it actually
 13 governs the behaviour of staff, nor is there --
 14 actually, I don't know, I'd have to see, is there a
 15 requirement for staff training -- ongoing staff
 16 training? There are some of the things in there that I
 17 find, you know, troubling too, that on intake people
 18 are, you know, told about the service restrictions.
 19 You know, somebody who is going into a homeless
 20 shelter, like, the last thing they're going to be
 21 thinking about is their service restrictions. So these
 22 kind of things are, like, to me, it's a classic example
 23 of bureaucratic policy making that I have -- personally
 24 I don't have any confidence that this means that
 25 Hamilton emergency shelters stand out in the world as

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 74

1 being ones where they are at the leading progressive
 2 edge of a service restriction.
 3 BY MS. SHORES:
 4 ¹⁴³ Q. Dr. Gaetz, you don't cite in your
 5 affidavit any research or scholarly works about the
 6 extent to which shelters comply with their own policies
 7 surrounding service restrictions?
 8 A. I don't have that in there but
 9 I'm -- I don't think that -- you know, like, I wasn't
 10 asked to put that in there. But I think, you know,
 11 research on public institutions would be very
 12 consistent with what I'm saying.

¹⁴⁴ Q. At par --

14 A. And so I think -- I don't -- as a
 15 researcher, I would say be very careful in assuming,
 16 like, a policy like this operationally on the ground
 17 operates in compliance with the intent of this. Yeah,
 18 and I'm not even sure about the whole intent of it, I
 19 have not read it. So, yeah, I wouldn't go down the
 20 road of assuming that because this policy is in place
 21 that rules are followed, that people don't get
 22 discharged for frivolous reasons, including that the
 23 staff don't like the person. You know, there's no
 24 mention in here, that I saw anyway, that people who
 25 have mental health challenges or a brain injury or

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 75

1 other disabling conditions, that those things are taken
 2 into account. You know, like, that -- it's not --
 3 again, the policy isn't speaking to the people who live
 4 there, except in framing them as a problem that has to
 5 be controlled and how can we do it in the most
 6 effective way. That's what this is about. And I don't
 7 need to cite a bunch of research on this, I can tell
 8 you that there's, you know, whole disciplines that look
 9 at, you know, how public institutions operate and the
 10 role of policy in it. This is not something new or
 11 novel we're looking at here. There's lots of words
 12 there, but I don't trust that that means that Toronto
 13 is safer or more respectful -- or Hamilton, I should
 14 say, than any other place, right. The existence of a
 15 policy like that does not mean that people are treated
 16 with dignity.

¹⁴⁵ Q. And, Dr. Gaetz, though there is a
 18 difference between a policy being imperfectly or
 19 occasionally not adhered to and being completely
 20 ignored, correct?

21 A. Well, that's on a spectrum,
 22 right --

¹⁴⁶ Q. Yes.

24 A. -- and it's also situational,
 25 right. So, you know, so I would say that it wouldn't

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 76

1 be unusual for the policy to be ignored, it wouldn't be
 2 unusual for the staff who are expected to deliver the
 3 policy to have never really maybe even seen this, it
 4 would be unusual -- or it wouldn't be unusual for them
 5 to have seen it and been asked to read it but they
 6 didn't, right. It's not --

¹⁴⁷ Q. And you don't have --

8 A. -- it's not stirring pros, right.

9 And -- no, but I do have experience with how
 10 organizations operate, a lot of my research is on the
 11 responses to homelessness, right, and that includes,
 12 largely, looking at the role of emergency shelters as
 13 our main response. And we have to be careful in
 14 looking at and understanding emergency shelters, that
 15 there's a public understanding of emergency shelters.
 16 A lot of them are faith based, it's not necessarily a
 17 bad thing, but that this is somehow an alternative to
 18 housing -- a solution that involves housing, that this
 19 is really good for people, it provides safety and care,
 20 it provides a safe environment. Not every person who
 21 is being bullied in a shelter is going to tell the
 22 staff, right, it's a institutional setting. And so we
 23 have to be mindful of that and careful not to impose
 24 our imaginary thoughts about what a shelter is like,
 25 and that it's all about doing good for people, when it

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 may be an extremely troubling kind of approach.

2 ¹⁴⁸ Q. Dr. Gaetz, just to close off this
3 line of questioning, you can't say with any certainty
4 the extent to which the shelters in Hamilton do or
5 don't abide by the policies that they have on paper,
6 can you?

7 A. I would say with a high degree of
8 certainty that they don't.

9 ¹⁴⁹ Q. Based on what?

10 A. Based on my experience of 30 years
11 of both working in the homelessness sector but doing
12 research on responses to homelessness, and doing
13 research with people who have experienced homelessness.

14 ¹⁵⁰ Q. And based on no specific research
15 or investigation of the shelters in the City of
16 Hamilton?

17 A. The research is more than just the
18 published outputs, right. Like, research is a process
19 that involves many -- you know, looking at many
20 different kinds of evidence, trying to sort out what
21 evidence is best, but also being able to look at what
22 do we know about, in this case, how do public
23 institutions operate, right. So, so it's with that
24 that I say with confidence that it's -- that it's
25 highly unlikely that Hamilton stands out, because what

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 would be the conditions that would make people who work
2 at shelters in Hamilton different than in Calgary or
3 Regina, right. They're going into these jobs,
4 low-paying jobs, they won't be in the job that long,
5 for most cases, right, there's a lot of policy there,
6 right, and I'm pretty sure that -- I mean, I don't
7 know -- and how many managers would know this? Like,
8 people will read it, but it's different -- if you think
9 about what's in that document you just showed me, I
10 could read that, I could be working in a shelter, but
11 I'm pretty sure that within a week I would have
12 forgotten most of the content, right. So let's not
13 conflate the existence of a policy paper with the
14 actual practice on the ground. And we have to be very
15 careful on that. And I think that that there is so
16 much evidence on the need to be careful on that that I
17 would say, yeah, there's -- that they have a policy
18 doesn't mean that that's how -- doesn't mean the
19 practice is a fair one.

20 ¹⁵¹ Q. But the question, Dr. Gaetz, was
21 whether you have any knowledge of adherence in the City
22 of Hamilton's shelters specifically.

23 A. I don't have any knowledge of the
24 adherence, but I do have knowledge of what is typical
25 in the homelessness sector, right. And so that's

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 important. And that knowledge is the knowledge that
2 I'm going to rely on more than hearsay that in Hamilton
3 it's somehow special. There's nothing that I -- and
4 I've worked with community partners in Hamilton over
5 the years, there's nothing that would lead me to say,
6 Wow, Hamilton is at the cutting edge of this, right.
7 Like, as I said earlier, I do know some places that
8 have very progressive approaches to, you know, these
9 kinds of things but they're few and far between, they
10 are outliers in the extreme.

11 ¹⁵² Q. Dr. Gaetz, you haven't spoken to
12 any of the shelter providers in the City of Hamilton?

13 A. Not recently, not in the last
14 five years.

15 ¹⁵³ Q. And you haven't reviewed any, sort
16 of -- the training protocols for the shelters in the
17 City of Hamilton?

18 A. I haven't, but my understanding is
19 a lot of them are based on the training that happens in
20 the City of Toronto, I could be wrong about that.

21 ¹⁵⁴ Q. You --

22 A. So, no, I haven't done that, but
23 my, my point still stands. I don't -- you know, like,
24 you have, in front of me, reviewed policy, right, I've
25 looked at it, and it fell in line with exactly what I

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 expected - squishy language, you know, you know, around
2 the degree to which one is required to follow something
3 or do something. And the policies, if you read them
4 from a critical perspective, the policies are there for
5 the benefit of the shelter providers. They're not --
6 it's not a statement of rights for people experiencing
7 homelessness, it doesn't really speak much to the
8 process of what that's going to be like. It creates --
9 you know, when I see things like, We'll give you a list
10 of shelters to go to, and it's cold, or a day program,
11 like, you know, this is standard institutional policy
12 work which is, you know -- I think we are in a very
13 dangerous place when we overread the likelihood that
14 these policies are being applied at all, let alone in a
15 way that takes into account the needs of the client.

16 ¹⁵⁵ Q. At paragraph 26 through to
17 paragraph 28 of your affidavit, you describe, under the
18 heading "Shelters and spread of infectious disease" --
19 well, you describe shelters and the spread of
20 infectious disease but, Dr. Gaetz, you're not an
21 epidemiologist, correct?

22 A. I am not an epidemiologist but I
23 have done research on the homeless response and
24 pandemics going back to 2010. And in fact -- and have
25 written about it, published it, and so I, I do have a

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 81

1 sense of that. I am not an epidemiologist, but I trust
 2 what epidemiologists say, they are researchers as well.
 3 But my work has been more on looking at how -- what
 4 might happen if there's a pandemic, and what does that
 5 mean for this -- the sector, to service provision, to
 6 people who experience homelessness.

7 And I'll give you a quick example,
 8 right, our public health policies -- all policy has an
 9 imagined person that it's addressing, right. Our
 10 public health policies imagine a person with housing.
 11 So, you know, during H1N1, you'd have public health
 12 posters that say, Here are the things you need to do to
 13 avoid getting H1N1. So, you know, wash your hands
 14 regularly, eat on clean surfaces, if you get sick,
 15 contact a doctor, if you get sick, stay home and in
 16 bed, try to avoid being around other people. And all
 17 of those things, I've got examples of these posters,
 18 and you'd see them with, you know, the most recent
 19 pandemic as well, they -- as I say, they imagine a
 20 housed person, because none of those things are
 21 possible with a guarantee if you're homeless, not one
 22 of them, right. And so, so in the advent of the COVID,
 23 you know, pandemic, I was very much watching and
 24 waiting to see what would happen, because one of the
 25 big worries is that during a pandemic, when there are

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 82

1 curfews and people are expected to be home, that they
 2 might force people who are homeless into shelters,
 3 right, where their health is at risk. So I have -- I'm
 4 not an epidemiologist but I am certainly a scholar of
 5 responses to pandemics.

6 ¹⁵⁶ **Q.** And you're also, Dr. Gaetz, not a
 7 public health physician, correct?

8 **A.** No, but I don't think I need to
 9 be, to comment on what's happening.

10 ¹⁵⁷ **Q.** In your affidavit, Dr. Gaetz, you
 11 don't discuss any studies about spread of infectious
 12 disease in or around encampments, correct?

13 **A.** No, that's correct.

14 ¹⁵⁸ **Q.** You can't say whether shelters are
 15 worse or better?

16 **A.** Oh, are shelters are worse or
 17 better, okay. I've -- it's -- this is a generalization
 18 question, which is hard to generalize, either on the
 19 side of what shelters do or what an encampment is like.
 20 So I'd be very careful around making any kind of
 21 generalizations. And I think that one of the things
 22 that has struck me is, as a scholar, is why the sudden
 23 growth in encampments over the last five years. There
 24 have always been --

25 ¹⁵⁹ **Q.** If I may, Dr. Gaetz --

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 83

1 **A.** No, no, I just --

2 ¹⁶⁰ **Q.** -- I think I need to clarify the
 3 question I was asking you but go ahead.

4 **A.** Okay. So, you know, the
 5 question -- the -- you know, there have been
 6 encampments in the past, right, but you had this happen
 7 across Canada, right. And if the shelters were seen to
 8 meet the needs of clients during the pandemic, then one
 9 would be surprised that people are making alternative
 10 choices as to where they're going to sleep and with
 11 whom, not necessarily in the same tent, but, like, how
 12 that's going to work. And so there -- I know there's
 13 health risks with being inside of a shelter even when
 14 they moved the beds a little bit apart, you know, and
 15 there will be risks as well with people in encampments.

16 ¹⁶¹ **Q.** At paragraph 29 of your affidavit,
 17 Dr. Gaetz, you reference pandemics such as the COVID-19
 18 pandemic and state, "Homeless shelters by design
 19 exacerbate risk in the context of a pandemic."

20 Do you have any knowledge of whether or
 21 to what extent those risks may have been mitigated in
 22 the shelters in the City of Hamilton?

23 **A.** I, I know what they were trying to
 24 do but whether they mitigated the risk, you would have
 25 to have research on that to show that.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 84

1 ¹⁶² **Q.** Are you aware --

2 **A.** And so --

3 ¹⁶³ **Q.** -- that there was a study
 4 conducted in Hamilton in 2021 on exactly that?

5 **A.** What's that --

6 **MR. CHOUDHRY:** Ms. Shores, Ms. Shores,
 7 may I ask that you put the study to the witness if
 8 you're going to ask him about it.

9 **MS. SHORES:** I will. Just give it a
 10 moment to load up.

11 **BY MS. SHORES:**

12 ¹⁶⁴ **Q.** So I'm placing on the screen here
 13 a document titled "Pandemic Planning in Homeless
 14 Shelters: A pilot study of a COVID-19 testing and
 15 support program to mitigate the risk of COVID-19
 16 outbreaks in congregate settings," author -- the
 17 corresponding author of this study is a Dr. Timothy
 18 O'Shea MD, who I believe is a witness in this
 19 proceeding.

20 Dr. Gaetz, are you familiar with this
 21 study?

22 **A.** No.

23 ¹⁶⁵ **Q.** The other doctors who are the
 24 authors of this study are: Claire Bodkin, I believe
 25 also a witness in this proceeding; Vaibhav Mokashi,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 V-A-I-B-H-A-V M-O-K-A-S-H-I; Kerry Beal; Jill
2 Wiwcharuk, also a witness in this proceeding; Robin
3 Lennox; Dale Guenter; Marek Smieja.
4 And the abstract, I'm reading from page
5 3, states, "We tested 104 residents and 141 staff for
6 COVID-19 who failed daily symptom screening in homeless
7 shelters in Hamilton, Canada. We detected one resident
8 (1%), seven staff (5%) and one case of secondary
9 spread. Shelter restructuring to allow physical
10 distancing, testing and isolation can decrease
11 outbreaks in shelters."

12 Are you familiar with the conclusions
13 of this study, Dr. Gaetz?

14 A. Yeah, but I have a lot of
15 questions about it.

16 166 Q. Well, let's see if the conclusions
17 portion of -- or the discussion portion, rather, of the
18 study answers any of those. So I'm directing you to
19 page 8 of the study.

20 A. Okay.

21 167 Q. Under "Discussion," it states, "We
22 have thus far been successful in preventing large
23 outbreaks in the shelter setting despite identifying
24 positive cases in both staff and residents. Our
25 results emphasize the importance of taking a proactive,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 aggressive approach to outbreak mitigation in high risk
2 settings. While there has certainly been some random
3 chance, we postulate that four factors have been
4 particularly important in increasing our chances of
5 success."

6 And they go on to describe "increased
7 capacity of shelter space, access to rapid assessment
8 and testing, restructuring of physical spaces, and
9 rapid turnaround of test results." [As read]

10 But returning to the first sentence
11 under the heading Discussion, the authors state that
12 they have been "thus far successful in preventing large
13 outbreaks in the shelter setting." [As read]

14 Do you have any reason to disagree with
15 their findings?

16 A. Well, it would go against the body
17 of research on COVID-19. Can you tell me, I saw that
18 it was published in 2020, when was the data gathered;
19 do they have a methodology section?

20 168 Q. They do have a methodology
21 section, so I've scrolled to page 4, I'm just going to
22 zoom out some more that can be visible.

23 A. Okay.

24 169 Q. So scrolling down --

25 A. Okay, so wait, wait, wait. So it

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 says here between March 17th and April 30th. Now, you
2 are aware that in Ontario the first lockdown was in the
3 end of March, this is like very early on in the
4 pandemic, when the data was gathered, which would make
5 me wonder why we're looking at it. Okay, keep going.

6 170 Q. I've for the record scrolled now
7 to page 6.

8 A. Yes, so this is right at the very
9 start of the pandemic. There's got to be better data
10 than this. I would not generalize from this. When
11 looking at research, you know, we know this from -- if
12 we're looking at environmental research, you know, or
13 any -- vaccines, that kind of thing, outlier data
14 should be tossed aside, right. We shouldn't hook our
15 analysis based on a single study, particularly one that
16 is so early in the pandemic that I don't -- I'm
17 surprised that people would be making any kind of
18 generalizations about that, right. Like, you have to
19 really look at -- you know, we know from research that
20 the percentage of people who are homeless who got
21 COVID, like, it started to really rapidly increase as
22 the pandemic proceeded, that some subpopulations more
23 likely than others. So a study that's done like, you
24 know -- literally the, the first lockdown was, like,
25 March 22nd or something of 2020. So this is -- I'm not

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 convinced, right. You have to -- if you're looking at
2 this kind of stuff, you have to look at the weight of
3 evidence, right. And a single article doesn't convince
4 me at all, that this is something that one should even
5 be, in this case, be paying attention to.

6 EXHIBIT NO. 6: Document titled
7 "Pandemic Planning in Homeless Shelters: A pilot study
8 of a COVID-19 testing and support program to mitigate
9 the risk of COVID-19 outbreaks in congregate settings,"
10 corresponding author - Dr. Timothy O'Shea. Other
11 doctors who are the authors of this study are Claire
12 Bodkin, Vaibhav Mokashi, Kerry Beal, Jill Wiwcharuk,
13 Robin Lennox, Dale Guenter, Marek Smieja.

14 BY MS. SHORES:

15 171 Q. I'm going to take you back to your
16 affidavit, Dr. Gaetz, at paragraph 30, under the
17 heading "Reasons why the shelter system may be
18 incompatible with an unhoused person."

19 A. Right.

20 172 Q. Now, and you go on in paragraph 30
21 to identify reasons for not wanting to stay in a
22 shelter and state that "these reasons are usually
23 related to the operational features of shelters."

24 But you'd agree that these reasons are
25 not only related to the operational features of

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 shelters, correct?

2 A. Yeah, I guess so.

3 173 Q. And, again, Dr. Gaetz, not to
4 belabour the point, but you're not a medical doctor,
5 you're not discussing health outcomes in paragraph 30,
6 correct?

7 A. Just wait a second, let me go back
8 to what I just said, "Yeah, I guess so." I think -- I
9 want to take that back. I would say that there -- this
10 is a complex thing, but most certainly, you know, the,
11 the prac -- I forget what you said, if you were --
12 scrolled up a bit. You know, the operations of the
13 shelter and the way it's structured is a problem. We
14 just spoke about this earlier, it's a problematic
15 response to homelessness, and then you lay on top the
16 experience of a pandemic. And so with a population
17 that is used to be marginalized, I stand by these
18 statements. And I can't what your last question was.

19 174 Q. Well, I'll restate it for you.
20 The question was: Those operational features are not
21 the only reasons that people may not want to stay in a
22 shelter, correct?

23 A. There can be other reasons. I
24 think one of the challenges is people not be given
25 options, right, so they do things even though they

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 would rather not but there's not another option, or
2 they're forced into places, right. Like, I've seen
3 with, you know, encampments being shut down where it's
4 like people are driven to emergency shelter, and they
5 might be like, This is the last place I want to be.
6 So, so it's certainly -- it may not be everything but
7 it's certainly the operations of the shelter are
8 important to consider in terms of the decisions people
9 are going to make.

10 175 Q. And, again, Dr. Gaetz, you're,
11 you're not a medical doctor, you're not discussing
12 health outcomes at paragraph 30 of your affidavit?

13 A. Okay, the -- I would argue the
14 previous article you showed was, you know, not a --
15 obviously a sociologist didn't right that either.
16 Right, so medical knowledge can produce some kinds of
17 things. No, I'm not a medical doctor but I'm able to
18 read research and -- and so I, I don't -- I think we
19 get into a trap if we exclude people's opinions if
20 they're not in a particular profession. Because pretty
21 soon --

22 176 Q. Well, Dr. --

23 A. -- then we can only talk about
24 ourselves.

25 177 Q. Well, Dr. Gaetz, this is a legal

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 proceeding and there are particular limitations on
2 qualification as an expert witness. You're not a
3 medical doctor, correct? A5787

4 A. I'm not a medical doctor.

5 178 Q. And at paragraph 30 of your
6 affidavit, you're not discussing health outcomes,
7 correct, you're describing -- and, again, using your
8 words -- "reasons for not wanting to stay in a
9 shelter," correct?

10 A. That's right, I'm not -- I -- I'd
11 have to read -- or if you scroll through the rest, I
12 didn't mention any of that, health outcomes. I
13 certainly would have in the past with the other
14 articles -- or articles that I've written on, on that.

15 179 Q. Well, I'm going to take you to a
16 few of these subparagraphs of paragraph 30. You state,
17 at the last sentence of subparagraph 1, "Shelter
18 residents are often exposed to racist, homophobic, and
19 transphobic attacks (sometimes physical) by other
20 residents, and in some cases by staff."

21 You're not aware of whether that's ever
22 happened at a shelter in Hamilton, are you?

23 A. Well, that's -- that kind of
24 specificity, I don't have in front of me evidence that
25 that's happening but, like, you can, when you take

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 sociological perspective, generalize and suggest that
2 it's likely that this is going to happen, right,
3 because --

4 180 Q. But --

5 A. -- because -- wait, just please
6 let me finish. The -- if, if one supposes that these
7 things don't happen, there would have to be evidence
8 from a policy practice accountability perspective that
9 would outline that the staff at this institution are
10 somehow operating in a different way than is the
11 standard, than is the norm in this public institution.
12 So, you know, like, hospitals will have rules about how
13 to treat patients and, you know, don't act in ways that
14 are racist or transphobic or that kind of thing, but we
15 know from evidence that these things still happen in
16 hospitals. So, again, to go back, there's -- we -- the
17 fact that there's nothing special that I've seen that
18 speaks to how in Hamilton people are treated
19 differently within the homelessness sector would lead
20 me to conclude that, yes, these things are happening
21 and probably happening on a daily basis.

22 181 Q. But, Dr. Gaetz, you haven't cited
23 even any sources to say that racist, homophobic, and
24 transphobic attacks happen in shelters anywhere?

25 A. There's, there's absolutely

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653 A1503

evidence of that from other scholars. Dr. Alex Abramovich, who does research on LGBTQS people and the shelter system, would have reams of information to that effect. There would be research on blacks and their experience of shelter. So I have absolute confidence in -- you know, that the evidence speaks to that as an ongoing problem.

Q. There's evidence that is not referenced in any way in your --

A. It doesn't have to be referenced. So scholars -- you have me here as an expert witness, and my expertise is in the experience of homelessness and the causes of homelessness, and the response to homelessness. And so I'm paying attention to all of that, and so that's my expertise and that counts as evidence.

Q. Respectfully, Dr. Gaetz, that's up to the hearing judge.

At paragraph 30(2), you identify "risk of criminal victimization" as another reason.

A. Yes.

Q. But I want to be clear, you don't state here, and in the sources you cite, I reviewed them and I didn't see that they say that the risk of criminal victimization is greater in a shelter than

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

structure of a shelter is not sufficient to mitigate," and I may not be quoting that back to you verbatim, what are you basing that on? You haven't cited any studies or scholarly works about the incidents of criminal victimization in a shelter.

A. No, I haven't done that but, but there's research out there. And the -- when we've talked with people, it happens, they will talk about it being in shelters too. Right, like, think about it, if there's, like, 30 people, as I said before, in a shelter, right, you've got a complex group of people with complex problems, and, you know, which would also be true in encampments, right, and so we know statistically that they're exponentially more likely than people who are housed to be victims of all kinds of crime, from assault to robbery to, you know, to being sexually assaulted, like, across all of these things. And women -- this is the interesting thing in our research, in the general population, men are more likely to report being victims of crime, particularly young men, with our research, it was women who were more likely, right. So, so, yeah, that's -- we can't definitively say that it's either more likely or less likely to happen in the shelter compared to an encampment but we can say, I think with a fair degree

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

outside a shelter on the street, correct?

A. It would -- not specifically, but I have conducted extensive research on criminal victimization, and people will speak of the locations where it happens, right. And it does happen -- but it isn't -- I haven't got it like broken out into, you know -- it's a reality of life on the streets. You know, the -- with the research we've done on criminal victimization, we use, you know, the definitions of crime used by Government of Canada and have data that they've collected on criminal victimization and have been able to compare the experiences that people have when they're homeless versus people like us who are not homeless, and they're exponentially more likely to experience criminal victimization. That is likely to happen in multiple contexts. So I would not say it only happens in shelters, I would not say it only happens on the streets but it most certainly happens. And the existence of the shelter and the structure of the shelter is not significant to mitigate against the fact that people experience these things and are fearful when they're forced or only offered the opportunity of shelter in a congregate setting. We're putting people in the situation of potential harm.

Q. When you say "the existence and

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

of confidence, that it's going to happen somewhere, and probably in multiple locations. So, you know, with our research, people reported lots of different contexts in which they would experience it. And why I argue that the shelter is part of the problem is because that's what we offer people who are homeless as a response, right. So if you are -- if you've experienced criminal victimization in the past, and all you're offered is that, you may be reluctant to take up that offer, or you're going to put up with it and then be a victim of a crime.

Q. If I can take you to subparagraph 9 of paragraph 30, you describe "Mental health," and state, "The high frequency of mental illness and cognitive impairment among the homeless population can make it difficult for some people to function in a shelter setting."

Just taking that piece there, Dr. Gaetz, is what you're saying basically that some people are too mentally ill or too cognitively impaired to follow the rules and protocols in place in a shelter setting?

A. It's more complicated than that, because people have many different conditions that can be impairing -- lead to cognitive impairment, right.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 And so -- and how it manifests itself will shift and
 2 change. But we do know that that is a factor that is
 3 important. You know, when we put people in
 4 institutional contexts, again, the imagined person
 5 isn't somebody with mental illness, it's somebody who
 6 will be able to follow rules if they read the policy or
 7 whatever, right. And so, you know, the research is
 8 pretty clear that there are conditions that people
 9 have, including -- you know, Stephen Hwang, who's a
 10 medical scholar on homelessness, has done, like,
 11 groundbreaking research on incidents of acquired brain
 12 injury, and he's done follow-up studies on it for at
 13 least the last probably 20 years, right. And we know
 14 that acquired brain injury does lead to impairment in
 15 decision making, it leads to impulse control, and it
 16 leads to early mortality, right. And so a high
 17 percentage of the homeless population falls into that
 18 category. So we have to assume that that's going to
 19 have an outcome -- just that, just that condition is
 20 going to have an outcome on how people are able to
 21 manage themselves in the context of an emergency
 22 shelter.

23 187 Q. Okay. But when you say, Dr.
 24 Gaetz, "manage themselves," what do you actually mean
 25 there?

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 A. Okay, I'll put it -- yeah, let me
 2 strike that. That people are going to have difficulty
 3 following the rules and conditions of the shelter, and
 4 may resist and may find it highly uncomfortable. I
 5 can't imagine what it would have been like during the
 6 pandemic to be in a room with -- as I keep -- I keep
 7 going to the 30, you know, people, but be in a shelter
 8 with 30 people and, you know, ten of them are coughing,
 9 like, and clearly very ill, you know, and regardless of
 10 putting the cots 6 feet apart or having a special room
 11 where people who are super sick go, that's a, you know,
 12 that's a pretty risky proposition in terms of reduction
 13 of the spread of disease and would be, like, highly
 14 stressful, right. You know, one can recall the first
 15 time you saw somebody who wasn't -- you were on a
 16 subway or something -- wasn't wearing a mask and was
 17 coughing, and how that might just set you back. Can
 18 you imagine if you were walking into a homeless shelter
 19 where it was even more problematic.

20 MR. CHOUDHRY: Ms. Shores, if I may,
 21 just a logistically issue, it's been two hours now that
 22 the witness has been testifying non-stop, I think
 23 that's a lot for any person. And I know -- I imagine
 24 you have more questions but I thought it would be good
 25 to take a break, to let him use the washroom, get a

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 glass of water. Would that be possible? **A5789**
 2 MS. SHORES: Off record.
 3 --- Off-the-record discussion.
 4 --- Recess taken at 11:12 a.m.
 5 --- On resuming at 11:18 a.m.
 6 BY MS. SHORES:
 7 188 Q. Dr. Gaetz, I'm taking you to
 8 subparagraph 10 of paragraph 30 of your affidavit,
 9 referring to shelter rules. And we've discussed
 10 shelter rules previously before, and I think as an
 11 example you sort of drew a comparison between things
 12 that housed people experienced. But, you know, I'll
 13 put it to you, Dr. Gaetz, that you're describing a lot
 14 of what people in general deal with on the day to day,
 15 people have to get up and go to work, even with health
 16 challenges or disabling conditions, people are expected
 17 home at a particular time or if they're getting back
 18 late, they're expected to be quiet because other people
 19 are trying to sleep. Like, surely you're not saying
 20 that people experiencing homelessness shouldn't have to
 21 follow rules?

22 A. Well, I think people understand
 23 that there are rules and that there may be
 24 consequences, and those can be determined in different
 25 ways. But I think that I would be loathed to say that

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 the comparison with what I have to do and the rules
 2 that I have to follow are different. So starting with
 3 the safety thing, once again, one of the key things
 4 that helps me feel safe is I have a door that's my door
 5 that I can close and lock. That's absent when you're
 6 homeless. I can follow rules about when to drink. I
 7 don't have an addiction. If I did, that might be
 8 challenging. But I can choose where to drink. I can
 9 drink at home. I can drink in a bar. I can do those
 10 things. If you are homeless, you don't necessarily
 11 have those options. And so you might wind up drinking
 12 in the shelter, because that's where you are. You
 13 might have mobility issues. There's all kinds of
 14 things. So, you know, I have rules, there are laws.
 15 People who experience homelessness generally understand
 16 that there are rules. Their ability to follow them may
 17 be impaired by their mental health challenges and by
 18 their distrust of the institution that they're engaging
 19 with. I can't stress enough how much distrust there
 20 is. You know, that people -- as I have been saying, we
 21 can't compare staying in a shelter with housing, it's
 22 not. So people will break rules, they'll break rules
 23 inadvertently, but the consequences are different.
 24 I've never been kicked out of my house. Lots of people
 25 in housing have been kicked out of their house but I

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 101

1 haven't, right. And so I know what rules are but the
 2 consequences can be greater, I think, if you're
 3 experiencing homelessness, with the challenges that
 4 come with complex health and social issues.

5 ¹⁸⁹ Q. I'm going to take you, Dr. Gaetz,
 6 to paragraph 32 of your affidavit.

7 A. Okay.

8 ¹⁹⁰ Q. The second paragraph of which you
 9 refer to the Street Health Report 2007.

10 A. Right.

11 ¹⁹¹ Q. Which -- and you footnoted it at
 12 30 -- at footnote 39 here. I'm going to take you to
 13 that document. So I'm placing this up on the screen,
 14 Street Health Report 2007; is that the document you
 15 referred to?

16 A. It is.

17 ¹⁹² Q. Okay. Now, just in terms of the
 18 methodology of the report, I'm taking you to page 9 of
 19 the -- or, sorry, 7 of the report, page 9 of the PDF.
 20 The first paragraph, it describes that this is a
 21 "Street Health survey." And specifically it states,
 22 "The Street Health survey was conducted over a
 23 three-month period between November 2006 and
 24 February 2007. We surveyed a representative sample of
 25 368 homeless adults at meal programs and shelters in

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 102

1 downtown Toronto about their health and access to
 2 health care."

3 So, Dr. Gaetz, based on, based on the
 4 report, or what's written in the Street Health survey
 5 report, the methodology didn't include verifying the
 6 accuracy of the answers given to the survey, correct?

7 A. Oh, well, I'm not sure how you
 8 would do that. I mean, a survey by design is intended
 9 to get people's opinions on things. Whether people are
 10 telling the truth or not, that's a factor that, you
 11 know, goes into doing surveys. I don't, I don't think
 12 their methodology is problematic. But if you were to
 13 take that point that you have to follow up and ensure
 14 that what people said is accurate, you would never get
 15 any research done. Like, that's not the standard
 16 that's expected in terms of quantitative methodology.
 17 There are things you can do with your methodology that,
 18 kind of, can help try to identify, you know, to some
 19 degree, whether the person is speaking accurately about
 20 something by having questions in different parts of the
 21 survey that are asking the same thing but using
 22 different language, and then you compare. And people
 23 sometimes do that kind of thing. I think one of the
 24 things that makes this study very -- you know, makes me
 25 trust the methodology is, one of the ways to mitigate

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 103

1 against concerns around accuracy is sample size. And
 2 368 is a very large representative sample, which
 3 strengthens one -- you know, like, if it was, like,
 4 they talked to 32 people, it might still come out with
 5 interesting results but I'd have more faith when you
 6 have a sample size like that.

7 ¹⁹³ Q. Okay. And this survey in
 8 particular is about people's health and their access to
 9 health care --

10 A. Yes.

11 ¹⁹⁴ Q. -- so just in terms of verifying
 12 the accuracy, and this is -- I just want to set some
 13 parameters about what the research is and what it
 14 isn't. The person responded, for example, that they
 15 had a particular condition or diagnosis. According to
 16 the methodology, the researchers weren't going to
 17 verify that, correct?

18 A. Well, that's a very -- absolutely,
 19 because health care information is private. But I'll
 20 give you an example from the At Home/Chez Soi Project,
 21 which is the largest study ever done on housing first,
 22 anywhere in the world. It was done in Canada in five
 23 cities. And Eric Latimer, who is an economist at
 24 McGill, was interested in engagement with public
 25 services on, you know, health care but also the prison,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 104

1 law enforcement. And one of the challenges with doing
 2 research on health is people's recall, right. So if
 3 you were to ask me when -- this is something my wife
 4 and I were talking about, like, a couple of weeks ago,
 5 she said, "You're due for your check -- physical this
 6 year."

7 And I said, "No, I went last year."

8 And she was like, "I don't think you
 9 did, I think it was two years ago."

10 And so, so that's a challenge -- that's
 11 not about people being deceitful, it's about people
 12 being able to time things and place things. And so one
 13 of the things Eric Latimer did for his study is he got
 14 access to the health records, right. And you have to
 15 get permission from the survey respondent and connect
 16 with the system, right. And he found that generally
 17 what people reported in their recall during the surveys
 18 was generally accurate up to about three months, and
 19 then it started to fray. So comparing what the person
 20 said about, "I went to an emergency room, it was a
 21 month ago and for this condition," you can -- it was
 22 very -- he was actually surprised at how reliable it
 23 was for, like, three months of recall, and then it gets
 24 lesser reliable. So, so that's an important
 25 consideration. But that's an example that shows that,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 105

1 you know, in that case with the At Home/Chez Soi
 2 Project, which is dealing with the same population
 3 basically, people are -- that people's reports are
 4 trustworthy. The timing of things, if there are
 5 questions about timing, are probably not, but generally
 6 people are answering in a way that they believe to be
 7 truthful and accurate.

8 ¹⁹⁵ **Q.** But, Dr. Gaetz, the specific
 9 question about this Street Health survey, you described
 10 how the other study, the At Home/Chez Soi Project,
 11 included review of medical records, that wasn't a
 12 component of the 2007 Street Health survey, correct?

13 **A.** I would say that that would be the
 14 case of 99 per cent of all health research. Because
 15 health research -- and so I would -- you know, this
 16 study would be in that same league. I -- what I would
 17 be wary of is drawing a conclusion that the data isn't
 18 valid, because it's following standard health research
 19 practices. It's not an outlier approach that they're
 20 taking, it's a standard one. And we don't want to toss
 21 out the vast majority of health research because they
 22 don't have access to the protected administrative data.
 23 That makes for the best research.

24 And just as an aside going forward,
 25 there's more efforts to link administrative data, which

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 106

1 will allow us to do that kind of analysis in a much
 2 more accurate way but it's -- given the current
 3 situation, this is not a typical way to do health
 4 research.

5 ¹⁹⁶ **Q.** But, again, Dr. Gaetz, just
 6 talking about what the study is and what it isn't, the
 7 authors of the 2007 Street Health survey did not verify
 8 the accuracy of the answers?

9 **A.** They didn't because that's not
 10 standard practice in research.

11 ¹⁹⁷ **Q.** Dr. Gaetz, in your affidavit, at
 12 the second paragraph of page 32, there's a note that if
 13 you hover over it, it says, "Gessie Stearns wrote: The
 14 resource for the citation: 'Street Health Bulletin
 15 2005' is no longer archived/link broken at the site
 16 provided. I have found a newer version of the report,
 17 and changed the text and citation."

18 Do you know who Gessie Stearns is?

19 **A.** I actually don't.

20 ¹⁹⁸ **Q.** Did Gessie Stearns make changes to
 21 your affidavit?

22 **A.** I would say I have no way of
 23 knowing that because I don't know who that is. I would
 24 point out that I didn't hover over that, and so I don't
 25 know if a change was made. And I don't -- you know.

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 107

1 There wasn't necessarily -- like, if I'm going to
 2 prepare something for this, I don't think that it's --
 3 I'm pretty -- I'm not sure if the rules are that in the
 4 preparation of this document I have to not talk to
 5 anybody or verify the content. I mean, that's -- as a
 6 researcher, that's what I would do generally. It could
 7 be -- I'm bad with names though, to be honest, so...

8 ¹⁹⁹ **Q.** Well, I suggest to you, Dr. Gaetz,
 9 that Gessie Stearns is another witness in this
 10 proceeding; do you have any knowledge of that?

11 **A.** I, I don't.

12 ²⁰⁰ **Q.** Dr. Gaetz, did you write your
 13 affidavit?

14 **A.** Yes, I did.

15 ²⁰¹ **Q.** To your knowledge, had the
 16 affidavit been altered before you swore it?

17 **A.** Absolutely not. I don't have any
 18 knowledge of that.

19 ²⁰² **Q.** Let's go to paragraph 3 [sic] of
 20 your affidavit. You again are referring to the Street
 21 Health report, and state, "The Street Health Report
 22 found 41% of homeless people reported that they were
 23 usually in pain, and of that group 46% described it as
 24 moderate and 35% as severe (amongst the general
 25 population the rates are 8% and 2%)."

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 108

1 Again, the researchers in this study,
 2 they weren't diagnosing the pain or the causes of the
 3 pain, correct?

4 **A.** That's right.

5 ²⁰³ **Q.** At paragraph 34, you're speaking
 6 of some statistics regarding HIV, AIDS and Hepatitis-C,
 7 and specifically regarding the homeless population in
 8 Ontario, Toron -- in Toronto. At the last -- second
 9 last sentence, you state, "These numbers can be
 10 reasonably extrapolated to Hamilton," but you don't
 11 state on what basis you conclude that those figures can
 12 be extrapolated for Hamilton, correct?

13 **A.** Again, it's based on the idea that
 14 generally the conditions of homelessness are similar,
 15 you can, like, lump them in. Like, Hamilton would be
 16 more like Toronto than it would be Regina, because it
 17 would have fewer Indigenous people in the sample. But
 18 generally the conditions -- you know, like, if, if you
 19 have a sample that large, that's pretty convincing, and
 20 you could expect similar results in other
 21 jurisdictions.

22 ²⁰⁴ **Q.** At paragraph 35 of your affidavit,
 23 you describe, "A large portion of people experiencing
 24 homelessness have physical, mental, developmental or
 25 learning disabilities that impact on mobility."

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 experience of pain, energy level and/or decision
2 making. In a national survey of homeless service
3 user -- I think maybe you mean users -- "in the United
4 States, 46% reported one or more chronic, debilitating
5 conditions including: arthritis, rheumatism, or joint
6 problems, high blood pressure, and problems walking, a
7 lost limb, or other handicap."

8 The citation for this is footnote No.
9 44, which is an article Susan Barrow et al., "Mortality
10 Among Homeless Shelter Residents in New York City,"
11 from the American journal of public health in 1999.

12 A. Right.

13 205 Q. So, Dr. Gaetz, the source that
14 you're citing for this statement is a study not only
15 from the U.S. but from New York City, correct?

16 A. Right.

17 206 Q. And it's from 25 years ago, 1999?

18 A. Right. It is -- I would -- oh,
19 okay, I thought you had a question there.

20 MR. CHOUDHRY: Well --

21 THE DEPONENT: What I would say, I've
22 been looking at this recently, there is quite a body of
23 research on the relationship -- relationship between
24 homelessness and disabilities, including one that I
25 looked at recently, I think it was the Mental Health

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 Commission of Canada had done that. So there's a body
2 of research that would -- you know, if I were to do
3 this affidavit again, I would update it with the
4 relevant Canadian data. So there was a time when there
5 wasn't as much research on that but now it's pretty
6 significant body of research. And it would report,
7 again, like multiple kinds of disability, intersecting
8 kinds of disability, these kinds of things. And I can
9 find that research if you need me to do that.

10 207 Q. At paragraph 39 of your affidavit,
11 the third sentence, so continuing on to the next page,
12 you state, "Emerging evidence from San Francisco,
13 Vancouver, and Hamilton suggests that the opioid crisis
14 has a greater impact on the homelessness community,
15 although there is not yet published research to verify
16 these claims." [As read]

17 And with respect to Hamilton, footnote
18 57, footnote 57 goes to an article from the Hamilton
19 Spectator, written by Teviah Moro, titled "Opioid
20 Crisis: Life and Death on Hamilton's Streets."

21 So, in fairness to you, Dr. Gaetz, you
22 do state that there's not yet published research, but
23 your source with respect to Hamilton is a newspaper
24 article, correct?

25 A. Right. That's right. There's,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 there's a lot more research on that now than when I
2 wrote this, including the -- you know, the Province of
3 Ontario has a website that does a deep dive, that you
4 can kind of localize and look at places like Hamilton.
5 So, yeah, so that's the case.

6 208 Q. At paragraph 41 of your affidavit,
7 in the what I'll call the middle paragraph, there's a
8 pull quote here from the source Guirguis-Younger,
9 McNeil & Hwang, the last sentence of that pull quote
10 reads: "Furthermore, researchers have found that
11 homeless persons often feel unwelcome in health
12 settings -- "health care settings due to discrimination
13 and subsequent to these experiences are less likely to
14 seek care."

15 I want to ask about that. So, your --
16 the source that you've cited from this passage is
17 the -- so it's footnote 60 for the record. The author
18 is Guirguis-Younger, Hwang & McNeil, "Homelessness and
19 Health in Canada." I think that's chapter 2, page 3.
20 So let's go to that, because I want to talk
21 specifically about discrimination. Give this a moment
22 to load up.

23 So I've now placed on the screen,
24 "Homelessness and Health in Canada," by
25 Guirguis-Younger, McNeil & Hwang. Scroll down.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 University of Ottawa Press 2014. You'll agree that's
2 the document referenced in your affidavit?

3 A. Yep.

4 209 Q. Okay. So, if we go to page 3, the
5 last sentence of the full paragraph, I think this is
6 the citation you were referring to --

7 A. Right.

8 210 Q. -- because it's verbatim:
9 "Furthermore, researchers have found that homeless
10 persons often feel unwelcome in health care settings
11 due to discrimination and subsequent to these
12 experiences are less likely to seek care."

13 So, you said, yes, that's what the
14 citation is referring to?

15 A. Yes.

16 211 Q. Okay. So the authors of this
17 paper cite, for that statement, "Wen, Hudak and Hwang
18 2007." So if we go to the end of that section and find
19 Wen, Hudak and Hwang, it appears to be referring to the
20 article authored by Wen, Hudak and Hwang called the
21 "Homeless People's Perceptions of Welcomeness and
22 Unwelcomeness in Healthcare Encounters."

23 You agree with that?

24 A. Uh-huh.

25 212 Q. All right. So let's take a look

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

at the Wen, Hudak and Hwang article. So I've placed up on the screen here a document called the "Homeless People's Perceptions of Welcomeness and Unwelcomeness in Healthcare Encounters." Authors are Wen, Hudak and Hwang. And it's published 2007 Society of General Internal Medicine.

You see that there?

A. Yep.

Q. Okay. You would agree this is the article cited in "Homelessness and Health in Canada"?

A. Yes.

Q. Okay. So I want to talk about -- so, again, this is, this is the citation that is relied on for the statement that "homeless persons often feel unwelcome in health care settings due to discrimination."

If we go to page 2 of this study, under the heading "Results" and "Experiences of Unwelcomeness," the authors (Wen, Hudak and Hwang) describe, and I'll read from here -- just bear with me a moment, I've lost my place. Second to last paragraph, in the second column, second sentence, the authors state, "Participants identified various characteristics that accounted for what they believed to be discriminatory treatment, most commonly

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

homelessness (n=9) and low social class (n=9). Additional reasons, each mentioned once, were drug addiction, mental illness, race and age.

"For many -- the authors continue in the next paragraph -- "perceived discrimination in health care settings was understood as part of a widespread societal pattern of discrimination against homeless persons. Six participants spontaneously related discrimination in health care settings to their general life experiences." And then they go on to give an example from one of the participants.

The question for you, Dr. Hwang, is -- or, sorry, not Dr. Hwang, Dr. Gaetz. I saw the name "Hwang" on my screen and read it.

Dr. Gaetz, the question for you is, this study by Wen, Hudak and Hwang is speaking about perceptions of discrimination in the health care system, correct?

A. Right.

Q. Okay. So what these authors are describing in Wen, Hudak and Hwang is not instances of verified discrimination but what participants in the survey believed to have been discriminatory treatment, correct?

A. Yes.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

Q. I want to go back to your affidavit. Again, paragraph 41 but the last sentence, you state, "LGBTQ2S youth and women, face special challenges because of their unique status including discrimination, and may experience additional barriers to accessing health services and social supports."

A. Mm-hmm.

Q. But again, Dr. Hwang -- or, Dr. Gaetz, you haven't cited any research or scholarly works to indicate --

A. Yes --

Q. -- to what extent discrimination accounts for these barriers, correct?

A. I haven't cited it. But, again, it's not a PhD dissertation. There is a very significant body of research that speaks around the discrimination that LGBTQ2S youth and women face in accessing health, in, you know, even how intakes are done, these kinds of things. And so there is an evidence base there for that, for sure.

The thing about people's recall is that, you know, methodologically, if you were to go and review and talk to the hospital staff, you may not get any closer to knowing that -- or being able to verify that that happened the way it did. But there are other

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

manifestations of it that are worth noting. And this is from Stephen Hwang's research too, that people who experience homelessness often are more likely -- use health care services more than people who aren't, but most of it is through emergency room, that's their gateway to the health care system. So that's an access question that raises questions about discrimination. You know, that if I had to -- and this is an issue we hear about in Ontario, but people experiencing homelessness generally don't have a family doctor, lots of other Ontarians don't. Sometimes their experience of the emergency room is traumatic, in that they have been taken there by paramedics because of suicidal ideation and they may be roughed up and, you know, treated in ways that are harmful. I've seen with my own eyes when I worked at Shout Clinic, when they come in -- this is not knocking the service providers, but if a person resists when they're being what's called "formed," which is sent for a mental health assessment, people often resist, right, and it's an unpleasant experience which then can be generalized to experience in the health care system, you know, writ large. And so I say that to just suggest that that feeling of discrimination and not accessing the supports you need is a complex one but can't be reduced down to like,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 you know, he said, she said, you know, they're just
2 making a subjective claim, I think we have to -- when
3 people who are marginalized are complaining about
4 discrimination and access to health, we need the best
5 research possible but I think we have to take seriously
6 those claims in that it's highly unlikely that
7 hospitals or the police department or schools
8 proactively ensure that clients or students or people
9 being -- engaging in the police are protected against
10 discrimination based on these things that are broadly
11 happening in society, right. So I think we would be
12 more surprised if people said there was no
13 discrimination. So I trust what people said.

14 MS. SHORES: So, we'll mark the Wen,
15 Hudak and Hwang article as Exhibit 7 to Dr. Gaetz's
16 examination.

17 COURT REPORTER: Sorry, it's just the
18 court reporter, I think it's Exhibit 6.

19 MS. SHORES: Exhibit 6, I think, was
20 the COVID-19 study.

21 COURT REPORTER: Okay. Maybe -- I'll
22 have to check with the transcript but maybe it wasn't
23 identified on the record as Exhibit 6.

24 MS. SHORES: Oh, okay. I have --
25 apologies, Dr. Gaetz. I have Exhibit 1 is the CV,

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 Exhibit 2 is Form 53, Exhibit 3 is the Everyone Counts
2 document, Exhibit 4 is shelter standards, Exhibit 5 is
3 service restriction policy, Exhibit 6 is COVID-19
4 study, and then Exhibit 7, Wen, Hudak and Hwang.

5 COURT REPORTER: Thank you.

6 MS. SHORES: Hopefully that's correct.

7 EXHIBIT NO. 7: Article titled
8 "Homeless People's Perceptions of Welcomeness and
9 Unwelcomeness in Healthcare Encounters," authored by
10 Chuck K. Wen, Pamela L. Hudak, and Stephen W. Hwang.

11 BY MS. SHORES:

12 219 Q. Okay. Let's move on to paragraph
13 43. So, Dr. Gaetz, at paragraph 43, you're describing
14 the VI-SPDAT. And in the last sentence of paragraph 43
15 you state, "The stakes are very high for VI-SPDAT - the
16 score and ranking can determine whether and when an
17 individual will receive the housing and supports needed
18 to exit homelessness."

19 Dr. Gaetz, you're not familiar with how
20 or to what extent the VI-SPDAT is used to determine
21 access to housing and supports in the City of --

22 A. I have --

23 220 Q. -- Hamilton?

24 A. -- actually a lot of experience on
25 this issue. It's government --

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 MR. CHOUDHRY: Dr. Gaetz, I'm sorry --
2 Dr. Gaetz, I'm sorry, I don't think you let Ms. Shores
3 complete her question.

4 THE DEPONENT: Oh, sorry.

5 MR. CHOUDHRY: Could I please, could I
6 please ask that you just give her a pause before you --

7 THE DEPONENT: Okay.

8 MR. CHOUDHRY: Okay.

9 THE DEPONENT: Okay.

10 BY MS. SHORES:

11 221 Q. So, yes, Dr. Gaetz, the question
12 was with respect to how it's used with respect to
13 housing and supports in the City of Hamilton.

14 A. Yes, I can speak to that.

15 222 Q. And what is your knowledge about
16 how the VI-SPDAT is used with respect to housing and
17 supports in the City of Hamilton?

18 A. The VI-SPDAT was invented as an
19 assessment tool and process to help determine who
20 should be prioritised to receive housing first. And
21 since that time, it has been expanded to be used in the
22 homelessness service context to assess people for
23 access to a whole bunch of things. And Government of
24 Canada requires, for instance, that in any community
25 that receives federal dollars, people need -- for their

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 housing first programs, they need to use the VI-SPDAT,
2 which -- which leads me to believe that in Hamilton
3 it's likely used in ways similar to everywhere else
4 across the country, it's used very broadly and is,
5 unfortunately, a pseudoscientific approach to
6 assessment that doesn't follow any of the rules around
7 how assessments should work, but it's still broadly
8 used. And that's a whole other story.

9 223 Q. Broadly used and, as you
10 identified, required by the Government of Canada as a
11 condition of funding?

12 A. Well, they require that an
13 assessment -- a common assessment tool is used. They
14 don't specify which one. But the marketing of this is,
15 like, off the charts. And so that's the most commonly
16 used assessment to support housing placement in Canada
17 by far, in spite of research that's emerged that shows
18 that it's not effective as an assessment tool and that
19 it also, you know, bears the existence of systemic
20 racism in how it works. So it continues to be used
21 partly because there hasn't been something that's
22 emerged in its place, but it's not a scientific tool by
23 any means.

24 224 Q. And, Dr. Gaetz, you're not saying,
25 or at least I don't take you to say that you believe

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 that in the City of Hamilton the VI-SPDAT is used to
 2 determine whether people receive housing or supports
 3 needed to exit homelessness, correct?
 4 **A.** It's more complicated than that,
 5 in that people are advised to use it as -- to
 6 contribute to decision making. And -- but what can
 7 happen is it leads to rankings -- so it produces a
 8 numerical result, right. So if you're -- with cutoffs,
 9 right. So, like, if you get a score of 52, you're
 10 eligible for housing first. If you get a score below
 11 52, you're on the wait list and could be there until
 12 you -- until you're sick enough and homeless enough to
 13 get the service. And so it's likely used in ways
 14 similar there as elsewhere. In some cases, people use
 15 it as one factor in making determination. In other
 16 cases, they have a list and they rank people and it's
 17 just like, you know, Blare is number seven on the list,
 18 they get the next access. So it's not used with
 19 precision. It's not measuring what it pretends to. So
 20 it's used as something that I find -- again, with my
 21 focus on responding to homelessness, I find it
 22 troubling that it's used at all and continues to be
 23 used.

24 ²²⁵ **Q.** At subparagraph 3 of paragraph 45,
 25 one of your comments is that, "The VI-SPDAT doesn't

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 produce consistent results."

2 The VI-SPDAT is basically a
 3 questionnaire, correct?

4 **A.** That's right.

5 ²²⁶ **Q.** Okay. And so one of these
 6 inconsistencies can be that people can retake it,
 7 answer differently and get a higher score?

8 **A.** Mm-hmm. That's exactly right.

9 And, you know, one of the things that happen is people
 10 learn to game it, right. That they talk to each other,
 11 and it's like, you know, if you say that you have an
 12 addiction problem, you'll get a higher score, right.
 13 So the longer people experience homelessness, the more
 14 they'll learn about how to use that tool to access
 15 different kinds of supports.

16 ²²⁷ **Q.** I'm going to take you, Dr. Gaetz,
 17 to paragraph 49 of your affidavit, under the heading
 18 "The structure and organization of homeless
 19 encampments." And one example you give, about half way
 20 through the paragraph, is -- I'm sorry, the second
 21 sentence of the paragraph, "Some encampments have a
 22 strong social structure and organization, sometimes
 23 with oversight or assistance from local charitable or
 24 faith-based organizations. Residents may be required
 25 to assume for day-to-day operations, including security

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 patrols and other duties."

2 I think there might be a typo? **A5795**

3 **A.** Yeah, there's a word missing.

4 ²²⁸ **Q.** Assume responsibility for?

5 **A.** Yeah. Yeah.

6 ²²⁹ **Q.** Okay. And, again, Dr. Gaetz, so
 7 this -- there's a footnote here, footnote 73. Footnote
 8 73 goes down to an article by Herring and Lutz, "The
 9 Roots of Implication -- "Roots and Implications of the
 10 USA's Homeless Tent Cities."

11 And then another article, Tony Sparks,
 12 is "Citizens Without Property: Informality and
 13 Political Agency in a Seattle, Washington Homeless
 14 Encampment."

15 So these two examples are from the
 16 U.S., correct?

17 **A.** Mm-hmm.

18 ²³⁰ **Q.** You have to say yes or no.

19 **A.** Oh, yes. Yeah, sorry.

20 ²³¹ **Q.** And, again, Dr. Gaetz, you haven't
 21 investigated in the City of Hamilton whether there
 22 are -- whether the -- whether there are encampments
 23 with this social structure and organization with people
 24 assuming roles for day-to-day operations, correct?

25 **A.** You're correct, I haven't done

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 research on that end, and don't know the details to be
 2 able to make a claim.

3 ²³² **Q.** But you would agree with me that,
 4 referring back to some of the evidence that you've
 5 given before about people being too impaired by their
 6 mental challenges to follow rules in a shelter setting,
 7 those same people are probably also not going to be
 8 able to assume responsibility for things like security
 9 patrol and other duties, correct?

10 **A.** I can't speak to that with
 11 certainty because there's a difference between being in
 12 a institutional context that is structured and
 13 rule-bound and being in another context where you have
 14 more say and potentially the -- you're feeling more
 15 respected. Now I, I can't say for certain that that's
 16 the case, because I haven't done research on that, but
 17 I do think that different contexts produce different
 18 kinds of action and behaviour. If people are in an
 19 environment where they see it as an institutional
 20 setting, they may behave differently, may be able --
 21 like, just because someone has mental health problems
 22 doesn't mean that they're always going to have
 23 problematic encounters with other people, that kind of
 24 thing. So -- and -- so -- but the answer to your
 25 question is, I don't -- I can't speak to the situation **A1511**

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 in Hamilton in that regard.

2 ²³³ Q. And at the third sentence, in
3 paragraph 49, again, you describe, as an example, that
4 residents in some of these encampments, the ones that
5 you're referring to in your example, "may vote in
6 governance decisions, they may be expected to attend
7 weekly resident meetings in accordance with an
8 encampment-wide code of conduct."

9 So, again, Dr. Gaetz, you'd agree that
10 not everybody is going to be able to abide by an
11 encampment-wide code of conduct?

12 A. I would say that, but I think, you
13 know, one could say that about any context in any group
14 of people. I do think that there's -- like, the key
15 difference for me is that shelters are, again, an
16 institutional response to homelessness. And it could
17 be that in context where people feel more like, Oh, I
18 have my own room, which may be a tent, but it's a --
19 you know, it's my own place, there are other people
20 like me, it may produce different ways of engagement,
21 right. Because it's about -- a lot of it's about --
22 comes down to trust, right. And, like, what -- if you
23 don't trust an institution, you're -- I'm guessing
24 you're probably less likely to go along with how they
25 want to run things. If you have a greater level of

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 trust, because people are making personal choices,
2 right, in terms of having a tent or not, it may produce
3 a different kind of outcome in terms of collaboration.
4 So, so -- and this may be answered in research.

5 Eric Weissman is a scholar at
6 University of New Brunswick who has done a lot of
7 research on encampments and what he calls intentional
8 communities, right, where people set out in a very
9 deliberate and organized way to either have, like, a,
10 you know, an encampment or, like, tiny homes placed
11 together, and then people kind of work to develop
12 collaborative approach -- it doesn't solve everything.
13 I don't think his research suggests that it's magic,
14 but I think the feeling is that it's preferable for a
15 lot of people, not everyone obviously, but preferable
16 than being in an emergency shelter.

18 ²³⁴ Q. In the last sentence of paragraph
19 49 you state, "However, the potential for exploitation
20 exists in encampments."

21 A. Yes.

22 ²³⁵ Q. And, Dr. Gaetz, you'd also agree
23 that the potential for violence exists in encampments?

24 A. It does. These things also happen
25 in emergency shelters as well. And the -- my

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 understanding of encampments is the characteristics of
2 each individual ca -- you know, there's commonalities
3 but there are differences, as well. One of the things
4 I've seen in the data on encampment is that young
5 people are less likely to be in them, which kind of
6 surprised me. And that may due -- I don't know what
7 that's due to but it could be for lots of different
8 reasons.

9 ²³⁶ Q. You would agree, as well, that
10 there's a potential for a theft to happen in
11 encampments?

12 A. Yes.

13 ²³⁷ Q. There's a potential for assaults
14 to happen in encampments?

15 A. Yes.

16 ²³⁸ Q. And there's potential for drug use
17 to occur in encampments?

18 A. Yes. And bear in mind that not
19 all drug use is illegal. But the -- those kind of
20 questions are tricky because you could be describing
21 riding on the subway, and that these things could
22 happen, right. And so I guess the, the challenge would
23 be discerning is it the context that's producing these,
24 is it the characteristics of the population who's
25 living in these places that produce the risk, what

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 exactly contributes to it.

2 ²³⁹ Q. I'm going to take you, Dr. Gaetz,
3 to paragraph 53 of your affidavit, which is the second
4 paragraph under the heading "The benefits of an
5 encampment for people experiencing homelessness." And
6 at paragraph 53, you state, "In other communities --
7 and, sorry, three sentences in to paragraph 53: "In
8 other communities, shelter beds are available but go
9 unused because of regulations or conditions that are
10 incompatible with potential clients' expectations or
11 needs."

12 So, in other words, people choose not
13 to stay in shelter for these reasons, correct?

14 A. Yes, people make choices, right.
15 And there will be people who do not want to be in an
16 emergency shelter, and we've discussed some of the
17 reasons why that might be.

18 ²⁴⁰ Q. And in paragraph 53, you go on to
19 list in Exhibit 2 -- click back over. "Exhibit 2 lists
20 some of the reasons cited in the literature and in key
21 informant interviews why people experiencing
22 homelessness may eschew shelters in favor of
23 encampments."

24 And then Exhibit 2 is reproduced below.
25 The citation for that is Cohen, Yetvin, and Khadduri,

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 ""Understanding Encampments of People,' page 4." [As
2 read]
3 So I want to take you to that.
4 A. Okay.
5 241 Q. So I've placed up on the screen a
6 document, "Understanding Encampments of People
7 Experiencing Homelessness and Community Responses,
8 Emerging Evidence as of Late 2018." Author is Rebecca
9 Cohen, Will Yetvin, and Jill Khadduri.
10 This is the document cited in your
11 affidavit?
12 A. Yes.
13 MS. SHORES: So we'll -- before I
14 forget with the exhibits, we'll mark that as Exhibit 8.
15 EXHIBIT NO. 8: Document titled
16 "Understanding Encampments of People Experiencing
17 Homelessness and Community Responses, Emerging Evidence
18 as of Late 2018," authors Rebecca Cohen, Will Yetvin,
19 and Jill Khadduri.
20 BY MS. SHORES:
21 242 Q. And if we go to page 4, page 4 of
22 the actual report, I think we find the source for the
23 quotes in your affidavit. So, the authors state here,
24 "Exhibit 2 lists some of the reasons cited in the
25 literature and in key informant interviews why people
NIMIGAN MIHAIOVICH REPORTING INC.
Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 experiencing homelessness may eschew shelters in favor
2 of encampments."
3 And then continuing on to page 5, it
4 looks like Exhibit 2 is the Exhibit 2 that's reproduced
5 in your affidavit, correct?
6 A. Yeah, I believe so. Yes.
7 243 Q. So, if we go back up to the top of
8 page 4, just to set the context for Exhibit 2 and the
9 authors' comments, under the heading "Understanding
10 Encampments," the authors state, "This section
11 describes what we know as of late 2018 about
12 encampments: Why there has been a sudden increase in
13 encampment homelessness in the past few years and how
14 encampments vary in resident characteristics, in social
15 structure, and regionally. As discussed herein,
16 conditions can be harsh, volatile, and unhealthy.
17 Still, people may live in encampments (rather than
18 shelters or in other unsheltered locations) for a
19 variety of reasons, including factors that lead them to
20 reject other types of shelter and factors that attract
21 them to encampments. Section 3 will cover what we know
22 about emerging community responses to encampments."
23 So, according -- if I understand this
24 correctly, according to this, the authors are
25 discussing here why people choose to live in
NIMIGAN MIHAIOVICH REPORTING INC.
Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 encampments, correct? **A5797**
2 A. That's right.
3 244 Q. Okay. They're not making a
4 qualitative assessment of whether encampments are
5 better objectively than shelter, correct?
6 A. Yes, I don't think that's what
7 they're doing.
8 245 Q. And taking you back to your
9 affidavit, there's some further discussion of this
10 source in particular. So at paragraph 52, you say,
11 "There are three main reasons why people experiencing
12 homelessness may choose encampments over other
13 alternatives such as homeless shelters."
14 So at paragraph 53, you discuss,
15 "Homeless shelters do not meet people's needs."
16 Paragraph 54, "Encampments provide a
17 sense of safety and community."
18 Paragraph 55, "Encampments accommodate
19 the desire for autonomy and privacy."
20 And if we go back over to the source
21 document, the Cohen and Yetvin, these -- those
22 subheadings, I'll call them, are in the document. So,
23 "The shelter system falls short," on page 4; "Sense of
24 Safety and Community," on page 5; and "Desire for
25 Autonomy and Privacy," on page 5, as well.
NIMIGAN MIHAIOVICH REPORTING INC.
Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 A. Mm-hmm.
2 246 Q. I wanted to take you to the next
3 subheading on page 6 though, which I didn't see
4 discussed in your affidavit. So at page 6, the authors
5 state, under a subheading "Access to Illegal
6 Substances: Residents of encampments may or may not be
7 using illegal substances. Nothing in the literature
8 suggests that most or even many encampments are where
9 people congregate primarily to support their drug
10 addiction. That said, in at least one high-profile
11 example, the location of an open-air drug market
12 directly influenced the formation and continued
13 existence of an encampment, according to a key
14 informant studying encampments. In that instance, the
15 availability of a dependable supply of heroin close-by
16 led addicts to stay in encampments in the Kensington
17 area of Philadelphia even though the city had available
18 shelter space."
19 You didn't include that as a potential
20 reason that people choose to live in encampments, did
21 you?
22 A. No, I didn't. And I think because
23 it's -- it simplifies our understanding of addictions
24 and what people do and why. And so it's possible that
25 people are using encampments that way, but I would have
NIMIGAN MIHAIOVICH REPORTING INC. **A1513**
Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 to say, you know, we know people in prison can access
2 drugs, people in shelters can as well. So there may be
3 cases of that but I, I worry when those kind of things
4 are presented as a reason, because then it leads us to
5 go to the place of blaming the victim. There's so much
6 stigma around use of illegal substance and
7 substance-use disorders, historically those roots run
8 deep, and I'm not sure we have -- maybe we do -- I'm
9 not sure that the use of substances is greater
10 amongst -- in fact, I think they didn't have evidence
11 of it either -- is greater amongst people who are in
12 shelters versus in encampments. It could be true, I
13 don't know. But I think that with the lack of -- yeah,
14 I'd want to see what more research has to say about it
15 before I would consider that important.

16 247 Q. I'm going to take you back to your
17 affidavit, Dr. Gaetz, at paragraph 56. So, at the last
18 sentence of the first paragraph of paragraph 56, you
19 state, with respect to people in homeless encampments,
20 "Their poverty gets framed as a nuisance and disorder,
21 resulting in the use of law enforcement to address a
22 social and economic problem."

23 I want to talk with you more about what
24 you mean by poverty getting framed as nuisance and
25 disorder. Are --

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 A. Okay.
2 248 Q. Well, perhaps you can explain --
3 A. Yeah, I can explain that. I think
4 that there is a history of demonizing people who
5 experience homelessness. There's a whole theoretical
6 argument around folk devils and moral panics, and how
7 as society we claim outsider groups as being
8 problematic and requiring a solution. And historically
9 in Ontario, this has been the case. Modern mass
10 homelessness is relatively recent phenomena, it started
11 in the late '80s, early '90s. Prior to that, there
12 were people experiencing homelessness but there was no
13 homelessness problem. By the mid-1990s, it was a big
14 problem in cities from Hamilton to Calgary, and it was
15 a visible problem, right. So what happened at a policy
16 level is that municipalities and the province decided
17 that panhandling and squeegeeing was a sign of moral
18 disorder. People were saying I'm afraid to go downtown
19 now because I see homeless people, whereas if they
20 hadn't, like, five years ago. People used to say
21 things like, Oh, you know, I live in Buffalo and I'm
22 afraid to go to Toronto to shop because they have
23 homeless people, which I'm wondering, like, what was
24 Buffalo like, that kind of thing. So I did a lot of
25 research at that time around that, and that led to the

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 Safe Streets Act, which was a provincial legislation
2 that basically meant to criminalize the money-making
3 activities of people experiencing homelessness with
4 very loose language like "people who are panhan -- and
5 it's coming up now with the safe injection sites --
6 "people who are panhandling or squeegeeing near an
7 intersection, a bank, near a bank entrance, or anywhere
8 where the public frequents," this is the language in
9 the original legislation, "anywhere the public
10 frequents must be, you know, addressed with a penalty,
11 a financial penalty," which is against the Criminal
12 Code, by the way. And so that got passed. And in that
13 time, the percentage of -- you know, the following
14 ten years, we have data on this, the percentage of
15 people panhandling and squeegeeing continued to drop
16 but the number of tickets continued to rise. So it was
17 used as a way of harassing people, getting them out of
18 the way. We want to render homelessness invisible.
19 One can argue that part of the goal of the shelter
20 system is to render it invisible. And so my thinking
21 around encampments is it's a return to the visibility
22 of a problem, that people may be fearful of, that may
23 respond to in all kinds of ways, people don't like it.
24 And if I can quote the opening -- Jim Flaherty wrote
25 the legislation for the Province of Ontario in the Safe

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 Streets Act, so I'm going to paraphrase what he said.
2 He said, When people no longer feel safe to drive their
3 cars or walk down the streets, it's time for government
4 to act. And on surface level that sounds like it makes
5 sense. But what it's really saying and raising the
6 question is, if I'm afraid to go down the street
7 because I know there's a homeless person there, if I'm
8 afraid of somebody because of the colour of their skin
9 or the clothes they wear, it's incumbent upon the
10 government to do something about my fears, which is not
11 true, right. If we went down that road, as a society,
12 you could imagine how chaotic it would be. So I'm
13 raising that as a question then around encampments.
14 You know, like, I think -- I'm not going to weigh in --
15 I'm not going to say encampments are lovely things or
16 that they're a real solution to homelessness, but I do
17 think their visibility rattles people and may have
18 consequences that are -- people are justifiably annoyed
19 by, but, to me, it raises the question here we are in
20 2024, almost September, I can't believe it, but we're
21 still focussing on responding to homelessness in the
22 wrong way. And, and so will the visibility that's
23 provided by encampments contribute to people thinking
24 about homelessness more, I'm not sure that's true. But
25 I would, I would say that that part of the response is

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

the public doesn't want to see these things and public is afraid of -- many people are afraid of low-income people, many people are afraid of people who are black, many are afraid of people who are homeless. Many people who are homeless are in distress. And I've talked with Sean Kidd, who's a clinical psychologist, and I said, "It seems like there's more of that in Toronto now than there used to be."

And he said, "Absolutely, because of our failure to support these people, right."

So just as -- sum it up, I think, you know, the encampments make people uncomfortable. All of this though, including my critique of the shelters, is like why don't we do something about it that houses people.

Q. So, Dr. Gaetz, you said a few things there that I would like to take you through. So first you reference the Safe Streets Act. So may I presume that when you're talking about poverty getting framed as nuisance and disorder, you're not talking about things that are actual criminal offences like theft or assault, correct?

A. That's right.

Q. And you also referred to consequences that I think you said -- and, again, this

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

may not be verbatim -- "consequences of encampments that people are justifiably annoyed by," and I want to engage with you on that a little bit further. Because I'll put it to you, Dr. Gaetz, that it's not the only reason that some people may fear homelessness or encampments, is only that they're uncomfortable with the visibility of poverty, but people also fear that they might be attacked by someone who is exhibiting unpredictable behaviour or they might be injured by encountering discarded drug paraphernalia; you'll agree that those are justified, wouldn't you?

A. Yeah, and those would exist whether there were encampments or not, those fears.

Q. I want to take you to the second paragraph of paragraph 56 of your affidavit, which appears to be another quote. In the middle, the authors of the quote state, "Despite the fact that people experiencing homelessness are no more likely to break the law, except for laws that punish people for living outdoors, community opposition to encampments is often based in fears of increasing crime rates and jeopardizing public health and safety."

That sentence in particular I'd like to ask you about. So the footnote goes to footnote 83, an article by Olson and Pauly, "Homeless Encampments:

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

Connecting Public Health and Human Rights." So I want to take you to that. And in particular, once this loads up, Dr. Gaetz, I'd like to explore with you the source for the statement that "people experiencing homelessness are no more likely to break the law, except for laws that punish people for living outdoors."

So the citation in your affidavit, Dr. Gaetz, is page 989. So let's take you to the document. Placed up on the screen here, Olson and Pauly, "Homeless encampments: connecting public health and human rights," from the Canadian Journal of Public Health (2021).

You'll agree this is a document cited in your affidavit?

A. Yes.

MS. SHORES: Okay. So we're going to mark this as Exhibit 9.

EXHIBIT NO. 9: Document titled "Homeless encampments: connecting public health and human rights," from the Canadian Journal of Public Health (2021), authored by Nicholas Olson and Bernadette Pauly.

BY MS. SHORES:

Q. And if we go to page 989 of the

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

document, so at the upper right-hand corner it says, "989." And I believe the quote from your affidavit is from the second paragraph in the second column under the heading "Dominant discourses surrounding encampments," in the middle of that paragraph, "Despite the fact that people experiencing homelessness are no more likely to break the law, except for laws that punish people for living outdoors."

And then the authors give a parenthetical citation to Rankin, 2019; do you see that?

A. Right, I do.

Q. Okay. So I want to explore the source for this, as I said. So let's go to Rankin (2019). If we go to the references section of this article, Rankin (2019) is an article called "Punishing homelessness," in the New Criminal Law Review.

A. Right.

Q. So I'd like to take you to that. So, again, this is on the question of the source for the statement that "people experiencing homelessness are no more likely to break the law, except for laws that punish people living outdoors." So in Rankin -- well, first, let's establish this, sorry.

So, this is a document called

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

"Punishing Homelessness," by Sara K. Rankin. And at the very bottom of the first page, it says it's in the New Criminal Law Review, copyright 2019. So this is the article cited in the Olson article?

A. Yes.

Q. Okay. So if we go to -- I believe I found the location where this citation comes from in the Olson article, and I'll take you there, it's on page 29, but I'm going to take you to page 3 of the PDF first. The last sentence here, on page 3, says, "Approximately 25-50 percent of the general homeless population has a criminal history," and it goes down to footnote 13.

A. Okay.

Q. And, "Oftentimes sparked -- I'll just continue the sentence here, "Oftentimes sparked by arrests for non-violent offenses associated with homelessness, such as camping or begging."

One thing that jumped out at me about this statement is the author, Rankin, doesn't say that this criminal history is only sparked by arrests for non-violent offences associated with homelessness, correct?

A. Yep.

Q. And the author doesn't state what

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

percentage of the general population overall has a criminal history but I think it's safe to say it's probably less than 25 to 50 per cent?

A. I would -- yeah, I would say that.

Q. So I said I'd take you to the -- what I think is the actual citation from the Olson article, so I'll take you there now. So I'm at page 29 of the PDF, page 127 of the actual journal. And the author here states, in the second sentence of the second paragraph, "But a person who is homeless is no more likely to be a criminal than a housed person, with one legal exception: Camping ordinances."

So that looks like that's the source of that statement in the Olson article.

A. Right.

Q. Now, I want to go into the source that Rankin cites for that statement, so she cites footnote 160, which refers back to note 44, so let's go there. So footnote 44 -- and, sorry, she said it was the Olson and MacDonald from footnote 44. So, Justin Olson and Scott MacDonald, Seattle University Homeless Rights Advocacy Project, Washington's War on the Visibly Poor: A Survey of Criminalizing Ordinances & Their Enforcement.

So I want to take you to that paper.

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

So, again, we're still trying to track down the source for the statement that "people experiencing homelessness are no more likely to break the law, except for laws that punish people for living outdoors." So I'm placing another document on the screen. And before I get too far, let's mark these as exhibits. So we've got Exhibit 10 will be the Rankin article.

EXHIBIT NO. 10: Rankin (2019), article called "Punishing Homelessness," in the New Criminal Law Review.

BY MS. SHORES:

Q. And now I'm going to put before you the Seattle University School of Law article, "Washington's War on the Visibly Poor: A Survey of Criminalizing Ordinances & Their Enforcement," authors Olson and MacDonald, the Seattle University School of Law. And at the bottom, it says, "Seattle University School of Law Legal Paper Series # 15-19, Published by the SU Homeless Rights Advocacy Project."

So, you'd agree this is the source cited in Rankin at footnote 44, Olson and Scott [sic]?

A. Yes, it seems to be. This is quite an adventure.

Q. It is quite an adventure. Have

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

you reviewed this paper before?

A. No, I haven't. Not that I recall.

But as I said earlier, I'm not good with names.

Q. Okay. Well, let's go to -- let's continue our journey and see if we can find where this source comes from. Now, this paper says -- again, it's from the Seattle University Homeless Rights Advocacy Project. This doesn't appear to be a peer-reviewed journal, does it?

A. I'm not familiar with the journal, but it's -- I have no way of knowing.

Q. And in fairness, I don't even know if it is a journal, it just says it's part of the Legal Paper Series, correct?

A. Ah, right. Yeah, that's right.

Q. So we don't, we don't even know if it is peer reviewed?

A. Often paper series are prepublication efforts, right. So people are testing out ideas and that kind of thing. So this likely would fit in that context. It's not a scholarly journal submission.

Q. All right. So, I'm going to take you to the Executive Summary here, because when I looked at this page -- this paper, I confess, I wasn't

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 able to find anything in it discussing criminality or
 2 lack thereof of people experiencing homelessness. So
 3 if we go to the Executive Summary, it states,
 4 "Throughout the country, there are laws punishing
 5 behaviors that are necessary for survival. For those
 6 without shelter, there is no alternative but to conduct
 7 these behaviors in public. Camping outdoors, urinating
 8 in public, sitting or lying down on sidewalks - these
 9 laws target homeless people either in practice or
 10 outright. But until now, no one knew how widespread
 11 these laws are throughout Washington, or how they are
 12 being enforced. This brief answers these questions."

13 So, I'll suggest to you, Dr. Gaetz,
 14 that this paper is looking at enforcement of laws in
 15 Washington State but it's not considering rights of
 16 criminal behaviour, or lack thereof, among the homeless
 17 population in general, correct?

18 A. Yes, it's focussing on what we
 19 call the "criminalization of homelessness," which is
 20 either the creation of new laws and ordinances that
 21 target the activities of people experiencing
 22 homelessness or the disproportionate use of existing
 23 laws to harass and target people experiencing
 24 homelessness. And so they're trying to get at, like,
 25 the examples of laws in Washington but putting it in

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 the broader context of the United States.

2 MS. SHORES: So, I'm going to mark this
 3 as Exhibit 11.

4 EXHIBIT NO. 11: Seattle University
 5 School of Law Legal Paper Series # 15-19, published by
 6 the Seattle University Homeless Rights Advocacy
 7 Project, titled "Washington's War on the Visibly Poor:
 8 A Survey of Criminalizing Ordinances & Their
 9 Enforcement," authored by Justin Olson and Scott
 10 MacDonald.

11 BY MS. SHORES:

12 266 Q. But we're still on a quest to find
 13 out the primary source for the statement that people
 14 experiencing homelessness are no more likely to engage
 15 in criminal behaviour, except for ordinances that
 16 penalize homelessness. So I'm going to take you back
 17 to Rankin, the Rankin article of 2019, so that's
 18 Exhibit 10, because Rankin does go on to elaborate on
 19 her point. So after paragraph 160, she goes on and
 20 says, "People who are homeless break that law by being
 21 homeless. Criminal records for homeless single adults
 22 are overwhelmingly due to misdemeanour offenses related
 23 to living outdoors, such as trespass."

24 A. Yep.

25 267 Q. I'm going to come back to that.

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 The next sentence she states is, "A person who is
 2 homeless is no more likely to perpetrate a violent
 3 crime than a housed person." And she cites footnote
 4 162.

5 So, again, we're still trying to figure
 6 out, again, the source for the statement that "people
 7 experiencing homelessness are no more likely to break
 8 the law, except for laws that punish people living
 9 outdoors."

10 So let's go to footnote 162, "Myths and
 11 Facts of Homelessness in Washington State: Building a
 12 New Public Narrative to Combat Criminalization and
 13 Advance Real Solutions."

14 I'm going to pull this up here.

15 MR. CHOUDHRY: Ms. Shores?

16 MS. SHORES: Yes.

17 MR. CHOUDHRY: I just wanted to ask, I
 18 know that this -- you have quite a lot of detail
 19 question here, I'm also looking at the time, it's
 20 12:30 --

21 MS. SHORES: Would you like to take a
 22 break?

23 MR. CHOUDHRY: -- I think we've been on
 24 this particular auricle for about 15 minutes, or these
 25 series of articles for at least 15 minutes if not 20

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 minutes. And I'm wanting to ask, I think we should
 2 give the witness a break. I think he needs -- it's
 3 12:30, I think he should be able to actually eat a
 4 little bit of food, because he's been at this since
 5 nine o'clock and I think it's only reasonable.

6 And I also need to ask you, and I know
 7 that you can't control how the witness responds to your
 8 questions and where things go but I have a sense of --
 9 can we have a sense of how long you intend to spend
 10 with this witness, because we're now -- I know that
 11 these tend to go longer than we have all planned, but
 12 this has gone quite a bit longer and I just want to
 13 make sure that Dr. Gaetz is still available.

14 MS. SHORES: I think the transcript
 15 will reflect why this examination has gone on longer
 16 than anticipated. I have a few more, a few more
 17 questions on this particular topic, and then a few more
 18 questions after that.

19 MR. CHOUDHRY: So can you give us a
 20 sense of how long you're going to be?

21 MS. SHORES: I can't, because, again,
 22 I'm only half of the equation.

23 MR. CHOUDHRY: Yeah, I get it. But,
 24 you know, because I -- I just want to make sure, Dr.
 25 Gaetz, are you still available, sir? I know that we --

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 this is well past the time that we thought you would be
2 here.

3 THE DEPONENT: Well, I've -- you know,
4 there's already one appointment that I've missed. I
5 wouldn't want to be going too much longer. I'll try to
6 be crisper in my responses.

7 MR. CHOUDHRY: Well, could we give you
8 ten minutes to get a bit of food, a bit of water, just
9 because it's been going for quite a while?

10 THE DEPONENT: Okay.

11 MS. SHORES: I'm quite happy taking a
12 break.

13 MR. CHOUDHRY: Thank you.

14 MS. SHORES: All right. Off record.

15 --- Recess taken at 12:30 p.m.

16 --- On resuming at 12:36 p.m.

17 BY MS. SHORES:

18 268 Q. So, before we took our break, Dr.
19 Gaetz, I was asking you about the footnote 162 to
20 Rankin (2019), which is cited as the source for the
21 statement, "A person who is homeless is no more likely
22 to perpetrate a violent crime than a housed person."
23 So that source goes to, again, "Myths and Facts of
24 Homelessness in Washington State: Building a New
25 Public Narrative to Combat Criminalization and Advance

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 Real Solutions." So that actually goes to a hyperlink.
2 I've downloaded the article but I want to click on the
3 hyperlink. And we can actually see it open up here.
4 So this is, I've pulled up now, a fact sheet called
5 "Myths and Facts of Homelessness in Washington State";
6 do you see that?

7 A. Mm-hmm.

8 269 Q. Yes?

9 A. Yes, I see that.

10 270 Q. Okay. Now, according to the end
11 of this fact sheet, it states, "Content was adapted
12 from the Interfaith Task Force on Homelessness. This
13 factsheet is part of an Advocacy Toolkit to Combat the
14 Criminalization of Homelessness by the Washington Low
15 Income Housing Alliance."

16 So, again, the source for the statement
17 in Rankin is a fact sheet, correct?

18 A. I guess so, yes.

19 271 Q. Now if we go back up to page 2 of
20 the fact sheet, it states, "MYTH: People who are
21 homeless are violent, dangerous, and/or are
22 lawbreakers.

23 "FACT: While a larger number of people
24 experiencing homelessness have substance abuse
25 disorders than the general population, a person who is

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 homeless is no more likely to be a criminal than a
2 housed person, with one legal exception: camping
3 ordinances." A5802

4 A. Okay.

5 272 Q. So, that's almost verbatim -- I'm
6 messing up my windows here. That's almost verbatim,
7 Dr. Gaetz, here to what Rankin has written on, again,
8 page 29 of the PDF, page 127 of the article --

9 A. Right.

10 273 Q. -- "A person who is homeless is no
11 more likely to be criminal than a housed person, with
12 one legal exception: camping ordinances."

13 So, you'd agree with me, Dr. Gaetz,
14 that it appears that the source for this statement in
15 the Rankin article, which is in turn cited in Olson,
16 which is in turn cited in your affidavit, appears to be
17 this fact sheet, which is not a journal article, is not
18 peer reviewed, and is not sourced, correct?

19 A. It appears that that's so, yes.

20 274 Q. Now let's go back to the Rankin
21 article, because I said I would come back to footnote
22 161 and the sentence that precedes it. Rankin states,
23 "People who are homeless break that law by being
24 homeless. Criminal records for homeless single adults
25 are overwhelmingly due to misdemeanor offenses related

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 to living outdoors, such as trespass."

2 And, again, this does seem to inform
3 the general sentiment, so I want to explore this.
4 Footnote 161 refers to the article by Fischer at note
5 13, specifically at page 251. And for the record, I'll
6 read the narrative at footnote 161, it says, "Social
7 science studies have found that individuals
8 experiencing homelessness are at risk for engaging in
9 non-violent criminal activity, and that 'homeless jail
10 inmates were more likely to have been arrested for
11 nuisance offenses (e.g., camping without a permit,
12 indecent exposure) than domiciled inmates.'"

13 So, let's just pause there, because,
14 again, the author is stating, "Criminal records for
15 homeless single adults are overwhelmingly due to
16 misdemeanor offenses related to living outdoors," but,
17 again, they're not stating it's only for offences
18 relating to living outdoors, correct?

19 A. That's right.

20 275 Q. So let's go to footnote 13. So,
21 footnote 13 has several articles, but the Fischer
22 article in particular that was cited goes on to the
23 next page. So we've got Sean N. Fischer et al,
24 "Homelessness, Mental Illness, and Criminal Activity:
25 Examining Patterns Over Time," the American Journal

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

A1518

of -- not sure what that abbreviation is, so we'll let it load up. Ah, the American Journal of Community Psychology (2008). So, pulled this article up.

Now, before I move on, I'm going to mark the fact sheet as Exhibit 12.

EXHIBIT NO. 12: Fact sheet titled "Myths and Facts of Homelessness in Washington State: Building a New Public Narrative to Combat Criminalization and Advance Real Solutions."

MS. SHORES: And this article here, "Homelessness, Mental Illness, and Criminal Activity: Examining Patterns Over Time, by Sean N. Fischer et al, American Journal of Community Psychology (2008).

So, again, you'll agree that's the article cited in footnote 15 -- or 13, rather, in Rankin? Yes?

A. Oh, yes, I agree.

MS. SHORES: Okay. So we'll mark that as Exhibit 13.

EXHIBIT NO. 13: Article titled "Homelessness, Mental Illness, and Criminal Activity: Examining Patterns Over Time," by Sean N. Fischer et al, American Journal of Community Psychology (2008).

BY MS. SHORES:

Q. Now, this article, according to

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

So -- or, sorry, and they say, again, "Since results indicated that the likelihood of committing a non-violent crime increases as homelessness increases, a strong argument can be made that homelessness encourages non-violent crime."

So, again, Dr. Gaetz, I'll put it to you that these authors of these studies that's cited in Rankin, that is cited in Olson, that is cited in your affidavit suggest that the likelihood of committing a non-violent crime increases as homelessness increases; you'd agree?

A. Yes.

Q. And with respect to the authors findings on violent crime, I'm going to take you to the next page, so 263 of the article, page 13 of the PDF, if we go to the second paragraph on the page, the authors state, "We detected no significant interactions between symptom severity and type of homelessness for either outcome." It appears they're referring to the previous sentence. They state, "Prior research has found that homeless mentally ill individuals are more likely to commit violent crimes than non-homeless mentally ill individuals. This study suggests that homelessness and mental illness have additive, as opposed to multiplicative, effects."

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

its title, examines homelessness, mental illness and criminal activity. So, there's a few passages here that I want to take you to. The first one is on the first page under the heading "Non-Violent Criminal Activity." And the authors state -- and, again, this appears to have been what was quoted in Rankin -- "Previous studies have found that homeless individuals are at risk for engaging in non-violent criminal activity."

So, again, the authors here aren't saying that these are only for offences relating to existing homeless, correct?

A. Correct.

Q. Now I want to go to the findings of this article, which we'll find on page 262 of the journal, page 12 of the PDF, the very first sentence, the authors state, "Findings supported our hypothesis that both street homelessness and sheltered homelessness would be associated with higher likelihoods of committing non-violent crimes that may be related to subsistence strategies, but that this relationship would be weaker for sheltered homelessness since institutional supports may lower the need for subsistence-driven crimes (e.g., breaking into buildings to find shelter)."

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

So, again, you'll agree here that the authors of this study have found that homeless mentally ill individuals are more likely to commit violent crimes than non-homeless mentally ill individuals, correct?

A. Yes.

Q. So, to turn this back to where we started on our journey, the statement in your affidavit was, "Despite the fact that people experiencing homelessness are no more likely to break the law, except for laws that punish people living outdoors," we traced the source to that to a fact sheet that wasn't peer reviewed, and we've also identified, based on the Rankin article, the article by Fischer which suggests that street homelessness is associated with higher likelihoods of committing non-violent crimes, and that mentally ill individuals who experience homelessness are more likely than mentally ill individuals who are not experiencing homelessness to commit violent crimes.

So, I'll put it to you, Dr. Gaetz, that it's not entirely correct that people experiencing homelessness are no more likely to break the law, except for laws that punish people for living outdoors; isn't that correct?

A. I will give a qualified yes.

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 There's some complexity there that gets lost, and
 2 that's important to consider. So there -- this is a
 3 question for criminologists. And none of the
 4 researchers that I recognize there are criminologists.
 5 I have done research on the bidirectional relationship
 6 between homelessness and prison, and there's factors
 7 that are confounding. Now, I'm not going to make the
 8 claim that people experiencing homelessness are
 9 committing violent crimes, but the question around
 10 breaking the law is an important one, that
 11 criminologists, you know, will comment on. So,
 12 breaking the law, certainly people who experience
 13 homelessness encounter police much more often than, I
 14 would say, you or I ever would, because they're
 15 visible, the police know who they are, they're doing
 16 things that they have to do in public because they
 17 don't have private space, so whether that's consuming
 18 substances or drinking or sleeping even, right.

19 And so I mentioned before the
 20 criminalization of homelessness, means that many more
 21 people who are homeless are given -- are given tickets,
 22 which they can't afford to pay, are much more likely to
 23 wind up in jail, but that doesn't -- isn't an indicator
 24 that they're committing more crimes. We know through
 25 criminological research that people who are black in

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 U.S. are much more likely not only to be charged with
 2 drug offences but to be convicted and jailed for
 3 substance use, even though research on substance use
 4 shows that people who are black are less likely to use
 5 substances. So there's other factors there. When you
 6 have people who are identified as a public nuisance by
 7 the police, there could be efforts driven by the police
 8 or the public to do something about it, and law
 9 enforcement becomes a way we respond to homelessness.
 10 So all of these laws -- the point that I think would be
 11 more important than focussing on, like, do homeless
 12 people commit more crimes than non-homeless people, but
 13 they are more likely to get ticketed, our research
 14 shows, absolutely, that that's the case, that they get
 15 tickets, not just for homelessness-focussed laws but
 16 for things like jaywalking, sleeping in a park, all of
 17 these things that are laws on the books, so they get
 18 disproportionately impacted by that. And having a lot
 19 of tickets means that -- that you can't afford to pay
 20 is going to get you in trouble, because municipalities,
 21 they sell the unpaid tickets to collection agencies,
 22 right, and people can wind up being arrested and they
 23 have all these unpaid tickets and wind up going to jail
 24 for tickets. So the question of are they more likely
 25 to commit violent acts, that's an open one, I, I don't

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 know the answer but I'm sure there's lots of
 2 criminological research on that. But that issue of
 3 getting -- you know, that these laws and the
 4 enforcement of these laws that are driven by trying to
 5 move people who are homeless on or get them out of
 6 public sight, that's a real thing and there's evidence
 7 for that.

8 **Q.** And, Dr. Gaetz, you've referred to
 9 tickets and the laws that, as you described it,
 10 criminalize homelessness, but you haven't referred to,
 11 certainly not in your affidavit, any studies that
 12 address how likely people experiencing homelessness are
 13 to be charged with criminal offences, such as theft,
 14 assault and so on, correct?

15 **A.** There, there is literature on
 16 that, I just don't have any at the tip of my -- you
 17 know, but, again, like, being arrested for criminal
 18 charges is not a neutral objective thing, right. Like,
 19 what are the -- you know, there are, in Toronto, stores
 20 that now sell mushrooms, right, and the police have
 21 basically taken a decision not to enforce that law. So
 22 how -- what gets enforced is not dependent on what laws
 23 are on the books. Who gets enforced -- or, you know,
 24 who gets charged and -- is not neutral, right. And,
 25 you know, there's a question around policing in all of

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 this, right. And so the more we identify people as a
 2 problem, the more the public is going to complain to
 3 the police, Why aren't you doing something about it,
 4 the more they're going to respond to the complaints.
 5 It's a very complex thing, but I think it's very clear
 6 that -- the main point here, that the laws that are
 7 punishing people for living outdoors, that kind of
 8 thing, or being homeless or being visibly homeless or
 9 being seen to be homeless, especially when that
 10 intersects with other factors, such as being Indigenous
 11 or being black, that's important to consider, right.
 12 It's -- policing is not objective or neutral, its never
 13 been and never will be. And so people are -- certain
 14 subpopulations are disproportionately charged with
 15 crimes, that does not mean that they commit them at a
 16 greater rate than other people.

17 **Q.** Well, Dr. Gaetz, I've just taken
 18 you, I think, four sources deep into a study that did
 19 look at at least some rates of criminal activity among
 20 people experiencing homelessness and did suggest that
 21 even controlling for offences related to existing while
 22 homelessness, there was a greater propensity in
 23 non-violent crime and violent crime, when we're talking
 24 about mentally ill individuals.

25 **A.** But are we, are we measuring --

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 sorry, I'm interrupting you.

2 282 Q. No, go ahead, that was my
3 question, go on.

4 A. Well, you know, if we're measuring
5 breaking the law, getting ticketed, getting arrested,
6 when we're measuring it, that's not, that's not an
7 unbiased objective measurement of criminality. It
8 reflects the police's priorities, it reflects who is
9 the population and how are they viewed. I've never got
10 a ticket for jaywalking. I've never received a ticket
11 for loitering. I've never received a ticket for
12 standing in front of an alley, which by the way is a
13 law, right. I have never had those things happen to
14 me. I've received speeding tickets on occasion. But
15 those other ones, those -- what they call in the U.S.
16 "misdemeanors," but those small offences, those tend to
17 target people. You know, if you're black in Toronto or
18 Hamilton, you're probably more likely to have more
19 encounters with police. The more encounters you have
20 with police increases the likelihood that you're going
21 to be charged with a crime, right. So it's not an
22 unbiased process by any means, and it's important to
23 take that into account when trying to determine are
24 people who experience homelessness committing more
25 crimes, because all of those laws limit -- that target

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 people who are homeless, none of them mention the word
2 "homelessness," but they're status offences
3 nonetheless, the status is being homeless. And so, so,
4 you know, the question of more violent crime is one
5 thing, but who gets tickets, you know, there -- we've
6 seen -- we did interviews with young people around this
7 issue, and some of them would have, like, you know,
8 over 50 tickets, one guy had them all pasted in a book,
9 saved them all, couldn't pay off any of them. And
10 so -- but that's a policy and a strategy of police
11 around how to control what happens on the streets,
12 who's on the streets and where they're on the streets.

13 283 Q. But theft, for example, Dr. Gaetz,
14 you'll agree isn't a violent crime but it's also not a
15 crime of existing while homeless, correct?

16 A. Yeah, there's all kinds of laws
17 that are crimes while -- that aren't about people --
18 technically about their homelessness - the jaywalking
19 tickets, right, the sleeping in public, you know, these
20 aren't about homelessness but they're used on homeless
21 people, right. And this is -- like, the criminological
22 research on marginalized populations receiving undue
23 attention from police is quite significant.

24 284 Q. But let's, for example, go back to
25 Fischer. So if we're at the Fischer article again,

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 Exhibit 13, on page 251 of the journal, page 1 of the
2 PDF, last sentence of that page, "Snow and Mulcahy
3 (2001) showed that homeless individuals may adopt new
4 subsistence strategies, including illegal strategies
5 such as theft, when previous strategies are blocked
6 (e.g., a new city ordinance restricting panhandling)."

7 So, again, Dr. Gaetz, I suggest to you
8 that this study, which is, you know, three or four
9 levels deep, but the origin is a paper that you cited
10 in your affidavit, this study suggests that it's not
11 only the petty tickets, like jaywalking or loitering,
12 this is theft, that these authors are saying studies
13 show that homeless individuals may adopt, correct?

14 A. It's correct, and I actually agree
15 with that and have written about that. The point is
16 though that all this background sets the stage for
17 someone to go, "I need money and this is the only way I
18 can do it," right. So when we take away panhandling,
19 when we take away squeegeeing, when we, you know, take
20 away these kinds of things, you know, yes, it can have
21 those kind of impacts, but we have to be very careful
22 to not go, "That person's a thief and a bad person
23 because of it." It's the fact that they're homeless
24 and our response to homelessness is so pathetically
25 inept and unethical, I would argue, that people are put

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 in a position of having to make decisions about money
2 making that you and I wouldn't make because we're not
3 homeless. So that's important. And we've -- you know,
4 again, the evidence is pretty clear here, that, you
5 know -- I'm not going to say no homeless person ever
6 committed theft, but if other options that are safer
7 are eliminated, you're going to, you know -- and people
8 are desperate and people are ill and people are
9 marginalized, I don't think we should be surprised that
10 that's going to happen. What it suggests in a way is
11 that our efforts at criminalizing homelessness are
12 actual -- actually not crime reduction strategies but
13 crime production strategies, right. So that, you know,
14 we have to come back to how we treat people when we're
15 homelessness is, is what should really be going on here
16 in this conversation, and that it does have these
17 outcomes, you know, one of which is more tickets and
18 more arrests, but it also potentially, you know, has
19 impact on the kinds of things people do to make money,
20 right. And so is that the problem -- is that a bad
21 person we're talking about or is it a person in a
22 situation where the options they've been given are
23 totally inadequate to meet their needs, right. Is it
24 an indictment of the individual, which is blaming the
25 victim to some degree, or is it an indictment of a

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 response to homelessness, and that we keep pretending
2 that we're doing the best we can and helping people,
3 when we're putting them in horrible, difficult
4 situations that are unsafe, that lead to all kinds of
5 decisions. We've been talking about not just around
6 crime, right, but that people make decisions that are
7 survival based. And so if we want to reduce the risk
8 of these kinds of things, I would say why don't we
9 focus on housing people.

10 And I'm going to close -- not that you
11 don't have any more questions, but I'm going to close
12 this commentary. I mentioned a researcher called "Eric
13 Latimer," economist from Montreal. He wrote an article
14 in 2017 comparing the cost of keeping someone in a
15 state of homelessness for one year in five Canadian
16 cities. And the cost was through the emergency
17 services that people used, shelters, day programs,
18 that, but it was a cost of increased health care,
19 because health and well-being worsens when you're
20 homeless, and it was the cost of being involved with
21 the criminal justice system. And he found that it
22 costs \$59,000 a year to keep someone in a state of
23 homelessness in Toronto, \$59,000. And so it's a very
24 expensive solution, this emergency response system.
25 But with that \$59,000, even in this context where rents

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 are incredible high, you can house that person and
2 throw two social workers on their back and produce
3 better outcomes. But we don't have those better
4 outcomes. And so the problem, I would say, is not to
5 focus on individuals and whether they're good or bad or
6 committing crimes, it's not to focus on the choices of
7 where they want to sleep, the problem is to focus on
8 what the heck are we doing here, right. It's an
9 expensive, harmful way of dealing with a problem that
10 produces all these sideways' unanticipated
11 consequences.

12 285 **Q.** Dr. Gaetz, at paragraph 56 of your
13 affidavit, which is the paragraph I was asking you
14 about, there's another one of these notes, and it says,
15 "Author: Gessie Stearns. Please provide source,
16 citation and page number."

17 Again, I have to ask you, did anyone
18 named "Gessie Stearns" change or edit your affidavit?

19 **A.** No. I have no idea how that got
20 there and -- yeah, I don't know. I've never heard of
21 the person.

22 286 **Q.** Paragraph 57 of your affidavit,
23 you refer to, "A report by the National Law Center on
24 Homelessness and Poverty which discusses the negative
25 impacts of the criminalization of homelessness and

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 encampments." [As read] The citation is footnote No.
2 84, that's the "National Law Centre on Homelessness and
3 Poverty, 'Tent City U.S.A.,'" that's the American
4 National Law Centre on Homelessness and Poverty --

A. Yep.

6 287 **Q.** -- correct?

7 **A.** That's right, yeah.

8 288 **Q.** Okay. And that report doesn't
9 discuss Canada or Canadian law, correct?

10 **A.** No. Well, you know what, it has
11 been a long time since I looked at it, I'll take your
12 word for it that it doesn't. As a scholar, I just want
13 to say, I don't only rely on Canadian research. So I
14 think if I were to do this again, I would consider
15 that, but we look at research from different
16 jurisdictions and evaluate does this make sense --
17 would this make sense in the Canadian context or is it,
18 like, completely outside of the realm. But I
19 personally don't think that there's anything flawed.
20 The thing about the United States, it's much bigger,
21 there's much more resources put into research. So --
22 and the research conducted is more broad. So I
23 wouldn't want to ignore that kind of research either.

24 289 **Q.** Well, Dr. Gaetz, when we're
25 talking about criminalization specifically, the

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 criminal laws in America are much different than they
2 are in the U.S. -- or in Canada, aren't they?

A. No, that's not true.

4 290 **Q.** That's not?

5 **A.** They are in some cases, that's --
6 they are in some cases. But things like the Safe
7 Streets Act in Ontario, much of that is copied from
8 American legislation. So in saying it's not true, it's
9 more complex is more what I should say. There's a lot
10 of similarities, there's differences, absolutely, I
11 wouldn't deny that. There are differences but there's
12 a lot of similarities. And there's similarities around
13 homelessness even, right, so -- but I wouldn't make it
14 so it's one or the other, right.

15 291 **Q.** I'm not sure I understand your
16 answer to that question, Dr. Gaetz.

A. The --

18 292 **Q.** Are you saying that the laws in
19 the U.S. specifically around criminalization, the
20 criminal law, is sufficiently similar to Canada that
21 you can extrapolate?

22 **A.** We would have to look at the case
23 in particular, but, as I said, it's clear that American
24 legislation that criminalizes homelessness has had an
25 impact in Canada and influences the language and the

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 169

1 intent of the law. And so, you know, we, we have to be
 2 mindful that jurisdictional differences are important,
 3 but it's not always the case that they're so
 4 significantly different that we can't -- we're
 5 comparing apples and oranges.

6 293 Q. You're not a lawyer, Dr. Gaetz?

7 A. I am not a lawyer.

8 294 Q. You're not a legal scholar?

9 A. I -- criminology is part of what I
 10 do, and I'm not a legal scholar either.

11 295 Q. At paragraphs 58 through 60 of
 12 your affidavit, there's several paragraphs under the
 13 heading "Guidance and Protocols for Addressing
 14 Homelessness Encampments in Canada and the United
 15 States." Just in broad terms, Dr. Gaetz, are these
 16 paragraphs included in here as your direction or
 17 suggestion for what Hamilton ought to do?

18 A. I believe -- now bear in mind I
 19 wrote this several years ago. So I believe what I was
 20 trying to do is frame, regardless of the jurisdiction,
 21 things that need to be considered in working with
 22 encampments.

23 296 Q. So --

24 A. And, obviously, I think it
 25 would -- well, I shouldn't say "obviously," but the

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 170

1 idea would be that they contribute to, you know,
 2 conversation about how to approach these things, there
 3 may be contextual factors that have to be taken into
 4 account, but I don't think we need, like, a separate
 5 analysis for each municipality in Canada, the
 6 differences between them aren't that great.

7 297 Q. In other words, Dr. Gaetz,
 8 paragraphs 58 through 60 of your affidavit are your
 9 policy recommendations, correct?

10 A. Well, this one here looks like it
 11 comes from the USICH, *Ending Homelessness for People in*
 12 *Encampments*. Can you scroll down.

13 298 Q. Let me put it this way, so
 14 paragraph 58 is, I believe, what you were referring to.

15 A. Yeah. Okay, "Based on these
 16 principles, the guidance offers an action planning
 17 checklist based around four key elements," that could
 18 be from the same document. To be honest, it's been
 19 several years since I wrote this.

20 299 Q. So, again, Dr. Gaetz, why are
 21 these paragraphs in your affidavit?

22 A. Because they -- you know what,
 23 here's one of the things I've learned being a scholar,
 24 especially a scholar on responses to homelessness, that
 25 looking at international examples doesn't represent a

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 171

1 weakness but, in fact, is very helpful on framing and
 2 thinking about what you're going to do in Canada. And,
 3 in fact, most of the big "uh-huh moments" I've have as
 4 a researcher, looking at homelessness, have come from
 5 looking at what people do in other countries. A
 6 country like Wales, which you would never think is a
 7 leader on homelessness, they're huge, innovative.
 8 There's all kinds of examples. And so going to -- you
 9 know, researchers will go to international research,
 10 and there can be useful things there, even though it
 11 comes from the United States, there are things that are
 12 useful. So I, I don't apologize for that, I think
 13 that's a strength of, you know, the research method,
 14 you know, that we want to be able to look at different
 15 jurisdictions and are there things we can learn that
 16 would be helpful in Canada.

17 300 Q. And looking at these other
 18 jurisdictions, Dr. Gaetz, you're including this
 19 information as your recommendations for what should be
 20 done in Canada?

21 A. I didn't list them as
 22 recommendations.

23 301 Q. Then why are they in your
 24 affidavit, that's what I'm trying to nail down?

25 A. No, no, no, but I don't think I

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

DR. STEPHEN GAETZ - 172

1 used the word "recommendation."

2 302 Q. I don't know that you did either,
 3 and that's what I'm trying to figure out, is --

4 A. Well, I'm saying that these are
 5 things that we should consider, right.
 6 Recommendations, writing recommendations is a
 7 particular kind of technical language, which this kind
 8 of document doesn't follow that. I didn't make those
 9 as recommendations in the traditional sense, because
 10 recommendations should identify who we're talking
 11 about, who's the recommendation for, who's responsible
 12 for responding -- or for this. So they are drawing
 13 from, you know, what we've learned and should inform --
 14 without being official recommendations, but should
 15 inform based on what the research says, things that we
 16 should consider when we're exploring what encampments
 17 involve, what should be done about them. But they're
 18 not technically, I wouldn't call them
 19 "recommendations." It doesn't mean that they're not
 20 offering thoughts and assistance and research-based
 21 ideas about how these things should be approached.

22 303 Q. Okay. Thank you, Dr. Gaetz.
 23 You've understood all of my questions today?

24 A. I did.

25 304 Q. Are there any of your answers that

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 you wish to change?
 2 A. By this point I can't remember
 3 them.
 4 305 Q. I'm sure you'll advise your
 5 counsel if you do, and that can be dealt with in the
 6 ordinary course under the Rules of Civil Procedure.
 7 A. Okay, thank you.
 8 MS. SHORES: Thank you. I have no
 9 further questions for you. And thank you for your time
 10 today, Dr. Gaetz.
 11 THE DEPONENT: Thank you.
 12 MR. CHOUDHRY: Dr. Gaetz, I just need
 13 two minutes to look at my notes. I know we've kept you
 14 a long time but -- and I don't intend to keep you much
 15 longer, but I just want to collect myself to make sure
 16 I'm as efficient as possible, okay?
 17 THE DEPONENT: Okay.
 18 MR. CHOUDHRY: So just -- if you could
 19 hold on just two minutes, all right. Thanks.
 20 THE DEPONENT: Sounds good.
 21 --- Off-the-record discussion.
 22 RE-EXAMINATION BY MR. CHOUDHRY:
 23 306 Q. Okay. So, Dr. Gaetz, I just have
 24 a couple of questions by way of re -- this is called
 25 "redirect."

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 A. Okay.
 2 307 Q. Okay. And so the first is a set
 3 of questions about your affidavit. So, as you know,
 4 you've been under oath and you're still under oath and
 5 you've been testifying about your affidavit. And I
 6 just want to put it on the screen again. Dr. Gaetz,
 7 can you see my -- oops, excuse me.
 8 A. Yes.
 9 308 Q. This is your affidavit?
 10 A. Yes.
 11 309 Q. And so at one point Ms. Shores has
 12 asked you about twice if you wrote this affidavit.
 13 A. Yes.
 14 310 Q. And so I just want to ask you
 15 follow-up questions based on her questions to you. So
 16 my first question is, did you review this affidavit in
 17 preparation for your cross-examination today?
 18 A. Yes, I did.
 19 311 Q. And when you reviewed it, did you
 20 recognize it as your affidavit?
 21 A. Absolutely.
 22 312 Q. Did you sign this affidavit?
 23 A. Yes, I did.
 24 313 Q. And let me just ask you here,
 25 going to take you to the last page, is this your

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 signature?
 2 A. Yes, it is. **A5808**
 3 314 Q. Okay. And just to be clear, do
 4 you stand by this affidavit?
 5 A. Yes, I do.
 6 315 Q. Thank you. I have one more
 7 question, which is about the study that my friend
 8 referred you to by Drs. O'Shea and colleagues.
 9 A. Right.
 10 316 Q. I believe she referred you to a
 11 version that she found online. We've been able to find
 12 the published version of the article. And unless my
 13 friends have any objection, we'd like to mark this as
 14 an exhibit to the cross-examination, because this is
 15 actually the published version of this study.
 16 MS. SHORES: You can mark it at least
 17 for identification, and then put it to the witness to
 18 authenticate.
 19 BY MR. CHOUDHRY:
 20 317 Q. Okay. So, doctor -- so, Dr.
 21 Gaetz, do you see this -- so, Madam Reporter?
 22 COURT REPORTER: Yes.
 23 MR. CHOUDHRY: What number are we on,
 24 for exhibits to the cross-examination for
 25 identification?

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 MS. SHORES: Fourteen, counsel.
 2 MR. CHOUDHRY: Good. Thank you, Ms.
 3 Shores.
 4 So we'll mark this as Exhibit 14. And,
 5 Madam Reporter, this is the article entitled "Pandemic
 6 Planning in Homeless Shelters: A Pilot Study of a
 7 Coronavirus Disease 2019 (COVID-19) Testing and Support
 8 Program to Mitigate the Risk of COVID-19 Outbreaks in
 9 Congregate Settings."
 10 EXHIBIT NO. 14: Article entitled
 11 "Pandemic Planning in Homeless Shelters: A Pilot Study
 12 of a Coronavirus Disease 2019 (COVID-19) Testing and
 13 Support Program to Mitigate the Risk of COVID-19
 14 Outbreaks in Congregate Settings."
 15 BY MR. CHOUDHRY:
 16 318 Q. Do you see that title, Dr. Gaetz?
 17 A. I do.
 18 319 Q. Do you see the article -- do you
 19 see the principal author being Timothy O'Shea?
 20 A. Yes.
 21 320 Q. Sorry. Can you read that now?
 22 A. Yes.
 23 321 Q. Okay, good. And just give me one
 24 second. And I'm taking you now to the "Methods"
 25 section of the article. I just want to confirm it's

NIMIGAN MIHAIOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

A5809

1 the same methods. I want to ask you to read -- to
2 confirm that you see here the sentence I've
3 highlighted?

4 A. Yes, I can see that.

5 322 Q. And you'd agree it says what --
6 this replicates, to your recollection, the language
7 that was put to you by Ms. Shores --

8 A. Yes.

9 323 Q. -- regarding the date of testing?

10 A. Yes.

11 324 Q. So as far as you can tell, does
12 this appear to be the same study that was put to you by
13 Ms. Shores?

14 A. Yeah, I certainly remember the
15 April 30th as the conclusion and -- yeah, between
16 March 17th to April 30th.

17 MR. CHOUDHRY: Okay, good. Thank you.
18 Well, Dr. Gaetz, those conclude my questions for you
19 today. Thank you for your time. And I know we've
20 taken longer than we had planned but we're very
21 grateful for your time.

22 THE DEPONENT: Thank you.

23 MS. SHORES: Yes, thank you, Dr. Gaetz,
24 thanks for your time and attention to these matters.

25 THE DEPONENT: Thank you.

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

1 --- Whereupon proceedings adjourned at 1:17 p.m.

2 I HEREBY CERTIFY THE FOREGOING

3 to be a true and accurate

4 transcription of my shorthand notes

5 to the best of my skill and ability.

6

7

8

9 Dayne Snell, Court Reporter

10 Computer-Aided Transcription

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NIMIGAN MIHAILOVICH REPORTING INC.

Hamilton, Ontario - nmreporting.ca - (905) 522-1653

A1525

CURRICULUM VITAE

Ex # 1 m/d/y 08/30/2024 Pg 1 of 80
Exam of Dr. Stephen Gaetz
Heegsma et al v City of Hamilton
Nimigan Mihailovich Reporting Inc.

A) PERSONAL

1. NAME

Stephen Anthony Gaetz

Faculty of Education

York University

631 Kaneff Tower

4700 Keele St.

Toronto, ON M3J 1P3

Tel: (416) 736-2100 x20050

Email: sgaetz@edu.yorku.ca

2. CURRENT POSITION

Professor, Faculty of Education, York University

President and CEO, Canadian Observatory on Homelessness

Research Director, Making the Shift – Youth Homelessness Social Innovation Lab

Director, Toronto Center of Excellence on Youth Homelessness Prevention at York University (Toronto Centre of Excellence). United Nations Economic Commission for Europe.

3. DEGREES

1990 Ph.D. Anthropology York University, Toronto
Dissertation title: *Community Action and the Provision of Youth Services in Cork, Ireland*

1985 M.A. Anthropology York University, Toronto
Dissertation title: *Youth Expression in the Eighties: A Network Analysis of Punks in Toronto*

1983 B.A. Anthropology (Honours) University of Calgary

4. EMPLOYMENT HISTORY

- 2014 - Professor – Faculty of Education, York University
- 2005 - 2014 Associate Professor - Faculty of Education, York University
- 2012 - 2013 Associate Dean, Research and Professional Development - Faculty of Education, York University
- 2007 – 2011 Associate Dean, Research and Professional Development – Faculty of Education, York University
- 2000 - 2005 Assistant Professor - Faculty of Education, York University
- 2000 - Appointment to the Faculty of Graduate Studies, York University
- 1999 - 2000 Community Development Officer - Community and Neighbourhood Services Department, City of Toronto
- 1999 Coordinator, Homeless Initiative - Queen West Community Health Centre
- 1993 - 1999 Health Promoter - Shout Clinic, Toronto, Ontario
- 1992 - 1993 Lecturer - Department of Anthropology, York University
- 1990 - 1992 Post-Doctoral Fellow - Department of Anthropology, York University

5. HONOURS AND AWARDS

- 2020 York Research Chair in Homelessness and Research Impact
- 2020 York University Research Leader Award
- 2019 York University Research Leader Award
- 2017 York University Research Leader Award
- 2016 Member of the Order of Canada
- 2016 Dean's Research Award – Faculty of Education
- 2016 York University Research Leader Award
- 2015 SSHRC Research Impact – Connection Award
- 2015 York University Research Leader Award
- 2013 Faculty of Education Merit Award - \$3000
- 2012 Faculty of Education Merit Award - \$2000
- 2011 Faculty of Education Merit Award - \$2000
- 2010 Faculty of Education Merit Award - \$2000
- 2009 Faculty of Education Merit Award - \$2000

2008	Faculty of Education Merit Award - \$2000
1990 - 1992	Social Sciences and Humanities Research Council of Canada Postdoctoral Fellowship
1986 - 1989	Social Sciences and Humanities Research Council of Canada Doctoral Fellowship
1986	Ontario Graduate Scholarship (declined)
1985	Ontario Graduate Scholarship

ADVISORY PANELS and COMMITTEES

2018- present	Government of Canada –Reaching Home’s Data Strategy Advisory Committee
2017-18	Government of Canada – Advisory Committee on Homelessness
2016-17	Government of Canada – Advisory Committee on Poverty Reduction Strategy
2015	Province of Ontario - Expert Advisory Panel on Homelessness
2013-14	Canadian Mental Health Association – Advisory Committee on Housing First

B SCHOLARLY AND PROFESSIONAL CONTRIBUTIONS

1. SUMMARY OF PUBLICATIONS AND PROFESSIONAL CONTRIBUTIONS

Books: 1
 Edited books, special issues of journals: 5
 Articles in refereed journals: 42
 Chapters in books: 22
 Professional Reports: 45 (Peer reviewed: 13)
 Conference presentations: 166
 Keynote addresses: 31
 Invited presentations: 207
 Webinars: 18
 Book Reviews: 2
 Curriculum Materials: 7
 Other publications: 8
 Blog posts: 32

CITATIONS

	All	Since 2017
Citations	4491	2531
h-index	29	23
i10-index	54	44

Retrieved, June 2, 2022:

<https://scholar.google.ca/citations?user=LxuHrD0AAAAJ&hl=en>

2. PUBLICATIONS:

Books and Monographs

Gaetz, Stephen (1997) *Looking Out for the Lads: Community Action and Youth Provision in an Urban Irish Parish*. St. John's, Nfld.: Institute of Social and Economic Research 235 pg.

Edited books, special issues of journals:

Kidd, S., Slesnick, N., Frederick, T., Karabanow, J., Gaetz, S. (2018). *Mental Health and Addiction Interventions for Youth Experiencing Homelessness: Practical Strategies for Front-line Providers*. Toronto: Canadian Observatory on Homelessness Press.

Gaetz, Stephen; Phipps, David; Wedlock, Jane (2014) *Special Issue: York Symposium on the*

Scholarship of Engagement". *Scholarly and Research Communication*, 5(3)

Gaetz, Stephen; Scott, Fiona & Gulliver, Tanya (Eds.) (2013) *Housing First in Canada – Supporting Communities to End Homelessness*. Toronto: Canadian Homelessness Research Network Press.

Gaetz, Stephen; O’Grady, Bill; Buccieri, Kristy; Karabanow, Jeff, & Marsolais, Allyson (Eds.) (2013), *Youth homelessness in Canada: Implications for policy and practice*. Toronto: Canadian Homelessness Research Network Press.

Gaetz, Stephen (2006) Guest Editor, special addition (Homelessness). *Canadian Review of Social Policy*, Number 58

Articles in Refereed Journals

Kerman, N.; Ecker, J.; Gaetz, S., Tiderington, E.; & S. Kidd (2022): Mental Health and Wellness of Service Providers Working with People Experiencing Homelessness in Canada: A National Survey from the Second Wave of the COVID-19 Pandemic. *Canadian Journal of Psychiatry*. Vol. 67(5) 371–379

Kerman, N.; Ecker, J.; Tiderington, E.; Gaetz, S., & S. Kidd (2022): Workplace trauma and chronic stressor exposure among direct service providers working with people experiencing homelessness, *Journal of Mental Health*, DOI: 10.1080/09638237.2021.2022629

Gaetz, S., Redman, M., Connell, A. & Price, J. (2021) Social Innovation in Preventing Homelessness Amongst Young People In Canada and Wales: International Engagement as a Key Driver. *European Journal of Homelessness: Special Edition Research Impact and Homelessness*. 15(3), 123-135

Bezgrebelna, M.; McKenzie, K.; Wells, S.; Ravindran, A.; Kral, M.; Christensen, J.; Stergiopoulos, V.; Gaetz, S.; Kidd, S.A. (2021) Climate Change, Weather, Housing Precarity, and Homelessness: A Systematic Review of Reviews. *International Journal of Environmental Research and Public Health* 18, 5812. <https://doi.org/10.3390/ijerph18115812>

Kerman, N., Ecker, J., Tiderington, E., Gaetz, S., & Kidd, S. A. (2021). Paid sick leave benefits among essential frontline workers serving people experiencing homelessness in Canada during the COVID-19 pandemic. *Public Health*, 195, 142-144. doi:10.1016/j.puhe.2021.04.022

Kidd, S., Gaetz, S., O’Grady, B., Schwan, K., Zhao, H., Lopes, K., Wang, W., (2021) The Second National Canadian Youth Homelessness Survey: Mental Health and Addiction Findings. *Canadian Journal of Psychiatry*. First published, February 2, 2021

Kerman, N., Ecker, J., Gaetz, S., Tiderington, E., & Kidd, S. (2021). Mental health and wellness of service providers working with people experiencing homelessness in Canada: A

national survey from the second wave of the COVID-19 pandemic. *Canadian Journal of Psychiatry*.

Dej, E., Gaetz, S., Schwan, K. (2020) *Turning Off the Tap: A Typology for Homelessness Prevention*. The Journal of Primary Prevention. 28(3) 229-243

Gaetz, S. (2020). Making the Prevention of Homelessness a Priority: The Role of Social Innovation. *American Journal of Economics and Sociology*. Vol. 79, Issue 2. Pages 353-381

O'Grady, B., S. Kidd and S. Gaetz. (2020) Youth homelessness and self identity: a view from Canada. *Journal of Youth Studies* Vol 23, Iss 4

Oudshoorn, A., Dej, E., Van Loon, C., & Gaetz, S. (2020). Evolving a rights-based and evidence-based model for homelessness prevention. *Health and Social Care in the Community*.

Buccieri, K.; Oudshoorn, A.; Waegemakers-Schiff., J.; Pauly, B.; Gaetz, S. & R. Schiff (2020) Quality of Life and Mental Well-Being: A Gendered Analysis of Persons Experiencing Homelessness in Canada. *Community Ment Health J* (2020).
<https://doi.org/10.1007/s10597-020-00596-6>

Gaetz, S., Ward, A. & Kimura, L. (2019). Youth Homelessness and Housing Stability – What outcomes should we be looking for? *Healthcare Management Forum* Vol 32(2) 73-77

Kidd, S.A., Thistle, J., Beaulieu, T., O'Grady, B., & Gaetz, S. (2019). A National Study of Indigenous Youth Homelessness in Canada. *Public Health*, 176, 163-171.

Gaetz, S. (2018) Reflections from Canada: Can Research Contribute to Better Responses to Youth Homelessness? *Cityscape: A Journal of Policy Development and Research*. 20(3):139
U.S. Department of Housing and Urban Development • Office of Policy Development and Research

Buccieiri, K.; Oudshoorn, A.; Frederick, T.; Schiff, R.; Abramovich, A.; Gaetz, S. & Forchuk, C. (2018) Hospital discharge planning for Canadians experiencing homelessness. Housing, Care and Support, <https://doi.org/10.1108/HCS-07-2018-0015>

Gaetz, Stephen (2018) "Commentary: Harm reduction, managed alcohol programs and doing the right thing." *Drug and Alcohol Review* (April 2018) 37 (suppl 1)

Kidd, S.A., Gaetz, S., & O'Grady, B. (2017). The 2015 National Canadian Homeless Youth Survey: Mental health and addictions findings. *Canadian Journal of Psychiatry*. Vol 62(7) 493-500

Nichols, Naomi; Gaetz, Stephen & Phipps, David (2015) "Generating Social Change through Community-Campus Collaboration". *Journal of Higher Education Outreach and Engagement*. 19 (3) 7-32

Gaetz, Stephen (2014) "Can Housing First work for youth?" *European Journal of Homelessness*. 8(2): 159-176

Phipps, David; Gaetz, Stephen; Wedlock, Jane (2014) "Editorial: York Symposium on the

- Scholarship of Engagement". *Scholarly and Research Communication*, 5(3) 4 pp.
- Gaetz, Stephen. (2014). "Knowledge Mobilization as Design: The Case of the Canadian Homelessness Research Network". *Scholarly and Research Communication*, 5(2): 0201163, 16 pp.
- Nichols, Naomi, & Gaetz, Stephen. (2014). "Strategies for Sustaining Complex Partnerships". *Scholarly and Research Communication*, 5(3): 0301166, 16 pp
- Nichols, N., Phipps, D., Gaetz, S., Fischer, A. & N. Tanguay (2014) "Revealing the complexity of community-campus interactions". *Canadian Journal of Higher Education Revue*. 44(1), 2014, pages 69 - 94
- Gaetz, Stephen (2013) "The Criminalization of Homelessness: A Canadian Perspective." *European Journal of Homelessness*, 7(2), December 2013: 357-362
- O'Grady, Bill, Gaetz, Stephen & Buccieri, Kristy (2013). "Tickets and More Tickets: a case study of the enforcement of the Ontario Safe Streets Act". *Canadian Public Policy* December 2013. 39(4): 541-558
- Buccieri, Kristy & Stephen Gaetz (2013). "Ethical Vaccine Distribution Planning for Pandemic Influenza: Prioritizing Homeless and Hard-to-Reach Populations" *Journal Public Health Ethics*. 6 (2):185-196
- Kulik, Dina; Gaetz, Stephen; Levy, AS; Crowe, Cathy; Ford-Jones, Lee (2011). "Homeless youth's overwhelming health burden – a review of the literature". *Pediatrics and Child Health* June/July 2011; 16:43-47.
- Gaetz, Stephen (2011). "Can housing first work if there isn't enough affordable housing?" *CrossCurrents: The Journal of Addiction and Mental Health*. January, 2011
- Gaetz, Stephen (2010). "Making Knowledge Matter: Mobilizing Homelessness Research through the Homeless Hub". *Canadian Issues*. Fall 2010: 32-35
- Gaetz, Stephen (2010). "The struggle to end homelessness in Canada: How we created the crisis, and how we can end it". *The Open Health Services and Policy Journal*. 3:21-26
- Tarasuk, Valerie; Dachner, Naomi; Poland, Blake; Gaetz; Stephen (2009). "An ethnographic study of meal programs for homeless and under-housed individuals in Toronto". *Journal of Health Care for the Poor and Underserved*. 20(3):846-53
- Tarasuk, Valerie; Dachner, Naomi; Poland, Blake; Gaetz, Stephen (2009). "Food deprivation is integral to the 'hand to mouth' existence of homeless youth in Toronto". *Public Health Nutrition*. Jan 15:1-6
- Gaetz, Stephen (2008). "Why Are We Still Struggling with Homelessness in Canada? Seven Things We Can Do". *Canadian Housing*. Vol. 24: 27-31
- Gaetz, Stephen (2006). "Editorial Making Research Matter: The Canadian Conference on Homelessness". *Canadian Review of Social Policy*. No. 58, v-vii

Gaetz, Stephen; Tarasuk, Valerie; Dachner, Naomi; Kirkpatrick, Sharon. (2006). "'Managing' Homeless Youth in Toronto: Mismanaging Food Access and Nutritional Well-being". *Canadian Review of Social Policy*. No. 58, 43-61

Gaetz, Stephen (2004). "Safe Streets for Whom? Street Youth, Social Exclusion and Criminal Victimization". *Canadian Journal of Criminology and Criminal Justice*. 46 (4), 423-455.

O'Grady, Bill & Gaetz, Stephen (2004). "Homelessness, Gender and Income Generation: the Case of Toronto Street Youth". *Journal of Youth Studies*. 7(4), 397-416.

Gaetz, Stephen & O'Grady, Bill (2002). "Making Money - Exploring the Economy of Homeless Workers". *Work, Employment and Society*. 16 (3), 433-456.

Gaetz, Stephen & Lee, Jack (1995). "Developing Dental Services for Street Youth". *Ontario Dentist*. November, 72 (9), 34-37.

Gaetz, Stephen (1994). "A perspective on homelessness in Canada." *Canadian Dental Association Journal*. 60 (12), 1098

Lee, Jack, Gaetz, Stephen & Goettler, Fred (1994). "The Oral Health of Toronto's Street Youth". *Canadian Dental Association Journal*. 60 (6), 545-548.

Gaetz, Stephen (1992). "Planning Community-Based Youth Services in Cork, Ireland: The Relevance of the Concepts of "Community" and "Youth"". *Urban Anthropology*. 21 (1), 91-113.

Chapters in Books

Gaetz, Stephen (2019) "There is Light at the End of the Tunnel: Let's Hope it's Not a Train". In: Lassy, J. & Turunen, S., (Eds) *Homelessness in 2030*. Helsinki, Finland: Y-Foundation

Gaetz, Stephen (2017) "9. Policy into Practice: How Government Can Play a Role in Supporting LGBTQ2S Youth." In: Abramovich, A., & Shelton, J. (Eds) *Where Am I Going to Go? Intersectional Approaches to Ending LGBTQ2S Youth Homelessness in Canada & the U.S.* Toronto: Canadian Observatory on Homelessness Press 309-320

Gaetz, Stephen & Kristy Buccieri (2016) "The Worst of Times: The Challenges of Pandemic Planning in the Context of Homelessness" in Buccieri, Kristy; Schiff, Rebecca (Eds.) (2016). *Pandemic Preparedness and Homelessness: Lessons from H1N1 in Canada*. Toronto: Canadian Observatory on Homelessness Press

Gaetz, Stephen (2015) "A pragmatic, humanistic and effective approach to addictions: The Importance of Harm Reduction" in, Inclusion Working Group, Canadian Observatory on Homelessness (Eds.), *Homelessness is Only One Piece of My Puzzle: Implications for Policy and Practice*. Toronto: The Homelessness Hub Press. P. 104-112

Gaetz, Stephen (2015) "Conclusion: Listen up! The role of dignity, respect and inclusion in our response to homelessness" in, Inclusion Working Group, Canadian Observatory on

Homelessness (Eds.), *Homelessness is Only One Piece of My Puzzle: Implications for Policy and Practice*. Toronto: The Homelessness Hub Press. P: 162-175

Gaetz, Stephen (2013) "A Framework for Housing First", in Gaetz, Stephen; Scott, Fiona & Gulliver, Tanya (Eds.) (2013) *Housing First in Canada – Supporting Communities to End Homelessness*. Toronto: Canadian Homelessness Research Network Press.

Gaetz, Stephen & Fiona Scott (2013) "3.1 Calgary, Alberta: Calgary Homeless Foundation", in Gaetz, Stephen; Scott, Fiona & Gulliver, Tanya (Eds.) (2013) *Housing First in Canada – Supporting Communities to End Homelessness*. Toronto: Canadian Homelessness Research Network Press.

Scott, Fiona & Stephen Gaetz (2013) "3.5 Lethbridge, Alberta: City of Lethbridge and Social Housing in Action" in Gaetz, Stephen; Scott, Fiona & Gulliver, Tanya (Eds.) (2013) *Housing First in Canada – Supporting Communities to End Homelessness*. Toronto: Canadian Homelessness Research Network Press.

Gaetz, Stephen & Tanya Gulliver (2013) "Conclusion – Lessons Learned" in Gaetz, Stephen; Scott, Fiona & Gulliver, Tanya (Eds.) (2013) *Housing First in Canada – Supporting Communities to End Homelessness*. Toronto: Canadian Homelessness Research Network Press.

Gaetz, Stephen (2013) "Ending Youth Homelessness in Canada is Possible: The Role of Prevention" in Gaetz, Stephen, O'Grady, Bill, Buccieri, Kristy, Karabanow, Jeff, & Marsolais, Allyson (Eds.) (2013), *Youth homelessness in Canada: Implications for policy and practice*. Toronto: Canadian Homelessness Research Network Press.

Gaetz, Stephen & O'Grady, Bill (2013) "Why Don't You Just Get a Job? Homeless Youth, Social Exclusion and Employment Training" in Gaetz, Stephen, O'Grady, Bill, Buccieri, Kristy, Karabanow, Jeff, & Marsolais, Allyson (Eds.) (2013), *Youth homelessness in Canada: Implications for policy and practice*. Toronto: Canadian Homelessness Research Network Press.

Gaetz, Stephen, O'Grady, Bill, Buccieri, Kristy, Karabanow, Jeff, & Marsolais, Allyson (2013), "Introduction" in Gaetz, Stephen, O'Grady, Bill, Buccieri, Kristy, Karabanow, Jeff, & Marsolais, Allyson (Eds.) (2013), *Youth homelessness in Canada: Implications for policy and practice*. Toronto: Canadian Homelessness Research Network Press.

O'Grady, Bill, Gaetz, Stephen & Buccieri, Kristy (2013) "Policing Street Youth in Toronto". in Gaetz, Stephen, O'Grady, Bill, Buccieri, Kristy, Karabanow, Jeff, & Marsolais, Allyson (Eds.) (2013), *Youth homelessness in Canada: Implications for policy and practice*. Toronto: Canadian Homelessness Research Network Press.

Gaetz, Stephen & O'Tuama, Seamus (2010). "Outside the Rights Wall: youth homelessness and the denial of respect and human rights". In Allen, Sharon Loree; Besosa, Mayra; O'Halloran, Anthony; & Ragaven, Chengiah. (eds) *Walls, Fences, Borders, and Boundaries: Essays on Social Exclusion, Inclusion and integration*. Kendall/Hunt Publishing Company: Dubuque, Iowa.

Tarasuk, Valerie; Dachner, Naomi; Poland, Blake & Gaetz, Stephen (2010). "Chapter 3.8 The "hand-to-mouth" existence of homeless youths in Toronto". In Hulchanski, J.David; Campsie, Philippa; Chau, Shirley; Hwang, Stephen; Paradis, Emily (eds) *Finding home: policy options for addressing homelessness in Canada* - Revised Edition. Cities Centre Press, University of Toronto

Gaetz, Stephen (2009). "Chapter 3.2 Whose Safety Counts? Street Youth, Social Exclusion and Criminal Victimization". In Hulchanski, J.David; Campsie, Philippa; Chau, Shirley; Hwang, Stephen; Paradis, Emily (eds) *Finding home: policy options for addressing homelessness in Canada*. Cities Centre Press, University of Toronto

O'Grady, Bill & Gaetz, Stephen (2009). "Chapter 3.4 Street Survival: A gendered analysis of youth homelessness in Toronto". In Hulchanski, J.David; Campsie, Philippa; Chau, Shirley; Hwang, Stephen; Paradis, Emily (eds) *Finding home: policy options for addressing homelessness in Canada*. Cities Centre Press, University of Toronto

Gaetz, Stephen & O'Grady, Bill (2009). "Chapter 7.3 Homelessness, Incarceration and the Challenge of Effective Discharge Planning: a Canadian Case". In Hulchanski, J.David; Campsie, Philippa; Chau, Shirley; Hwang, Stephen; Paradis, Emily (eds) *Finding home: policy options for addressing homelessness in Canada*. Cities Centre Press, University of Toronto

Gaetz, Stephen (2005; 2nd Edition, 2011). "Another Girl: An Atypical Story about a Typical Adolescent". In L. Biggs & P. Downes (Eds.), *Gendered Intersections: A Collection of Readings for Women's and Gender Studies*. Toronto: Fernwood Books.

Gaetz, Stephen & O'Grady, Bill (2004). "Work on the streets". In *Encyclopaedia of Homelessness*. Great Barrington, MA: Berkshire Publishing.

Gaetz, Stephen (1995). "'Youth Development': Conflict and Negotiations in an Urban Irish Youth Club". In P. Caplan (Ed.), *Understanding Disputes The Politics of Argument..* Oxford, UK: Berg Publishers. (p:81-121)

Gaetz, Stephen (1993). "'Who comes first?' Teenage Girls, Youth Culture and the Provision of Youth Services in Cork". In C. Curtin, H. Donnan & T. Wilson (Eds.), *Irish Urban Cultures*. Belfast, UK: Institute of Irish Studies. (p:143-155).

Articles - Non-Peer Reviewed

Gaetz, Stephen & Redman, Melanie (2021) "Making the Shift - Changing the Canadian conversation about how to address youth homelessness through social innovation". *Parity*, Vol. 34, No. 8, Nov 2021, 14-16

Gaetz, Stephen & Redman, Melanie (2021) "What if we treated the pandemic like homelessness?" *Parity*, Vol. 34, No. 8, Nov 2021, 32-33

Gaetz, Stephen; Redman, Melanie; MacKenzie, David & Hand, Tammy (2021) "Housing first for youth in Australia" *Parity*, Vol. 34, No. 3, Apr 2021: 58-60

- Gaetz, S. (2020) "Lessons from Canada: Progress, challenges, next steps". *Parity*. October 2020., Volume 33 – Issue 1
- Gaetz, Stephen; Redman, Melanie (2019) "Forward" *Parity*, Vol. 32, No. 8, Oct 2019: 3-4
- Gaetz, S., Schwan, K., Redman, M., & French, D. (2019) "INTRODUCTION We Can't Wait: The Urgent Need for Youth Homelessness Prevention". *Parity*. Vol. 32, No. 8, Oct 2019: 6-8
- Gaetz, S. & Redman, M. (2019) "Making the Shift: A Youth Homelessness Social Innovation Lab". *Parity*. Vol. 32, No. 8, Oct 2019: 9-11
- Gaetz, S., Schwan, K., Redman, M., & French, D. (2019) "Prevention Intervention Profile: Host Homes". *Parity*. October 2019., Volume 32 – Issue 8
- Gaetz, Stephen (2019) "Prevention Intervention Profile: Housing First for Youth". *Parity*. Vol. 32, No. 8, Oct 2019: 57-59
- Green, Sheryl; Sleeper, Robert; Ward, Ashley; Gaetz, Stephen (2018) "Endaayaang: An Indigenous-led Approach to Housing First for Youth". *Parity*, Vol. 31, No. 10, Dec 2018: 50-51
- Gaetz, Stephen., Kimura, Lauren., Ward, Ashley. (2018) "Better measurement, better outcomes: Housing first for youth in Canada". *Parity*, Vol. 31, No. 10, Dec 2018: 46-47
- Borato, Meryl; Ecker, John; Gaetz, Stephen (2018) "Housing First for Youth in Ottawa: A making the shift demonstration project". *Parity*, Vol. 31, No. 10, Dec 2018: 48-49
- Gaetz, Stephen., Caplan, Rachel., Redman, Melanie (2018) "What is housing first for youth?" *Parity*, Vol. 31, No. 10, Dec 2018: 52-53
- Gaetz, S. & Redman, M. (2017) "Towards a Canadian youth homelessness data dashboard" [online]. *Parity*, Vol. 30, No. 3, May 2017: 18-20.
- Gaetz, Stephen (2014) "Oh Canada! Housing first and the evolution of the Canadian response to homelessness" *Parity*, Vol. 27, No. 8, Sep 2014: 26
- Gaetz, Stephen (2014) "Preventing youth homelessness: What do we know? What should we do?" *Parity*, Vol. 27, No. 8, Sep 2014: 35
- Gaetz, Stephen (2014) "Can 'housing first' work for youth." *Parity*, 27(8), pp. 78–

Professional Reports - Peer Reviewed

- Gaetz, Stephen; Schwan, Kaitlin; French, David; Redman, Melanie (2018) *The Roadmap for the Prevention of Youth Homelessness*. Toronto: Canadian Observatory on Homelessness Press.
- Gaetz, Stephen. (2017). *THIS is Housing First for Youth: A Program Model Guide*. Toronto: Canadian Observatory on Homelessness Press.
- Schwan, K., Kidd, S., Gaetz, S., O'Grady, B., & Redman, M. (2017). *Mental Health Care for Homeless Youth: A Proposal for Federal, Provincial, and Territorial Leadership*,

Coordination, and Targeted Investment. Toronto: Canadian Observatory on Homelessness Press

Stephen Gaetz & Erin Dej. (2017). *A New Direction: A Framework for Homelessness Prevention*. Toronto: Canadian Observatory on Homelessness Press.

Stephen Gaetz, Bill O'Grady, Sean Kidd & Kaitlin Schwan. (2016). *Without a Home: The National Youth Homelessness Survey*. Toronto: Canadian Observatory on Homelessness Press.

Gaetz, Stephen (lead author) (2016) Canadian Definition of Youth Homelessness. Canadian Observatory on Homelessness

Gaetz, Stephen (2016) Backgrounder to the Canadian Definition of Youth Homelessness. Canadian Observatory on Homelessness

Buccieri, Kristy; Gaetz, Stephen (2015). *Facing FAQs: H1N1 and Homelessness in Toronto. Canada - 2014*. Canadian Homelessness Research Network / Canadian Alliance to End Homelessness. Homeless Hub Research Paper series

Gaetz, Stephen; Gulliver, Tanya; Richter, Tim. (2014). *The State of Homelessness in Canada - 2014*. Canadian Observatory on Homelessness / Canadian Alliance to End Homelessness. Homeless Hub Research Paper series

Gaetz, Stephen (2014) *A Safe and Decent Place to Live: Towards a Housing First Framework for Youth*. Toronto: The Homeless Hub Press.

Gaetz, Stephen (2014) *Coming of Age: Reimagining our Response to Youth Homelessness in Canada*. Toronto: Homeless Hub Research Paper Series #11

Gaetz, Stephen & Fional Scott (2013). *What Works and for Whom? A Framework for Designing & Implementing Promising Practices Research in the Homelessness Sector*. Toronto: Homeless Hub Research Paper Series #3

Gaetz, Stephen & Scott, Fiona (2012) *Live, Learn, Grow: Supporting Transitions to Adulthood for Homeless Youth - A Framework for the Foyer in Canada*. Homeless Hub Research Report Series #10

Professional Reports - Non-Refereed

Gaetz, S., Walter, H. and Story, C. (2021). THIS is Housing First for Youth. Part 1 – Program Model Guide. Toronto, ON: Canadian Observatory on Homelessness Press.

Gaetz, S., Walter, H. & Borato, M. (2021). THIS is Housing First for Youth: Operations Manual. Toronto, ON: Canadian Observatory on Homelessness Press.

Sohn, Jacqueline. Gaetz, Stephen (2020). The Upstream Project Canada: An Early Intervention Strategy to Prevent Youth Homelessness & School Disengagement. Toronto: Canadian Observatory on Homelessness Press.

- Borato, M., Gaetz, S., and McMillan, L. (2020). *Family and Natural Supports: A Program Framework*. Toronto, ON: Canadian Observatory on Homelessness Press.
- Gaetz, Stephen., Morton, Erika., Borato, Meryl., Story, Chad. (2020). *Youth Reconnect Program Guide: An Early Intervention Approach to Preventing Youth Homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press and A Way Home Canada.
- Malenfant, J., Schwan, K., French, D., Gaetz, S., & Redman, M. (2020). *Preventing Youth Homelessness in the Canadian Education System: Young People Speak Out*. Toronto, ON: Canadian Observatory on Homelessness Press.
- Schwan, K., Gaetz, S., French, D., Redman, M., Thistle, J., & Dej, E. (2018). *What Would it Take? Youth Across Canada Speak Out on Youth Homelessness Prevention*. Toronto, ON: Canadian Observatory on Homelessness Press.
- Gaetz, S., Schwan, K., Redman, M., French, D., & Dej, E. (2018). *Report 1: Structural Prevention of Youth Homelessness*. A. Buchnea (Ed.). Toronto, ON: Canadian Observatory on Homelessness Press.
- Gaetz, S., Schwan, K., Redman, M., French, D., & Dej, E. (2018). *Report 2: Systems Prevention of Youth Homelessness*. A. Buchnea (Ed.). Toronto, ON: Canadian Observatory on Homelessness Press.
- Gaetz, S., Schwan, K., Redman, M., French, D., & Dej, E. (2018). *Report 3: Early Intervention to Prevent Youth Homelessness*. A. Buchnea (Ed.). Toronto, ON: Canadian Observatory on Homelessness Press.
- Gaetz, S., Schwan, K., Redman, M., French, D., & Dej, E. (2018). *Report 4: Eviction Prevention for Youth*. A. Buchnea (Ed.). Toronto, ON: Canadian Observatory on Homelessness Press.
- Gaetz, S., Schwan, K., Redman, M., French, D., & Dej, E. (2018). *Report 5: Housing Stabilization for Youth*. A. Buchnea (Ed.). Toronto, ON: Canadian Observatory on Homelessness Press.
- Gaetz, S., Schwan, K., Redman, M., French, D., & Dej, E. (2018). *Report 6: Duty to Assist – A Human Rights Approach to Youth Homelessness*. A. Buchnea (Ed.). Toronto, ON: Canadian Observatory on Homelessness Press.
- Schwan, K., French, D., Gaetz, S., Ward, A., Ackerman, J., Redman, M. (2018). *Preventing Youth Homelessness – An International Review of Evidence*. Wales: Wales Centre for Public Policy
- Turner, A., Redman, M., Gaetz, S. (2017). *Defining and measuring an end to homelessness: Considerations for the National Housing Strategy*. Toronto: Canadian Observatory on Homelessness Press.
- Schwan, K., Kidd, S., Gaetz, S., O’Grady, B., & Redman, M. (2017). *Mental Health Care for Homeless Youth: A Proposal for Federal, Provincial, and Territorial Leadership, Coordination, and Targeted Investment*. Toronto: Canadian Observatory on Homelessness

Press.

Gaetz, S., Dej, E., Donaldson, J., & Ali, N. (2017). *Leading the Way: Reimagining Federal Leadership on Preventing Homelessness*. Toronto: Canadian Observatory on Homelessness Press.

French, D., Gaetz, S., Redman, M. (2017). *Opportunity Knocks: Prioritizing Canada's Most Vulnerable Youth*. Toronto: Canadian Observatory on Homelessness Press.

Nichols, N., Schwan, K., Gaetz, S., Redman, M., French, D., Kidd, S., O'Grady, B. (2017). *Child Welfare and Youth Homelessness in Canada: A Proposal for Action*. Toronto: Canadian Observatory on Homelessness Press.

Gaetz, Stephen; Dej, E., Richter, T., Redman, M. (2016) *The State of Homelessness in Canada – 2016*. Canadian Homelessness Research Network / Canadian Alliance to End Homelessness. Homeless Hub Paper series #2

Gaetz, Stephen & Redman, Melanie (2016) "Federal Investment in Youth Homelessness: Comparing Canada and the United States. A Proposal for Reinvestment." Canadian Observatory on Homelessness Policy Brief #1

Noble, Amanda; Donaldson, Jesse; Gaetz, Stephen; Mirza, Sabina; Coplan, Isaac; Fleischer, David. (2014) *Leaving Home – Youth Homelessness in York Region*. Homeless Hub Research Paper Series.

Gaetz, Stephen, Donaldson, J., Richter, T. & Gulliver, T. (2013) *The State of Homelessness in Canada – 2013*. Canadian Homelessness Research Network / Canadian Alliance to End Homelessness. Homeless Hub Paper series #2

Gaetz, Stephen (2012) *The Real Cost of Homelessness. Can we save money by doing the right thing?* Canadian Homelessness Research Network. Paper series #2

Gaetz, Stephen, Barr, C., Friesen, A., Harris, B., Hill, C., Kovacs-Burns, K., Pauly, B., Pearce, B., Turner, A., Marsolais, A. (2012) *The Canadian Definition of Homelessness*. Canadian Homelessness Research Network.

Gaetz, Stephen, Barr, C., Friesen, A., Harris, B., Hill, C., Kovacs-Burns, K., Pauly, B., Pearce, B., Turner, A., Marsolais, A. (2012) *Making the case for the Canadian Definition of Homelessness*. Canadian Homelessness Research Network.

Gaetz, Stephen (2012) *Canadian Definition of Homelessness: Whats being done elsewhere?* Canadian Homelessness Research Network.

O'Grady, Bill; Gaetz, Stephen & Buccieri, Kristy (2011). *Can I See Your ID? The Policing of Homeless Youth in Toronto*. Toronto: Homeless Hub Research Report Series #5.

Winland, Daphne; Gaetz, Stephen & Patton, Tara (2011). *Family Matters: Homeless youth and Eva's Initiatives "Family Reconnect" Program*. Toronto: Homeless Hub Research Report Series #3.

Gaetz, Stephen (2011) *Plans to End Youth Homelessness in Canada. A Review of the*

Literature. Toronto: Eva's Initiatives.

Gaetz, Stephen; O'Grady, Bill & Buccieri, Kristy (2010). *Surviving Crime and Violence Street Youth and Victimization in Toronto.* Toronto: Justice for Children and Youth, & the Homeless Hub. Homeless Hub Research Report Series #1. 97 pgs

Gaetz, Stephen & O'Grady, Bill (2006). *The Missing Link: Discharge planning, Incarceration and Homelessness.* The John Howard Society of Ontario.

Gaetz, Stephen (2004). *Understanding Research on Homelessness in Toronto: A Literature Review.* Toronto: York University and Wellesley Central Health Foundation.

Gaetz, Stephen (2000). *Homelessness and Perceptions of Safety City in Toronto.* Toronto: City of Toronto, Community and Neighbourhood Services.

Gaetz, Stephen; O'Grady, Bill & Vaillancourt, Brian (1999). *Making Money - the Shout Clinic Report on Homeless Youth and Employment.* Toronto: Central Toronto Community Health Centres.

Gaetz, Stephen & Lee, Jack (1994). *The Oral Health of Street Youth.* Toronto: City of Toronto Department of Public Health; Shout Clinic.

Contract Reports

Schwan, K., French, D., Gaetz, S., Ward, A., Ackerman, J. & Redman, M. (2018) Preventing Youth Homelessness – An International Scan of the Evidence. Wales: Wales Centre for Public Policy; Canadian Observatory on Homelessness & A Way Home Canada

Scott, F., Winland, D. & Stephen Gaetz (2014) *A Path To Home: Supporting Housing Needs for Newcomers Year 1 Evaluation.* Toronto: YMCA.

Gaetz, Stephen (2012) *Summative Evaluation of the Homelessness Partnering Strategy.* Homelessness Partnering Secretariat, Human Resources and Skills Development Canada, May, 2012

Gaetz, Stephen (2011) *Towards a Canadian Definition of Homelessness - A Literature Review.* Homelessness Partnering Secretariat, Human Resources and Skills Development Canada, March, 2011

Gaetz, Stephen (2011) *Plans to End Homelessness in Canada. A Review of the Literature.* Prepared for Eva's Initiatives and Virgin Unite. February, 2011

Gaetz, Stephen (2002). *Street Justice - The Legal and Justice Issues of Homeless Youth in Toronto.* Toronto: Justice for Children and Youth.

Gaetz, Stephen (2002). *Street Youth Agencies and the Legal and Justice Issues of Homeless Youth in Toronto.* Toronto: Justice for Children and Youth

3. PRESENTATIONS and PUBLIC LECTURES

Conference Presentations

Gaetz, Stephen & Melanie Redman (2022) "Housing First for Youth – Emerging Research Results." *Housing First Partners Conference, Seattle*. April 12, 2022

Walter, Heidi & Stephen Gaetz (2022) "Housing First for Youth – Adaptations and Lessons Learned from Canada." *Housing First Partners Conference, Seattle*. April 12, 2022

Gaetz, Stephen (2022) "Homelessness Prevention." *Quebec Homelessness Prevention Policy Collaborative Conference – The Promise of Prevention in Homelessness*. Montreal, Quebec (On Line). February 16, 2022

Gaetz, Stephen & Melanie Redman (2021) "Youth Homelessness Social Innovation Lab – UPDATES." *Upstream Conference, Australia* (On Line). November 19, 2021.

Gaetz, Stephen (2021) "Making the Shift to the Prevention of Youth Homelessness: Opportunities and Challenges for Systems Transformation." *Developing Homelessness Work*. Tampere, Finland. (On Line). November 16, 2021.

Gaetz, Stephen (2021) "Social Innovation in Driving Change." *CAEH Virtual National Conference on Ending Homelessness, Canada*. (On Line). October 26, 2021

Gaetz, Stephen & Walter, Heidi (2021) "Social Innovation in Action: Addressing the Needs of Young People through Housing First for Youth." *The Fourth International Housing First Conference: Knowledge Mobilization of Evidence-Based Housing First practices*. (On Line). October 5, 2021

Gaetz, Stephen (2021) "Housing First for Youth." *Australia. National Youth Homelessness Virtual Conference* (On Line). July 16, 2021

Gaetz, Stephen; Redman, Melanie & Walter, Heidi (2021) "Housing First for Youth – Lessons from Making the Shift." *Housing First Partners Conference* (On Line). April 8, 2021

Gaetz, Stephen (2021) *Research Impact and Homelessness*. Campaigning: A Case Study on Homelessness Advocacy (On Line). February 25, 2021

Gaetz, Stephen (2020) *Covid 19 and Homelessness: What are the implications for Canada?* European Observatory on Homelessness Conference (On Line). Sept 25, 2020

Gaetz, Stephen & Redman, Melanie (2020) *Preventing Youth Homelessness through Duty to Assist*. Atlantic Summer Institute on Healthy and Safe Communities (On Line). August 14, 2020

Gaetz, Stephen (2020) *Covid 19-Lessons from Canada*. More Direct Futures Housing Network (On Line). May 14, 2020

Gaetz, Stephen & Redman, Melanie (2020) *Making the Shift – Youth Homelessness Social*

Innovation Lab. CRISIS UK Homelessness Prevention Conference. March 10, 2020

Gaetz, Stephen (2020) *“YAP – Youth Assessment and Prioritization Tool”* Cardiff, Wales: *Preventing Youth Homelessness 2020*. March 9, 2020.

Gaetz, Stephen (2020) *“THIS is Housing First for Youth”* Cardiff, Wales: *Preventing Youth Homelessness 2020*. March 9, 2020.

Gaetz, Stephen; Kidd, Sean; Malenfant, Jane; Aboud, Cecile & David French (2019) *Without a Home – The National Youth Homelessness Survey - 2019*. Edmonton: National Conference on Ending Homelessness (CAEH). November 5, 2019

Gaetz, Stephen & Redman, Melanie (2019) *Designing the Adaptation of a Duty to Assist in Canada*. Edmonton: National Conference on Ending Homelessness (CAEH). November 4, 2019

Gaetz, Stephen; Redman, Melanie & Sheryl Green (2019) *Making the Shift – A Youth Homelessness Social Innovation Lab*. Edmonton: National Conference on Ending Homelessness (CAEH). November 4, 2019

Gaetz, Stephen (2019) *Implementing Housing First for Youth..* Melbourne Australia. Victorian Homelessness Conference. October 15, 2019

Redman, Melanie & Stephen Gaetz (2019) *Designing the Adaptation of a Duty to Assist in Canada*. European Observatory on Homelessness Research Conference. Helsinborg, Sweden. September 20, 2019

Gaetz, Stephen & Redman, Melanie (2019) *Ending Youth Homelessness*. The Voices of People with Lived Experience. Charlottown, PEI: Atlantic Summer Institute Supportive Environments for Child and Youth Mental Health: Our Shared Responsibility! August 20, 2019

Redman, Melanie & Gaetz, Stephen, (2019) *A Way Home*. Hinkley Island, England: Under One Roof: Homeless Link Annual Conference. July 3, 2019

Gaetz, Stephen (2019) *The Canadian Definition of Youth Homelessness*. Porto, Spain: FEANTSA Policy Conference. May 29, 2019

Gaetz, Stephen & Redman, Melanie (2019) *Ending Youth Homelessness*. Oshawa, ON: Durham Region Homelessness Prevention Conference, March 19, 2019

Gaetz, Stephen (2018) *Realizing the Right of Youth to Housing* Hamilton, Ontario: Canadian Alliance to End Homelessness Conference. November 7, 2018

Gaetz, Stephen (2018) *A Duty to Assist – How we can end youth homelessness in Canada* Hamilton, Ontario: Canadian Alliance to End Homelessness Conference. November 7, 2018

Gaetz, Stephen (2018) *Making Research Matter! The Canadian Observatory on Homelessness*. Hamilton, Ontario: Canadian Alliance to End Homelessness Conference. November 6, 2018

Gaetz, Stephen, Redman, Melanie & Schwan, Kaitlin (2018) *The Roadmap for the Prevention of Youth Homelessness*. Hamilton, Ontario: Canadian Alliance to End Homelessness Conference. November 5, 2018

Redman, Melanie & Stephen Gaetz (2018) *Ending Youth Homelessness: Can we do it?* Orillia Ontario: Conference on Youth Homelessness. October 2, 2018

Gaetz, Stephen & Redman, Melanie (2018) *Making the Shift – A Youth Homelessness Social Innovation Lab*. Budapest, Hungary: European Observatory on Homelessness, International Conference on Homelessness. Sept 23, 2018

Redman, Melanie & Stephen Gaetz (2018) *A Way Home: Updates from Canada*. Edinburgh Scotland: National Conference on Ending Youth Homelessness. Sept 18, 2018

Gaetz, Stephen & Redman, Melanie (2018) *A Way Home: Transforming Systems for Change*. Antwerp, Belgium: Launch of A Way Home Europe. Sept 17, 2018

Gaetz, Stephen (2018) *Defining Homelessness*. Sao Paulo Brazil: Housing First conference. August 29, 2018

Gaetz, Stephen (2018) *Housing First and Housing First for Youth*. Sao Paulo Brazil: Housing First conference. August 29, 2018

Gaetz, Stephen & Redman, Melanie (2018) *What the Future Looks Like? A Roadmap for the Prevention of Youth Homelessness*. Happy Valley – Goose Bay, Nfld & Labrador: Social Innovation Summit. June 6, 2018

Redman, Melanie & Gaetz, Stephen (2018) *What the Future Looks Like? A Roadmap for the Prevention of Youth Homelessness*. Windsor: Ontario Municipal Social Services Association. May 27, 2018

Gaetz, Stephen & Redman, Melanie (2018) *Transforming Systems for Change: Lessons from Canada*. New York: National Symposium on Solutions to End Youth Homelessness. April 30, 2018

Redman, Melanie & Stephen Gaetz (2018) *Implementing Housing First for Youth – Key Challenges*. New York: National Symposium on Solutions to End Youth Homelessness. April 30, 2018

Gaetz, Stephen & Redman, Melanie (2018) "THIS is Housing First for Youth". Denver: Housing First Partners Conference. April 10, 2018

Gaetz, Stephen & Dej, Erin (2017) "Homelessness Prevention – From Framework to Action". Winnipeg, Manitoba. Canadian Alliance to End Homelessness Conference, October 26, 2017

Gaetz, Stephen & Schwan, Kaitlin (2017) "Preventing Youth Homelessness- 10 things we can do". Winnipeg, Manitoba. Canadian Alliance to End Homelessness Conference, October 25, 2017

Gaetz, Stephen (2017) "THIS is Housing First for Youth". Winnipeg, Manitoba. Canadian

Alliance to End Homelessness Conference, October 25, 2017

Gaetz, Stephen (2017) "Understanding Youth Homelessness in Canada – The first national survey". Barcelona, Catalonia. European Observatory on Homelessness Conference, September 22, 2017

Gaetz, Stephen (2017) "Understanding Youth Homelessness in Canada – The first national survey". Barcelona, Catalonia. European Observatory on Homelessness Conference, September 22, 2017

Redman, Melanie & Gaetz, Stephen (2017) "Making the Shift – Preventing and Ending Youth Homelessness in Canada". Barcelona, Catalonia. European Observatory on Homelessness Conference, September 22, 2017

Gaetz, Stephen (2017) "Homelessness Prevention and Housing First for Youth". CHRA Congress Halifax, ON. May 4, 2017

Gaetz, Stephen (2016) "Housing First for Youth". *New Directions – National Conference on Homelessness*. Edinburgh Scotland. November 10, 2016

Gaetz, Stephen (2016) "Knowledge Mobilization and Design Thinking". Tackling Homelessness: Developing and Sharing Best Practice. Bristol, UK. November 8, 2016

Gaetz, Stephen (2016) "Homelessness Prevention 101". *Canadian Alliance to End Homelessness conference*. London, Ontario. November 3, 2016

Gaetz, Stephen (2016) "The State of Homelessness in Canada 2016". *Canadian Alliance to End Homelessness conference*. London, Ontario. November 3, 2016

Gaetz, Stephen (2016) "Canadian Definition of Youth Homelessness". *Canadian Alliance to End Homelessness conference*. London, Ontario. November 2, 2016

Gaetz, Stephen; Bill O'Grady & Sean Kidd (2016) "Without a Home: Results of the National Youth Homelessness Survey". *Canadian Alliance to End Homelessness conference*. London, Ontario. November 2, 2016

Redman, Melanie & Gaetz, Stephen (2016) A Way Home – Ending youth homelessness in Canada. OMSSA Service Managers conference. Toronto, Canada. October 27, 2016

Gaetz, Stephen (2016) "Criminalizing Homelessness in Canada: The Impact on Homeless Youth". *International Community Corrections Association*. Toronto, ON October 4, 2016

Gaetz, Stephen (2016) "Transitioning to Housing First – Key Challenges for Service Providers" European Observatory on Homelessness Research Conference. Copenhagen, Denmark. September 23, 2016

Gaetz, Stephen (2016) "Rural Homelessness and Housing First for Youth". *Rural Sociological Society Conference*. Toronto, ON. August 8, 2016

Gaetz, Stephen (2016) "Housing First for Youth – Challenges in Going to Scale" *National Alliance to End Homelessness Conference*. July 26, 2016

- Redman, Melanie & Gaetz, Stephen (2016) "A Way Home". *FEANTSA Policy Conference*. Brussels Belgium. June 10, 2016
- Gaetz, Stephen & Redman, Melanie (2016) "Housing First for Youth in Europe – A Human Rights Approach" *Rock Trust – Ending Youth Homelessness National Conference*. Edinburgh Scotland. June 6, 2016
- Gaetz, Stephen (2016) "Moving from Crisis to Prevention – Reimagining our Response to Youth Homelessness" *Rock Trust – Ending Youth Homelessness National Conference*. Edinburgh Scotland. June 6, 2016
- Redman, Melanie & Gaetz, Stephen (2016) "Coming Together to End Youth Homelessness – A Way Home". *Rock Trust – Ending Youth Homelessness National Conference*. Edinburgh Scotland. June 7, 2016
- Gaetz, Stephen (2016) "Adolescence, Homelessness and Stigma" *A4YC Conference*, Edmonton AB. May 17, 2016
- Gaetz, Stephen (2016) "Tackling 'Wicked Problems' through Collective Impact". *Housing Affordability and Market Based Solutions Conference*. University of Calgary, Calgary AB. February 10, 2016
- Gaetz, Stephen (2016) "The Housing System – Can we address affordability?". *Housing Affordability and Market Based Solutions Conference*. University of Calgary, Calgary AB. February 10, 2016
- Gaetz, Stephen (2016) "Housing First for Youth – The challenges of going to scale" National Alliance to End Homelessness Conference on Family and Youth homelessness. Oakland, CA. Feb 19, 2016
- Gaetz, Stephen (2016) "Oh Canada! Lessons on Housing First from the Canadian Response to Homelessness" Second Annual Convening on Unaccompanied Homeless Women. Los Angeles CA. January 21, 2016
- Gaetz, Stephen (2016) "Young, Female and Homeless" Second Annual Convening on Unaccompanied Homeless Women. Los Angeles CA. January 21, 2016
- Redman, Melanie & Gaetz, Stephen (2015) "A Way Home" *The American Round Table to Abolish Homelessness*. Boston, MA. November 6, 2015
- Gaetz, Stephen (2015) "Issues and Challenges in Going to Scale" *The American Round Table to Abolish Homelessness*. Boston, MA. November 6, 2015
- Gaetz, Stephen (2015) "Panel: Exploring effective systems responses to homelessness - systems, planning and coordination" *CAEH 2015 – National Conference on Ending Homelessness*. Montreal, Que. October 19, 2015
- Gaetz, Stephen (2015) "A Framework for Systems Integration" *CAEH 2015 – National Conference on Ending Homelessness*. Montreal, Que. October 19, 2015
- Gaetz, Stephen (2015) "Screening for Housing First" *CAEH 2015 – National Conference on*

Ending Homelessness. Montreal, Que. October 19, 2015

Gaetz, Stephen (2015) "A Framework for Preventing Youth Homelessness" *CAEH 2015 – National Conference on Ending Homelessness.* Montreal, Que. November 2, 2015

Redman, Melanie & Gaetz, Stephen (2015) "A Way Home" *CAEH 2015 – National Conference on Ending Homelessness.* Montreal, Que. November 2, 2015

Gaetz, Stephen (2015) "A Framework for Homelessness Prevention" *Toronto Homelessness Research Symposium.* Toronto, ON. October 19, 2015

Gaetz, Stephen (2015) "Youth Homelessness in Toronto." *Toronto Homelessness Research Symposium.* Toronto, ON. October 19, 2015

Gaetz, Stephen (2015) "Making Research Matter" *Toronto Homelessness Research Symposium.* Toronto, ON. October 19, 2015

Gaetz, Stephen (2015) "Homeless Veterans in Canada: An Emerging Issue." *European Observatory on Homelessness Research Conference.* Dublin, Ireland. September 25, 2015

Gaetz, Stephen (2015) "Criminalizing Homelessness in Canada: What happens when we use policing as a strategic response to youth homelessness?." *International Academy of Law and Mental Health Congress.* Vienna, Austria. July 17, 2015

Gaetz, Stephen (2015) "Oh Canada! Lessons on Housing First from the Canadian Response to Homelessness." *Housing First Day conference,* Utrecht NL. July 6th, 2015

Gaetz, Stephen (2015) "A Framework for Housing First for Youth." *Housing First Day conference,* Utrecht NL. July 6th, 2015

Redman, Melanie & Gaetz, Stephen (2015) "Building Links for the Prevention of Youth Homelessness." *FEANTSA Conference.* Paris, June 20th, 2015

Gaetz, Stephen & Redman, Melanie (2015) "Youth Homelessness in Canada: Does Challenging Measures that Criminalize Youth Homelessness Work?," *Housing Rights Watch Conference.* Paris, June 18th, 2015

Gaetz, Stephen (2015) "Panel presentation – The Criminalization of Youth Homelessness." *The Legal Needs of Street Youth conference.* London, UK June 17, 2015

Gaetz, Stephen (2015) "Solving Youth Homelessness – Lessons from Canada" *Homelessness in a Global Landscape Conference – Institute of Global Homelessness,* Chicago, IL., June 2st, 2015

Gaetz, Stephen (2015) "Understanding and measuring homelessness in Canada" *Homelessness in a Global Landscape Conference – Institute of Global Homelessness,* Chicago, IL., June 1st, 2015

Gaetz, Stephen (2015) "Canadian Point-in-Time Count – Implementation Toolkit" *Government of Canada – Homelessness Partnering Strategy – HPS PiT Count Workshop.* Winnipeg, MN May 1, 2015

- Gaetz, Stephen (2015) "From Child Protection to Youth Homelessness: Can we turn off the taps?" *Canadian Housing and Renewal Association National Conference on Housing and Homelessness*. Winnipeg, MN April 30th, 2015
- Gaetz, Stephen (2015) "Canadian Point-in-Time Count – Implementation Toolkit" *Government of Canada – Homelessness Partnering Strategy – HPS PiT Count Working Group*. Ottawa, ON April 9, 2015
- Gaetz, Stephen (2015) "Solving Youth Homelessness. Lessons from Canada" *Ending Family and Youth Homelessness*. National Alliance to End Homelessness. San Diego, CA. February 19, 2015
- Gaetz, Stephen (2014) "Canadian Point-in-Time Count Methodology and Toolkit" *National Conference on Ending Homelessness*. Vancouver, BC. November 5, 2014.
- Gaetz, Stephen (2014) "Can we think about a Housing First strategy for Youth?" *National Conference on Ending Homelessness*. Vancouver, BC. November 4, 2014.
- Gaetz, Stephen (2014) "Thinking about an End to Youth Homelessness" *National Conference on Ending Homelessness*. Vancouver, BC. November 3, 2014.
- Gaetz, Stephen (2014) "Housing First for Youth" *National Conference on Ending Homelessness*. Vancouver, BC. November 3, 2014.
- Gaetz, Stephen (2014) "Young, Female and Homeless" *One in Four Convening on Unaccompanied Homeless Women*. Harvard, Oct. 24, 2014.
- Gaetz, Stephen (2014) "Can Housing First work for youth?". *8th National Conference on Homelessness*. Brisbane Australia, September 12, 2014
- Gaetz, Stephen (2014) "Preventing Youth Homelessness - What do we know? What should we do?" *8th National Conference on Homelessness*. Brisbane Australia, September 11, 2014
- Gaetz, Stephen (2014) "Oh Canada! Housing first and the evolution of the Canadian response to Homelessness". *8th National Conference on Homelessness*. Brisbane Australia, September 11, 2014
- Gaetz, Stephen (2014) "A Framework for Housing First for Youth". *National Alliance to End Homelessness conference*. Washington, DC. July 29, 2014.
- Gaetz, Stephen (2014) "Why youth homelessness is different than adult homelessness". *National Alliance to End Homelessness conference*. Washington, DC. July 29, 2014.
- Gaetz, Stephen (2014) "Thinking about . . . Youth Homelessness" *Western Next Practices Colloquy*. Los Angeles, June 18, 2014
- Gaetz, Stephen (2014) "A Safe and Decent Place to Live: Understanding youth homelessness in urban and rural areas of Canada". *Youth Housing and Homelessness Conference*. Ottawa, June 23, 2013
- Gaetz, Stephen (2014) "Preventing Youth Homelessness" *FEANTSA Youth Homelessness Study Session*. Budapest, Hungary. March 4, 2014.

- Gaetz, Stephen (2014) "Research Impact! How research can contribute to ending homelessness." *Housing First Conference*, Kelowna BC. February 27, 2014.
- Gaetz, Stephen (2014) "Housing Options for Youth". National Alliance to End Homelessness, Ending Family and Youth Homelessness Conference. New Orleans, LA. Feb 17, 2014.
- Gaetz, Stephen. (2014) "Rethinking Our Response to Youth Homelessness" *Ending Youth Homelessness in Red Deer conference*. Red Deer Alberta. January 29, 2014.
- Gaetz, Stephen (2013) "Towards a Prevention Framework for Homeless Youth". *FEANTSA Conference on Youth Homelessness*. Prague, Czech Republic. November 9, 2013
- Gaetz, Stephen (2013) "Making Research Matter! How Research Can Contribute to Ending Homelessness." *Homelessness Partnering Strategy – National Workshop on Housing First*. Ottawa, ON, November 1, 2013
- Gaetz, Stephen (2013) "Research Matters: The Canadian Homelessness Research Network." *National Conference on Ending Homelessness*. Ottawa: October 28th, 2013
- Gaetz, Stephen (2013) "The State of Homelessness in Canada, 2013." *National Conference on Ending Homelessness*. Ottawa: October 28th, 2013
- Gaetz, Stephen (2013) "A Framework for Preventing Youth Homelessness", *Next Practices*. Boston, USA. October 25th, 2013
- Gaetz, Stephen (2013) "Knowledge Mobilization as Design", *York Symposium on the Scholarship of Engagement*. York University, Toronto Canada. October 2, 2013
- Gaetz, Stephen (2013) "Adaptation and Implementation Challenges for Housing First", *Housing First. What's Second?* FEANTSA European Research Conference - Berlin, Germany, September 20th, 2013
- Gaetz, Stephen (2013) "Family Matters – Youth Homelessness and Family Reconnection". National Alliance to End Homelessness Conference. Washington, DC., July 20th, 2013
- Gaetz, Stephen (2013) "Rethinking Models of Prevention, Accommodation and Support for Homeless Youth" *International Homelessness Research Conference*, Philadelphia, Pennsylvania, June 3, 2013
- Gaetz, Stephen (2013) "The Real Cost of Homelessness" *Canadian Economics Association conference*, Montreal, May 30, 2013
- Gaetz, Stephen (2013) "The Bottom Three Feet of the City: Youth Homelessness and Geographies of Exclusion". *Canadian Anthropology Society meetings*. Victoria, May 10, 2013
- Gaetz, Stephen (2013) "Research Impact! Using Research to Support the Work of CABS". *Canadian Housing and Renewal Association – Community Advisory Body Meeting*. Ottawa, May 6, 2013

Gaetz, Stephen (2013) "Reimagining our Response to Youth Homelessness?" *Social Planning Council of Hamilton, Community Meeting*. Hamilton April 24, 2013

Gaetz, Stephen (2013) "The Real Cost of Homelessness" *Northern Housing Conference*, Whitehorse, Yukon. March 25, 2013

Gaetz, Stephen (2013) "A Framework for Preventing Youth Homelessness" *Ending Family and Youth Homelessness*, National Alliance to End Homelessness. Seattle WA, Feb 21, 2013

Gaetz, Stephen (2012) "Supporting Transitions to Adulthood: The Foyer". *Ontario Non-Profit Housing Association Conference*. Toronto. November 17, 2012.

Gaetz, Stephen (2012) "Making Research Matter – Creating impact for Housing and Homelessness Research". *Ontario Non-Profit Housing Association Conference*. Toronto. November 17, 2012.

Gaetz, Stephen (2012) "Homelessness, Social Exclusion and the Risk of Tuberculosis Infection". *Tuberculosis in Canada: Detection, Intervention and Compliance*. Centre for Disease Modelling. Ottawa: November 15, 2012

Gaetz, Stephen (2012) "Stopping the Problem Before it Starts. A Prevention Response to Youth Homelessness" *Pushing the Limits conference*. United Way of Calgary and Area. October 18, 2012

Gaetz, Stephen (2012) "The Possibilities of Connection: Linking schools, community organizations and families in addressing youth homelessness in Australia and the UK" *Pushing the Limits conference*. United Way of Calgary and Area. October 17, 2012

Gaetz, Stephen (2012) "Supporting Transitions to Independence. The Foyer." Woods Homes Provincial Youth Shelter Symposium. Calgary, September 20th, 2012

Gaetz, Stephen (2012). "Do we need a big bridge to cover a small gap since we're all on campus or do we need a small bridge to cover a large gap between research and practice?" *Knowledge Mobilization Forum*, Ottawa. June 17, 2012

Gaetz, Stephen (2012). "Responding to H1N1 in the Context of Homelessness in Canada". *Pan-inFORM – Indigenous Populations Health Protection – IPHP*. York University, May 7, 2012

Gaetz, Stephen (2012). "Thinking about Program Evaluation in the Homelessness Sector", *Homelessness Community Advisory Board Meeting*, St. John's, Nfld. May 4, 2012

Gaetz, Stephen (2012). "Towards a Canadian Definition of Homelessness" *Homelessness Community Advisory Board Meeting*, St. John's, Nfld. May 4, 2012

Gaetz, Stephen (2012). "Reimagining our Response to Youth Homelessness" *Canadian Housing Renewal Association*. St. John's Nfld., May 3, 2012.

- Gaetz, Stephen & MacKinnon, Martha (2012) "Educating the Homeless Student. Pedagogical and Legal Issues." *Canadian Association for the Practical Study of Law in Education*. Ottawa, April 30, 2012
- Gaetz, Stephen (2012). "Ending Homelessness – The role of data, evidence and knowledge mobilization" *Seven Cities on Housing and Homelessness – Leadership Summit*. Calgary, Alberta. April 16, 2012
- Gaetz, Stephen (2012). "Knowledge Transfer and Networking Between Communities of Practice" *Espace public et sans domicile fixe: La Recherche S'Expose*. St. Etienne, France. March 7, 2012
- Gaetz, Stephen (2012). "Making the Case for Housing First: What can Research Offer?" *Espace public et sans domicile fixe: La Recherche S'Expose*. St. Etienne, France. March 7, 2012
- Gaetz, Stephen (2012). "The Housing Crisis and Homelessness: The Canadian Homeless Hub and Lessons For Ireland" *New Housing Poverties in Contemporary Ireland*. Cork, Ireland. March 2, 2012
- Gaetz, Stephen (2011). "Reimagining our Response to Youth Homelessness: A Canadian and Global Perspective". *CMHC – National Housing Research Committee Meeting*. Ottawa, Nov. 8, 2011
- Gaetz, Stephen (2011). (Chair and Session Organizer) "New Directions in Research on Youth Homelessness in Canada" *CMHC – National Housing Research Committee Meeting*. Ottawa, Nov. 8, 2011
- Gaetz, Stephen (2011). "Reimagining our Response to Youth Homelessness in Canada". *ONPHA Conference*, Niagara Falls, ON. October 30, 2011
- Gaetz, Stephen & O'Grady, Bill (2011). "Can I See Your ID? Policing and the Criminalization of Youth Homelessness in Canada". *Without a Home – Current Issues in Homelessness*. York University, Toronto, October 6, 2011.
- Gaetz, Stephen (2011). "Responding to H1N1 in the Context of Homelessness in Canada". *Health Systems Research on H1N1 – Knowledge Exchange Workshop (CIHR)*. Ottawa. September 20, 2011
- O'Grady, Bill & Gaetz, Stephen (2011). "Being Served and Protected: Un-housed youth's experiences with the Toronto Police Service". *American Bar Association Meetings*. Toronto, August 5, 2011
- Gaetz, Stephen (2011) "Mobilizing Homelessness Research" *2011 Ontario Education Research Symposium*. Toronto. January 27, 2011
- Gaetz, Stephen (2010). "Research and Policy". *The Road Home Conference on Homelessness*. Edmonton, Alberta. November 17

Gaetz, Stephen (2010). "Youth, Housing and Homelessness". *The Road Home Conference on Homelessness*. Edmonton, Alberta. November 16

Gaetz, Stephen (2010). "TEDx Presentation - Making Research Matter: Mobilizing Homelessness Research". Ctrl+Alt+Delete TEDx York U. November 4

Gaetz, Stephen (2010). Closing Plenary: "The Engaged Researcher" *l'itinérance. Défis théoriques et méthodologiques. Rethinking Homelessness. Theoretical and Methodological Challenges*. UQAM, Montreal, October 29

Gaetz, Stephen; Waegemakers-Schiff, Jeanette & Schiff, Rebecca (2010). "Pandemic preparedness for homeless persons in various Canadian cities". *l'itinérance. Défis théoriques et méthodologiques. Rethinking Homelessness. Theoretical and Methodological Challenges*. UQAM, Montreal, October 27

Gaetz, Stephen (2010). "Making Research Matter – Mobilizing Research to Help End Homelessness" *Calgary Homeless Foundation Research Conference*. Calgary, October 10, 2010

Gaetz, Stephen (2010). "Safe Streets, livable streets, whose streets? The law and order response to youth homelessness in Canada" *The Joe Doherty Seminar. The Changing Urban Frontier and Youth Homelessness*. St. Andrews, Scotland. Feb. 10, 2010

Gaetz, Stephen (2009). "A Safe and Decent Place to Live". *Practice and Policy Innovations: Incorporating Socially Marginalized People in Housing and Communities*. Bellagio, Italy. November 5, 2009

Gaetz, Stephen (2009) The Canadian Response to Homelessness – Expensive but is it effective?" Tax Expenditures and Public Policy in Comparative Perspective Conference. Toronto, ON. September 10, 2009

Gaetz, Stephen (2009). "Creating Agents of Change: Bringing Homelessness into the Classroom". BC Teachers Federation Leadership Conference,. Vancouver, BC, August 2009

Gaetz, Stephen (2009). *Mobilizing Homelessness Research in Canada*. Growing Home: Housing and Homelessness in Canada. Calgary, February 2009

Gaetz, Stephen (2009). *Canadian Homelessness Research Network: Making Research Matter*. Growing Home: Housing and Homelessness in Canada. Calgary, February 2009

Gaetz, Stephen & Bill O'Grady (2008). *Youth Homelessness and Incarceration*. Raising the Roof - Partners Solving Youth Homelessness. Toronto, Nov. 2008

Gaetz, Stephen (2007). *The Homeless Hub: Canadian Homelessness Research Clearinghouse Project*. Ontario Municipal Social Services Association Annual Meeting. Toronto, Canada October, 2007

Gaetz, Stephen & O'Grady, Bill (2007). *Health among Toronto Street Youth: An Analysis of Immigrant & Non-Immigrant Youth*. ISA Research Committee on Family Studies Health in Families, Healthy Families: Gendered Explorations, Toronto, Canada

Gaetz, Stephen (2006). *Homelessness in Canada*. International Homelessness Seminar held in London, UK

Gaetz, Stephen (2006). *Developing a Clearinghouse of Homelessness Research in Canada*. Workshop: International Comparative Perspectives on Homelessness. 11th International Metropolis Conference. Lisbon, Portugal (October)

Gaetz, Stephen (2005). *Making Research Matter: The Emergence of Research as a Factor in Solving the Homelessness Crisis in Canada*. Breaking New Ground: Innovation in the Public Sector, International Conference, Cork Ireland (September, 2005).

Gaetz, Stephen & O'Grady, Bill (2005). *Diversity and Making Money: Race, Gender and the Economy of Young Homeless Workers in Toronto*. Canadian Conference on Homelessness. Toronto (May)

Naomi Dachner, Valerie Tarasuk, Jinguang Li, Stephen Gaetz & Blake Poland (2005). *Food Insecurity and Nutritional Vulnerability Among Homeless Youth in Toronto*. Canadian Conference on Homelessness. Toronto (May)

Naomi Dachner, Valerie Tarasuk, Stephen Gaetz & Blake Poland (2005). *An Examination of Community Efforts to Help Meet the Food Needs of Homeless People in Toronto*. Canadian Conference on Homelessness. Toronto (May)

Gaetz, Stephen (2004). *An Urban Other: Street Youth and Criminal Victimization in Toronto*. Association of Canadian Studies in Ireland. Cork, Ireland (April).

Gaetz, Stephen (2003). *Street Justice: Alternative Education and Social Inclusion*. Expanding Paradigms: What is Education Anyway?, Graduate Student Conference, York University. Toronto, Ontario.

Gaetz, Stephen & O'Grady, Bill (2002). *Street Youth and Gendered Work*. The Congress of Social Sciences and Humanities conference. Toronto, Ontario.

Gaetz, Stephen (2001). *Starting a Professional Development School*. International Conference on School Effectiveness and Improvement Annual Meeting. Toronto, Ontario.

Gaetz, Stephen & O'Grady, Bill (1999). *"Making a buck" - Income Generating Strategies of Street Youth in Toronto*. American Society of Criminology Annual Meeting. Toronto, Ontario.

Gaetz, Stephen (1999). *Developing Dental Services within a Community Health Centre Context*. Association of Ontario Health Centres Annual Meeting. London, Ontario.

Gaetz, Stephen (1998). *Street Youth and Sexuality*. Guelph Conference and Training Institute on Sexuality. Guelph, Ontario.

Gaetz, Stephen (1996). *Community Development and Lesbian, Gay and Bisexual Youth*. Other Young Lives II Conference. Toronto, Ontario.

Gaetz, Stephen & Travers, Anna (1996). *Are Street Youth a Community? Challenging Notions of Community Development*. Association of Ontario Community Health Centres Conference. Toronto, Ontario.

Gaetz, Stephen (1993). *Planning Community-based Youth Services in Cork, Ireland*. Canadian Association of Anthropology and Sociology. Toronto, Ontario.

Gaetz, Stephen (1991). *Turning Rebellion into Money: an Analysis of the Commodification of Punk Culture*. Critical Anthropology conference. Toronto Ontario.

Gaetz, Stephen (1986). *The Economy of Punks in Toronto*. Canadian Anthropological Association Meetings. Toronto, Ontario.

Gaetz, Stephen (1985). *Punks in Toronto*. North East Anthropology Association Meetings. Buffalo, N.Y.

Keynote Addresses

Gaetz, Stephen (2021) "Impact of Homelessness and Extreme Poverty on Involvement with the Criminal Justice System." *Annual Justice and Treatment Partnership Conference, Toronto (On Line) – December 7, 2021*. (Keynote Address)

Gaetz, Stephen & Redman, Melanie (2021) "Towards the Transformation of Our Response to Youth Homelessness". Australia – National Youth Homelessness Virtual Conference. June 15, 2021. (Keynote Address)

Gaetz, Stephen & Redman, Melanie (2020) "Making the Shift – A Youth Homelessness Social Innovation Lab and the Duty to Assist". London, UK: *Homelessness Prevention Conference / CRISIS*. March 20, 2020. (Keynote Address)

Redman, Melanie & Stephen Gaetz (2020) "Making the Shift – A Youth Homelessness Social Innovation Lab". Cardiff, Wales: *Preventing Youth Homelessness 2020*. March 9, 2020. (Keynote Address)

Gaetz, Stephen & Redman, Melanie (2019) "A Roadmap for the Prevention of Youth Homelessness". Sydney, Australia: *NSW Homelessness, AGM*. October 21, 2019. (Keynote Address)

Gaetz, Stephen (2019) "Lessons from Canada: Progress, Challenges, Next Steps". Melbourne Australia: *Victorian Homelessness Conference*. October 14, 2019. (Keynote Address)

Redman, Melanie & Stephen Gaetz (2019) "Creating Research Impact: Making the Shift, A Youth Homeless Social Innovation Lab". Toronto, York University: *Faculty of Education Launch*. Sept. 4, 2019. (Keynote Address)

Gaetz, Stephen (2018) "Can We End Youth Homelessness in Canada?". Toronto, ON: *The Jackman Lecture: York University*. December 4, 2018. (Keynote Address)

Gaetz, Stephen & Redman, Melanie (2018) "A Way Home: Transforming Systems for Change". Antwerp, Belgium: *Launch of A Way Home Europe*. Sept 17, 2018. (Keynote Address)

Redman, Melanie & Stephen Gaetz (2018) "What the Future Looks Like? A Roadmap for the Prevention of Youth Homelessness". New York: *Point Source Symposium on Solutions to Youth Homelessness*. Thursday, February 22, 2018. (Keynote Address)

Gaetz, Stephen & Redman, Melanie (2018) "What the Future Looks Like? A Roadmap for the Prevention of Youth Homelessness". Ottawa: *Coming Up Together Conference on Youth Homelessness*. Thursday, February 22, 2018. (Keynote Address)

Redman, Melanie & Stephen Gaetz (2018) "What the Future Looks Like? A Roadmap for the Prevention of Youth Homelessness". Toronto: *Homelessness Partnering Strategy / Government of Ontario Homelessness Conference*. January 23, 2018. (Keynote Address)

Gaetz, Stephen (2017) "Preventing and Ending Homelessness" Toronto, Ontario: *ICFHT AGM*. Monday, October 23, 2017. (Keynote Address)

Gaetz, Stephen (2017) "The *SHIFT* to end homelessness". Edmonton, Alberta: *Douglas R.W. Wilson lecture* Thursday, October 19, 2017. (Keynote Address)

Gaetz, Stephen (2015) "A Way Home" *OMSSA Conference on Homelessness Prevention, Toronto, ON*. November 25, 2015. (Keynote Address)

Gaetz, Stephen (2015) "Preventing Youth Homelessness through School-Based Initiatives." *Graduate Student Conference in Education*, York University, Toronto, ON, November 19, 2015. (Keynote Address)

Gaetz, Stephen (2015) "Knowledge Mobilization and Design Thinking: Towards Enhancing the Impact of Homelessness Research". *The North American HIV/AIDS Housing Summit VII*. Washington DC., September 15. (Keynote Address)

Gaetz, Stephen (2015) "Oh Canada! What we have learned, Where we are going ..." *Launch of Edmonton Plan to Prevent, Reduce and End Youth Homelessness*. Edmonton, AB., June 10th, 2015. (Keynote Address)

Gaetz, Stephen (2015) "10 things I've learned about Youth Homelessness" *Youth Services Access and Design Forum – Homeward Trust*. Edmonton, AB., June 10th, 2015. (Keynote Address)

Gaetz, Stephen (2015) "Oh Canada! Lessons on Housing First from the Canadian Response to Homelessness" *Housing First: The Solution to Rough Sleeping? Pathway*,

Focus Ireland, City of Dublin. Dublin, Ireland., June 26th, 2015. (Keynote Address)

Gaetz, Stephen (2015) "Understanding Youth Homelessness in Canada" *Re-Imagining Youth Homelessness in Ottawa.* Calgary Homeless Foundation Research Symposium, Calgary, AB. April 22nd, 2015. (Keynote Address)

Gaetz, Stephen (2014) "Understanding Youth Homelessness in Canada" *Re-Imagining Youth Homelessness in Ottawa.* Youth Services Bureau, Ottawa. November 17th, 2014

Gaetz, Stephen (2014) "Thinking About Youth Homelessness" *Attacking Rural Homelessness in Lanark County.* Perth, Ontario. October 20, 2014. (Keynote Address)

Gaetz, Stephen (2014) "Oh Canada! Housing first and the evolution of the Canadian response to Homelessness". *8th National Conference on Homelessness.* Brisbane Australia, September 11, 2014. (Keynote Address)

Gaetz, Stephen (2014) Keynote Inaugural lecture of the Star Institute. Li Ka Shing Knowledge Institute, Toronto. On. September 30, 2014. (Keynote Address)

Gaetz, Stephen (2013) "Homelessness in Canada", *International Homelessness Research Conference*, Philadelphia, Pennsylvania, June 3, 2013. (Keynote Address)

Gaetz, Stephen (2013) "Research Impact! How Research Can Contribute to Ending Homelessness". *Southern Alberta Research Symposium.* City of Lethbridge, May 20, 2013

Gaetz, Stephen (2012) "Research Impact! How Research Can Contribute to Ending Homelessness". (Keynote Address) *Calgary Research Symposium.* Calgary Homeless Foundation. November 29, 2012

Gaetz, Stephen (2012) "What if every child had a caring adult in their life?" (Keynote Address) *Pushing the Limits conference.* United Way of Calgary and Area. October 17, 2012 (Keynote Address)

Gaetz, Stephen (2012) "What Works and For Whom? Developing a Framework for Promising Practices". (Keynote Address) *Workshop on Homelessness: Sharing Promising Practices.* Homelessness Partnering Strategy. October 11, 2012. (Keynote Address)

Gaetz, Stephen (2012) "Can We Reimagine our Response to Youth Homelessness?" *Woods Homes Provincial Youth Shelter Symposium.* Calgary, September 20th, 2012. (Keynote Address)

Gaetz, Stephen (2012). "Family Matters: Rethinking the role of family in our response to youth homelessness". Keynote panel. Graduate Students Conference in Education 2012: *Education in a Changing World.* York University. April 27, 2012. (Keynote Address)

Gaetz, Stephen (2010). "The Engaged Researcher: Making Research Matter" (Keynote Address) *Calgary Homeless Foundation Research Symposium*, August, 2010. (Keynote Address)

Gaetz, Stephen (2008). *Making Research Matter: Mobilizing Homelessness Research to End Homelessness*. Calgary Homeless foundation Research Symposium. Calgary, Canada. August, 2008. (Keynote Address)

Invited Public Lectures

Gaetz, Stephen (2022) "Can we end youth homelessness in Canada? " *Office of the President Salon*, York University. February 3, 2022

Gaetz, Stephen (2021) "UN Sustainable Development Goals: Poverty and Homelessness." *SDG Action Networking Series*, Government of Canada SDG Unit (ESDC). January 27, 2022,

Gaetz, Stephen (2021) "Building Large Scale Grants". *Vice President of Research and Innovation Event*, York University. December 2, 2021.

Gaetz, Stephen (2021) "PREVENTING Youth Homelessness ... Why do it? " *Choices for Youth AGM*, St. John's Nfld. Oct 2, 2021

Gaetz, Stephen (2021) "Knowledge Mobilization and Youth Homelessness Prevention." *LivEx Group Meeting*, York University, Toronto (OnLine). September 3, 2021

Gaetz, Stephen (2021) "What IS Youth Homelessness Prevention?" *Innovation York*, York University, Toronto (OnLine). July 7, 2021

Gaetz, Stephen and Redman, Melanie (2021) "Launch of the Toronto Charter Centre on Youth Homelessness Prevention". *York University, Toronto and the United Nations Economic Commission for Europe* (OnLine). June 16, 2021

Gaetz, Stephen and Redman, Melanie (2021) "Making the Shift – Youth Homelessness Social Innovation Lab." *Province of Ontario, Ministry of Housing*, Toronto (OnLine). Tuesday, June 7, 2021

Gaetz, Stephen (2021) *Understanding Research Impact*. Making the Shift Board of Directors, Toronto (OnLine). March 24, 2021

Gaetz, Stephen (2020) *Building Winning Large Scale Grants*. Research Commons Workshop, York University, Toronto (OnLine). December 99, 2020

Gaetz, Stephen (2020) *Covid 19 and Youth Homelessness*. Faculty of Education, York University, Toronto (OnLine). September 19, 2020

Gaetz, Stephen (2020) *Why do research on youth homelessness prevention?*. LivEx Group, York University, Toronto (OnLine). September 19, 2020

Gaetz, Stephen & Redman, Melanie (2020) *Making the Shift, A Youth Homeless Social Innovation Lab. Problematic substance use, Housing and Homelessness*. Ottawa: Health Canada – Elicit Substance and Cannabis Unit. February 6, 2020

Redman, Melanie & Stephen Gaetz (2020) *Making the Shift, A Youth Homeless Social Innovation Lab. Networks of Centres of Excellence*. Ottawa: Health Canada. January 17,

2020

Gaetz, Stephen & Anika Mifsud (2019) *Migration and Homelessness in the Greater Toronto Area*. Toronto: United Way of Greater Toronto. December 9, 2019

Gaetz, Stephen & Redman, Melanie (2019) *Creating Research Impact: Making the Shift, A Youth Homeless Social Innovation Lab*. Toronto: Graduate Program in the Faculty of Education. November 13, 2019

Redman, Melanie & Stephen Gaetz (2019) *Designing the Adaptation of a Duty to Assist in Canada*. Toronto Canada: A Way Home Funders' Table. October 24, 2019

Gaetz, Stephen (2019) *Lessons from Canada: Progress, Challenges, Next Steps*. Melbourne, Australia: Salvation Army, October 17, 2019

Gaetz, Stephen & Redman, Melanie (2019) *Getting Organized through Collective Impact*. Melbourne, Australia: Salvation Army, October 17, 2019

Redman, Melanie & Stephen Gaetz (2019) *Roadmap for the Prevention of Youth Homelessness*. Melbourne, Australia: Salvation Army, October 17, 2019

Gaetz, Stephen & Redman, Melanie (2019) *Upstream: Taking Social Innovation Abroad*. Geelong Australia: Upstream Colloquium. October 16, 2019

Redman, Melanie & Stephen Gaetz (2019) *Creating Research Impact: Making the Shift, A Youth Homelessness Social Innovation Lab*. Toronto, Ontario: Meeting with Anna Bailao, Deputy Mayor, City of Toronto. October 7, 2019

Gaetz, Stephen (2019) *Homelessness in Canada: What We Know, What We Can Do*. Toronto, Ontario: SHAD Lecture, York University. July 16, 2019

Gaetz, Stephen & Redman, Melanie (2019) *The Roadmap for the Prevention of Youth Homelessness*. Dublin, Ireland: Focus Ireland. June 26, 2019

Redman, Melanie & Stephen Gaetz (2019) *Understanding Youth Homelessness*. Dublin, Ireland: Trinity College Lecture. June 25, 2019

Gaetz, Stephen (2019) *Understanding Youth Homelessness*. Toronto, Ontario: Bridgeable. May 21, 2019

Gaetz, Stephen & Redman, Melanie (2019) *A Duty to Assist – How We Can End Youth Homelessness*. Toronto, ON: A Way Home Advisory Committee. May 16, 2019

Gaetz, Stephen (2019) *A Duty to Assist – How We Can End Youth Homelessness*. Toronto, ON: National Learning Community on Youth Homelessness Meeting. May 13, 2019

Gaetz, Stephen (2019) *Making the Shift – A Youth Homelessness Social Innovation Lab*. Toronto, ON: National Learning Community on Youth Homelessness Meeting. May 13, 2019

Redman, Melanie & Stephen Gaetz (2019) *A Duty to Assist – How We Can End Youth Homelessness*. Hamilton, ON: Street Youth Planning Collaborative. May 1, 2019

Gaetz, Stephen (2019) *What the Future Looks Like – Preventing and Ending Youth Homelessness in Canada*. Toronto, Ontario: Academy of Lifelong Learning Lecture: University of Toronto February 6, 2019

Gaetz, Stephen & Redman, Melanie (2019) *The Development of Highly Qualified Personnel*. Geneva, Switzerland: United Nations Economic Commission of Europe. February 19, 2019

Redman, Melanie & Stephen Gaetz (2019) *Making the Shift – Towards a UN Charter Centre on Homelessness*. Geneva, Switzerland: United Nations Economic Commission of Europe. February 19, 2019

Gaetz, Stephen & Redman, Melanie (2019) *Canadian Observatory on Homelessness*. Geneva, Switzerland: United Nations Economic Commission of Europe. February 19, 2019

Gaetz, Stephen (2019) *Making the Shift – A Youth Homelessness Social Innovation Lab*. Toronto, Ontario: Social Innovation Seminar, Trillium Foundation. February 6, 2019

Redman, Melanie & Stephen Gaetz (2018) *Making the Shift – A Youth Homelessness Social Innovation Lab*. Ottawa, Ontario: Conference Board of Canada. December 6, 2018

Gaetz, Stephen (2018) *A Duty to Assist – How We Can End Youth Homelessness*. Toronto, ON: Youth Homelessness Funders Table. October 31, 2018

Gaetz, Stephen & Redman, Melanie (2018) *Making the Shift: Youth Homelessness Social Innovation Lab*. Ottawa, Ontario: Government of Canada, Employment and Social Development Canada. October 16, 2018

Redman, Melanie & Stephen Gaetz (2018) "LGBTQ2S Youth and Youth Homelessness". Dublin, Ireland: Focus Ireland meeting. June 16, 2018

Gaetz, Stephen & Redman, Melanie (2018) "The relationship between involvement in Child Welfare and Youth Homelessness". Toronto: Ontario Association of Childrens' Aid Societies. March 7, 2018

Turner, Alina & Gaetz, Stephen (2018) "Building Regina's Plan to Prevent and End Homelessness". Regina: Systems Planning Meeting. February 15, 2018

Gaetz, Stephen (2018) "The Legal and Justice Issues of Youth who Experience Homelessness". Vancouver: American Bar Association Meeting on the Legal Needs of Street Youth. February 1, 2018

Gaetz, Stephen (2018) "A Way Home Canada". Kelowna: Launch of A Way Home Kelowna. January 18, 2018

Gaetz, Stephen (2018) "Housing First for Youth". Kelowna: Launch of A Way Home Kelowna. January 18, 2018

Gaetz, Stephen (2018) "Preventing youth homelessness – Five things we can do". Kelowna: Launch of A Way Home Kelowna. January 18, 2018

- Gaetz, Stephen & Redman, Melanie (2017) "THIS is Housing First for Youth" St. John's, Nfld: Choices for Youth Meeting of NL Working Group on Youth Homelessness. December 8, 2017
- Redman, Melanie & Gaetz, Stephen (2017) "Making the Shift – Preventing and Ending Homelessness in Canada" Toronto: Province of Ontario Poverty Reduction Strategy. August 18, 2017
- Gaetz, Stephen (2017) "Partnerships" Toronto: NCE Planning Day August 15, 2017
- Gaetz, Stephen (2017) "Clusters and Themes" Toronto: NCE Planning Day August 14, 2017
- Gaetz, Stephen (2017) "Making the Shift Overview" Toronto: NCE Planning Day August 14, 2017
- Redman, Melanie & Gaetz, Stephen (2017) "Making the Shift – Preventing and Ending Homelessness in Canada" Toronto: Making the Shift Kick-Off. August 14, 2017
- Gaetz, Stephen (2017) "A Framework for Housing First for Youth" Toronto: Making the Shift Training Day. August 13, 2017
- Gaetz, Stephen & Redman, Melanie (2017) "Making the Shift" Toronto: Trillium Foundation. July 19, 2017
- Gaetz, Stephen & Vasko, Stephanie (2017) "Knowledge Mobilization and Design Thinking" Toronto: REALIZE. July 10, 2017
- Redman, Melanie & Gaetz, Stephen (2017) "A Way Home and Collective Impact" Toronto: Trillium Foundation. July 10, 2017
- Gaetz, Stephen & Redman, Melanie (2017) "Making the Shift – Preventing and Ending Youth Homelessness in Canada" Dublin: Trinity College. June 27, 2017
- Redman, Melanie & Gaetz, Stephen (2017) "Making the Shift – Can we make homelessness prevention a priority?" Dublin: Trinity College. June 27, 2017
- Gaetz, Stephen & Redman, Melanie (2017) "Housing First for Youth" Utrecht, Netherlands June 22, 2017
- Gaetz, Stephen (2017) "Understanding Youth Homelessness" Budapest, Hungary: FEANTSA Youth Homelessness Study Group. June 12, 2017
- Gaetz, Stephen (2017) "Housing First for Youth" Budapest, Hungary: FEANTSA Youth Homelessness Study Group. June 13, 2017
- Gaetz, Stephen & Redman, Melanie (2017) "Coming Together to End Youth Homelessness in Peterborough" Peterborough, Ontario. May 22, 2017
- Gaetz, Stephen (2017) "Without a Home – The National Youth Homelessness Survey" Toronto, Ontario: National Learning Community on Youth Homelessness. May 10, 2017
- Gaetz, Stephen & Redman, Melanie (2017) "Making the Shift Launch – Strategy Session"

- Toronto: Catherine Donnelly Foundation. April 21, 2017
- Gaetz, Stephen (2017) "Addressing Youth Homelessness in Canada" Toronto: Covenant House AGM. April 19, 2017
- Gaetz, Stephen & Redman, Melanie (2017) "Youth Homelessness Social Innovation Lab" Ottawa: Homelessness Partnering Strategy. April 18, 2017
- Redman, Melanie & Gaetz, Stephen (2017) "A Way Home Advisory Committee Meeting" Toronto: Catherine Donnelly Foundation. April 6, 2017
- Gaetz, Stephen & Redman, Melanie (2017) "Coming Together to End Youth Homelessness in Elgin County" Elgin County. April 3, 2017
- Redman, Melanie & Gaetz, Stephen (2017) "Reimagining our Response to Youth Homelessness" Toronto: *Ontario Ministry of Housing*. March 25, 2017
- Gaetz, Stephen & Redman, Melanie (2017) "The Canadian Observatory on Homelessness and A Way Home - " Toronto: *Danish Study Tour*. February 16, 2017
- Gaetz, Stephen (2017) "Knowledge Mobilization and Design Thinking" Toronto: *Divided City / United City*. February 14, 2017
- Gaetz, Stephen & Czech, Wally (2017) "Professional Knowledge Transfer: Housing First for Youth". London, ON. January 22, 2017
- Gaetz, Stephen (2017) "Housing First for Youth: Employment Training Program Design Sprint". London, ON. January 18, 2017
- Redman, Melanie & Gaetz, Stephen (2016) "Implementing New Community Planning Tools on Youth Homelessness". Homelessness Partnering Strategy/ Ontario Ministry of Housing Conference Toronto, ON. January 11, 2017
- Gaetz, Stephen & Redman, Melanie (2016) "A Way Home". Home Depot Canada Foundation, Board Meeting. Toronto, ON. December 13, 2016
- Redman, Melanie & Gaetz, Stephen (2016) "Coming Together to End Youth Homelessness in Elgin County". St. Thomas, ON. November 30, 2016
- Gaetz, Stephen & Redman, Melanie (2016) "Coming Together to End Youth Homelessness in Renfrew County". Arnprior, ON. November 23, 2016
- Gaetz, Stephen (2016) "Homelessness in Canada: Understanding the National Context". Raising the Roof AGM. Toronto, ON. November 24, 2016
- Gaetz, Stephen (2016) "Homelessness Prevention 101". *Leo Burnett*. Toronto, Canada. October 31, 2016
- Gaetz, Stephen; Tim Richter and Erin Dej (2016) State of Homelessness in Canada release. Ottawa Ontario
- Redman, Melanie & Gaetz, Stephen (2016) "Coming Together to End Youth Homelessness in Washington State". Seattle WA. October 12, 2016

Gaetz, Stephen & Redman, Melanie (2016) "Coming Together to End Youth Homelessness in Winnipeg". Winnipeg, MN. October 11, 2016

Redman, Melanie & Gaetz, Stephen (2016) "Coming Together to End Youth Homelessness in LANARK County". *A Way Home Lanark County*. Perth, ON. October 7, 2016

Gaetz, Stephen & Redman, Melanie (2016) "A Way Home". *Catherine Donnelly Foundation – Funders Table*. September 16, 2016

Gaetz, Stephen (2016) "Responding to Youth Homelessness – What We Should Know, What We Should Do". Young Street Mission Board Meeting. Toronto, ON. September 27, 2016

Redman, Melanie & Gaetz, Stephen (2016) "Reimagining our response to youth homelessness" Focus Ireland. Dublin, Ireland June 27

Gaetz, Stephen & Redman, Melanie (2016) "Housing First for Youth in Europe – A Human Rights Approach" Rock Trust. Edinburgh, Scotland. June 6, 2016

Redman, Melanie & Gaetz, Stephen (2016) "A Way Home". *Catherine Donnelly Foundation – Funders Table*. May 4, 2016

Gaetz, Stephen. (2016) "Knowledge Mobilization and Design Thinking." National Learning Community on Youth Homelessness meeting. May 25, 2016

Redman, Melanie & Gaetz, Stephen (2016) "A Way Home". *Downtown Women's Centre*. Los Angeles, CA. April 7, 2016

Gaetz, Stephen (2016) "Knowledge Mobilization and Design Thinking – Making homelessness research matter!" Graduate Seminar. April 5, 2016

Gaetz, Stephen (2016) "Knowledge Mobilization and Design Thinking – Making homelessness research matter!" OISE CEPP Seminar. March 30, 2016

Gaetz, Stephen & Redman, Melanie (2016) "A Way Home". *FEANTSA Youth*. Budapest Hungary. March 14, 2016

Redman, Melanie & Gaetz, Stephen (2016) "Advocacy, Change and Coalition Building". *FEANTSA Youth*. Budapest Hungary. March 14, 2016

Gaetz, Stephen & Redman, Melanie (2016) "Building your coalition through Collective Impact". *FEANTSA Youth*. Budapest Hungary. March 13, 2016

Gaetz, Stephen (2016) A Framework for Homelessness Prevention. FEANTSA. Brussels, Belgium. March 3, 2016

Gaetz, Stephen. (2016) "Knowledge Mobilization and Design Thinking – How to make homelessness research matter!." *Rosa Bruno-Jofre Symposium in Education*. Toronto, Ontario, February 25, 2016

Gaetz, Stephen. (2016) "Knowledge Mobilization and Design Thinking – Towards Enhancing the Impact of Research on Policy and Practice." York University, January 20,

2016

Redman, Melanie & Gaetz, Stephen (2016) *A Way Home*. Mental Health Commission Housing First Regional Training meeting Ottawa, ON. December 7, 2015

Gaetz, Stephen (2015) "The Big Picture: Mobilizing PiT Count Results." *HPS Point in Time Count Workshop*. Toronto ON, November 25, 2015

Gaetz, Stephen (2015) "Towards a National Research Agenda." *National Learning Community on Youth Homelessness Conference*, St. John's, NL. November 24, 2015

Gaetz, Stephen (2015) "A Framework for Preventing Youth Homelessness." *National Learning Community on Youth Homelessness Conference*, St. John's, NL. November 24, 2015

Gaetz, Stephen & Redman, Melanie (2015) "A Way Home." *National Learning Community on Youth Homelessness Conference*, St. John's, NL. November 23, 2015

Gaetz, Stephen (2015) "The Big Picture: Mobilizing PiT Count Results." *HPS Point in Time Count Workshop*. Vancouver, BC. November 18, 2015

Redman, Melanie & Gaetz, Stephen (2015) "A Way Home – Supporting Community and Government Planning" *Funders Together meeting*. Toronto, ON September 29th, 2015

Gaetz, Stephen & Redman, Melanie (2015) "From Child Protection to Youth Homelessness: Can we turn off the taps?" *Meeting of Provincial and Territorial Advocates for Youth*. St. John's Nfld. September 13, 2015

Gaetz, Stephen (2015) "Housing Options for Youth." *Yonge Street Mission*. September 9, 2015

Gaetz, Stephen (2015) "Research in Canada: The Canadian Observatory on Homelessness." *Impuls, Netherlands Centre for Social Care Research, Radboud University Medical Centre*, Utrecht NL. July 6th, 2015

Gaetz, Stephen & Redman, Melanie (2015) "A prevention-Based Approach to Youth Homelessness" *Trinity College, Dublin*. Dublin, Ireland. June 25th, 2015

Redman, Melanie & Gaetz, Stephen (2015) "Reimagining our Response to Youth Homelessness" *Trinity College, Dublin; Focus Ireland*. Dublin, Ireland. June 24th, 2015

Gaetz, Stephen & Redman, Melanie (2015) "Reimagining our Response to Youth Homelessness" *Raikes Foundation / Campion Foundation meeting*. Seattle WA., June 4th, 2015

Redman, Melanie & Gaetz, Stephen (2015) "A Way Home – Supporting Community and Government Planning" *Raikes Foundation / Campion Foundation meeting*. Seattle WA., June 4th, 2015

Gaetz, Stephen & Redman, Melanie (2015) "Addressing Homelessness through Community Planning" *Yellowknife Community Forum*. Yellowknife NWT., May 14th, 2015

- Gaetz, Stephen (2015) "Reimagining our Response to Youth Homelessness" *Catherine Donnelly Foundation Meeting*. Toronto, ON., May 28th, 2015
- Gaetz, Stephen (2015) "Reimagining our Response to Youth Homelessness" *Funders Together Meeting*. Boston, MA. May 6th, 2015
- Gaetz, Stephen (2015) "Preventing Youth Homelessness through school-based initiatives" *Working Upstream - Preventing Youth Homelessness through School-Linked Services*. Canadian Observatory on Homelessness Toronto, ON. April 24th, 2015
- Gaetz, Stephen (2015) "Oh Canada! Understanding homelessness and the Canadian response" *Toronto Public Library*. Toronto, ON. April 21st, 2015
- Gaetz, Stephen (2015) "10 things I've learned about Youth Homelessness" Samuel W. Shaw School. Calgary, AB. April 17th, 2015
- Gaetz, Stephen (2015) "Canadian Definition of Homelessness" Ontario Advisory Panel on Homelessness. Toronto, ON. March 15, 2015
- Gaetz, Stephen (2015) "Canadian Point-In-Time Count – Methodology and Toolkit" Hamilton Aboriginal Homelessness Symposium. Toronto, ON. March 27, 2015
- Gaetz, Stephen (2015) "Canadian Point-In-Time Count – Methodology and Toolkit" COH / Homeless Hub. Toronto, ON. March 24, 2015
- Gaetz, Stephen (2015) "Canadian Definition of Homelessness" Ontario Advisory Panel on Homelessness. Toronto, ON. March 15, 2015
- Gaetz Stephen (2015) "Taking a Human Rights Approach to Youth Homelessness". *FEANTSA Youth Homelessness Network Meetings*. Strasbourg, France. March 10, 2015
- Gaetz, Stephen (2015) "Ending Youth Homelessness" Ministry of Municipal Affairs and Housing, Province of Ontario. Toronto, ON. March 4, 2015.
- Gaetz, Stephen (2015) "Understanding Constellations of Activity" Mobilizing Local Capacity meeting. Toronto, ON. March 3, 2015.
- Gaetz, Stephen, Pollett, Sheldon (2015) "Coalition to End Youth Homelessness: Coalition Structure" Mobilizing Local Capacity meeting. Toronto, ON. March 3, 2015.
- Gaetz, Stephen, Pollett, Sheldon (2015) "The Vision: Coalition to End Youth Homelessness:" Mobilizing Local Capacity meeting. Toronto, ON. March 3, 2015.
- Gaetz, Stephen. (2015) "Homelessness in Canada. What do we know, what can we do?" *Toronto Public Library*. Toronto, ON, February 26, 2015.
- Gaetz, Stephen (2015) "Oh Canada! Understanding homelessness and the Canadian response." Toronto Public Health. Toronto, ON. February 25, 2015.
- Gaetz, Stephen (2015) "*Knowledge Mobilization and Design Thinking: Towards enhancing the impact of research on policy and practice*". Graduate program in Education, February 4th, 2015

- Gaetz, Stephen (2015) *Towards an IGH Web Presence*", Institute of Global Homelessness meeting. London, UK. January 27, 2015
- Gaetz, Stephen (2015) *"Oh Canada! Lessons from the Canadian Response to Homelessness"*, University College Cork, City of Cork, Cork Ireland. January 20, 2015
- Gaetz, Stephen (2015) *"Canadian Point in Time Counts – Methodology and Toolkit"*, Ottawa Alliance to End Homelessness. Ottawa, ON. January 12, 2015
- Gaetz, Stephen (2014) *"The State of Homelessness in Canada 2014"*, City of Toronto Affordable Housing Office. Toronto, ON. December 3rd, 2014
- Gaetz, Stephen (2014) *"Canadian Observatory on Homelessness – Research Agenda"*, Newfoundland Housing and Homelessness Network. St. John's, Nfld. December 5th, 2014
- Gaetz, Stephen (2014) *"Towards a Strategy to End Youth Homelessness"*, Newfoundland Housing and Homelessness Network. St. John's, Nfld. December 4th, 2014
- Gaetz, Stephen (2014) *"Youth Homelessness – What do we know? What do we need to do?"*, Newfoundland Housing and Homelessness Network. St. John's, Nfld. December 3rd, 2014
- Gaetz, Stephen (2014) *"Acuity Assessment and Housing First for communities"* Newfoundland Housing and Homelessness Network. St. John's, Nfld. December 3rd, 2014
- Gaetz, Stephen (2014) *"Canadian Point in Time Counts: Methodology and Toolkit"* Newfoundland Housing and Homelessness Network. St. John's, Nfld. December 3rd, 2014
- Gaetz, Stephen (2014) *"Leaving Home: Youth Homelessness in York Region"* United Way York Region. Aurora, ON November 27th, 2014
- Gaetz, Stephen (2014) *"Housing First in Canada – Is it the solution?"* ACTO National Housing Day Symposium. Toronto, ON. November 20th, 2014
- Gaetz, Stephen (2014) *"A Research agenda for Ending Youth Homelessness"* National Learning Community on Youth Homelessness Meeting. Montreal, Quebec. November 20, 2014.
- Gaetz, Stephen (2014) *"An End to Youth Homelessness"* Re-Imagining Youth Homelessness in Ottawa. Youth Services Bureau, Ottawa. November 17th, 2014
- Gaetz, Stephen (2014) *"A Prevention Framework for Youth Homelessness"* Re-Imagining Youth Homelessness in Ottawa. Youth Services Bureau, Ottawa. November 17th, 2014
- Gaetz, Stephen (2014) *"Preventing Youth Homelessness"* Attacking Rural Homelessness in Lanark County. Perth, Ontario. October 20, 2014
- Gaetz, Stephen (2014) *"The Real Cost of Homelessness"* Victoria Chamber of Commerce. Victoria, BC. October 16, 2014
- Gaetz, Stephen (2014) *"Coming of Age – Addressing Youth Homelessness"* Vancouver Foundation Community Meeting. Vancouver, BC. October 15, 2014

Gaetz, Stephen (2014) "Housing First, What's Next?" *Community Legal Clinic of York Region*. October 1, 2014.

Gaetz, Stephen (2014) "Housing First in Canada" *RENT – Training day on Housing First*. September 22, 2014.

Gaetz, Stephen (2014) "The Kids Aren't Alright: Understanding Youth Homelessness in Winnipeg" *Winnipeg Chamber of Commerce*. Winnipeg, Mn., September 4, 2014

Gaetz, Stephen (2014) "Making A Difference – The role of financial institutions" *Assiniboine Credit Union community meeting*. Winnipeg, Mn., September 4, 2014

Gaetz, Stephen (2014) "A Safe and Decent Place to Live - Care, respect and dignity in responding to the needs of homeless youth" *RAY community meeting*. Winnipeg, Mn., September 3, 2014

Gaetz, Stephen (2014) "Youth Homelessness 101: What are the causes and conditions?" *RAY community meeting*. Winnipeg, Mn., September 3, 2014

Gaetz, Stephen (2014) "Getting Ready for Housing First". *Community meeting*, Fredericton, New Brunswick, June 25, 2014

Gaetz, Stephen (2014) "Understanding Housing First". *Community meeting*, Fredericton, New Brunswick, June 25, 2014

Gaetz, Stephen (2014) "A Safe and Decent Place to Live: Care, respect and dignity in responding to the needs of homeless youth." *Harris Centre*, St. John's Newfoundland. June 16, 2014

Gaetz, Stephen (2014) "Trends in Homelessness in Canada" *Community meeting*, St. John's Newfoundland.

Gaetz, Stephen (2014) Host: Cafe Scientifique "Ending Homelessness Through Housing First: Lessons Learned from the Toronto Site of the At Home/Chez Soi Project" *MHCC At Home/Chez Soi - Toronto Site* Centre for Social Innovation. Tuesday, April 29th, 2014

Gaetz, Stephen (2014) "State of Homelessness in Canada." *York Region Human Services Planning Board meeting*. April 15, 2014

Gaetz, Stephen (2014) Host: Panel of key participants. *Mental Health Commission of Canada, official launch of the final report on the At Home/Chez Soi project*. Ottawa: April 8, 2014

Gaetz, Stephen (2014) Panel participant: *The Aging Homeless: Best Practices for End of Life Care* Panel Discussion. Li Ka Shing Knowledge Institute St. Michael's Hospital, Toronto. March 25, 2014

Gaetz, Stephen (2013) "The Role of Research in Addressing Homelessness". *Ministry of Municipal Affairs and Housing*, Toronto, ON. November 28, 2013.

- Gaetz, Stephen (2013) "Reimagining Our Response to Youth Homelessness" *Covenant House*, Toronto, ON, October 27, 2013
- Gaetz, Stephen (2013) "Youth Homelessness in York Region. United Way of York Region. Markham, ON. October 25, 2013
- Gaetz, Stephen (2013) "Making Research Matter! How Research Can Contribute to Ending Homelessness", *Aboriginal Homelessness Research Network meeting*, Calgary, AL, October 18, 2013
- Gaetz, Stephen (2013) "Canadian Homelessness Research Network: Sustaining Complex Partnerships" *SSHRC Partnership Grant Start-up Meeting*, Montreal, Que, October 16, 2013
- Gaetz, Stephen (2013) "Making Research Matter! How Research Can Contribute to Ending Homelessness." *Homelessness Partnering Strategy – National Workshop on Housing First*. Ottawa, ON, October 4, 2013
- Gaetz, Stephen (2013) "The State of Homelessness in Canada". *Municipality of Kitchener-Waterloo*. Waterloo, ON., Oct. 3, 2013
- Gaetz, Stephen (2013) "Ending youth Homelessness – Approaches, Successes and Challenges". *Homeward Trust Community Meeting*, Edmonton. September 6, 2013
- Gaetz, Stephen (2013) "The Victimization of Homeless Youth: Crime, Violence and Policing". *Ontario Ministry of Municipal Affairs*. Toronto. February 7, 2013
- Gaetz, Stephen (2013) "The Real Cost of Homelessness", *Community Forum*, Uxbridge Ontario. February 6, 2013
- Gaetz, Stephen (2013) "Supporting Transitions to Adulthood: The Foyer". *City Seminar*, York University. January 11, 2013
- Gaetz, Stephen (2012) "Reimagining Or Response to Youth Homelessness". *United Way, York Region*. Markham. November 26, 2012
- Gaetz, Stephen (2012) "The Real Cost of Homelessness: Can We Save Money and Do the Right Thing?" *Canadian Forum on Civil Justice*. November 22, 2012
- Gaetz, Stephen (2012) "The Real Cost of Homelessness: Can We Save Money and Do the Right Thing?" *Peel Region*. November 9, 2012
- Gaetz, Stephen (2012) "The Canadian Homelessness Research Network". *City of Toronto, Community and Recreation Committee*, September 19th, 2012
- Gaetz, Stephen (2012) "What is the meaning of Social Profiling?" *Abused, Neglected, Arrested: Impact of social profiling of people who are homeless*. Hosted by the Wellesley Institute and the Sanctuary. Toronto, September 6, 2012

Gaetz, Stephen; O'Grady, Bill & Buccieri, Kristy (2012). "Can I See Your ID? Policing and the Criminalization of Youth Homelessness in Canada". Office of the Independent Police Review Director (Staff). Toronto, July 12, 2012.

Gaetz, Stephen; O'Grady, Bill & Buccieri, Kristy (2012). "Can I See Your ID? Policing and the Criminalization of Youth Homelessness in Canada". Office of the Independent Police Review Director (Board of Directors). Toronto, June 25, 2012.

Gaetz, Stephen (2012). "Making Research Matter: the Canadian Homelessness Research Network" *Graduate Program in Education Winter Colloquium: Engaged Scholarship – Research Impact on Solutions to Homelessness*. York University, Toronto. Thursday, March 29, 2012

Gaetz, Stephen (2012). "Thinking about knowledge mobilization and engaged research. Lessons from the Canadian Homelessness Research Network" *EDU / LAPS / YorkU Libraries, Research Support Series "Knowledge co-creation and knowledge mobilization"* York University, Toronto, ON. March 20, 2012

Gaetz, Stephen (2012). "Research on Youth Homelessness and Policing". *Hot Spot Youth and Policing Roundtable Meeting*. Toronto, ON. February 27, 2012

Gaetz, Stephen (2011) "Mobilizing Homelessness Research" Toronto: 4th Annual CHRN National Advisory Body meeting. October 8, 2011

Gaetz, Stephen (2011) "Reimagining our Response to Youth Homelessness: A Canadian and Global Perspective". *Greater Victoria Coalition to End Homelessness*. Victoria, BC. July 6, 2011

Gaetz, Stephen & Michaela Hynie (2011) "Understanding Program Evaluation for the Homelessness Sector". Toronto: City of Toronto. May 26, 2011

Gaetz, Stephen (2011) "Family Matters! Homeless youth and Eva's Initiatives "Family Reconnect" Program". Toronto: Eva's Initiatives. April 10, 2011

Gaetz, Stephen (2010) "Homelessness Partnering Secretariat and the Canadian Homelessness Research Network Meeting" Homelessness PAertnering Secretariat, Ottawa, January 18, 2011

Gaetz, Stephen & Bill O'Grady (2010) "Surviving Crime and Violence – Street Youth and Victimization in Toronto" Justice for Children and Youth meeting. Toronto October 23, 2010

Gaetz, Stephen (2010) "Poverty Reduction, Homelessness and Affordable Housing" Province of Ontario Lunch and LearnToronto, June 28, 2010

Gaetz, Stephen (2010) "Responding to Homelessness – Distributed Leadership as a solution?" City of Toronto, Toronto, June 25, 2010

Gaetz, Stephen & Bill O'Grady (2010) "Surviving Crime and Violence" Community town hall. Toronto. June 17, 2010

- Gaetz, Stephen (2009) "Thinking about Poverty, Pandemics and Homelessness"
Departmental Research Seminar, Department of Anthropology, York University, Toronto,
October 15, 2009
- Gaetz, Stephen (2008). *Ending Homelessness: Innovation and Research*. SHIFT: Sharing
Homelessness Innovation for Toronto. City of Toronto. October 15, 2008
- Gaetz, Stephen (2007). *The Homeless Hub – Mobilizing Research on Homelessness*.
CMHC National Housing Research Committee. Ottawa, Ontario. October
- Gaetz, Stephen (2007). *Homeless Youth*. KM in the AM - Knowledge Mobilization
Breakfast. Markham, Ontario. September
- Gaetz, Stephen (2005). *Working with Homeless Youth*. Children and Youth “At Risk”
Conference, York University.
- Gaetz, Stephen (2003). *Street youth, Children’s Services and Access to Protection*. Helping
Children Who Live in Toxic Situations - Conference sponsored by the American
Orthopsychiatric Association and the Sparrow Lake Alliance. Toronto, Ontario. October
- Gaetz, Stephen (2003). *Street Justice: Working with Youth who are Homeless*. Building on
successes: An agency forum on homelessness - Conference sponsored by the City of
Toronto and HRDC Canada. Toronto, Ontario. February
- Gaetz, Stephen (2003). *Building Bridges: Street Youth and the Police*. Common Cause:
Youth Safety in the City - Conference sponsored by the City of Toronto. Toronto, Ontario.
January
- Gaetz, Stephen (2002). *Youth Leadership: Including Street youth in the Development of
Health Promotion Materials*. Westview Project 10th Anniversary Conference. Toronto,
Ontario. September
- Gaetz, Stephen (1999). *Planning and Developing Dental Services for Marginalized
Populations*. Rexdale Community Health Centre. Toronto, Ontario. September
- Gaetz, Stephen (1999). *Working with Street Youth in Toronto*. Eva’s Place Annual
General Membership Meeting. Toronto, Ontario. May
- Gaetz, Stephen (1998). *Developing a Strategy for Street Youth Employment*. Planning in
Health Promotion and Population Health Workshop on the Social Services System.
University of Toronto.
- Gaetz, Stephen (1998). *Thinking about Street Youth and Health Care*. Faculty of
Medicine, University of Toronto. April
- Gaetz, Stephen (1998). *Working with Street Youth*. Faculty of Social Work, University of
Toronto. May
- Gaetz, Stephen (1997). *Health Issues of Street Involved Youth*. Canadian Mental Health
Association. Toronto, Ontario.

Gaetz, Stephen (1997). *Health Issues of Street Involved Youth*. Hospital for Sick Children. Toronto, Ontario.

Gaetz, Stephen (1996). *Planning a Dental Service for Street Youth*. Central Toronto Dental Hygienist's Society. Toronto, Ontario. November

Gaetz, Stephen (1996). *Planning a Dental Service for Street Youth*. Newmarket: York Region Dental Hygienist Society. Newmarket, Ontario.

Gaetz, Stephen (1996). *Developing Health Promotion Materials with Street Youth*. Planning in Health Promotion and Population Health Workshop, University of Toronto. Toronto, Ontario.

Gaetz, Stephen (1996). *Planning a Dental Service for Street Youth*. Faculty of Dentistry Student's Association. University of Toronto.

Gaetz, Stephen (1995). *Planning a Dental Service for Street Youth*. Durham Dental Hygiene Component Society. Oshawa, Ontario.

Gaetz, Stephen (1995). *Planning a Dental Service for Street Youth*. Halton Peel Dental Hygienist's Society. Mississauga, Ontario.

Gaetz, Stephen (1995). *Planning a Dental Service for Street Youth*. Halton-Peel Dental Nurses and Assistants Association. Mississauga, Ontario.

Gaetz, Stephen (1995). *Oral Health of Street Youth*. Toronto Academy of Dentistry (central). Toronto, Ontario.

Gaetz, Stephen (1995). *Planning a Dental Service for Street Youth*. Toronto North Dental Hygienist's Society. Toronto, Ontario.

Gaetz, Stephen (1995). *Planning a Dental Service for Street Youth*. Central Toronto Dental Hygienist's Society. Toronto, Ontario.

Gaetz, Stephen (1995). *Providing Health Services for Street Youth*. Hospital for Sick Children. Toronto, Ontario.

Gaetz, Stephen (1995). *The Oral Health Needs of Street Youth*. Ontario Dental Association. Toronto, Ontario.

Gaetz, Stephen (1994). *Working with Street Youth*. Series of 6 workshops presented to Metro Toronto Police, 52 Division. Toronto, Ontario.

Gaetz, Stephen (1994). *Outreach to Straight Male Youth*. Paper presented at the "Get Down to it; Conference on Youth Health Issues", City of Toronto, Department of Public Health. Toronto, Ontario.

Gaetz, Stephen (1994). *Street Youth and Health Care*. East York Department of Public Health. Toronto, Ontario.

Gaetz, Stephen (1992). *Reaching Males through Family Planning Clinics*. East York Department of Public Health. East York, Ontario.

Webinars

- Gaetz, S., Redman, M. (2020). *The Role of Research in Youth Homelessness and Prevention: Presentation to the LivEx Network*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/418446312>
- Redman, M., Gaetz, S., Baab, C. H., Huys, J., Vandergrift, K. (2018). *Putting UN General Comments 21 on Children in Street Situations to Work for Canadian Children and Youth!* Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/320579465>
- Gaetz, S., Redman, M., Schwan, K., & French, D. (2018). *The Roadmap for the Prevention of Youth Homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://www.youtube.com/watch?v=7uKcpIMBygl>
- Gaetz, S., Turner, A., Elliott, D., & Reilly, J. (2018). *Homeless-Serving System Governance and the HPS Renewal*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/298453641>
- Gaetz, S., Redman, M., & Ali, N. (2018). *Without a Home - 2nd National Survey on Youth Homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/269522436>
- Redman, M., Gaetz, S., Turner, A. (2018). *Systems Planning 101 Webinar - Building Systems Capacity*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/269525431>
- Gaetz, S., Redman, M. (2018). *THIS is Housing First for Youth: A Program Model Guide Webinar*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/269529941>
- Gaetz, S., Redman, M., Buchnea, A. (2018). *Getting Ready: Without a Home 2019 Guide for Participating Agencies*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/306444255>
- Gaetz, S., Redman, M. (2017). *A New Direction: A Framework for Homelessness Prevention Webinar*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/218991959>
- Gaetz, S., Redman, M. (2017). *Introducing new protections services for 16-17 year old youth in Ontario: Impacts and opportunities for youth service providers*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/269533266>
- Gaetz, S., Redman, M. (2017). *Collective Impact and Youth Homelessness Community Planning*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://youtu.be/MMnggSezNmY>

- Gaetz, S., O'Grady, B., Kidd, S., & Schwan, K. (2016). *Without a Home: The National Youth Homelessness Survey Webinar (Nov 18)*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/269522436>
- Redman, M., Gaetz, S. (2016). *Launch of a Proposal for Federal Reinvestment in Youth Homelessness (April 13)*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/162783375>
- Gaetz, S., Pollett, S., McMillan, L. (2015). *A Way Home: A New Coalition to Prevent, Reduce and End Youth Homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/143613851>
- Gaetz, S., Jackson, N., Czech, W., & Turner A. (2015). *Using Point-in-Time Counts to Measure Progress Towards Ending Homelessness Webinar*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/124415829>
- Gaetz, S., Coffey, M., MacKenzie, D. (2015). *Working Upstream: Preventing Youth Homelessness Through School-Linked Service Models – Part 1*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/130210235>
- Gaetz, S., Coffey, M., MacKenzie, D. (2015). *Working Upstream: Preventing Youth Homelessness Through School-Linked Service Models – Part 2*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/130438273>
- Gaetz, S., MacDonald, J., McKittrick, M., Morton, E. (2014). *Webinar: Coming of Age: Reimagining the Response to Youth Homelessness in Canada*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/89446604>
- Gaetz, S. (2014). *Webinar: A Safe and Decent Place to Live: Towards a Housing First Framework for Youth*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/92675319>
- Gaetz, S., Doberstein, C., Belanger, Y., MacDonald J., Bellot, C. (2014). *Launch of the Canadian Observatory on Homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press.
- Abramovich, A., Tarasuk, V., Dachner, N., & Gaetz, S. (2013). *Book Launch: Youth Homelessness in Canada*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/65264084>
- Gaetz, S. (2011). *Can I see your ID? Policing and the criminalization of youth homelessness in Toronto*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://vimeo.com/31793667>

Book Reviews

Gaetz, Stephen (2013) Kristina E. Givson (2011) "Street Kids – Homeless Youth, Outreach and the Policing of New York's Streets." *European Journal of Homelessness* , Volume 7, No.

2, December 2013: 439-443

Gaetz, Stephen (2011) MaryEllen Hombs "Modern Homelessness". European Journal of Homelessness: Volume 5, Issue 2 (December 2011): 241-243

Curriculum Materials

Gaetz, Stephen (2009). "Homelessness Curriculum for Teachers and Students".
<http://homelesshub.ca/Education/>

I directed the development of this resource centre for educators and students interested in exploring the issue of homelessness through a variety of subject areas. Assisted teachers in preparing the following curriculum units: "An Integrated Unit for Elementary School; Exploring Homelessness through the Artist's Hands; Integrating Homelessness Issues into Family / Social Studies; Integrating Homelessness Into Civics Classes; The Study of Homelessness in English and Media Class; Understanding Homelessness Through Drama.

In addition, I also authored supporting resources for teachers and students on the following topics:

- What is Homelessness?
- Who are Homeless People?
- Who are Street Youth?
- Why do Young People Become Homeless?
- Why do Street Youth Panhandle?
- Do Homeless Youth Get Enough to Eat?
- Attitudes about Homelessness

Blog posts

Gaetz, S., Redman, M. (2019). *Announcing the Launch of Making the Shift!* Toronto, ON: Canadian Observatory on Homelessness Press.
<https://www.homelesshub.ca/blog/announcing-launch-making-shift>

Gaetz, S., Redman, M. (2019). *What's the Future of Homelessness Prevention? Adapting the Welsh "Duty to Assist" for Canada.* Toronto, ON: Canadian Observatory on Homelessness Press. <https://www.homelesshub.ca/blog/whats-future-homelessness-prevention-adapting-welsh-duty-assist-canada>

Gaetz, S., Redman, M. (2019). *Reflections on Reaching Home, the Government of Canada's New Homelessness Strategy.* Toronto, ON: Canadian Observatory on Homelessness Press. homelesshub.ca/blog/reflections-reaching-home-government-canada's-new-homelessness-strategy

French, D., Gaetz, S., & Redman, M. (2019). *Youth continue to be outnumbered! Our response to the Federal Government's National Point-in-Time Count.* Toronto, ON:

Canadian Observatory on Homelessness Press. <https://www.homelesshub.ca/blog/youth-continue-be-outnumbered-our-response-federal-government%E2%80%99s-national-point-time-count>

Gaetz, S., Redman, M. (2019). *The Making the Shift Lab in Action: 6 Months In*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://www.homelesshub.ca/blog/making-shift-lab-action-6-months>

Ferguson, C., Gaetz, S., & Redman, M. (2019). *Experiments in Paradigm Shifting: How Service Design Can Inform the Duty to Assist Policy*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://www.homelesshub.ca/blog/experiments-paradigm-shifting-how-service-design-can-inform-duty-assist-policy>

Gaetz, S. (2018). *It's time for a change: Report of the Advisory Committee on Homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press. <https://www.homelesshub.ca/blog/it%E2%80%99s-time-change-report-advisory-committee-homelessness-0>

Gaetz, S., Redman, M. (2018). *Announcing the Launch of Making the Shift!* Toronto, ON: Canadian Observatory on Homelessness Press. <https://www.homelesshub.ca/blog/announcing-launch-making-shift>

Gaetz, S., Redman, M. (2017). *Towards a Canadian Youth Homelessness Data Dashboard*. Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/towards-canadian-youth-homelessness-data-dashboard>

Gaetz, S., Redman, M. (2017). *Announcing the Launch of Making the Shift!* Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/announcing-launch-making-shift>

Dej, E., Gaetz, S. (2017). *Looking Forward: Shifting Towards Homelessness Prevention*. Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/looking-forward-shifting-towards-homelessness-prevention>

Gaetz, S. (2016). *Let's Talk Housing & Prevention*. Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/lets-talk-housing-prevention>

Gaetz, S., Redman, M. (2016). *Towards an Ontario Strategy to End Youth Homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/towards-ontario-strategy-end-youth-homelessness>

Gaetz, S. (2016). *OF COURSE, we need a separate definition for youth homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/course-we-need-separate-definition-youth-homelessness>

Gaetz, S., Redman, M. (2016). *Opportunity Knocks: A Proposal for Federal Investment to Prevent and End Youth Homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/opportunity-knocks-proposal-federal-investment-prevent-and-end-youth-homelessness>

- Gaetz, S. (2016). *Why is the harm reduction model so important?* Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/why-harm-reduction-model-so-important>
- Gaetz, S. (2015). *What is homelessness?* Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/what-homelessness>
- Gaetz, S. (2015). *Launch: Community Workspace on Homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/launch-community-workspace-homelessness>
- Gaetz, S. (2015). *Let's do things differently! 'A Way Home' and the promise of ending youth homelessness*. Toronto, ON: Canadian Observatory on Homelessness Press. <http://homelesshub.ca/blog/lets-do-things-differently-%E2%80%98-way-home%E2%80%99-and-promise-ending-youth-homelessness>
- Gaetz, Stephen (2014) [Ask the Hub - Are governments supportive of the harm reduction approach?](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Solutions: Prevention](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Ask the Hub - Does Housing First “Leave Youth Behind”?](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Housing First CAN work for young people, but let's make sure we get it right](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Solutions: Transitional Housing](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Solutions: Discharge Planning for Hospitals and Mental Health Facilities](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Solutions: Coordinated Assessment](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Solutions: Outreach](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Solutions: Transitions from Child Protection](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Ask the Hub - Can We End Youth Homelessness?](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Solutions: Youth Homelessness](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Ask the Hub - What's new on the Homeless Hub?](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Solutions: Discharge Planning – Health and Mental Health](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Solutions: Harm Reduction](#) Toronto: Homeless Hub
- Gaetz, Stephen (2014) [Solutions: Retooling Emergency Services](#) Toronto: Homeless Hub

- Gaetz, Stephen (2014) Solutions: Addressing Legal and Justice Issues Toronto: Homeless Hub
- Gaetz, Stephen (2013) The Debate is Over! Housing First Works! Toronto: Homeless Hub
- Gaetz, Stephen (2013) Addressing Youth Homelessness: Research Points the Way Toronto: Homeless Hub
- Gaetz, Stephen (2013) Things Need to Change Toronto: Homeless Hub
- Gaetz, Stephen (2012) Creating Research Impact - How We Make Homelessness Research Matter Toronto: Homeless Hub
- Gaetz, Stephen (2012) Foyers give young people a safe and decent place to live, learn and grow Toronto: Homeless Hub
- Gaetz, Stephen (2012) Youth Homelessness and Labour Market Integration Toronto: Homeless Hub
- Gaetz, Stephen (2012) Canada now has a shared definition of homelessness – but, do we even need one? Toronto: Homeless Hub
- Gaetz, Stephen (2012) New Canadian Alliance to End Homelessness will make an impact! Toronto: Homeless Hub
- Gaetz, Stephen (2011) The rich get richer and the homeless get fined Toronto: Homeless Hub
- Gaetz, Stephen (2011) Solving youth homelessness in Canada Toronto: Homeless Hub
- Gaetz, Stephen (2011) Feed the homeless at own risk... Toronto: Homeless Hub
- Gaetz, Stephen (2011) Can housing first work if there isn't enough affordable housing? Toronto: Homeless Hub
- Gaetz, Stephen (2010) Jail is not a solution for our homelessness problem Toronto: Homeless Hub
- Gaetz, Stephen (2010) Does the right to protection from crime and violence apply to all youth ... even homeless youth? Toronto: Homeless Hub
- Gaetz, Stephen (2010) Should we give money to panhandlers? Toronto: Homeless Hub
- Gaetz, Stephen (2010) The beginnings of a Leadership Academy Toronto: Homeless Hub

5. PROFESSIONAL SERVICES

Conference Organizing Committee

- 2013 *International Homelessness Research Conference*, Philadelphia, June 3, 2013
- 2010 *Repenser l'itinérance. Défis théoriques et méthodologiques. Rethinking*

- Homelessness. Theoretical and Methodological Challenges.* (Organizing Committee) UQAM, Montreal, October 27-30
- 2004-05 *Canadian Conference on Homelessness: Stories, Research, Solutions* (Chair) York University, 2005.
- 1995 *Other Young Lives Conference on Lesbian, Gay and Bisexual Youth*, Toronto, February, 1995.
- 1994 *Get Down to it! Conference on Youth Health Issues*, City of Toronto, Department of Public Health, November, 1994.

Editorial Board:

- 2006 Guest Editor: Special Issue on Homelessness - *Canadian Review of Social Policy*, 2006, No. 58
- 2008-09 Editorial Board – Finding Home book project (David Hulchanski, PI)

6. PUBLIC APPEARANCES

Press (newspaper, television and radio) (*selected – stopped tracking in 2015)

- 2015 “Unstoppable real estate market displaces Beatrice House shelter”. Denise Balkissoon. *The Globe and Mail*. June 19, 2015
- 2015 “Five years of Hamilton police ACTION team: How is it working?” Nicole O’Reilly, *Hamilton Spectator*. May 26, 2015
- 2015 “Counting the homeless: What’s the point of Point-in-Time?” Mark Rendell, *EDGE*, May 21, 2015
- 2015 “Homeless killings, assaults highlight the perils of life on the streets”. John Hembrey, *CBC News*. May 5, 2015
- 2015 “A national housing strategy: Without one Calgary suffers”. James Wilt. *Rabble.ca* April 30, 2015
- 2015 “Street people susceptible to violent crime” Kathleen Saylor. *Winnipeg Free Press*. April 28, 2015
- 2015 “From burnings to beatings, homeless people face violence on the streets”. Michael Tutton. *CTV News*. April 26, 2015
- 2015 “Toronto legal clinic helps homeless fight unpayable ‘nuisance’ tickets” Toronto legal clinic helps homeless fight unpayable ‘nuisance’ tickets” Laurie Montsebratten, *Toronto Star*, Mar 9, 2015

- 2015 "Homelessness – Hardly home free" Debora Van Brenk. London Free Press. February 9th, 2015
- 2015 "Toronto experts advise Ontario on how to end homelessness" Laurie Montsebratten, *Toronto Star*, February 9, 2015
- 2015 "Toronto seized under 11th extreme cold alert this winter." Daily Times. Jan 31, 2015
- 2015 "Suburban homelessness is a problem often neglected in Toronto" , Markus Gee, *The Globe and Mail*, Jan 14, 2015
- 2015 "Hamilton activists push Liberals to scrap panhandling laws", Teviah Moro, *Hamilton Spectator*, Jan 6, 2015
- 2014 "Safe Streets Act should be repealed" *CBC Toronto*. December 15, 2014
- 2014 "Panhandling tickets saddle Toronto's homeless with debt: York professor" *Metro* (Toronto). December 15, 2014
- 2014 "Michael Bryant urges repeal of law that 'criminalizes homelessness'" *Toronto Star*. Toronto, ON., December 15, 2014
- 2014 "Repeal 'Rotten' Safe Streets Act, says former Ontario Attorney General" *Canadian Press*. Toronto. December 15, 2014
- 2014 "Expert optimistic N.L. can reduce youth homelessness" *The Telegram*. St. John's, Nfld. December 4, 2014
- 2014 "Momentum building for youth homelessness plan in York Region" *Yonge Street*. Toronto, December 3, 2014
- 2014 "'Housing First' the focus as homelessness experts meet in Ottawa (with video)." *Ottawa Citizen*, Ottawa ON. November 17, 2014
- 2014 "What would it cost to dramatically reduce homelessness? About \$46 per Canadian a year". *Ottawa Citizen*, Ottawa ON. October 29, 2014
- 2014 "Tory's focus on housing welcomed by national homelessness advocate". *York Guardian*, Toronto ON. October 30, 2014
- 2014 "\$46 more per Canadian per year can vastly cut homelessness, new report says", *Toronto Star*, October 29th, 2014
- 2014 "Tory's focus on housing welcomed by national homelessness advocate". *York Guardian*, Toronto ON. October 30, 2014
- 2014 "Homelessness groups want each Canadian to contribute Tory's focus on housing welcomed by national homelessness advocate". *York Guardian*, Toronto ON. October 30, 2014
- 2014 "Report tackles homelessness crisis", *Calgary Herald*, Oct. 29, 2014

- 2014 "Solving homelessness could cost you just \$46", Winnipeg Sun, Oct. 30, 2014
- 2014 "Study: Helping homeless won't break bank" Chronicle Herald, Oct. 30, 2014
- 2014 "Add \$46 a year per Canadian to housing budget, cut homelessness: report", Hamilton Spectator, Oct. 30, 2014
- 2014 "'\$106 A YEAR' ; Homelessness groups ask Canadians for help" Edmonton Sun, Oct. 30, 2014
- 2014 "Tory's focus on housing welcomed by national homelessness advocate" York Guardian, Oct. 30, 2014
- 2014 "Is \$46 per Canadian too much to spend?" Daily News Nanaimo, Oct. 30, 2014
- 2014 "Range of homelessness solutions needed" Times Colonist Oct. 30, 2014
- 2014 "Extra \$46 per Canadian could help homeless: study" Cape Breton Post, Oct. 30, 2014
- 2014 "Add \$46 a year per Canadian to housing budget, cut homelessness: report " St. John's Telegram, Oct. 30, 2014
- 2014 "Use surplus to aid affordable housing, report says", Guelph Mercury, Oct. 30, 2014
- 2014 "Groups want \$106 per Canadian to fight homelessness" The Sault Star; Pembroke Observer; The Owen Sound Sun Times; Niagara Falls Review; Northbay Nugget, Belleville intelligencer; Brockville Recorder and Times; Simcoe Reformer; Welland Tribute; Woodstock Sentinel Review; Stratford Beacon; Sudbury Star; Orilla Packet and Times Oct. 30, 2014
- 2014 "Study: Extra \$46 per Canadian could Reduce Homelessness" Blackburn News, Oct. 29, 2014
- 2014 "Extra \$46 per Canadian could help homeless: study " Caledon Enterprise, Oct. 29, 2014
- 2014 "Homelessness Report Out Today " BT Vancouver , Oct. 29, 2014
- 2014 "Groups want each Canadian to pay \$106 a year to reduce homelessness", Canoe, Oct. 29, 2014
- 2014 "Thunder Bay homeless shelters operating beyond capacity " CBC Thunder Bay, Oct. 29, 2014
- 2014 "Canadian homelessness: \$46 a person would help, report says" CBC, Oct. 29,
- 2014 "Add \$46 a year per Canadian to housing budget, cut homelessness: report" City News, Oct. 29, 2014
- 2014 "Report calls for increased investment in affordable housing", CTV, N.D.
- 2014 "Add \$46 a year for each Canadian to housing budget, cut homelessness: report",

- CTV Winnipeg, Oct. 29, 2014
- 2014 "Extra \$46 per Canadian could help homeless: study", Durham Region, Oct. 29, 2014
- 2014 "Add \$46 a year per Canadian to housing budget, cut homelessness: report", Edmonton Journal, Oct. 29, 2014
- 2014 "York research group releases report on homelessness in Canada", Excalibur, Nov. 12, 2014
- 2014 "Tackling homelessness is everyone's business" *Winnipeg Free Press*. Winnipeg, MN September 5, 2014
- 2014 "Homelessness is our problem too" *Winnipeg Free Press*. Winnipeg, MN September 30, 2014
- 2014 "Poverty Reduction Reboot" The Agenda. TVOntario, Sept 22, 2014
- 2014 "St. John's youth homelessness above national average" The Telegram. St. John's, Nfld, June 17, 2014
- 2014 "Helping Hidden Lives" The Agenda. TVOntario, Sept 22, 2014
- 2014 "'Housing First' approach may put homeless youth last, report warns" CTV news, April 21, 2014
- 2014 "Canada failing homeless youth, report charges" *Toronto Star*. Toronto, ON March 3, 2014
- 2013 "Canada's Homeless" CBC The National. June 19, 2013
- 2013 "Homelessness in Canada" CTV National. June 19, 2013
- 2013 "Canada Homelessness Study: 30,000 on the streets, in shelters on a given night" *Toronto Star*. June 20, 2013
- 2013 "Homelessness Affects 200,000 in Canada" Canadian Press story, in newspapers across the country. June 19, 2013
- 2013 "National report on homelessness says Alberta leads the fight" *Calgary Herald* June 19, 2013
- 2013 "Canada's Homeless" CBC Radio (four times, different communities) June 19, 2013
- 2013 "New Study 'Shatters Myths' of Homelessness in Toronto" *Metro Toronto*, January 10, 2013. Interviewer, Jessica Smith
- 2012 "Responding to youth homelessness" Radio Canada (television and radio). Montreal. November 15, 2012. Interviewer, Julie-Anne Lamoureux
- 2012 News1130 Radio, Vancouver. October 12, 2012. Interviewer, Renee Bernard.

- 2012 "Cities leading fight against homelessness may surprise you" News1130 Radio Newsletter, Vancouver. October 12, 2012. Interviewer, Renee Bernard.
- 2012 "Policing Toronto's Panhandlers". Toronto Sun. October 7, 2012. Writer, Simon Kent
- 2012 "Homelessness, Defined" Novae Res Urbis, October 5, 2012. Interviewer, Jake Tobin Garrett
- 2012 XFM News, Antigonish NS. October 3, 2012: Interviewer, Brittany Cavanagh
- 2012 "New Canadian research on costs of homelessness" The American Round Table to Abolish Homelessness. October 4, 2012. Issue XX
- 2012 CBC Yellowknife. October 3. Interviewer: Mark Winkler
- 2012 "The Current" – CBC News. September 28, 2012.
- 2012 Media Mornings, Vancouver's Co-op Radio 100.5 FM. September 27, 2012. Interviewer, Jane Bouey
- 2012 CBC News, Vancouver. September 27, 2012. Interviewer, Robert Zimmerman
- 2012 People First Radio, CHHLY, Nanaimo. September 27, 2012. Interviewer, Kevin Midbo
- 2012 CFAX 1070AM Interview Request, Victoria. September 25, 2012. Interviewer, Sonia Lowe
- 2012 "Housing homeless cheaper, more effective than status quo: study" Globe and Mail. September 24, 2012. Heather Scoffield, Canadian Press/Globe and Mail
- 2012 "BC could learn from Alberta how to save on costs of homelessness: expert" Metro Vancouver. September 24, 2012. Interviewer: Kate Webb
- 2012 Regina Leader-Post. September 24, 2012. Interviewer: David Fraser
- 2012 AM 800 CKLW, Windsor. September 24, 2012. Interviewer, Rusty Thomson
- 2012 The Todd Veinotte Show. (Rogers Cable, Atlantic Canada) September 14, 2012. Reporter: Todd Veinotte
- 2012 As it Happens, (CBC) Toronto, September 14, 2012., Anchor Laura DiBatista
- 2012 "Critics say new definition of 'homeless' too broad, includes those only 'at risk'." National Post (front page). September 12, 2012. Writer, Tristin Hopper
- 2012 CBC Morning News, Whitehorse. May, 23, 2012
- 2011 "Conservatives quietly fund massive homeless housing pilot project – At Home/Chez Soi" Canadian Press. December 26, 2012. Writer, Heather Scoffield.
- 2011 "Report says homeless youth are unfair police targets. Canadian Press / CTV

- News. November 10, 2011. Writer, Heather Scoffield.
- 2011 "Is the homeless veteran problem set to explode?" The Canadian Press, Nov. 7, 2011. Writer: Heather Scoffield
- 2011 "Time on the streets not easy for the uninitiated" Toronto Sun. August 20, 2011. Writer, Terry Davidson
- 2011 "Poll calls for tougher panhandling laws" Canoe News. September 14, 2011. Writer: Jenny Yuen
- 2010 Metro Morning, Toronto, September 27, 2010, Anchor/Reporters: Matt Gallaway
- 2005 Canada Now (local) (CBLT-TV), Toronto, 20 May 2005, 06:32PM, Anchor/Reporters: Diana Swain, Christina Birak.
- 2005 MORNING NORTH (HR1) (CBCS-FM), SUDBURY, 18 May 2005, 06:32AM, Anchor/Reporters: MARKUS SCHWABE, RUTH REID.
- 2005 Metro Morning, Toronto, 18 May 2005, Anchor/Reporters: Andy Barrie, Martina Fitzgerald
- 2005 London News (CBCL-FM), 18 May 2005, Anchor/Reporters: Carrie McKee, Jean Carter
- 2005 Ottawa Morning (CBO-FM), Ottawa, 25 May 2005, 06:21AM, anchor/Reporters: Anthony Germain
- 1999 Guest on Metro Morning (CBC Radio). Topic: "Street Youth and Making Money".
- 1999 Guest on TVO Studio 2. Topic: "Safe Streets Act".
- 1998 Guest on TVO. Parent Connection. Topic: "Squeegee Kids".
- 1995 Guest on Metro Morning (CBC Radio). Topic: "Street Youth and Oral Health".
- * Note: I have not actively kept track of media contacts until this past year

7. FUNDING

Summary:

Research funding received as Principal Investigator: **\$46,461,458**
 Research funding received as Co-Investigator or Partner: **\$6,599,836**
 Program Evaluation Contracts: **\$1,049,791**
Total: \$54,111,085

Research Grants

- 2022 *The Canadian Observatory on Homelessness (COH) - Mobilizing Partnerships to Prevent and End Homelessness*
 SSHRC Partnership Development Grant
 Stephen Gaetz (Principal Investigator)
 Amount: \$2,499,457.
- 2021 *Making the Shift – Youth Homelessness Demonstration Lab (extension)*
 Social Development Partnership Program, Government of Canada
 Stephen Gaetz (Co-Principal Investigator); Redman, Melanie, A Way Home Canada (Co-Principal Investigator)
 Amount: \$3,700,000
- 2021 *Designing Canada's long-term affordable housing approach*
 SSHRC Partnership Development Grant
 Stephen Gaetz (Co-Applicant); Abe Oudshoorn, Western University (Principal Investigator)
 Amount: \$199,114
- 2021 *Beyond Agency: How does Knowledge Mobilization Advance Social Innovation in Communities?*
 SSHRC Insight Development Grant
 Stephen Gaetz (Co-Applicant); Jacqueline Sohn, York University (Principal Investigator)
 Amount: \$50,000
- 2020 *Enhanced Surveillance for Chronic Disease Program (ESCDP) "Homelessness Counts"*
 Public Health Agency of Canada - The Enhanced Surveillance for Chronic Disease
 Stephen Gaetz (Co-Applicant); Cheryl Forchuk, Western University (Principal Investigator)
 Amount: \$995,281
- 2020 *Making the Shift – Youth Homelessness Demonstration Lab (extension)*

- Social Development Partnership Program, Government of Canada
Stephen Gaetz (Co-Principal Investigator); Redman, Melanie, A Way Home Canada
(Co-Principal Investigator)
Amount: \$3,800,000
- 2019 *Making the Shift – Youth Homelessness Demonstration Lab* (extension)
Social Development Partnership Program, Government of Canada
Stephen Gaetz (Co-Principal Investigator); Redman, Melanie, A Way Home Canada
(Co-Principal Investigator)
Amount: \$2,900,000
- 2019 *Interventions research in homelessness, housing, and health*
Foundation Grant – CIHR
Stephen Gaetz (Partner); Stephen Hwang, University of Toronto (Principal
Investigator)
Amount: \$3,972,033
- 2019 *Homelessness; Housing First; Social Service System Coordination*
SSHRC Partnership Development Grant
Stephen Gaetz (Partner); John Graham, UBC - Okanagan (Principal Investigator)
Amount: \$192,900
- 2019 *Working upstream to prevent and end youth homelessness: mapping existing policies
and practices to build better educational responses in Canada*
SSHRC Partnership Development Grant
Stephen Gaetz (Partner); Jacqueline Kennelly, Carleton University (Principal
Investigator)
Amount: \$199,550
- 2019 *Migration of People Experiencing Homelessness in Greater Toronto*
United Way of Greater Toronto
Stephen Gaetz (Principal Investigator)
Amount: \$30,000
- 2019 *Indigenizing Coordinated Access in Hamilton*
Hamilton Indigenous Community Advisory Body
Stephen Gaetz (Principal Investigator)
Amount: \$61,432
- 2018 *Making the Shift – A Youth Homelessness Solutions Impact Accelerator*
Networks of Centres of Excellence Program – Government of Canada
Stephen Gaetz (Co-lead applicant); Redman, Melanie, A Way Home Canada (Co-lead

- applicant)
Amount: \$17, 901, 337
#900-2018-202
- 2017 *Making the Shift – Youth Homelessness Social Innovation Lab*
Social Development Partnership Program, Government of Canada
Stephen Gaetz (Co-Principal Investigator); Redman, Melanie, A Way Home Canada
(Co-Principal Investigator)
Amount: \$7, 908, 405
- 2017 *Defining an End to Homelessness*
Homelessness Partnering Strategy, Employment and Social Development,
Government of Canada
Stephen Gaetz (Principal Investigator)
Amount: \$431,211
- 2017 *Point in Time Count toolkit and technical support*
Homelessness Partnering Strategy, Employment and Social Development,
Government of Canada
Stephen Gaetz (Principal Investigator)
Amount: \$126,149
- 2017 *Youth Homelessness Prevention Framework Consultation*
Home Depot of Canada Foundation
Stephen Gaetz (Principal Investigator)
Amount: \$61,732
- 2016 *National Youth Homelessness Survey*
Home Depot of Canada Foundation
Stephen Gaetz (Principal Investigator)
Amount: \$81,000
- 2016 *Housing First for Youth and Employment – Design Charet*
Home Depot of Canada Foundation
Stephen Gaetz (Principal Investigator)
Amount: \$18,500
- 2016 *Computer simulation modeling to address homelessness*
Social Sciences and Humanities Research Council of Canada
Stephen Gaetz (Co-Investigator); Eric Latimer (McGill: Principal Investigator)
Amount: \$196,043

- 2016 *Enhancing the Influence of Engaged Scholarship*
Social Sciences and Humanities Research Council of Canada
Stephen Gaetz (Co-Investigator); Naomi Nichols (McGill: Principal Investigator)
Amount: \$69,933
- 2015 *Toolkits for Youth Homelessness Employment and Housing Programs*
Home Depot of Canada Foundation
Stephen Gaetz (Principal Investigator)
Amount: \$35,000
- 2015 *Social Sciences and Humanities Research Council (SSHRC) Impact Award – Connection.*
Social Sciences and Humanities Research Council of Canada
Stephen Gaetz (Principal Investigator)
Amount: \$50,000
#780-2016-0009
- 2015 *Point-in-Time Homeless Count Training and Support for Designated Communities of the Homelessness Partnering Strategy*
Community Development and Homelessness Partnering Directorate, Government of Canada
Stephen Gaetz (Principal Investigator)
Amount: \$367,576
- 2014 *Understanding Youth Homelessness: A youth focused Point-in-Time methodology and toolkit*
Laidlaw Foundation
Stephen Gaetz (Principal Investigator)
Amount: \$20,000
- 2014 *Inspiring Local Communities: Toolkits for developing innovative models of housing and support for homeless youth*
The Home Depot Canada Foundation
Stephen Gaetz (Principal Investigator)
Amount: \$35,000
- 2013 *The Canadian Observatory on Homelessness: Creating Policy Impact*
SSHRC Partnership Grant
Stephen Gaetz (Principal Investigator)
Amount: \$2,502,967
#895-2012-1012
- 2013 Transforming Treatment Services and Housing for People with Mental Illness in

- Canada: A Systems Approach to Integrated Knowledge Translation
CIHR – Partnerships for Health Systems Improvement
Stephen Gaetz (Co Investigator); Nelson, G., Stergiopolous, V., Goering, P. (Principal Investigators)
Amount: \$194,970
- 2013 *York Symposium on Engaged Scholarship*
SSHRC Connections Grant
Stephen Gaetz (Principal Investigator)
Amount: \$31,187
- 2013 *Housing First Promising Practices Case Studies*
HRDC Homelessness Partnering Strategy
Stephen Gaetz (Principal Investigator)
Amount: \$60,000
- 2012 *Canadian Observatory on Homelessness*
SSHRC Partnership Grant - Letter of Intent
Stephen Gaetz (Principal Investigator)
Amount: \$20,000
- 2012 *Knowledge Mobilization for housing and economic vulnerability*
SSHRC Public Outreach Grant
Stephen Gaetz (Principal Investigator)
Amount: \$141,798
#604-2011-0016
- 2012 *Navigating the Road to Reintegration*
SSHRC Partnership Development Grant
Stephen Gaetz (Co-Investigator); Bill O’Grady (Principle Investigator)
Amount: \$198,960
- 2012 *Developing a Foyer: A Horizontal Pilot Project*
HRDC Homelessness Partnering Strategy
Stephen Gaetz (Principal Investigator)
Amount: \$29,640
- 2011 *Youth Homelessness e-book project*
HRDC Homelessness Partnering Strategy
Stephen Gaetz (Principal Investigator)
Amount: \$35,132
- 2011 *Promising Practices in the Homelessness Sector*

- HRDC Homelessness Partnering Strategy
Stephen Gaetz (Principal Investigator) Michaela Hynie, Bernie Pauly, Daphne Winland, Jeannette Waegemakers-Schiff (co-investigators)
Amount: \$84,920
- 2010 *Building Program Evaluation Capacity in the Homelessness Sector*
HRDC Homelessness Partnering Strategy
Stephen Gaetz (Principal Investigator)
Amount: \$79,465
- 2010 *Responding to H1N1 in the Context of Homelessness in Canada*
Canadian Institutes of Health Research
Catalyst Grant: Pandemic Preparedness
Stephen Gaetz (Principal Investigator)
Amount: \$100,000
- 2009 *The provision of charitable food assistance in Canada: forging a more adequate response*
Canadian Institutes of Health Research
Stephen Gaetz, (co-investigator); Valerie Tarasuk, (principal investigator). Blake Poland, A. Hamelin, Alex Ostry, K. Raine, P.L. Williams
Amount: \$ 314,521
- 2009 *Understanding Pandemic Preparedness in the Context of the Canadian Homelessness Crisis*
Canadian Institutes of Health Research
Catalyst Grant: Pandemic Preparedness
Stephen Gaetz (Principal Investigator)
Amount: \$100,000
- 2009 *Ending Homelessness: "What works and for whom?" A Knowledge Mobilization Partnership*
Collaborative Faculty Incentive Grant
York University / University of Victoria
Stephen Gaetz, Bernie Pauly (Principal Investigators)
Amount: \$30,000
- 2008 *Canadian Homelessness Research Network.*
SSHRC Strategic Knowledge Cluster Program
Stephen Gaetz (Principal Investigator)
Amount: \$2,097,039
#857-2007-0015

- 2008 *The Homeless Hub: A Knowledge Mobilization Project*
Homelessness Partnering Strategy
Human Resources & Social Development Canada
Stephen Gaetz (Principal Investigator)
Amount: \$90,420
- 2007 *Canadian Homelessness Knowledge Impact Initiative.*
Housing and Homelessness Branch
Human Resources & Social Development Canada
Stephen Gaetz (Principal Investigator)
Amount: \$145,371
- 2006 *Attending to social vulnerabilities in tuberculosis transmission: A synergistic model of qualitative and quantitative methods.*
SSHRC Research Initiative Grant
Stephen Gaetz (Principal Investigator)
Amount: \$40,000
- 2005 *Institutional Discharge and Homelessness: A Look at Canadian Corrections in the Public and Private Spheres*
National Homelessness Initiative National Research Program
Homelessness and Justice Domain
Stephen Gaetz, Bill O'Grady (Principle Investigators).
Amount: \$136,276
- 2004 *Canadian Conference on Homelessness:*
- National Homelessness Initiative (HRSD): \$225,000
- Canada Mortgage and Housing Corporation: \$49,000
- National Homelessness Initiative - Ontario Directorate: \$45,923
- Ontario Ontario Mental Health Foundation: \$25,000
- City of Toronto: \$15,000
- Wellesley Central Health Corporation: \$15,000
Total amount: \$375,923
- 2004 *A Pilot Study of Local Responses to the Food and Nutrition Needs of Homeless Youth.*
Canadian Institutes of Health Research:
Stephen Gaetz, Blake Poland (co-investigators); Valerie Tarasuk, (principal investigator).
Amount: \$98,294
- 2004 *Literature Review of Research on Homelessness in Canada.*
York Incentive Grant:
Stephen Gaetz (Principal Investigator).

Amount: \$5000

- 2003 *A Study of Community Responses to the Food and Nutrition Needs of Homeless People in Southeast Toronto.*
Wellesley Central Urban Health Grant Initiative:
Stephen Gaetz, Blake Poland (co-investigators); Valerie Tarasuk, (principal investigator)
Amount: \$50,000
- 2003 *Developing a Virtual Clearinghouse of Research on Homelessness.*
Wellesley Central Urban Health Grant Initiative:
Stephen Gaetz, Alice Broughton (Sherbourne Health Centre), Wengari Murkuri (Street Health).
Amount: \$15,000
- 2002 *Food: Nutritional Vulnerability and Social Exclusion among Homeless Youth.* Canadian Institutes of Health Research:
Stephen Gaetz, Blake Poland (co-investigators); Valerie Tarasuk, (PI).
Amount: \$227,758
- 1999 *Community Economic Development and Street Involved Youth*
Homeless Initiative Fund - City of Toronto / HRDC.:
Stephen Gaetz (Principal Investigator).
Amount: \$24,000

Program Evaluation Contracts 2016-19

Note that these contracts are with the Canadian Observatory on Homelessness and though in many cases I am listed as Principal Investigator, I may have had limited involvement with the projects.

2019	Penny Lane Evaluation. (Boys and Girls Clubs of Calgary)	\$20,340
2019	Program Review of Eva's Family Reconnect & Evaluation of YOUTh BelongProject (Eva's)	176,000
2019	ICM Evaluation (Homes First)	\$10,666
2019	Development of Survey and Outcome Measuring (Red Door Shelter)	\$10,412
2019	Evaluation of Supportive Training, Social Enterprise (Choice for Youth)	\$40,000
2019	Evaluation of YES Transitional Housing (Peterborough)	\$25,000
2018	Evaluation of LGBTQ Transitional Housing (EGALE)	\$80,875

2018	Host Homes evaluation (Raising the Roof)	\$49,998
2018	Bridging the Gap – Host Homes Evaluation (Raising the Roof)	\$50,000
2018	Evaluation of Youth Services Host Home Program (One Roof Hamilton)	\$105,321
2018	Evaluation of A Way Home Toronto (Covenant House)	\$35,500
2018	Family Homelessness (City of Toronto)	\$38,375
2018	Evaluation of Low Barrier Services (City of Toronto)	\$49,575
2017	EPIC Evaluation (City of Toronto)	\$57,533
2017	Outcomes Framework (Eva's Initiatives)	\$20,540
2017	Evaluation of Grants Program (HDCF)	\$19,057
2017	Evaluation of Hire Up (Impakt)	\$57,300
2017	CMHA TCM Evaluation (Ottawa Mission)	\$42,345
2016	Region of Peel	\$90,430
2016	St. John's	\$28,274
2016	Training and Technical Assistance Evaluation (Canadian Alliance to End Homelessness)	\$42,250

TOTAL REVENUE: \$1,049,791

Contract Research

- 2011 Towards a Canadian Definition of Homelessness
HRDC Homelessness Partnering Initiative
Stephen Gaetz (Principal Investigator).
Amount: \$8,000
- 2011 Plans to End Youth Homelessness in Canada - A Review of the Literature
Eva's Initiatives and Virgin Unite
Stephen Gaetz (Principal Investigator).
Amount: \$7,500
- 2001 *Street Involved Youth and Access to Justice.*
Justice for Children and Youth Foundation:
Stephen Gaetz (Principal Investigator).
Amount: \$30,000
- 1995 *Research on youth values in Toronto.*
Cultural Analysis Group, N.Y, N.Y.
Daphne Winland, Stephen Gaetz (Principal Investigators)
Amount: \$2400

- 1991 *Effectiveness of Refugee Sponsorship Programmes.*
Employment and Immigration Canada
Daphne Winland, Stephen Gaetz (Principal Investigators)
Amount: \$5000

Travel/Development Grants

- 2004 Conference travel support: *Faculty of Education*, ORS (York University): \$1,700.00.
Conference paper presentation "*An Urban Other: Street Youth and Criminal
Victimization in Toronto*". Association of Canadian Studies in Ireland, Cork, Ireland
- 2002 Faculty of Education Minor Research and Development Grant: \$2500.00.
Stephen Gaetz and Don Diplo (principal investigators). *TL Kennedy Research Project*.
- 2001 Faculty of Arts International Working Group - International Pilot Projects.\$6000.00.
Stephen Gaetz and Penny Van Esterik (principal investigators). *Others in our Midst:
Cross-Cultural Practices of Communicating about Cultural Differences*.
- 2001 SSHRC Small Research Grant: \$2500.00.
Broken Promises The Educational Experiences of Homeless Youth in Toronto.

C. TEACHING

1. UNDERGRADUATE PROGRAMME

Courses Taught

2018	ED/EDFE 1101 3.0 Adolescent Development and Health. Course Director (Fall session)
2017	ED/EDFE 1101 3.0 Adolescent Development and Health. Course Director (Fall session)
2016	ED/EDFE 1101 3.0 Adolescent Development and Health. Course Director (Fall session)
2015	ED/EDFE 1101 3.0 Adolescent Development and Health. Course Director (Fall session)
2014	EDUC 3310 3.0 Adolescent Development and Health.
2012	EDUC 3310 3.0 The Adolescent and the Teacher.
2001-2006	EDUC 3310 3.0 The Adolescent and the Teacher (TL Kennedy site).
2001-2006	EDUC 3310 3.0 The Adolescent and the Teacher (Keele site).
2002	EDUC 3310 3.0 The Adolescent and the Teacher (Durham site).
2001-2003	ED/CMYR2400 3.0 Communication and the Education Process (TL Kennedy site).
2001-2003	ED/CMYR2400 3.0 Communication and the Education Process (Keele site).
1996 (winter)	ANTH 4210.03F Other Young Lives: Anthropology and Youth Cultures. York University.
1993-1994	ANTH 2010B.06 Anthropology of Youth Culture. York University.
1992 (fall)	ANTH 2000A.03 Anthropology of Youth Culture. York University.

2. GRADUATE PROGRAMME

2020	EDUC 5935 30. Understanding Youth Homelessness - <i>Its causes and conditions, and what we can do about it.</i> Course Director (Summer session)
2019	EDUC 5935 30. Understanding Youth Homelessness - <i>Its causes and conditions, and what we can do about it.</i> Course Director (Summer session)
2019	EDUC 5930 3.0 Engaged Scholarship: Bridging the gap between academia, policy and practice through <i>Knowledge Mobilization.</i> Course Director (Winter session)
2018	EDUC 5930 3.0 Engaged Scholarship: Bridging the gap between academia, policy and practice through <i>Knowledge Mobilization.</i> Course Director (Winter session)
2017	EDUC 5935 3.0. Understanding Youth Homelessness - <i>Its causes and conditions, and what we can do about it.</i> Course Director (Summer session)
2016	EDUC 5930 3.0 Engaged Scholarship: Bridging the gap between academia, policy and practice through <i>Knowledge Mobilization.</i> Course Director (Winter session)
2016	EDUC 5935 3.0 Understanding Youth Homelessness - <i>Its causes and conditions, and what we can do about it.</i> Course Director (Summer session)
2014	EDUC 5930 3.0 Engaged Scholarship: Bridging the gap between academia, policy and practice through <i>Knowledge Mobilization.</i>
2011 - 14	EDUC 5435 3.0 Studies of Adolescence and Cultural Experience
2006	EDUC 5435 3.0 Studies of Adolescence and Cultural Experience
2001-2006	EDUC 5430 3.0 Social Deviance, Resistance and Schooling.
2001	EDUC 5120 6.0 Theory and Research in Language, Culture and Teaching.

3. POST-DOCTORAL FELLOWS

Hart Walker (2021 – Present)

Karen Naidoo (2021 – Present)

Emmanuel Banchani (2021 – Present)

Ahmad Bonakdar (2021 – 2022)

Jackie Sohn (2019- present)

Meryl Burato (2018 – 2021)

Anika Mifsud (2018 – 2020)

Rachel Caplan (2018 – 2020)

Erin Dej (2016-2018)

Kaitlin Schwan (2017 – 2020)

Naomi Nichols (2014-2015)

4. GRADUATE SUPERVISION

Doctoral Programme Supervision and Committees

Supervision (Current)

Michael Kenney (2014-21) Faculty of Education

Committee Membership (Current)

Supervision (Completed)

Sabina Mirza (2012-21) *Exploring Schooling and Educational Attainment Through the Experiences of Homeless Youth*. Faculty of Education, York University

Amanda Noble (2012-2018) *Housing First and 'Ending' Youth Homelessness in the Neoliberal Era: A Case Study of the Infinity Project & Calgary's 10-Year Plan to End Homelessness*. Faculty of Education, York University.

Maria Lucia DiPlacito (2010-2015) *Campus Mental Health: Implications For Instructors Supporting Students*. Faculty of Education, York University.

Kristy Buccieri (2007-2012) *Caught Somewhere Between Public and Private: How Patriarchy, Heteronormativity and Neoliberalism Collude to Keep Homeless Youth In and Out of Place*. Faculty of Education, York University.

Committee Membership (Completed)

Jason Webb (2021) *Working for Citizenship in the Liminal Space - Social Reproduction in the Emergency Family Shelter System* Supervisor: Amber Gazso, Sociology, York University

Dustin Graham (2020) *Reclaiming student voices on school-based, mental health impacts: youth reflections, lived experiences and recommendations for transforming Ontario secondary schools*. Supervisor: Chloe Brushwood-Rose. Faculty of Education, York University.

Kathleen Worton (2018) *Knowledge mobilization for complex community interventions: Examining how peer learning strategies influence local implementation of Housing First*. Supervisor: Geoffrey Nelson. Department of Community Psychology. Wilfred Laurier University. Waterloo Ontario

Rebecca Houwer (2017) *Enacting justice-focused sustainabilities through community-engaged learning and action in postsecondary education: The NOISE for Social Change Project*. Supervisor: Steve Alsop, Faculty of Education

Lauren Joly (2017) *Understanding Romantic Relationships and Resilience Among Street-Involved Youth: A Quantitative and Qualitative Exploration*. Supervisor: Jennifer Connolly Clinical-Developmental Psychology, York University

Megan Sandhu (2016) *University-Community Partnerships: An Action-Humanities Approach to Addressing Homelessness*. Supervisor: Markus Reisenleitner. Faculty of Liberal Arts and Professional Studies. York University.

Kaitlin Schwan (2016) *Why Don't We Do Something? The Societal Problematization of "Homelessness" and the Relationship between Discursive Framing and Social Change*. Supervisor, David Hulchanski. Department of Social Work, University of Toronto.

Carrie Anne Marshall (2015) *Occupation, Homelessness, and the Transition to Becoming Housed in Chronically Homeless Persons in a Small Urban Context*. Supervisor: Rosemary Lysaght, Queens University

Michelle Wyndham-West (2014) *Is it worth the shot? Ontario women's negotiations of risk, gender and the Human Papillomavirus (HPV) Vaccine*. Supervisor: Naomi Adelson, Department of Anthropology, York University

Lisa Romano-Dwyer (2012) *"And I can get anyone into Hamlet." Using Humanities-Based Approaches After Expulsion for School Violence: A Hermeneutical Transformation of Safe Schools*. Supervisor: Alison Griffith. Faculty of Education.

Gregory Knoll (2012) *Stages of Change Training for Youth Outreach Workers: Bridging Research, Theory and Practice*. Graduate program in Psychology, York University

Naomi Nichols (2011) *All My Life I've Slipped Through the Cracks" The Social Coordination of "Youth Work"*. Faculty of Education, York University

Christopher Smith (2008). *A User's Guide to the City: "Juice Bars", 'Liquid Handcuffs' and the Disorder of Drugs*. Communications Studies, York University

Bronwyn Low (2001). *Spoken Word: Exploring the Language and Poetics of Hip Hop Popular*. Faculty of Education, York University.

Dean's Representative

Margaret Jean Mitchell (2002). *Roads, Restlessness and Relationships: An Urban Settlement in Post-Colonial Vanuatu*. Department of Anthropology, York University.

Internal / External Examiner

Lauren Joly (2018) *Understanding Romantic Relationships and Resilience Among Street-Involved Youth: A Quantitative and Qualitative Exploeration*. Graduate Program in Clinical Psychology. Supervisor: Jennifer Connolly

Geoff Sorge (2011) *Cognitive Abilities and Rational Thinking Variables as Predictors of Antisocial/Risky Behaviour*. Faculty of Health, York University.

Jim Steiben (2010) *Neurophysiological Mechanisms of Emotional Regulation for Subtypes of Externalizing Children*. Department of Psychology, York University

Anna Ning (1999). *Embodying the Myth of Healthiness: Conformity, Resistance and Complicity in Narratives of Addiction and Recovery*. Department of Anthropology, York University.

External Examiner

Darren Stonehouse (2021) *The Neoliberal Representation of Homelessness and its Alignment with Material Conditions and Lived Experiences in Victoria, Australia*. La Trobe University, Melbourne, Australia.

Jennifer Bell (2019) Solina Richter, Sarah Stahlke, Department of Nursing, University of Alberta

Heather M. Patterson. (2016) *Attachment Styles, Psychological Functioning, and Resilience Factors among Street-involved Youth: Describing Youth who Access Community Agency Support*. Department of Psychology. Memorial University of Newfoundland

Michelle Wyndham-West (2015) Sarah Benbow (2015) *Mothers Experiencing Homelessness: Social Exclusion, Resistance, and Health*. Nursing, Western University. December, 2015

Erin Dej (2015) Seeking Inclusion in the 'Land of Broken Toys': Negotiating Mental Health Managerialism Among Homeless Men and Women. Department of Criminology, Université d'Ottawa - University of Ottawa

Lorcan Patrick Byrne (2014) *Between Respectability and Disgrace: Schismogenesis & the Regeneration of Inequality, Stigma and Social Exclusion in Limerick*. University College Limerick, Ireland

Felicia Garcia (2013). *Coping and Suicide Amongst 'the Lads': Expectations of masculinity in post-traditional Ireland*. Department of Anthropology. University of Maynooth, Ireland

Abe Oudshoorn (2011) *Client-Provider Relationships in a Community Health Clinic for People Experiencing Homelessness: A Critical Ethnography*. Department of Nursing, University of Western Ontario

Dennis Staunton (2008). *The Occupational Benefits of Getting a University Degree Later in Life as a Mature Student*. Department of Applied Social Studies. University College Cork, Ireland

Masters Programme Supervision and Committees

Supervision (Current)

Sarah O'Connor – Public Policy

Committee Membership (Current)

Arnel Borrás – Health

Supervision (Completed)

Cody Samuelson (2021) *From Reaction to Action: The Kelowna Journey Home Systems Approach*. Development Studies, York University.

Rayna Slobodian (2019) *Rich and Poor Divide: How Portrayals of the Poor and Poverty in News Media Perpetuate Stigma and Inequality*. Faculty of Education, York University.

Bahen, Julia (2016) *Ending the Cycle: Incarceration, Reintegration, and Discharge Planning*. Faculty of Environmental Studies, York University

Isaac Coplan (2014) *Youth Homelessness in Ontario – Knowledge Mobilization, Systems*

Integration and Social Media to #EndYouthHomelessness. Faculty of Environmental Studies, York University

Marylou DiPlacito (2009) (M.Ed. Thesis) *A Parent's Journey, An Adolescent's Hardships: The Impacts of Parental Illness on Schooling*. Completed, November, 2009. Faculty of Education, York University

Jodi Barrett (2009). *Vital Links: Connecting Homeless Families with Education*. (M.Ed. Thesis). Completed, September, 2009. Faculty of Education, York University

Fatima Hussein (2008). *The Economic and Social Consequences of Mental Illness with Homelessness as a Demographic Index*. (MA, Thesis). Completed, September, 2008. Critical Disabilities Studies, York University.

Patricia Baird (2007) *The Need for a Harm Reduction Approach to Substance Use in Ontario Schools. Why the Message, 'Just Say No' to Drugs is Ineffective for Youth*. (M.Ed., MRP). Completed, April, 2007. Faculty of Education.

Tally Wolf (2007) *Starred Students at Teva* (M.Ed. Thesis). Completed, March 2007. Faculty of Education.

Ellen Walton (2007) *Sambos, Mandingos, and Gangstas in Toronto's Education System: Exploring Social Relations and the Impact of Identity and Black Masculinity in Schools*. (M.Ed., MRP). Completed, January, 2007. Faculty of Education.

Sharon McCleave (2006) *The Provision of Dental Care for Homeless Youth: Exploring an Educational Model of Service Learning for Dental Students*. (M.Ed. Thesis). Completed, December 2006. Faculty of Education.

Shelly Mediratta (2006) *Identity Abandonment: Trying to make sense of myself and the need for an anti-bias curriculum in Ontario A conceptualization of identity*. (M.Ed. Major Research Paper). Completed, September 2006. Faculty of Education.

Gemma Bose (2006) *Navigating the Educational System for Racial Minority Students and Racial Minority Teachers* (M.Ed. Major Research Paper). Completed, September 2006. Faculty of Education.

Chantal Tremblay (2006) *Leaving High School: On Becoming More Resilient to Verbal Abuse After the Adolescent Years*. (M.Ed: Major Research Paper). Completed, July 2006. Faculty of Education.

Jennifer Gee (2005) *Bigger isn't always better: Ideal school size and the Ontario Government's educational funding formula*. (M.Ed. Major Research Paper). Completed, October 2005. Faculty of Education.

Bitu Sarabi-Khosravi (2005) *Resistance and second language learning: reflections on possible 'resistant' acts in second language classrooms*. (M.Ed. Major Research Paper). Completed, September 2005. Faculty of Education.

Anne Pohl (2004) (co-supervisor with Celia Haig-Brown) *Opening Respectful Encounters with Inner City, At-Risk Youth in Toronto's Schooling Institutions*. (Thesis). Completed, September, 2004. Faculty of Education.

Maria Melessanakis (2004) *Paradise Envisioned is Seldom a Paradise Realized: The Perspectives of Teacher Candidates on the Impact of Professional Development Schools - A Literature Review and Canadian Case Study*. (Thesis). Completed, May, 2004. Faculty of Education.

Nancy Carvalho (2004). *The Over Representation of Young People with Learning Disabilities in Youth Detention Centres*. (Major Research Paper) Faculty of Education.

Brian Weinstock (2003). *Rethinking Mortadella: Progressing Toward a Critical Multicultural Pedagogy*. (Major Research Paper). Faculty of Education.

Committee Membership (Completed)

Veronica Lockyer (2021) *The Violence of Not Being Heard - Rural and Urban Youth, Differing and Similar Oppressive Obstacles*. Completed: December 2021. Supervisor: Theresa Holmes. Department of Anthropology, York University.

Meagan La Plante (2017) *Rapid Rehousing Practice at a Shelter for Homeless Youth*. Supervisor: Girah Bhatt, Royal Rhodes University, Victoria BC

Kathryn Hardill (2016) *That Look That Makes You Not Really Want to Be There: Health Care Experiences of People Who Use Illicit Opioids in Small Urban and Rural Communities - A Critical Social Theory Analysis*. Faculty of Health (Nursing) York University

Mary Choy (2014) *Re-Conceptualizing "Contributing": Homelessness and Unpaid Labour in a Neo-liberal Climate* Completed: November, 2015. Supervisor: Amber Gaszo, Sociology, York University

Tracey Methven (2012) *A Hub School – The Heart of a Community Conceived For and With Stakeholders of Keelestdale-Eglinton West*. (MRP). Completed, September 2012. Supervisor, Don Diplo, Education

Darlene Mooney (2012) *Crown Wards Leaving Care: A Stakeholders' Discussion of their Readiness*. (Thesis). Completed, January 2012. Supervisor, Naomi Norquay, Education

Lauren Joly (2011) *Evaluating Outreach Programs for Street Involved Youth: A Quantitative and Qualitative Review of the Research*. (Thesis) Completed, July, 2011. Supervisor, Jennifer Connolly, Psychology

Sabina Mirza (2010) *South Asian Celebrations in Adolescent and Children's Literature*. (Major Research Paper). Completed, July 2010. Supervisor, Karen Krasny

Suba Jeyaratnam (2010) *A Critical Analysis of the Relationships between Homelessness and Disability among Immigrant Women in Toronto Community Agencies and Shelters*.

(Major Research Paper). Completed, July 2010. Supervisor, Nancy Halifax, Critical Disabilities Studies.

Jennifer J. Logan (2010) *"There's no place like home": A Snapshot of the Settlement Experiences of Newcomer Tibetan Women in Parkdale, Toronto*. Completed, June 2010. Supervisor, Valerie Preston, Geography.

Tina E. Wilson (2009) *In Their Own Best Interests? Textually Mapping Governmentality in the Lives of Young People Without Stable Housing in Canada*. University of Toronto. Adrienne Chambon (Suervisor) Faculty of Social Work, University of Toronto.

Rasulan A. Hoppie (2009) *Moving on up? Black Families' Pursuit of the Suburban Dream and Implications for their Children*. Completed, December 2009. Supervisor, Carl James, Faculty of Education

Yimin Du (2009) *Global Stability of TB Models: Heterogeneous Populations and Resistance*. Completed, December 2009. Supervisor, Jianhong Wu. Graduate Program in Mathematics, York University.

Ilona Abramovich (2008) *Young, Queer and Homeless in Toronto: Where is the Support?* Completed, August 2008. Supervisor, Nancy Halifax. Graduate Program in Critical Disabilities Studies, York University.

Amy Brandon (2007) *The Mis-/Under-Representation of Youth in Canadian Federal Policy and Policy Development*. Completed: February, 2007. Supervisor, Don Dippo, Faculty of Education

Jeewan Chanicka (2006) *The Jihad In Me: A Reflective Journey on the Role of Islamic Epistemology as a Guiding Framework for Student Engagement and Teacher Resistance in a Post September 11th World*. Completed: December, 2006. Supervisor: Carl James, Faculty of Education

Ramon San Vicente (2006) *Old School, New Rules: Redefining Black Males, Hip Hop Culture and Public Schooling*. (Thesis) Completed: December, 2006. Supervisor: Joy Manette, Faculty of Education

Sandra Mayberry (2006) *Constructing and Managing Behaviour in Ontario Schools: An Institutional Ethnographic Study*. (Thesis) Completed: April, 2006. Supervisor: Alison Griffith, Faculty of Education

Maureen Chard (2006) *Constructing and Managing Behaviour in Ontario Schools: An Institutional Ethnographic Study*. (Thesis) Completed: April, 2006. Supervisor: Alison Griffith, Faculty of Education

Katherine Miles (2006) *The Significance of Social Integration Strategies for ESL Students in Mainstream Classrooms*. (MRP). Completed: May 15, 2006. Supervisor: Connie Mayer. Faculty of Education.

Pamela Dogra (2006) *The Way I See It: Stories of Learning and Teaching*. (MRP) Completed: May, 2006. Supervisor: Isabel Killoran. Faculty of Education

Mike Malcolm (2006) *Toronto Schools and the Creation of the Deviant School Profile and Identity: the implications of the social construction of the deviant identity on student success*. (MRP) Completed: April, 2006. Supervisor: Carl James. Faculty of Education

Lisa Varghese (2006) *Finding a "Home": thinking Through the Issues and Complexities of South Asian Adolescent Conduct in Today's Greater Toronto Area* (Thesis) Completed: April, 2006. Supervisor: Carl James. Faculty of Education

Thomas Douglas (2005). *Finding the One (in ten): Early Identification of Teacher Candidates With Maximal Social Justice Education Praxis Potential*. (Thesis) Completed: April, 2005. Supervisor: Patrick Solomon. Faculty of Education

Robert W. Young (2005). *"You Can't Make Me" Punishment and Pedagogy in the Prison Classroom*. (Thesis) Completed: May, 2005. Supervisor: Susan Dion. Faculty of Education

Susan Clarke (2005). *Interpreting the Reggio Emilia approach: Implications for reducing violence and aggression in early childhood*. (Thesis) Completed, February, 2005. Supervisor: Carol Anne Wien. Faculty of Education

James Rhee (2004). *Relationships and Reflection - Two Keys of Teacher Response to Student Behaviour*. (Thesis) Completed, September 2004. Supervisor: Isabel Killoran. Faculty of Education.

Claudia Johnson (2004). *What's Power and Authority Got To Do With It? Making Meaning From Students' Understanding of Student-Teacher Relationships*. (Thesis) Supervisor: Susan Dion. Faculty of Education.

Marisa Panaroni & Sally Rivers (2004). *Transforming novel studies through anti-bias instruction*. (Major Research Paper) Completed, September 2004. Supervisor: Isabel Killoran. Faculty of Education.

Nazreen Motiar (2003). *Use them or lose them: The state of elementary school librarians*. (Major Research Paper) Completed, September 2003. Supervisor: Isabel Killoran. Faculty of Education.

Dean's Representative

Loriann Hottot (2002). *Complexity and Contradiction in the Construction of Femininity*. (Thesis). Supervisor, Alison Griffith. Faculty of Education.

Internal / External Examiner

Kathy Hardill (2016) *"That Look That Makes You Not Really Want to Be There": Health Care Experiences of People Who Use Illicit Opioids In Small Urban and Rural Communities – A Critical Social Theory Analysis*. Faculty of Health (Nursing) York University

Julia Riddell (2014) *The Development of Self in Relationships: Youth's Narratives of Change Through a Residential, Wilderness and Family Therapy Intervention*. Masters of Arts (Psychology), York University. November, 2014

Bertie Friedlander (2006) *Successful Aging - An Analysis of People and Places Dedicated to Learning Programs for Seniors*. Masters of Arts (Anthropology) April, 2006

Clifford Agburu (2005) *The Dilemma of Alcohol Addiction: A Disability Without Disability Benefits in Ontario*. Masters of Arts (Critical Disability Studies), York University.

Andrew Taylor (2005). *Negotiating Harm Reduction: Risk, Bodies and Youth Substance Users*. Masters of Arts (Anthropology), York University.

Caroline McIsaac (2003). *Romantic Dissolution and Depressive Problems in Adolescence: A Developmental Analysis*. Masters of Arts (Psychology), York University.

External Examiner

Meagan E. La Plante (2017) *Rapid Rehousing Practice at a Shelter for Homeless Youth*. Master of Art in Leadership. Royal Rhodes University. Supervisor: Gira Bhatt

Kim Stanford (2002). *The Right (to) Pleasure: A Participatory Foucaultian Exploration of Youth Drug Users' Experience with Harm Reduction*. Masters of Public Health Sciences, Public Health Sciences, University of Toronto.

5. RESEARCH TRAINING through RESEARCH ASSISTANTSHIPS PhD (26); MA (53); Undergraduate (14)

Doctoral Research Assistantships

Afsaneh Bohouli (2013/14)

Kandirra Wilson (2012/13)

Caryl Patrick (2011/12)

Sabina Mirza (2011/12, 2012/13)

Jennifer King (2010/11)

Naomi Nichols (2010/11, 2011/12)

Christyne Hebert (2013/14)

Carey Doberstein (2012/13)

Cheryl Athersych (2011/12)

Julia Sinclair-Palm (2011/12, 2012/13)

Amanda Noble (2011/12, 2012/13, 2013)

Andrew Grimo (2010/11)

Claire Major (2008/09, 2011/12) Karen Kugelmass (2010/11)
 Kristy Buccieri (2008/09, 2009/10, 2010/11, 2011/12, 2012/13)
 Jaime Yard (2008/09)

Masters Research Assistantships

Ryan Walters (2013/14)	Isaac Coplan (2013/14)
Fleurie Hunter (2013, 2013/14))	Kami Chisholm (2013/14)
Nick Spohr (2012/13)	Jason Bertkin (2012/13)
Meezan Elgen (2012/13)	Sanya Vukas (2012/13)
Nicki Pariser (2012/13)	Andrew Nolan (2012/13)
Mary Choy (2011/12)	Michael Gonzales (2012/13, 2013/14)
Stefania Jakovlevski (2011/12)	Allison Leslie Fischer (2011/12)
Amanda Dunn (2010/11, 2011/12)	Jenna Maley (2010/11)
Pulak Bakshi (2010/11, 2011/12)	Kirk Hatcher (2010/11)
Jessica Whelan (2010/11, 2011/12)	Tara Patton (2010/11)
Christopher Ho (2009/10, 2010/11, 2011/12)	Delaney Downer (2009/10, 2010/11)
Sabina Mirza (2008/09, 2009/10, 2010/11)	Janice Fennell (2009/10)
Jesse Newell (2008/09, 2009/10, 2010/11)	Diwei Wang (2008/09, 2009/10, 2010/11)
Fizza Haider (2008/09, 2009/10)	Magdalene Garda (2008/09, 2009/10)
Vivian Kwouw (2008/09)	Sran Gurgeet (2009/10)
Maya Shapiro (2008/09)	Spy Denhomme-Welch (2008/09)
Susan Appotive (2007/08)	Shari Grayson (2007/08)

Undergraduate Research Assistantships

Alexander Moldovan (2013/14)	Alicia Campney (2013/14)
Ashley Abbasi (2013/14)	Jesse Donaldson (2013)
Oxana Roudenko (2012)	Monique MacLeod (2012)
Sebastien Wan (2012)	Jesse Thistle (2012)
Gerald Wan (2011, 2012)	Esther Townsend (2011)
Matthew Aaron (2003, 2004, 2005)	

D) SERVICE

1. UNIVERSITY SERVICE:

Administrative Roles

2012-2013	Associate Dean, Research and Professional Development – Faculty of Education (six months)
2007-2011	Associate Dean, Research and Professional Development – Faculty of Education (four years) (Note: I have not included committees I sat on in my role as Associate Dean (2007-2011))

Committee Membership

2009-2013	York Centre for Education and Community (Executive Committee and External Advisory Committee)
2008-2013	York Homelessness Research Network
2011-2013	York Institute for Health Research (Executive Committee)
2010-2011	Lifelong Learning, Partnerships & Outreach
2010-2011	York Mental Health Strategy Working Group
2010-2011	York University, Dispute Resolution Committee
2009-2011	GRIP committee
2003-2011	International Advisory Group - RPD – Faculty of Education
2003-2006	Visiting Scholars - Graduate Programme (Chairperson) – Faculty of Education
2003-2004	Awards Committee - Graduate Programme (Chairperson) – Faculty of Education
2003-2011	Coordination and Planning – Faculty of Education
2002-2003	Visiting Scholars - Graduate Programme
2001-2002	Awards Committee - Graduate Programme
2001-2002	Ethics Review Committee – Faculty of Education
2000-2001	Admissions Committee - Graduate Programme – Faculty of Education
2000-2001	Tenure and Promotions Committee – Faculty of Education

Program Development

- 2008 York Centre for Education and Community – ORU Proposal (successful)
- 2003-2005 Children at Risk Symposium programme development.
- 2003-2007 Harm Reduction certificate programme development.
- 2003-2004 Community-Based Research seminar series programme development.
- 2003-2005 Canadian Conference on Homelessness.

2. COMMUNITY SERVICE:

Board of Directors - Community Organizations

- 2014 – 2016 *Raising the Roof*, President
- 2010 - 2019 *York Region Human Services Planning Board*
- 2012 – 2018 *Canadian Alliance to End Homelessness*. Board of Directors (Secretary, and Founding Member)
- 2007 - Present *Raising the Roof*. Board of Directors
- 2007 - Present *Canadian Housing Renewal Association*. Policy Advisory Committee
- 2003 - 2007 *Central Toronto Community Health Centres*. President of Board of Directors.
- 2002 - 2007 *Central Toronto Community Health Centres*. Board Member.

Community Planning Committees

- 2015-16 Province of Ontario *Provincial Expert Panel on Homelessness*
- 2002 – 2004 *City of Toronto Mayor's Community Safety Awards Committee*.
- 1999 *SWYM Consortium*. - Squeegee Initiative.
- 1998 *Toronto Community and Social Planning Council*. - Squeegee initiative.
- 1997 – 1998 *Shout Clinic / SETO*
- 1997 – 1998 *Wellesley / St. Michaels Hospital Ambulatory Care Needs Assessment*.
- 1994 *SETO*. Homeless Emergency Access project.
- 1987-1988 *Togher Community Association*. Cork, Ireland (1987-88).

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO, SHAWN
ARNOLD, ET AL.**

Applicants

-and-

CITY OF HAMILTON

Respondent

ACKNOWLEDGMENT OF EXPERT'S DUTY

1. My name is Stephen Gaetz. I live in Colborne, in the Province of Ontario.
2. I have been engaged by or on behalf of the Hamilton Community Legal Clinic to provide evidence in relation to the above-noted court proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - (a) to provide opinion evidence that is fair, objective and non-partisan;
 - (b) to provide opinion evidence that is related only to matters that are within my area of expertise;
and
 - (c) to provide such additional assistance as the court may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date June 14, 2022



Signature

Ex # 2 m/d/y 08/30/2024 Pg 1 of 1

Exam of Dr. Stephen Gaetz

Heegsma et al v City of Hamilton

Nimigan Mihailovich Reporting Inc.

2018

EVERYONE COUNTS HIGHLIGHTS

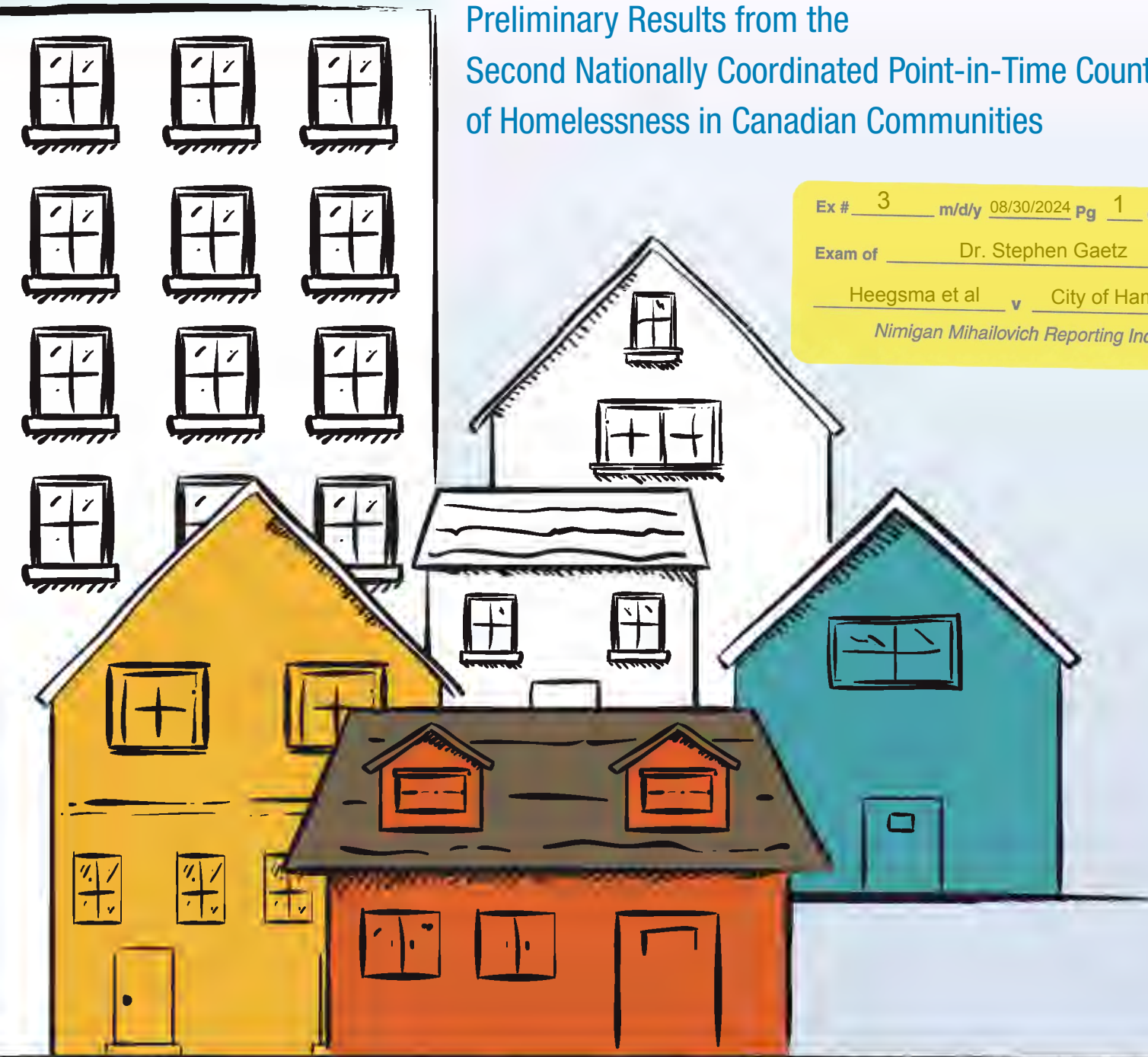
Preliminary Results from the
Second Nationally Coordinated Point-in-Time Count
of Homelessness in Canadian Communities

Ex # 3 m/d/y 08/30/2024 Pg 1 of 13

Exam of Dr. Stephen Gaetz

Heegsma et al v City of Hamilton

Nimigan Mihailovich Reporting Inc.



Everyone Counts 2018: Highlights – Preliminary Results from the Second Nationally Coordinated Point-in-Time Count of Homelessness in Canadian Communities

This publication is available for download at
canada.ca/publiccentre-ESDC.

It is also available upon request in multiple formats (large print, MP3, Braille, audio CD, e-text CD, or DAISY), by contacting 1 800 O-Canada (1-800-622-6232). By teletypewriter (TTY), call 1-800-926-9105.

© Her Majesty the Queen in Right of Canada, 2019

For information regarding reproduction rights:
droitdauteur.copyright@HRSDC-RHDCC.gc.ca.

PDF

Cat. No.: Em12-25/2018E-PD
ISBN: 978-0-660-31455-6

ESDC

Cat. No.: SSD-229-07-19E

TABLE OF CONTENTS

5 Acknowledgements

5 Participating Designated Communities

5 Methodology

6 Enumeration

7 Survey Results

7 Chronic and Episodic Homelessness

8 Age, Gender Identity and Sexual Identity

9 The Experience of Homelessness

11 Indigenous Identity

12 Newcomers to Canada

12 Veterans





Between March 1 and April 30, 2018, 61 communities participated in **Everyone Counts**, the second nationally coordinated Point-in-Time (PiT) count of homelessness in Canadian Communities. The first count took place in 2016 with 32 participating communities. **Everyone Counts 2020** will be the third nationally-coordinated PiT count and is planned for March and April 2020.

The findings highlighted in this report are the result of the enumeration and surveys conducted in the 61 communities in 2018. The results represent a picture of homelessness from a range of communities across Canada, including data from communities in every province and territory, covering major urban centres, suburban communities of various sizes, and more rural and remote communities.

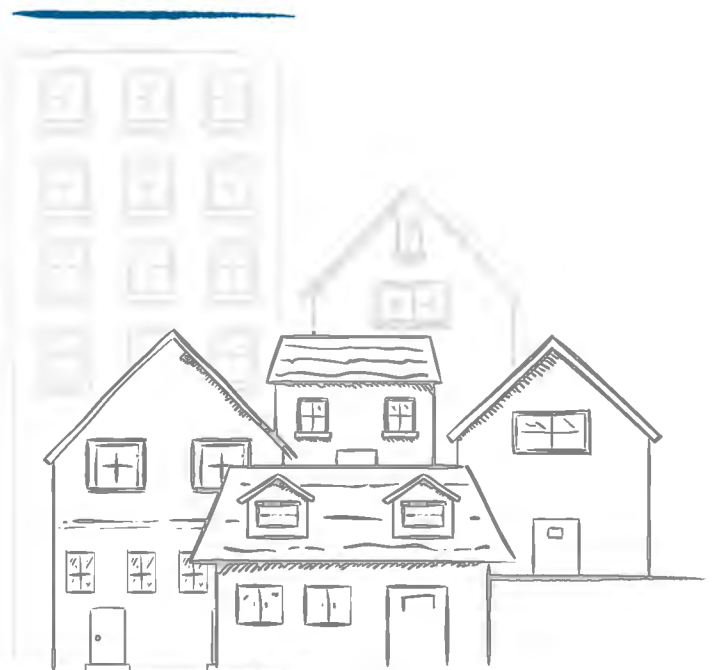
Further results from **Everyone Counts 2018** will follow in future reporting, including reasons people cite for their housing loss, sources of income, and deeper analyses on specific populations.

If you have questions about this report, contact the Reaching Home research team: hpsr@hrsdc-rhdcc.gc.ca

Benefits of the Count

Point-in-Time counts provide a unique community-wide view of homelessness that reaches beyond those who are accessing other homelessness services. The survey provides data that can point to services, policies, or programs that can help to prevent and reduce homelessness. This is information that is not captured through administrative data systems.

The counts are particularly helpful to account for people who do not access shelters. Some populations, including Indigenous Peoples, youth and women, are less likely to access shelters and will therefore be underrepresented in administrative data. The PiT Counts offer a means to address this.





Acknowledgements

This report was prepared by Dr. Patrick Hunter, Senior Policy Analyst, Employment and Social Development Canada, and reflects the work by the PiT Count Implementation team at Employment and Social Development Canada, the National PiT Count Working Group and all of the 61 communities that participated in Everyone Counts. Each count was led by a local team, relying on dedicated people working with homelessness serving organizations, municipal staff, emergency services and volunteers who took the time to have conversations with people experiencing homelessness to listen to their stories and understand their needs.

Methodology

PiT Counts provide a one-day snapshot of homelessness in a community, including people experiencing homelessness in shelters, unsheltered locations, and transitional housing. They can also include people experiencing homelessness who are in health or correctional facilities or who are staying with others because they have no access to a permanent residence.

PiT Counts result in an enumeration of homelessness in core locations such as unsheltered locations, shelters and transitional housing. They also include a survey of people experiencing homelessness across the community.

Participating Designated Communities

- Barrie (Simcoe)
- Bathurst
- Belleville
- Brandon
- Brantford
- Calgary
- Charlottetown
- Drummondville
- Dufferin
- Durham (Oshawa)
- Edmonton
- Fredericton
- Gatineau/Outaouais
- Grande Prairie
- Guelph
- Halifax
- Halton Region
- Hamilton
- Iqaluit
- Kamloops
- Kelowna
- Kingston
- Lethbridge
- London
- Medicine Hat
- Metro Vancouver (Conducted in 2017)
- Moncton
- Montréal
- Nanaimo
- Nelson
- Nipissing/North Bay
- Ottawa
- Peel Region
- Peterborough
- Prince Albert
- Prince George
- Québec
- Red Deer
- Regina
- Saguenay/Lac St-Jean
- Saint John
- Saskatoon
- Sault Ste Marie
- Sherbrooke
- St. Catharines/Niagara/Thorold
- St. John's
- Sudbury
- Summerside
- Sydney/Cape Breton
- Thompson
- Thunder Bay
- Toronto
- Trois-Rivières
- Victoria (Capital Regional District)
- Waterloo Region
- Whitehorse
- Windsor
- Winnipeg
- Wood Buffalo
- Yellowknife
- York



Enumeration and Survey

PiT counts result in an enumeration and survey findings. The enumeration is calculated by a combination of administrative data on occupancy of shelter providers and transitional housing and people who reported or were observed sleeping on the street on a single night. The survey is also done with people experiencing homelessness who are spending the night in shelter, transitional housing, staying with others, in health and corrections institutions, and other places. The results are analyzed to better understand their experience of homelessness.

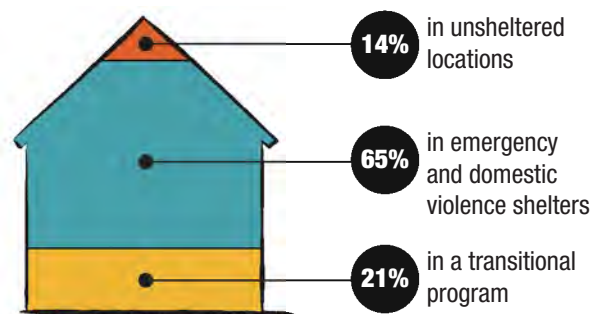
The methodology for Everyone Counts was developed in conjunction with a National PiT Count Working Group, and it includes core methodological standards followed by the 61 communities, including a common set of screening and survey questions. Communities could build on this *core* methodology to address local information needs. More information on the methodology can be found in the [Guide to Point-in-Time Counts in Canada](#).

Enumeration

On a given night, 25,216 people across 61 communities were experiencing absolute homelessness in shelters or unsheltered locations. An additional 6,789 people were in a transitional program. Note, however, that there was some variation across communities as to what constituted a transitional program.

Over the communities that also conducted a count in 2016, there was a 14% increase in the enumeration. In part, this may be due to improvements in the methodology. The first time a community conducts a count there are many lessons learned related to where to look for people experiencing homelessness, how many volunteers are needed, and how to engage people experiencing homelessness. This can result in a more effective PiT Count that reaches, and enumerates, more people.

FIGURE 1 Overnight Locations





Survey Results

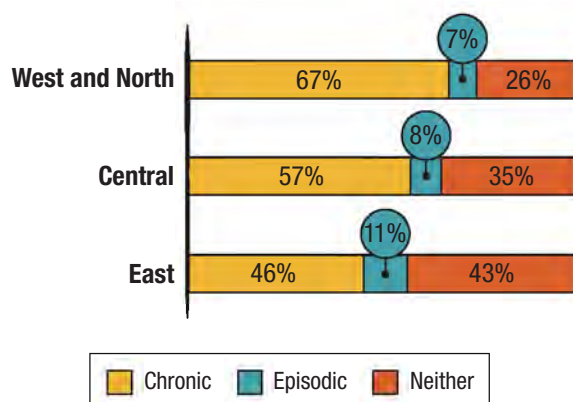
Across the 61 communities, 19,536¹ people were surveyed experiencing homelessness in unsheltered locations, shelters, transitional housing, staying with others, hotels or motels, health or corrections systems, and in unknown locations. The results of each analysis includes all of those who provided a response to each question. The survey questions can be found in the [Guide to Point-in-Time Counts in Canada](#).

Chronic and Episodic Homelessness

Survey respondents were asked how long and how many different times they experienced homelessness over the past year. Six or more months of homelessness was considered chronic homelessness, 3 or more episodes lasting less than 6 months of homelessness was considered episodic homelessness.

People experiencing chronic homelessness accounted for 60% of all respondents whereas episodic homelessness accounted for 8% of all respondents. The proportion identified as chronic was typically higher in communities in the West and North (Manitoba, Saskatchewan, Alberta, British Columbia, and the territories) and lower in the East (New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland).

FIGURE 2 Chronic and Episodic Homelessness Across Regions



¹ The number of people who completed a survey is lower than the number of people enumerated because not everyone completes a survey (see Enumeration and Survey on page 2). In addition, not everyone who is surveyed is enumerated. The enumeration only includes people who are spending the night in shelter, unsheltered locations and in transitional housing which is captured in a consistent way across communities.

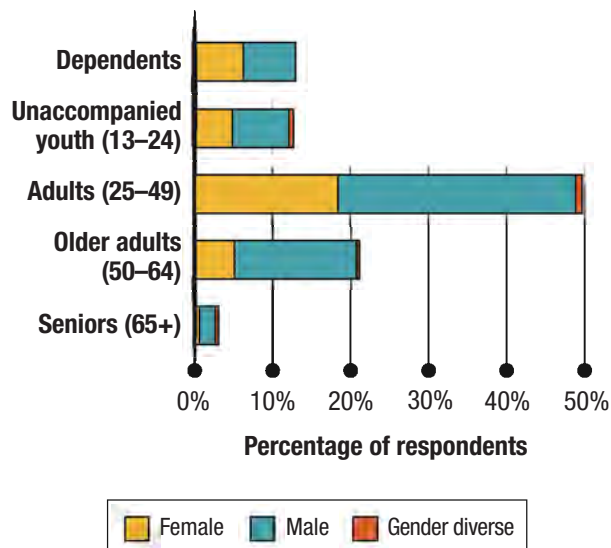
Age, Gender Identity and Sexual Identity

The majority (62%) of survey respondents identified as male, 36% identified as female and 2% identified as trans male, trans female, transgender, non-binary, androgynous, gender fluid, two-spirit, genderqueer or gender non-conforming, or provided another response not listed on the survey.²

Dependents and unaccompanied youth each comprised 13% of those identified. Adults were the largest group, accounting for nearly half (49%) of those identified. Over 1 in 5 (22%) were older adults and 3% were seniors.

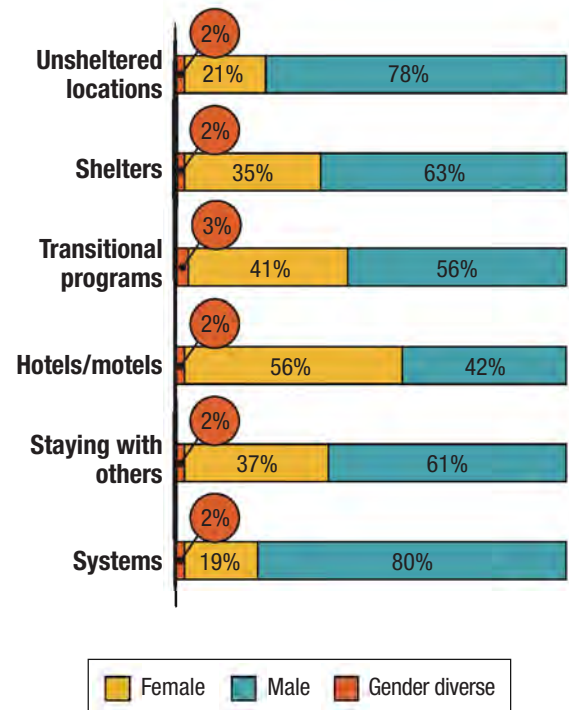
Males and females were equally represented among dependents, but increasingly diverged with age, with males accounting for 56% of youth, 61% of adults, and over 70% of older adults and seniors. Gender diverse responses were most common among youth, accounting for 4% of youth responses.

FIGURE 3 Age and Gender Identity



² Note that respondents who identified as male and female may include cisgender and transgender people. As a result, this report may undercount the number of people who may identify as gender diverse. Gender for dependents was identified by their parents or guardians.

FIGURE 4 Gender and Overnight Location



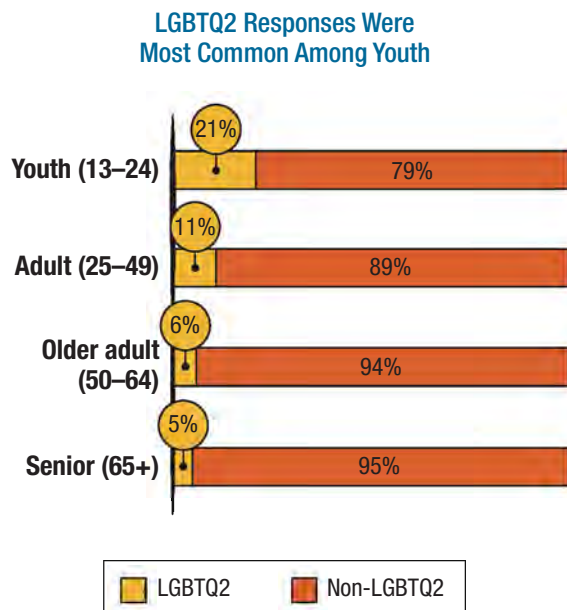
Respondents were asked about their overnight location on the PiT Count night. Those who identified as male represented the majority in most overnight locations with the exception of hotels and motels. This is likely because many communities provide hotel or motel rooms as a response to family homelessness when other facilities are not available, and most families are female-led.



When respondents were asked about their sexual identity, or orientation, over 20% of youth identified as bisexual, gay, lesbian, asexual, pansexual, two spirit, queer, questioning, or provided another response not listed on the survey. When considered together with gender diverse responses, 21% of youth identified as LGBTQ2.

LGBTQ2 responses were less frequent with age, accounting for 11% of responses from adults, 6% of responses from older adults, and 5% of responses from seniors.

FIGURE 5 LGBTQ2 and Age

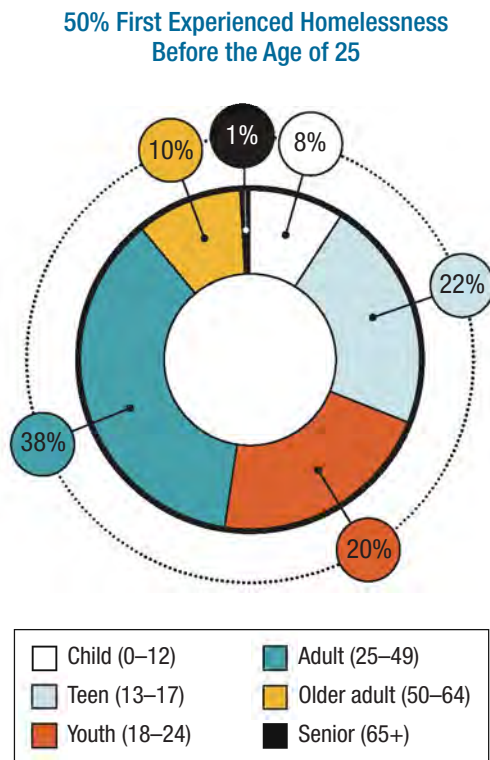


The Experience of Homelessness

One quarter of respondents (25%) had not used a shelter in the past year. Shelter use was less common among people staying with others (53%), but also among those who were in unsheltered locations (41%), transitional housing (47%) and health and corrections systems (41%).

Respondents were asked about the age at which they first experienced homelessness. Approximately 30% of responses were as a child or teen (under 18). A further 20% were youth. First experiences of homelessness under the age 25 were reported by 49% of adults, 26% of older adults, and 17% of seniors.

FIGURE 6 Age of First Homelessness Experience



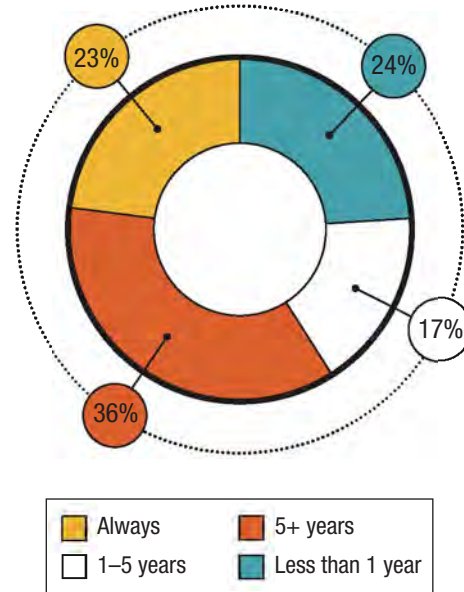


Respondents were asked when they came to the community and where they were previously. Most respondents (59%) have either always been in the community or came more than 5 years ago. Nearly one quarter (24%) came within the past year.

Of those who did report coming to the community, most came from elsewhere within the same province (63%) and over one quarter came from elsewhere in Canada (27%). Fewer came internationally (11%).

FIGURE 7 Time in the Community

24% of Respondents Came to the Community in the Past Year





Indigenous Identity

Nearly one third (30%) of respondents identified as Indigenous, with the majority identifying as First Nations. In contrast, approximately 5% of the Canadian population identifies as Indigenous in the 2016 census, suggesting an overrepresentation of Indigenous Peoples experiencing homelessness.

This percentage was higher among those who were staying in unsheltered locations (37%) and among those who were staying with others (43%). This suggests that shelter-specific statistics are likely to underestimate the extent of Indigenous homelessness.

FIGURE 8 Indigenous Identity and Gender

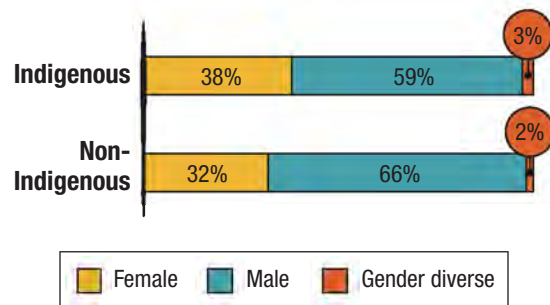
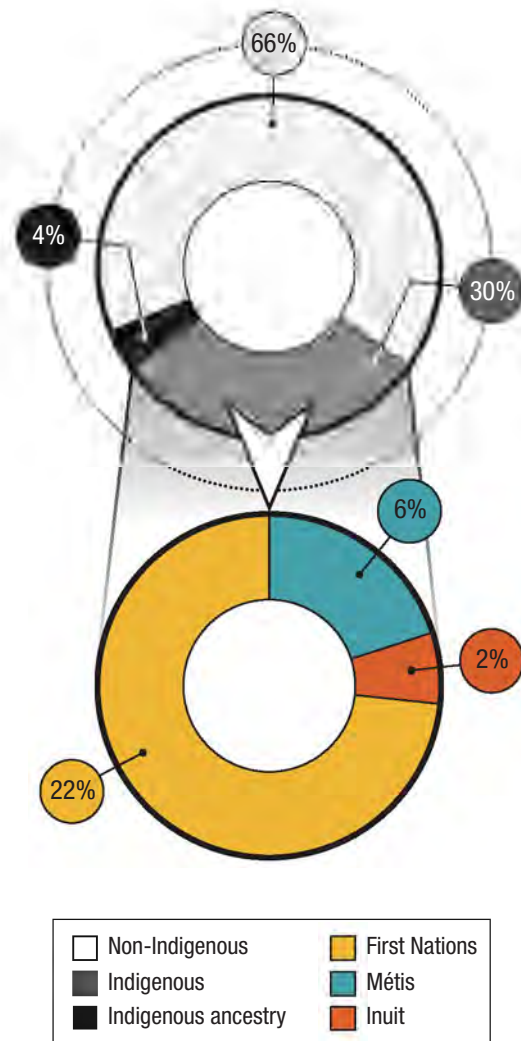


FIGURE 9 Indigenous Identity

Over One Third of All Respondents Identified as Indigenous



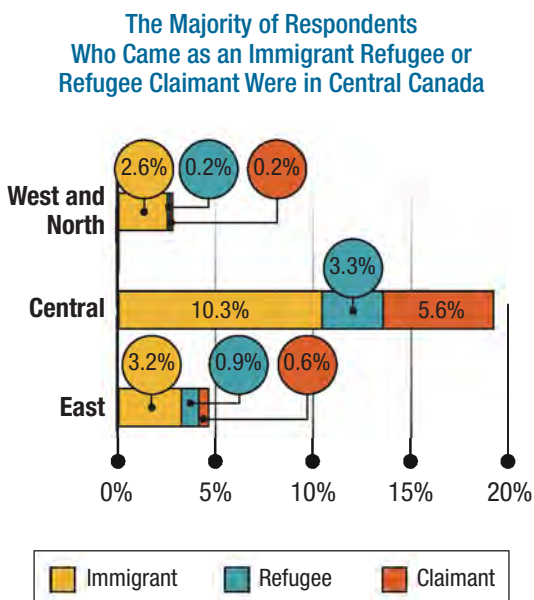


Newcomers to Canada

14% of respondents indicated that they came to Canada as an immigrant, refugee or refugee claimant. These included 8% who indicated that they came as an immigrant, 3% as a refugee and 4% as a refugee claimant. The majority (56%) have been in Canada for 5 or more years, however a significant minority (26%) came within 6 months prior to the count.

In contrast, over 20% of the population in the 2016 census reported that they were, or have been, a permanent resident in Canada³. Although this figure does not include current refugees or refugee claimants, it suggests that newcomers to Canada experience lower rates of homelessness than the general population.

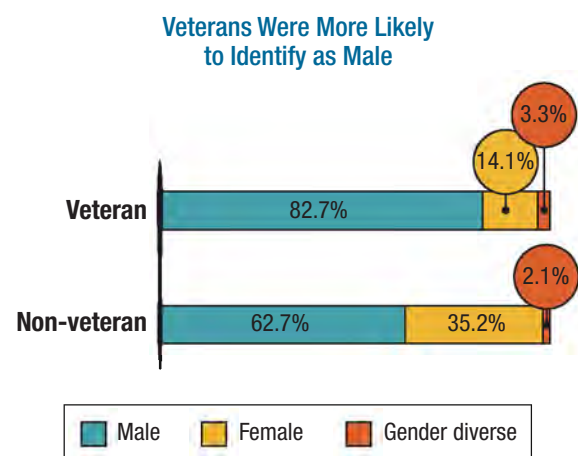
FIGURE 10 Regional differences in the proportion of respondents who came to Canada as newcomers



Veterans

Respondents who identified as veterans of the Canadian Armed Forces accounted for 4.4% of all respondents, and 0.3% identified as veterans of the Royal Canadian Mounted Police. Veterans tended to be older (median age = 48) than non-veterans (median age = 39) and less likely to be female.

FIGURE 11 Veterans and Gender



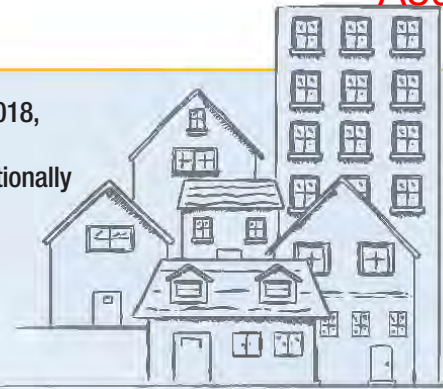
³ <https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025b-eng.htm>

EVERYONE COUNTS

2018

Highlights

Between March 1 and April 30, 2018, **61 communities** participated in *Everyone Counts*, the second nationally coordinated Point-in-Time (PiT) count of homelessness in Canadian Communities.



A5903

Across the 61 communities,

32 005

people were identified as experiencing homelessness in:

14% unsheltered areas

65% shelters

21% transitional facilities

PiT: it's a one-day snapshot of homelessness in each community that contributes to a national picture.

Women **36%**

Indigenous identity **30%**

Veterans **5%**

LGBTQ2 **11%**

When asked about their experience of homelessness:

60%

said that they had been were homeless for 6 months or more in the past year

50%

said that they first experienced homelessness before the age of 25



13%

Dependents
(0-15)

13%

Unaccompanied
Youth
(13-24)

49%

Adults
(25-49)

22%

Older
Adults
(50-64)

3%

Seniors
(65+)

REACHING HOME

CANADA'S HOMELESSNESS STRATEGY



For more information, visit
Canada.ca/homelessness

The next coordinated PIT Count
will be *Everyone Counts 2020*

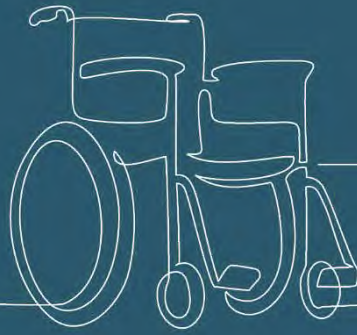
A1619



Employment and
Social Development Canada

Emploi et
Développement social Canada

Canada



Hamilton's

EMERGENCY SHELTER STANDARDS

Ex # 4 m/d/y 08/30/2024 Pg 1 of 75

Exam of Dr. Stephen Gaetz

Heegsma et al v City of Hamilton

Nimigan Mihailovich Reporting Inc.

September 2023

A1620

Hamilton's Emergency Shelter Standards

1. **Introduction**

- 1.1. Acknowledgments
- 1.2. Background
- 1.3. Writing the Standards
- 1.4. Local Homeless-Serving Sector
 - 1.4.1. Role of the City
 - 1.4.2. Role of Emergency Shelter Operators
 - 1.4.3. Role of Indigenous Partners and Community Leaders
 - 1.4.4. Role of People with Lived Experience
- 1.5. Guiding Principles
- 1.6. Key Terms and Definitions

2. **Client Rights and Responsibilities**

- 2.1. Rights and Responsibilities
- 2.2. Client Input
- 2.3. Complaints Process

3. **Accessing Services**

- 3.1. Intake and Initial Assessment
- 3.2. Belongings
- 3.3. Daytime Access
- 3.4. Curfew and Overnight Passes
- 3.5. Length of Stay
- 3.6. Capacity Limits
- 3.7. Service Restrictions

4. **Services Provided**

- 4.1. Housing-Focused Supports and Case Management
- 4.2. Basic Needs
 - 4.2.1. Bedding
 - 4.2.2. Hygiene
 - 4.2.3. Laundry
 - 4.2.4. Clothing
 - 4.2.5. Nutrition
 - 4.2.6. Pets
- 4.3. Health Supports and Partnerships

5. **Addressing Indigenous Homelessness**

- 5.1. Indigenous Persons

6. Supporting Diverse Communities

- 6.1. Children
- 6.2. Youth
- 6.3. Health and Accessibility
- 6.4. Substance Use, Harm Reduction and Safer Use
- 6.5. 2SLGBTQIA+
- 6.6. Race, Ethnicity and Immigration Status
- 6.7. Gender
- 6.8. Religion
- 6.9. Owners of Service Animals

7. Shelter Operations

- 7.1. Training Requirements
- 7.2. Neighbourhood Relationships
- 7.3. Facility Ratios

8. Health and Safety

- 8.1. Infectious Disease Prevention and Management
- 8.2. Cold Alerts and Heat Warnings
- 8.3 Safety Planning
- 8.4 Serious Incidents

9. Accountability and Governance

- 9.1. Program Accountability
- 9.2. Board Requirements
- 9.3. Finance
- 9.4. Relevant Legislation

10. Information Systems

- 10.1. Client Database Information Management Systems
- 10.2. Consent
- 10.3. Confidentiality
- 10.4. Storing Information

11. Standards Administration

- 11.1. Review History and Approval
- 11.2. Related Documents



1. Introduction

- 1.1. Acknowledgments
- 1.2. Background
- 1.3. Writing the Standards
- 1.4. Local Homeless-Serving Sector
 - 1.4.1. Role of the City
 - 1.4.2. Role of Emergency Shelter Operators
 - 1.4.3. Role of Indigenous Partners and Community Leaders
 - 1.4.4. Role of People with Lived Experience
- 1.5. Guiding Principles
- 1.6. Key Terms and Definitions

1.1 Acknowledgments

The Hamilton Emergency Shelter Standards (“the Standards”) were created in collaboration with local Indigenous leaders, people experiencing homelessness, emergency shelter operators, and shelter staff. In addition, the Standards were informed by best practices learned from other municipalities across Canada.

Indigenous Peoples are respected partners and leaders in the work of ending homelessness. The City of Hamilton and shelter operators value the ongoing collaboration with local Indigenous leaders that informs continuous improvement to the homeless-serving sector beyond updating the Standards. This document is representative of the City of Hamilton’s commitment to addressing and preventing Indigenous homelessness in ways that are rooted in the spirit and actions of reconciliation.

The City of Hamilton is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee, and Mississaugas. This land is covered by the Dish With One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. We further acknowledge that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation.

Today, the City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and we recognize that as part of our commitment to truth and reconciliation, we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners, and caretakers. The City of Hamilton is grateful for the experience, knowledge, and feedback our community partners and people with lived experience contributed throughout the process of developing the Standards.



1.2 Background

The Hamilton Emergency Shelter Standards were designed to support the work happening to end homelessness in our community by providing a transparent framework of consistent shelter services for all individuals and families experiencing homelessness in Hamilton. Building upon the 2008 Emergency Shelter Standards, the updated 2023 Standards provide more comprehensive and detailed information with 24 new sections and 39 enhanced sections. By establishing expectations for minimum operating, service-delivery, and facility standards based on local community input, research, and best practices from the Canadian Shelter Transformation Network and other jurisdictions across Canada, this document is a guide for emergency shelters to continue their individual and collective success in helping individuals resolve their homelessness in order to live safer, healthier lives. This document serves as a tool to support quality, consistency, and transparency in the provision of emergency shelter services in Hamilton.

The Standards apply to Emergency Shelter Operators within the homeless-serving sector of Hamilton. Other services such as Violence Against Women, short-term/transitional housing, and supportive housing programs are all essential components of addressing homelessness, however, these services require distinct service delivery models and standards.

The Standards are not intended to be exhaustive as our homeless-serving sector is continuously adapting to changing circumstances, demands, and challenges. Emergency Shelter Operators will have their own policies and procedures in addition to the expectations laid out in the standards. For issues not covered within the Standards, it is expected that Emergency Shelter Operators will exercise reasonable judgment and/or consult with City of Hamilton staff where necessary.

It is recommended that the Standards be reviewed and updated every four years in order to reflect and adapt to evolving research and needs within the City of Hamilton. The City of Hamilton, Emergency Shelter Operators, and local Indigenous leaders are committed to reconvening as needed to adapt to changing circumstances between the four-year review point.

1.3 Writing the Standards

The Standards were written in collaboration with the community. The City sketched out an initial rough draft of the Standards based on Hamilton's 2008 Standards, a jurisdictional scan of the standards from other municipalities, and best practice documents. Based on this rough draft, the City initiated two parallel consultation processes. A working group made up of emergency shelter operators and Indigenous representatives formed and met weekly to write the Standards. Also, a consultation group was formed between the City and Keeping 6 peer workers to engage people with living experience. People accessing each of the City funded emergency shelters plus three drop-ins were engaged in open-ended small group discussions about the Standards, and what was important to them. The expertise of these two groups, emergency shelter operators and people with living experience, are foundational to the Standards. A first draft was completed and brought to several community groups with expertise related to specific standards. The suggested edits were brought back to the shelter operators' steering committee to draft a final version of the Standards.

1.4 Local Homeless-Serving Sector

The successful ongoing implementation of the Hamilton Emergency Shelter Standards depends on a reciprocal process between the City of Hamilton, emergency shelter operators, and Indigenous community partners. Collaboration to support a coordinated system is essential for improving service integration and effectiveness. Service delivery and positive housing outcomes are enhanced through open and collaborative working relationships. The City of Hamilton, emergency shelter operators, and Indigenous community partners each have important roles to play in supporting each other and the clients we serve.

1.4.1 Role of the City

The City of Hamilton is responsible for coordinating the provision of emergency shelter services within Hamilton through the purchase of services with emergency shelter operators. Funding for emergency shelters is provided through municipal, provincial, and federal funding. Municipal funds are approved by Hamilton's City Council through the annual operating budget process.

The City of Hamilton fulfils the municipal role by:

- Entering into contractual arrangements (purchase of service agreements) with community-based agencies and providers to purchase shelter assistance for people who are homeless, in accordance with the above-mentioned service agreements.
- Acting as the Service Manager for federal and provincial funding by administering and maintaining the shelter system through Funding Agreements with shelters.

- Ensuring that all shelter programs meet the Standards and the contractual obligations as set out in the Subsidy Agreements.
- Coordinating and administering strategic planning.
- Undertaking an annual review of the funding and service levels.
- Conducting partial reviews as deemed necessary by the City, funders, and/or as requested by the emergency shelter operator.

In addition, the City of Hamilton is accountable to people experiencing homelessness, Indigenous community partners, and emergency shelter operators for:

- Inviting and reviewing the recommendations brought forward by Indigenous community partners, people with lived experience, and emergency shelter operators.
- Aiming to design a system that not only responds to Indigenous homelessness, but also respects, honours and promotes the strength and resiliency of Indigenous peoples.
- Being available for sharing information, resources, etc. that support both client services and developing organizational capacity.
- Leading the development and implementation of a coordinated access system to serve individuals experiencing homelessness more equitably with consistent best practices and service integration across providers.
- Providing support with policy development, research, program development, evaluation, and reviews as needed.
- Reviewing and updating the Standards every four years in partnership and collaboration with emergency shelter operators, Indigenous leaders, and people with lived experience.
- Supporting each emergency shelter operator as a contributing member of the overall service system for the homeless and at-risk population in Hamilton.

1.4.2 Role of Emergency Shelter Operators

As a primary delivery agent of emergency shelter services, each emergency shelter operator will be responsible for ensuring:

- Compliance with the operating agreement between the City of Hamilton and the emergency shelter organization.
- Compliance with the Standards.
- Participation in the Standards review.
- An understanding of their role as a key stakeholder in the emergency shelter service system in Hamilton and the coordinated access system.
- Shelter services respond to the unique needs of Indigenous clients.
- Shelter services understand and respect the needs of other marginalized clients.
- Ensure that all staff have education on the unique needs and experiences of Indigenous clients.

To this end, emergency shelter operators will:

- Ensure full understanding of the requirements of the Standards to implement them.
- Provide input for the regular review of the Standards and other evaluation and improvement projects coordinated by the City of Hamilton (this includes having ready all documentation necessary to support compliance and being prepared to arrange interviews/questionnaires for selected staff, volunteers, clients, and Board members).
- Be available for partial reviews as requested by the City of Hamilton.
- Ask the City of Hamilton to schedule a review if it is deemed an exercise that could be helpful in developing organizational capacity.
- Collaborate with other emergency shelter operators and Indigenous community partners to strengthen client service delivery as a shelter service system.

1.4.3 Role of Indigenous Partners and Community Leaders

Hamilton's homeless-serving system must account for the systemic over-representation of Indigenous peoples experiencing homelessness. Advancing Indigenous partners' autonomy and self-determination, the City of Hamilton is committed to ongoing investments to Indigenous leadership and autonomy. We will work together to develop connections to housing and supports that are culturally appropriate, rooted in the spirit and actions of reconciliation.

As leaders in the City of Hamilton and representatives of the Indigenous community, Indigenous community partners are advancing work related to emergency shelter services through:

- Self-determination and autonomy, identifying local priorities and making investment decisions.
- Leading Indigenous-led research and policy development activities and working in collaboration with the City and shelter providers to support improvements in emergency shelter service delivery.
- Participating in and providing guidance on City-led research and policy development activities.

1.4.4 Role of People with Lived Experience

People with Lived Experience (PWLE) are invaluable to shaping programs, facilities, and policies in the emergency shelter sector. People with living experience know how the system works, they know what their needs are, and experience the system at work on the everyday level. They can bring to light perspectives that may be unknown or unknowable at the staff or senior leadership level.

Updating Hamilton's Emergency Shelter Standards included consulting with PWLE who were currently accessing emergency shelter beds and drop-in programs for people experiencing homelessness. City of Hamilton staff held 12 engagement sessions over the course of four months and met with people accessing the men's, women's, youth, and family sectors as well as Indigenous service providers. People who attended the sessions were compensated for their time and expertise. City staff documented 1,650 suggestions, experiences, and feedback during the engagement process.

Throughout the writing process City staff brought forward feedback from PWLE and integrated responses from PWLE into the updated Standards. Many sections of the Standards were expanded on in ways that reflect suggestions from participants or attempts to address gaps identified by PWLE. The City is grateful to all the people who participated in the engagement sessions for sharing their knowledge, experiences, and ideas.

People with living experience will continue to be invited and supported to take part in the homeless serving sector through:

- A Living Engagement Strategy developed by the City of Hamilton which will promote best practices for engaging PWLE and build formal opportunities for people experiencing homelessness to share their feedback to improve programs and services.
- Client input activities led by emergency shelter operators, such as PWLE advisory committees, satisfaction surveys, etc.

1.5 Guiding Principles

The City of Hamilton and emergency shelter operators are committed to delivering emergency shelter services that uphold the following guiding principles:

- **Accountability:** Emergency shelter operators are held accountable to the standards through multiple mechanisms, including funding contracts, data analysis, the complaints process, and governance tables. Governance tables comprised of representatives from the emergency shelter sector, the local Indigenous community entity, and the City of Hamilton meet regularly to ensure accountability to the Standards and ownership over their development, operationalization, and implementation, especially as it applies to equity policies.

- **Truth and Reconciliation:** Indigenous homelessness is defined as a human condition that describes First Nations, Métis, and Inuit individuals, families or communities lacking stable, permanent, appropriate housing or the immediate prospect, means, or ability to acquire such housing. Services must be committed to supporting Indigenous populations and the commitments outlined in the report on Ontario's Response to the Truth and Reconciliation Committee.
- **Acknowledging the Unique Autonomous Leadership of the Indigenous Community in the Work in Homelessness:** Hamilton's homeless-serving system must account for systemic over-representation of Indigenous persons experiencing homelessness. Indigenous peoples experience homelessness, as well as other forms of social exclusion, at a higher rate than the general population. Specific policy interventions are therefore needed to account for these circumstances. Homelessness amongst Indigenous peoples is a colonial legacy. The interconnectedness of ongoing colonialism, residential schools, intergenerational trauma, and ongoing systematic social and economic marginalization of Indigenous peoples shape our understanding of Indigenous homelessness in Canada. Acknowledging our Indigenous partners' autonomy and self-determination, we will work together to develop connection to housing and supports that are culturally appropriate, rooted in the spirit and actions of reconciliation. Building upon strong relationships between the City of Hamilton and local Indigenous leadership, we aim to design a system that not only responds to Indigenous homelessness, but also respects, honours, and promotes the strength and resiliency of Indigenous peoples.
- **Coordinated Access:** Hamilton's homeless-serving system is made up of a range of community agencies who together offer a continuum of integrated supports to assist people in preventing and ending homelessness. Ending homelessness requires a coordinated approach to reduce gaps in services and improve the process of connecting people to the most appropriate housing supports. The City of Hamilton, Indigenous leaders, and homeless-serving sector partners have developed coordinated access processes to share knowledge of clients experiencing homelessness, establish consistent best practices applied across the sector, and ensure that limited resources are allocated effectively and equitably. Coordinated Access relies on collaborating with other service providers and stakeholders across the homeless-serving sector and with relevant health and community services to connect people to resources that will help them access and retain stable housing.
- **Equitable Access:** Access to appropriate shelter space will never be denied based on citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, or economic status.

- **Equity, Diversity, and Inclusion:** While acknowledging strength and resiliency of unique populations, there is also an awareness of unique structural and institutional barriers that each group may experience linked to systemic discrimination and oppression. Services must not be a one-size-fits-all approach and should be able to be effectively adapted to meet the specific needs of the people they serve. An anti-racist, anti-oppression approach and analysis should be applied to the policies, procedures, and services connected to the homeless-serving sector.
- **Harm Reduction:** Hamilton's homeless-serving sector recognizes the complex, intersecting social inequalities which put people experiencing homelessness at high risk of substance use and other activities which may endanger their safety and wellbeing. Partners across the sector work to minimize the harm and risks faced by people experiencing homelessness through a continuum of harm reduction approaches, the minimum of which are referrals to harm reduction supplies, detox, or addiction services.
- **Lived and Living Experiencing Input:** The City of Hamilton and emergency shelter operators will seek to engage people with lived or living experience of homelessness in intervention development, evaluation, and decision-making.
- **Non-Judgment:** A non-judgmental approach is critical to building relationships of openness and trust with program participants that can lead to positive life change. Staff also use a non-judgmental approach to ensure service is provided objectively and consistently to everyone.
- **Respect:** Staff treat program participants with dignity and respect, putting the person at the centre of decision-making and recognizing that an individual's autonomy and self-determination will guide their plan of care. Staff understand that individuals have a right to their choices. Shelters should make every effort to provide an environment that fosters a sense of personal control through providing choice and autonomy and building capacity wherever possible.
- **Strengths-Based and Empowerment Focused:** The homeless-serving sector recognizes that people experiencing homelessness have unique strengths and diverse needs. People experiencing homelessness will be empowered to identify their own goals and provide input into the development of emergency shelter services and policies.

1.6 Key Terms and Definitions

- **2SLGBTQIA+:** An acronym that refers collectively to two-spirited, lesbian, gay, bisexual, transgender, queer, intersex, asexual, and questioning people. While terms and identities evolve and more inclusive acronyms may be introduced elsewhere (e.g. LGBTQQIP2SAA, LBGTQIA), 2SLGBTQIA+ will be used as an all-encompassing term in the Standards.
- **Client:** Any individual who is in receipt of any support services provided by a shelter.
- **Common Intake and Assessment:** A standardized approach to assessing a person's current situation, the acuity of their needs, the services they currently receive/may require in the future, and their preferences for service delivery. It takes into account the background factors that contribute to risk and resilience, changes in acuity, and the role of friends, family, caregivers, community and environmental factors.
- **Discharge:** The process of concluding a client's stay at a shelter. Discharge from shelter may be initiated by the client or staff for a variety of reasons, including finding housing or exceeding the maximum length of stay in shelter.
- **Discrimination:** An action or decision that treats an individual, family, or group negatively and/or denies social participation based on perceived or actual protected human rights grounds: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing) and record of offences (in employment).
- **Emergency Shelter:** An organization that provides shelter to an individual or family experiencing homelessness with or without a referral, with the intention of providing short-term accommodation and support services to move clients into housing.
- **Harm Reduction:** A non-judgmental, non-coercive philosophy and set of practical strategies aimed at improving safety and reducing the adverse health, social, and economic consequences associated with legal and illegal substance use.
- **HMIS:** The Homelessness Management Information System (HMIS) is a system whereby data pertaining to people experiencing homelessness are recorded, stored, retrieved, and processed to improve service coordination and decision-making.

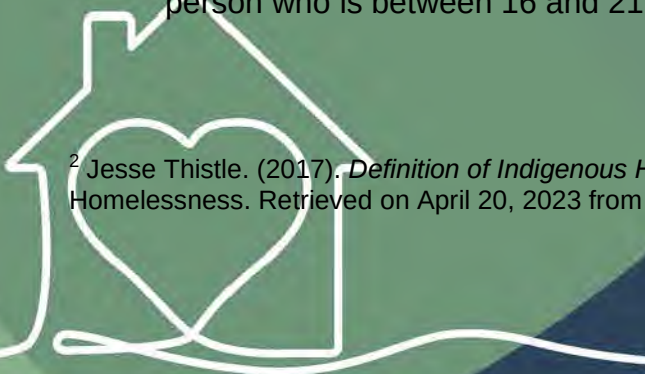
- **HIFIS:** The Homeless Individuals and Families Information System (HIFIS) is a web-enabled database that is used to support coordinated access using real-time information of individuals and families accessing the homeless serving sector. HIFIS is the current primary Homelessness Management Information System (HMIS) used by the City of Hamilton.
- **Homeless:** Academic research on homelessness demonstrates a complex interplay of structural factors, systems failures, and individual circumstances. The Canadian Observatory on Homelessness defines homelessness as “the situation of an individual, family or community without stable, permanent, appropriate housing, or the immediate prospect, means and ability of acquiring it.” This includes individuals or families who are unsheltered, in emergency shelter, provisionally accommodated and at risk of losing their housing. This working definition of homelessness has been endorsed by the federal government and has been adopted by municipalities across Canada.
- **Housing First:** A service approach that focuses on moving people experiencing homelessness into permanent housing without preconditions and then connecting them to supports and services as needed in order to stabilize their housing.
- **Housing-Focused Shelter:** A housing-focused shelter is unrelenting in its pursuit to make homelessness as brief as possible while returning people to permanent accommodation. From the moment an individual or family pursues shelter, there are efforts to ensure a safe and appropriate exit from shelter. Housing-focused shelter does not operate other programming that can interfere with ensuring stays are short-term with a return to housing rapidly¹.
- **Indigenous:** Persons who identify as having First Nations, Inuit, and/or Métis ancestry.
- **Indigenous Homelessness:** Indigenous Homelessness is a colonial legacy. Indigenous homelessness is a human condition that describes First Nations, Métis, and Inuit individuals, families or communities lacking stable, permanent, appropriate housing, or the immediate prospect, means or ability to acquire such housing. Unlike the common colonialist definition of homelessness, Indigenous homelessness is not defined as lacking a structure of habitation; rather, it is more fully described and understood through a composite lens of Indigenous worldviews. These include: individuals, families and communities isolated from their relationships to land, water, place, family, kin, each other, animals, cultures, languages and identities. Importantly, Indigenous people experiencing these

¹ OrgCode Consulting Inc. in partnership with the Canadian Shelter Transformation Network and Canadian Alliance to End Homelessness. (March 2019). *Housing Focused Shelter*.

kinds of homelessness cannot culturally, spiritually, emotionally, or physically reconnect with their Indigeneity or lost relationships.²

- **Medication:** Any prescribed or over the counter medications the client identifies as part of their health care needs.
- **Sector:** Emergency shelters are sub-categorized by the client groups they serve; each of these sub-categories is called a sector. Presently, there are four sectors: single adult men, single adult women, youth, and families. Trans, non-binary, and gender diverse individuals may self-select the shelter environment that feels best able to maintain their safety and well-being.
- **Serious Incidents:** Any occurrence or event that takes place on shelter premises which results in significant negative impact(s) on the health, safety, or well-being of clients and/or staff, such as fire, death, or critical injury.
- **Service Restriction:** Restricting a client's access to one or more shelter services for a length of time due to circumstances, incident(s) or behaviours that jeopardize the safety and well-being of others.
- **Shelter Diversion:** The process of working with clients to explore safe and appropriate accommodations which could be accessed prior to admittance into emergency shelter or the shelter overflow hotel system. Diversion is not saying "no" to sheltering people that have exhausted all their alternate housing options. Rather, diversion works to prevent people from accessing emergency shelter services where other housing options can be explored and, if necessary, supported with services and financial assistance to help them return to permanent housing.
- **Emergency Shelter Operators:** An organization that receives funds from the City to provide emergency shelter services in Hamilton.
- **Support Services:** Any program or service offered on shelter property by a shelter provider or external service provider to help clients meet their goals or needs including, but not limited to a shelter's meal programs, housing services, employment programs, health services, etc.
- **Trauma-Informed Care:** An approach to providing services which acknowledges the impact that trauma and abuse have on the development and behaviour of survivors.
- **Youth:** For determining eligibility for emergency shelter service, a youth is a person who is between 16 and 21 years of age, inclusive.

² Jesse Thistle. (2017). *Definition of Indigenous Homelessness in Canada*. Canadian Observatory on Homelessness. Retrieved on April 20, 2023 from <https://www.homelessnesshub.ca/IndigenousHomelessness>



2. Client Rights and Responsibilities

- 2.1. Rights and Responsibilities
- 2.2. Client Input
- 2.3. Complaints Process

Intent: This section of the Standards outlines the minimum rights and responsibilities clients can expect while accessing emergency shelters. In addition, this section intends to emphasize how the valuable knowledge of people with lived experience helps shape shelter services, conditions, and decisions related to their experiences.

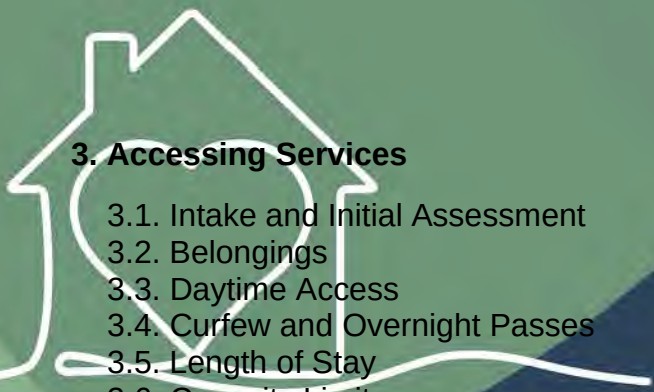
2.1 Rights and Responsibilities

Standard Statement	Clients accessing emergency shelter will have access to information on their rights and responsibilities while in shelter. Each shelter will have a written policy concerning the rights and responsibilities of clients using the shelter. The policy will be posted in a common area of the shelter and be communicated to clients through various ways such as intake, admission, and meetings. At a minimum, everyone in shelter has the right to: • Be provided with a copy of the client rights and responsibilities at intake (or as soon as possible after admission). • Expect that the standards outlined in this document will be followed. • Be treated in a non-judgmental and respectful way. • Be free from discrimination and harassment. • Be recognized as having unique cultural needs and based on the identified connection (e.g., Indigenous ancestry) be informed of and referred to related community support(s) as requested. • Be provided with access to services in French if required. • Safe, adequate, and nutritious food. Every effort will be taken to meet dietary needs related to religious, cultural, or medical conditions. • Have forms, consent procedures, and policies explained in an accessible way. • Identify their own goals and receive support from staff to achieve them within shelter mandates. • Be given information about services and resources to make informed decisions. • A fair, clear complaints and appeals process without fear of punishment. • Be involved in decisions that affect them. • Have personal information treated confidentially. • Access their personal file if requested. • Provide input and feedback into shelter programs and policies. Clients are responsible for the following:

	• Reviewing and signing a copy of the client rights and responsibilities at intake (or as soon as possible after admission). • Abstain from any form of violence (including physical, verbal, emotional, sexual) and discrimination based on protected grounds. • Follow the rules of the shelter. • Treat shelter staff, volunteers, neighbours, visitors to the shelter, and other shelter residents with respect. • Respect the privacy and confidentiality of other shelter residents. • Respect the private property and belongings of other shelter residents. • Respect the private property and belongings of the shelter. • Work with shelter staff to improve their housing situation within their capacity. Notify the shelter when they will be late for curfew or no longer need to access emergency shelter. • Contribute to maintaining their own space in the shelter whenever possible.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • The rights and responsibilities of clients using the shelter which will, at a minimum, include the expectations outlined in Section 2.1: Rights and Responsibilities of the Standards.

2.2 Client Input	
Standard Statement	Clients have unique insight and knowledge which can contribute to continuous quality improvement within emergency shelters. Client input will be sought in all areas of program development, client experience, policy development, and program evaluation in multiple ways, including but not limited to exit interviews, discharge surveys, one-on-one interviews, client surveys, client focus groups, and resident meetings. Emergency shelter operators will promote engagement opportunities and provide accessible methods of participation to all clients, especially those who are members of communities that may have complex barriers to accessing shelter services and taking part in engagement activities. This process will include feedback on harm reduction interventions and supports. On occasion, the City of Hamilton may ask emergency shelter operators for support with seeking input from clients for research, policy development, and program review purposes. Shelters will have a policy and plan regarding client engagement activities and will report activities and outcomes to the City when requested.
Policy	Emergency shelter operators will develop a client input and engagement policy which will, at a minimum, include: • The frequency and format of engagement activities. • How engagement activities will be designed to be accessible for all clients especially members of communities more likely to be marginalized. • How engagement activities will be documented. • How feedback that details experiences of discrimination or harassment will be actioned • How clients will be informed of the impact of their input and any decisions or changes which are a result of client input.

2.3 Complaints Process	
Standard Statement	Clients have the right to participate in a fair and clear complaint and appeal process without fear of reprisal. Each shelter will have a board-approved policy regarding complaints and appeals, including how complaints can be made at the shelter level by clients or community members, how complaints will be investigated and resolved in a timely manner, and any subsequent escalation or appeal processes, including escalating a complaint to the City when all other options have been exhausted, in accordance with the City of Hamilton complaint resolution process. The process will be accessible to all people upon intake, posted within the shelter, and issued upon request. People will be referred to supports throughout this process, if requested. Shelters will allow clients to bring a support person with them throughout the complaint process if requested. If a client does not have support for making a complaint and requests one, shelters will provide information and/or referrals to community resources. Shelter providers will collect and evaluate all complaints and take any necessary corrective action whenever possible.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • City of Hamilton complaint resolution process • A complaints policy which will: - o Be submitted as an appendix of the contract and updated when changed. - o Outline how complaints are received, reviewed, and responded to by the emergency shelter, and escalated within the organization as required. - o Include a process for referrals of support to the shelter stayer. - o Detail an internal documentation process for tracking and evaluating complaints. - o Establish how unresolved complaints will be referred to the manager of Homelessness and Housing Support if resolution is not possible at the level of the emergency shelter, in accordance with the City of Hamilton complaint resolution process.



3. Accessing Services

- 3.1. Intake and Initial Assessment
- 3.2. Belongings
- 3.3. Daytime Access
- 3.4. Curfew and Overnight Passes
- 3.5. Length of Stay
- 3.6. Capacity Limits
- 3.7. Service Restrictions

intent:

Intent: This section of the standards aims to outline the practices required to support standardized and equitable access to emergency shelter services for all clients. In addition, this section clarifies expectations around how shelters balance operational capacity and maintain safety within the shelter environment, while ensuring that clients have clear information on how emergency shelter facilities can be accessed.

ACCESSING SERVICES

- 3.1 Intake and Initial Assessment
- 3.2 Belongings
- 3.3 Daytime Access
- 3.4 Curfew and Overnight Passes
- 3.5 Length of Stay
- 3.6 Capacity Limits
- 3.7 Service Restrictions

3.1 Intake and Initial Assessment

Standard Statement	Each shelter will have an intake procedure, which includes a diversion assessment, an assessment of eligibility, and an initial assessment of the person's and dependents' support needs. Clients will be informed of key policies and procedures at intake, including rights and responsibilities, curfew, available supports, service restriction policies, etc. With the appropriate Indigenous training shelter staff will ask whether a person has Indigenous ancestry and if so, will inform client of option for a referral to an Indigenous organization of the person's choice as well as option to not be listed on HIFIS, not complete a VI-SPDAT intake and/or complete the alternative intake process for Indigenous clients. Other referrals may be appropriate at intake including supports for newcomers, health services, or supports based on a person's gender. Each shelter will seek coordinated access consent with clients and complete consent forms in accordance with the data sharing protocol, consent policy, and intake policy. Information will be added to HIFIS following the guidance in the HIFIS User Manual, policies, and training materials. Shelters will document a person's preliminary information including but not limited to legal names, date of birth, dependent details, gender, veteran status, Indigenous ancestry (as voluntarily provided by clients), housing history, contact information, and financial income. In addition to preliminary information, shelters will determine the appropriate length of time to complete the common triage assessment (typically at 15 days of cumulative stay in the shelter system) and assess and document any safety concerns and/or risks as appropriate. A comprehensive, housing-focused plan should be developed with clients within 14 days of admission to shelter. Shelter staff will work with clients to understand their needs by completing common assessment tools as agreed upon with the City. Indigenous clients are not required to participate in the completion of any mainstream assessment tool. These plans may evolve as client circumstances and goals change.

Policy	Emergency shelter operators will adhere to the following policies related to this standard: • <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i> and applicable data entry guidance. • <u>Hamilton's Coordinated Access System Process Guide</u>. • <u>Hamilton's Homeless Serving System Triage and Assessment Policy</u>. • <i>Coordinated Access Case Management Policy</i>.

3.2 Belongings	
Standard Statement	What people carry with them into the shelter may be their only possessions and should be treated with respect and kept securely. Emergency shelter operators retain the right to limit the type of belongings allowed on-premises based on safety, staffing, and space limitations. Secured storage will be made available for all clients staying in the emergency shelter. Emergency shelter operators will have a policy outlining the limits to storing personal belongings, including length of time belongings will be stored after a client leaves shelter. Policies regarding storage and limitations on specific items will be posted and explained to clients upon intake. At intake and throughout the shelter stay, emergency shelter operators will support clients in maintaining possession of their sacred items and traditional medicines. When a client is discharged and they have left behind their belongings, the items will be securely stored for a minimum of 48 hours. Clients requiring storage for their belongings beyond this length of time should reach out to the shelter to discuss an extension, however emergency shelter operators may not be able to accommodate such requests.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • Weapons • Prescribed drugs • Illicit drugs • Drug use equipment

3.3 Daytime Access	
Standard Statement	Emergency shelters provide temporary accommodation while supporting people experiencing homelessness work towards finding housing. Emergency shelters may have common spaces, programs, and services available for clients during the day, however, to address a diverse range of needs, shelter staff will connect clients with other programs and services as appropriate. Access to sleeping quarters and other shelter facilities may be limited at times due to a variety of factors such as staffing levels, resourcing, maintenance, cleaning, and ability to maintain safety in the shelter. At shelters where daytime access is limited, provisions will be in place for people who work overnight shifts or who are ill and need a place to rest (provided they are not in need of medical care). Some emergency shelter operators may require a doctor's note specifying the medical need and timeline for accommodating clients during the day. Clients will have access to hygiene facilities such as toilets, sinks, and showers at all times and in rare instances that access is not possible during daytime hours, emergency shelter operators will provide clients with information on drop-in programs and other services with hygiene facilities that clients can access during daytime hours. In addition, shelters will provide information on recreation and community-based activities that clients could access during the day, for example, use of libraries, recreation centres, seniors programming, connections to programming at non-profit organizations or religious centres of a client's choosing. During Cold Weather or Heat Alerts, it is necessary that all shelters attempt to relax service restrictions and extend daytime access hours wherever possible to minimize risk factors to people experiencing homelessness. When unable to admit a client during a Cold Weather or Heat Alert emergency shelter operators will provide clients with information on drop-in programs and warming and cooling centres.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: Accessing beds and common areas during daytime hours, including accommodation guidelines. This policy will be explained to clients at intake and made available to them in writing if requested.

3.4 Curfew and Overnight Passes	
Standard Statement	Emergency shelters may require clients to return to the shelter to access their bed by a certain time. Curfews are a tool for managing safety, reducing interruptions during the night for clients, and managing shelter occupancy. Emergency shelters are intended to support clients without any other options for safe accommodations, therefore emergency shelter operators may require clients to return to access their shelter bed on a nightly basis until they have found housing. Failure to return to shelter may result in a client being discharged from shelter. Each shelter will post their curfew policy, which includes information on extensions and overnight passes. Staff will explain the rules at check-in or at the next available opportunity. In shelters where a nighttime curfew exists, provisions will be in place to accommodate clients who expect to be late for reasons such as work, accessing medical services, family reunion, etc. Emergency shelter operators may grant extensions to curfews or overnight passes to accommodate clients at their discretion. Clients are required to notify shelter staff when they anticipate they will be unable to return by curfew. Due to limited shelter beds within the homeless-serving sector, emergency shelter operators may re-allocate a shelter bed if a client has not been approved for a curfew extension or overnight pass. Whenever possible, shelter staff will provide clients being discharged with information on alternate options when available.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • Curfews, which includes information on extensions and overnight passes.

3.5 Length of Stay	
Standard Statement	Emergency shelters are intended to provide temporary shelter, support for meeting basic needs, and housing-focused supports. People experiencing homelessness may face complex circumstances that impact their length of stay in emergency shelter. Emergency shelter operators will use a person-centered approach to determine the length of stay based on each client's unique strengths and support needs. These decisions are to be made using factors which include, but are not limited to: • The safety needs of the client and their dependents. • The level of support needed to exit homelessness successfully. • Availability of affordable, suitable, and adequate housing. • Client's level of engagement toward achieving housing goals. • Upcoming admission to transitional or permanent housing. • The length of time the person has been homeless. A comprehensive, housing-focused plan should be developed within 14 days of admission to shelter. These plans may evolve over time as client circumstances and goals change. Documentation of a stay should include all consecutive days that a client is booked into a shelter from book in to book out.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • How maximum lengths of stay will be determined. • <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i> and applicable data entry guidance.

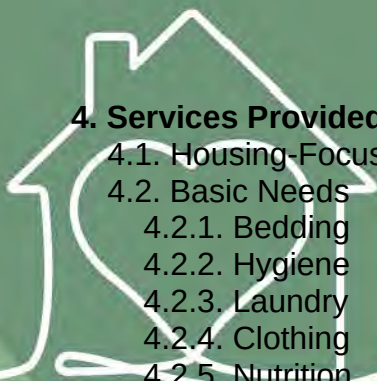
3.6 Capacity Limits	
Standard Statement	The level of need for emergency shelter varies based on community realities and conditions outside the control of the homeless-serving sector. Unfortunately, shelters may not always be able to accommodate all requests for shelter. Emergency shelter capacity limits adhere to local building code and are designed to maintain safety for clients, staff, and guests. Shelters may exceed their capacity in cases of Cold Weather Alerts, Heat Warnings, or unforeseen emergencies, however, will not exceed capacity if doing so would compromise the safety of other clients, staff, etc. Shelters may need to reduce their capacity in response to health and safety circumstances (e.g. infectious outbreaks). Emergency shelter operators will notify the City when their capacity must be reduced or is at risk of being reduced. At times emergency shelter operators may reach capacity and be unable to provide shelter for all individuals seeking emergency shelter. In these instances, where possible, shelters will assist clients with referrals and transportation to other emergency shelters, drop-in programs, or support services.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • Plans for supporting clients when shelter is at capacity, including overflow spaces and referrals to other shelters. • <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i> and applicable data entry guidance.

3.7 Service Restrictions

Standard Statement	Service restrictions are primarily utilized in situations where other interventions and responses do not resolve behaviours or circumstances that pose significant risk to the safety and well-being of the client, other shelter stayers, staff, shelter property and/or the community. Service restrictions may also be issued due to ongoing behaviours which interfere with shelter operations, illegal activities, court order, significant damage to property, or prolonged refusal to engage with program requirements. Emergency shelter operators must balance the well-being of individual clients against risk of harm to other clients, staff, guests, volunteers, and neighbours, as well as their obligations under the <i>Occupational Health and Safety Act</i>. All emergency shelters will follow the City of Hamilton's service restriction policy and appeal process. The service restriction policy provides guidance for emergency shelter operators and staff on best practices and considerations when issuing restrictions, including: • The process for approving, reviewing, documenting, and appealing service restrictions. • Informing clients of the service restriction policy and appeals process at intake, or as soon as is feasible. • How and when clients will be informed of a service restriction, including information on re-accessing shelter services. • How data on service restrictions will be collected and analyzed with homeless-serving sector leadership. • Expectations during cold alerts and heat warnings to relax restrictions where possible. • Using a trauma-informed, anti-racist, anti-oppressive, gender and equity lens, recognizing the systemic barriers faced by women, trans, gender-diverse or non-binary people, and those experiencing intersecting oppressions including, but not limited to, race/ethnicity, substance use, mental health, disability, gender identity, and sexual orientation. This approach will include the following practices: - o When an Indigenous person is restricted from emergency shelter, shelter staff will work in partnership with the client's identified Indigenous service provider. If they are not yet connected to one, the shelter will provide a referral at the client's request. - o When a youth is restricted from emergency shelter, shelter staff will work with the client to find alternate shelter options through family or emergency shelters in other municipalities.

	o Whenever possible shelter staff will attempt to refer clients to supports (e.g. a referral to another shelter) before discharge or at the request of the client.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • <i>Hamilton's Homeless Serving System Service Restriction Policy.</i> • <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i> and applicable data entry guidance.

4



4. Services Provided

4.1. Housing-Focused Supports and Case Management

4.2. Basic Needs

4.2.1. Bedding

4.2.2. Hygiene

4.2.3. Laundry

4.2.4. Clothing

4.2.5. Nutrition

4.2.6. Pets

4.3. Health Supports and Partnerships

intent:

This section of the standards outlines best practices for delivering basic needs services offered by emergency shelter operators as part of their housing-focused shelter model. In addition, this section emphasizes the importance of Hamilton's coordinated approach and partnerships to meet a broader range of health and social needs.

SERVICES PROVIDED

4.1 Housing-Focused Supports and Case Management

4.2 Basic Needs

4.2.1 Bedding

4.2.2 Hygiene

4.2.3 Laundry

4.2.4 Clothing

4.2.5 Nutrition

4.2.6 Pets

4.3 Health Supports and Partnerships

4.1 Housing-Focused Supports and Case Management	
Standard Statement	Emergency shelter operators are part of a larger network of homeless-serving agencies operating in the context of a housing crisis with limited availability of affordable housing. Emergency shelter operators will maintain a housing-focused approach, following Housing First principles recognizing that stable housing is the primary need shared by all people experiencing homelessness with health and social supports offered in addition as needed to support housing access and retention. Housing-focused sheltering begins at intake, and all emergency shelter operators will offer housing-focused case management to their clients. Case management activities will include: • Reviewing housing expectations and planning how to pursue goals via progressive engagement with housing options. • Supporting clients to access identification, income, and applications for financial benefits and/or subsidized housing to enable their ability to obtain housing. • Sharing information on the Coordinated Access system and how participation facilitates connections to appropriate housing supports. • Assessing client needs using assessment tools and community prioritization criteria. • Addressing barriers to housing through service coordination and referrals to health and social supports. • Shelter staff will work with case managers from housing support programs to ensure that clients receive warm transfers when entering those programs. Clients do not need to demonstrate any preconditions to take part in case management or housing support programs.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i> and applicable data entry guidance. • <u>Hamilton's Coordinated Access System Process Guide.</u> • <u>Hamilton's Homeless Serving System Triage and Assessment Policy.</u> • <i>Hamilton's Coordinated Access Case Management Policy.</i> • <u>Hamilton's Homeless Serving System Consent and Intake Policy.</u> • <u>Hamilton's Coordinated Access Prioritization Policy.</u>

4.2 Basic Needs	
Standard Statement	Emergency shelters are primarily focused on providing clients experiencing homelessness with temporary accommodation and assistance finding housing. People experiencing homelessness often have few resources to meet the basic necessities of life, such as: meals, hygiene products, laundry services, clothing, etc. 4.2.1 Bedding Each client will be offered, at minimum, a bed with a mattress, pillow, and necessary bedding. Necessary bedding consists of a minimum of two sheets, a blanket, and pillowcase. A minimum of one shower towel will be provided to each new client upon admission along with bedding/towels. Bedding and towels will be changed weekly, or whenever these articles become soiled. 4.2.2 Hygiene Emergency shelters will, at a minimum, have a supply of soap, shampoo, shaving products, and menstrual hygiene products for emergency use by clients. Menstrual hygiene products will be made available at all shelters. 4.2.3 Laundry Shelters with laundry facilities may require that clients launder their own bedding, towels, and clothing. Emergency shelter operators may limit access to laundry facilities if required to maintain peace overnight or if operating laundry machines requires staff supervision. 4.2.4 Clothing Emergency shelters will help clients obtain basic clothing and footwear for all seasons by using internal resources and/or connecting clients with other community agencies and resources. 4.2.5 Nutrition Emergency shelters which serve meals to clients will follow the nutritional requirements outlined below. Some emergency shelters provide clients with meal cards or financial support to obtain their own meals and are not required to follow the nutritional standards outlined here. Adult clients will be served three meals and at least one healthy snack per day or provided with resources to access food where units have their own kitchens. Where parents are not providing food for the family unit, children under

	the age of 16 will be offered three meals and two to three healthy snacks per day. Each meal will be of a size, quality, variety, and nutritional value to meet the recommended daily intake based on Canada's Food Guide. A poster stating that shelters cannot guarantee allergen-free food (e.g., peanuts, nuts, eggs, and shellfish) should be posted in the dining area. 4.2.6 Pets Animal companions may add great value to an individual's emotional well-being and feelings of safety, however most services for people experiencing homelessness are not designed to accommodate pets. Reluctance to give up a pet may cause people to stay in unsafe situations, including sleeping unsheltered. The City of Hamilton and emergency shelter operators will continue to explore ways to design programs which can accommodate pets, however there are significant barriers to adapting existing shelters to safely provide shelter to pets. Emergency shelter operators will support clients with pets through the following practices: • Providing information to pet owners on the community services that accept pets and offer pet-related supports (e.g., pet food, veterinary services, emergency boarding). • Offering support in finding alternative accommodations for their pets and should record what alternative arrangements have been made for the client's pet so that clients can be supported in getting their pet back from emergency accommodations.
Policy	Not applicable

4.3 Health Supports and Partnerships	
Standard Statement	Although the primary focus of emergency shelters is housing, housing-focused sheltering takes a wholistic view of the client as a person with complex and diverse needs. Collaboration within the network of health supports is important to ensure effective and coordinated services. To help clients meet their health needs, emergency shelter operators will: • Offer support with navigating access to physical and mental health services, including providing referrals to health care providers in order to facilitate clients' health needs. • Host health care professionals onsite and continue to connect clients to primary care within the community. • Consider the client's stated health care requirements and any recommendations by a clinician or health care professional when determining whether the client is eligible for service. Clients may have a support person to assist, whether a family member or home and community care. • Work in collaboration with community health care providers to support optimal function and well-being of shelter residents. Emergency shelter operators will assess their ability and resources to meet the needs of residents with complex physical and/or mental health needs. • Ensure that all clients are aware of these potential health supports by informing people at intake and posting information throughout the shelter. Partnerships with health and cultural supports will be informed by the needs of people with living experience.
Policy	Not applicable

5. Addressing Indigenous Homelessness

5.1. Indigenous Persons

Intent: This section acknowledges the City of Hamilton's distinct commitment to Indigenous Peoples in recognition of their inherent Rights as well as the historic and ongoing social, economic, and political programs in Canada that have led to the disproportionality of Indigenous Peoples experiencing homelessness in Hamilton. While acknowledging the successes of local Indigenous leadership in addressing and preventing Indigenous homelessness in Hamilton, the homeless-serving sector remains cognizant of historic underinvestment in Indigenous communities as well as systemic discrimination, which requires intentional and sustainable investments specific to redressing the causes and experiences of Indigenous homelessness.

ADDRESSING INDIGENOUS HOMELESSNESS

5.1 Indigenous Persons

In addition to the recommendations identified in this section and throughout the Standards, the City of Hamilton and emergency shelter operators shall:

- Work in partnership with the Indigenous Community Entity and local Indigenous agencies to address and prevent Indigenous homelessness in ways that advance and grow the autonomy and capacity of urban Indigenous leadership.
- Recognize Indigenous homelessness as distinct throughout development, implementation and review of emergency shelter policies, priorities, and practices.
- Foster more inclusive environments through signage and programs that reflect the causes, experiences, and needs of Indigenous Peoples experiencing homelessness.
- Continually work to ensure Indigenous leadership and experiences are appropriately supported to continue co-developing the City of Hamilton's homelessness response.

intent:

This section acknowledges the City of Hamilton's distinct commitment to Indigenous Peoples in recognition of their inherent Rights as well as the historic and ongoing social, economic, and political programs in Canada that have led to the disproportionality of Indigenous Peoples experiencing homelessness in Hamilton.

While acknowledging the successes of local Indigenous leadership in addressing and preventing Indigenous homelessness in Hamilton, the homeless-serving sector remains cognizant of historic underinvestment in Indigenous communities as well as systemic discrimination, which requires intentional and sustainable investments specific to redressing the causes and experiences of Indigenous homelessness.

In addition to the recommendations identified in this section and throughout the Standards, the City of Hamilton and emergency shelter operators shall:

- Work in partnership with the Indigenous Community Entity and local Indigenous agencies to address and prevent Indigenous homelessness in ways that advance and grow the autonomy and capacity of urban Indigenous leadership.
- Recognize Indigenous homelessness as distinct throughout development, implementation and review of emergency shelter policies, priorities, and practices.
- Foster more inclusive environments through signage and programs that reflect the causes, experiences, and needs of Indigenous Peoples experiencing homelessness.
- Continually work to ensure Indigenous leadership and experiences are appropriately supported to continue co-developing the City of Hamilton's homelessness response.

ADDRESSING INDIGENOUS HOMELESSNESS

5.1 Indigenous Persons

Standard Statement	Colonialism continues to negatively impact Indigenous individuals, communities, and families in many ways. One consequence of colonialism is that Indigenous peoples experience homelessness, as well as other forms of social exclusion, at a higher rate than the general population. The City of Hamilton and emergency shelter operators work closely with Indigenous leaders and community agencies to respond to the needs of Indigenous clients with culturally appropriate and Indigenous specific supports through the following practices: • Emergency shelter operators will incorporate Indigenous cultural competency training into staff training resources. Having this understanding and perspective can lead to building stronger rapport with clients and a greater understanding of their unique needs when offering services. • Creating welcoming spaces for Indigenous clients through highly visible cultural signage and art posted throughout the shelter to help communicate to Indigenous persons that they are able to share information about their Indigenous ancestry throughout their shelter stay, not just intake, and shelter staff will support with referrals to Indigenous services if requested. • Ongoing Indigenous cultural training will be required for all shelter staff, volunteers, students, leadership, and board of directors. • With the benefit of Indigenous training, staff may be better capable of appropriately inquiring during intake whether a person identifies as having Indigenous ancestry and will inform clients of opportunity to be referred to an Indigenous organization of their choice. • At intake and throughout the shelter stay, emergency shelter operators will support clients in maintaining possession of, and using, their sacred items and traditional medicines. • Shelter staff will inform Indigenous clients that they are not required to use mainstream triage and assessment tools in order to receive homeless/housing services or be prioritized for housing supports through the Coordinated Access system. An alternative process to the “Common Assessment Tool” developed by the Indigenous Community Entity will be offered as an option to Indigenous clients. Indigenous clients’ names are not required to appear on the By-Name List (BNL) or By-Name-Prioritization-List (BNPL) to be prioritized for service. • Indigenous clients will be made aware of resources and services offered specifically to Indigenous individuals at intake and throughout a person’s stay, both verbally and through signage posted in common areas of the shelter.

	Recognizing that there is a high number of Missing and Murdered Indigenous Women, girls, 2-Spirit, men, and boys; shelters will have a protocol with Hamilton Police Services (developed in partnership with CHIL, HRIC, and the HPS Indigenous Liaison), which will include relevant procedures to respond to missing Indigenous persons, including their dependents. This protocol will be led by the Indigenous Community Entity, being considerate of the history of policing and the Indigenous community. Ongoing, regular training as recommend by the Indigenous Community Entity will be provided to all shelter staff. The City and emergency shelters commit to continue working with the Indigenous Community Entity to explore how to best deliver culturally safe supports and the resources that are required to make that happen. The City and emergency shelters commit to partnering with the Indigenous Community Entity respond to Indigenous homelessness in ways that respect the Rights of Indigenous Peoples, reflect their unique experiences and needs, and continuing to work in ways that respond to the spirit and intent of Canada's Truth and Reconciliation Commission's Calls to Action.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: Supports that will be provided to Indigenous persons and dependents accessing shelter services.

6. Supporting Diverse Communities

- 6.1. Children
- 6.2. Youth
- 6.3. Health and Accessibility
- 6.4. Substance Use, Harm Reduction and Safer Use
- 6.5. 2SLGBTQIA+
- 6.6. Race, Ethnicity, and Immigration Status
- 6.7. Gender
- 6.8. Religion
- 6.9. Owners of Service Animals

Intent: This section emphasizes the importance of understanding the unique needs of our diverse community when developing and delivering emergency shelter policies, programs, and services. Hamilton's homeless serving sector recognizes that people experiencing homelessness are impacted by intersecting aspects of their identities, especially race, gender, age, religion, orientation, substance use, and disability. While acknowledging the strength and resiliency of unique populations, the homeless-serving sector is aware of the differing structural and institutional barriers that are linked to systemic racism, discrimination, and oppression. Understanding and being prepared to meet the unique needs of people experiencing homelessness is essential for helping them find and maintain housing.

In addition to the recommendations outlined in this section and throughout the Standards, the City of Hamilton and emergency shelter operators will:

- Strive to apply an equity lens to all activities to identify and remove barriers and to support best practices in planning, budgeting, delivery and evaluation of programs and services.
- Work in partnership with the Indigenous Community Entity, local Indigenous agency representatives, and other systems to determine emerging best practices for combating discrimination and developing approaches that support the diverse needs of people experiencing homelessness.
- Foster more inclusive environments through signage and programs that welcome the unique populations accessing shelters.
- Recognize that power and privilege are inherent to relationships between shelter staff, management, and clients and use the Standards to ensure clients receive respectful and equitable service.
- Adopt a zero-tolerance approach to racism, sexism, ableism, homophobia, transphobia and discrimination for staff and clients.

6.1 Children	
Standard Statement	Children have their own set of requirements and standards set out by various levels of government to ensure that children are well cared for and that services are designed for their unique needs. Children who experience homelessness are at greater risk of a number of long-term consequences, including chronic homelessness, violence, exploitation, mental health, substance use, dropping out of school and criminality.³ Where families are being served parents are responsible for meeting the wellbeing, supervision, and basic needs of the children. Parents may reach out to staff for support, guidance, and referrals. Emergency shelter operators will support children through the following activities and practices: • Staff are trained in their obligations under the <i>Child and Family Services Act</i> to report any suspected cases of child abuse or neglect. • Staff will actively work with parents/guardians to promote positive parenting techniques and share information on a variety of age appropriate play experiences for children and dependent youth within the shelter or off-site. • Staff will provide information on, and referrals to, available community resources. • Any program plans and/or outlines of planned activities are shared with parents/guardians and conducted with written parental/guardian consent when safe, or appropriate. • Staff will work with parents/guardians and/or school boards to encourage children's regular attendance at school when safe, or appropriate. • Shelter staff are not obligated to provide child minding. In the case where child minding is provided, there will be a policy in place for situations where a parent does not return, which will be explained to parents at intake. • Sleeping arrangements and children's equipment is monitored for age appropriateness and is well-maintained. Cribs, appropriate bedding, car seats, strollers, highchairs, toys, and playpens should reference specifications approved by the Canadian Standards Association (CSA).

³ Homeless Hub. *About Homelessness: Topics: Child, Youth, and Family Programs*. Canadian Observatory on Homelessness. Retrieved on April 20, 2023 from <https://www.homelesshub.ca/about-homelessness/service-provision/child-youth-and-family-programs>

Policy	Emergency shelters operators that offer child minding will develop or adhere to the following policies related to this standard: • How child-minding support will be offered, including instances where parents do not return at the agreed upon time.

6.2 Youth	
Standard Statement	Youth presenting to shelter independently have their own unique needs and are at greater risk of a number of long-term consequences, including chronic homelessness, violence, exploitation, mental health, substance use, dropping out of school and criminality.⁴ In particular, youth aged 16 to 17 may experience homelessness differently than youth over 18 due to factors such as involvement with child welfare systems, requirements related to attending school, and differences with financial assistance programs. As a result, the homeless serving sector in Hamilton has developed programs to support youth outside of the adult sector when possible. Youth emergency shelter operators will support youth through the following activities and practices: • Youth shelters will work to divert youth from shelter whenever possible. When safe, shelter staff will work with youth to support reconciliation and return to living with their family or guardians. • Youth shelters will not take children under the age of 16. Shelter staff will consult, report, refer and collaborate with Child Welfare agencies if children under the age of 16 come to shelter independently and it has been deemed that they need support and or are at risk of or homelessness. • Staff will be trained on their obligations under the <i>Child and Family Services Act</i> and the Duty to Report regulations. • Staff will provide or refer youth to age appropriate recreation activities. • Staff will provide information on, and referrals to, available community resources. • Staff will work with parents/guardians and/or school boards to encourage youth's regular attendance at school when safe, and appropriate.

⁴ Homeless Hub. *Child, Youth And Family Programs*. Canadian Observatory on Homelessness. Retrieved on April 20, 2023 from <https://www.homelesshub.ca/about-homelessness/service-provision/child-youth-and-family-programs>

Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • <u>Hamilton's Homeless Serving System Consent and Intake Policy.</u>

6.3 Health and Accessibility	
Standard Statement	Those experiencing homelessness often live in conditions that adversely affect their overall mental and physical health. Disability and mental illness are connected to an increased risk of homelessness. Being unhoused makes it difficult to access general health care and mental health services, or follow-up care after receiving treatment or hospitalization, and care is often only accessed through hospital emergency departments. Mortality and morbidity are higher amongst people experiencing homelessness than housed people, as are substance use and mental health issues. Emergency shelter operators and the City of Hamilton work towards creating barrier free environments for people with all types of disability, however many shelters are limited by physical facilities which do not have the capacity for all accessibility features (e.g., elevators). Emergency shelter operators will support client health and disability needs through the following activities and practices: • Prior to intake, shelter staff will assess the health needs of clients and determine if the shelter has the capacity to accommodate the clients' ailments or illnesses, if present. • The shelter operator will ensure staff are able to assist clients in obtaining access to a physician or health care centre and appropriate referrals to essential health care services, when required, including mental health and addictions support services; and obtaining home-care services, or emergency nursing care. • Shelter operators will be conscious of discrimination and racism that clients may have experienced in accessing healthcare services and will work with clients to ensure that they are able to get access to services in a safe and culturally appropriate way. • The shelter will allow such home care services or nursing care to be provided as the shelter can reasonably accommodate (refer to the <i>Health Insurance Act, R.S.O. 1990, c.H.6</i>, as amended, and its regulations, for a definition of home care services).

- Where possible, programs and clinics should be offered on-site; and when not possible, clear referral pathways and connections with the healthcare system should be established.
- Shelter staff will respect a client's right to choose to access health services, however if refusing health services results in harm or significant risk of harm to other clients or staff, shelters may be unable to support a client with accessing emergency shelter. In these instances, emergency shelter operators will work with the client to find alternative accommodations whenever possible.
- A person with a disability will be supported to receive shelter services unless there are accommodation restrictions such as the need for a level of personal attendant care that cannot be accommodated by shelter staff, etc. Where access to a shelter is limited due to a disability, shelter staff will attempt to find alternative housing, shelter arrangements, or will work with health care providers when admission to hospital is required.
- Emergency shelter operators will provide access to safer sex supplies on-site or referrals to community services if unable to provide safer sex supplies.
- Emergency shelter operators will provide a minimum of one washroom that is barrier-free, fully accessible and marked as gender neutral.

Considerations for service accessibility include:

- Providing people who have serious health conditions with the option to remain in the shelter during day.
- Materials are made available in large print, in accordance with AODA regulations.
- Striving to remove communication barriers through technology and interpreters when possible.
- Training for staff on disability accommodations.

Shelters will have policies regarding the handling of client medication. Policies should include the following:

- For the protection of all clients, medication held by staff will be kept in a secure location such as a locked cabinet in an office.
- Clients are fully responsible for taking their own medication; however, some shelters may provide assistance with medication storage and monitoring.
- Shelters that choose to provide some assistance with medication will encourage clients to properly self-administer.

	• Where possible and with client consent, staff may consult with a nurse, psychiatrist, physician, or pharmacist to coordinate access to medication or in any situation where they are concerned about the safety of a client taking medication. • Shelters that document medication will maintain a consistent method of documentation. • All sharps will be placed in a regulation sharps container which should be kept in a secure location and out of reach of children. • All expired or unclaimed medications will be returned to a pharmacy for proper disposal.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • Handling of client medication.

6.4 Substance Use, Harm Reduction and Safer Use	
Standard Statement	The homeless-serving sector actively works with clients, community partners, and the health care sector to operate emergency shelter services in ways that minimize the harmful effects of substance use rather than ignoring or condemning these activities. A harm reduction philosophy is essential for effectively supporting individuals engaging in substance use; however, to meet the needs of diverse clients in complex journeys with substance use Hamilton's homeless-serving sector offers a broad range of services across the harm reduction continuum, which includes withdrawal management, treatment options, provision of harm reduction supplies, referrals to safe consumption service, and addiction services. Emergency shelter operators reduce the risks associated with substance use through the following best practices and recommendations: • Emergency shelter operators will have a harm reduction policy and harm reduction procedures in place that will make explicit that the shelter operates using a harm reduction approach. The policy and procedures will include, but not be limited to,

	responding to overdose; wellness checks; how harm reduction supplies are distributed, collected, and disposed of. • Harm reduction services and resources should be delivered in combination with other services to reduce stigma and increase accessibility of harm reduction programs. • Emergency shelter operators will have a policy and procedure in place that outlines under which circumstances it is and is not appropriate to contact Child Welfare Services when clients have dependent children. The policy will indicate that substance use alone is not sufficient cause for contacting Child Welfare Services. • During client admission/intake, and periodically throughout a shelter stay, shelter staff will explain what harm reduction services are available at the location and will make explicit that: - o The site is a harm reduction positive location - o Harm reduction supplies are readily available, onsite or through mobile community services - o Naloxone is readily available - o Staff are available to help with safety planning and arranging post-drug use safety checks within the scope of their roles. • Ensuring naloxone kits are available at all sites for staff to administer and for client use. All staff will be trained in overdose prevention, recognition, and response, including the administration of naloxone. All clients will be offered an active referral for naloxone kit and training on-site or to a community-based organization. • Posting signage in communal, semi-private and private washrooms and washroom stalls and other visible areas (e.g. hallways, entrances, stairwells, etc.) noting the overdose prevention initiatives available onsite, availability of naloxone and other available harm reduction supplies, and encouraging substance users to let someone know they are using. • Providing safer drug use equipment, and related information on appropriate use (if qualified to do so) or a referral to a community service if the shelter does not provide the requested equipment. • Shelters will monitor the number of suspected overdoses to inform the development of harm reduction strategies and programs. Emergency shelter operators will work with the City and Public Health to share records when appropriate and in accordance with MFIPPA legislation. • Referring clients, when appropriate, to programs that offers addiction supports, detox, harm reduction supplies, training, and related support services.

	• Ensuring that shelter staff have training and access to updated resources on programs and services that support harm reduction for clients and provide referrals as needed (e.g. opioid agonist treatment, supervised consumption sites). • Installing sharps containers are secured against tampering and available throughout a site. Shelter staff will inform clients of the presence of fixed sharps containers and availability of personal sharps containers and how to use them. • Maintaining a regular schedule of monitoring sharps containers and ensuring a contract is in place with a biohazardous waste disposal company to replace them when they are full. • Supporting clients to maintain possession of safer drug use supplies and/or safer sex products. • Emergency shelter operators will comply with their legal obligations, while maintaining the clients' right to privacy and property. • Supporting clients who wish to engage in harm reduction programs by offering public transit fare to attend such programs or related appointments. • Not discharging or impose service restrictions on the basis of substance use alone. • Supporting client-led or community-based harm reduction initiatives (e.g. peer-led programs, safety plans, etc.).
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • Harm Reduction Policy. • <i>Hamilton's Homeless Serving System Service Restriction Policy.</i>

6.5 2SLGBTQIA+	
Standard Statement	Despite significant advances towards 2SLGBTQIA+ equality, homophobia and transphobia are still deeply ingrained in our everyday behaviours, language, and in the policies of many institutions. Due to underreporting of incidents, discrimination against queer and trans individuals remains largely invisible to shelter workers and management, policy makers, and City management, at a time when 2SLGBTQIA+ youth homelessness, in particular, is on the rise.⁵

⁵ Homeless Hub. *Solutions: Priority Populations: Lesbian, Gay, Bisexual, Transgender, Transexual, Queer, Questioning and 2-Spiritd (LGBTQ2S)*. Canadian Observatory on Homelessness. Retrieved on

The risks encountered on the streets and in the shelter system by 2SLGBTQIA+ homeless individuals versus heterosexual and cisgender homeless individuals differ largely due to frequent incidents of homophobic and transphobic violence. Not only are the risks and barriers encountered different, but the needs of 2SLGBTQIA+ individuals differ from those of their heterosexual and cisgender counterparts.

Emergency shelter operators will support 2SLGBTQIA+ clients through the following practices:

- Staff will provide an atmosphere of dignity and respect for all clients and provide services in a non-judgmental manner.
- Establishing clear policies that reflect inclusiveness of 2SLGBTQIA+ individuals to ensure safer spaces for non-binary and gender diverse people in emergency shelters.
- Respecting and accepting the self-defined sexual orientation, gender identity, and gender expression of an individual, including their pronouns.
- Ensuring that transgender individuals are able to access services in the shelter sector that reflects their gender identity.
- A confidentiality strategy that works with clients to ensure that staff do not “out” their gender or orientation. Staff will be aware of what information about a client’s gender/orientation/transition experience is not to be disclosed.
- Providing clients with options for private access to hygiene facilities to reduce the risk of violence and harassment which 2SLGBTQIA+ persons are at higher risk of experiencing.
- Treating hormones that belong to trans clients as any other medication. Clients will be given privacy to self-administer hormones.
- Emergency shelter operators are encouraged to seek partnerships with 2SLGBTQIA+-positive health/services providers. Emergency shelter operators will make information on 2SLGBTQIA+-positive health/ services providers available to all clients and facilitate referrals as needed.⁶
- Providing and education on 2SLGBTQIA+ issues for staff, volunteers, management, and other residents.
- Hiring employees to reflect gender and orientation diversity.

April 20, 2023 from <https://www.homelesshub.ca/solutions/priority-populations/lesbian-gay-bisexual-transgender-transsexual-queer-questioning-and-2>

⁶ Shelter, Support & Housing Administration. (2023). *Toronto Shelter Standards, Version 5*, City of Toronto.

Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • 2SLGBTQIA+ inclusiveness policy.

6.6 Race, Ethnicity, and Immigration Status	
Standard Statement	Black, racialized, newcomer, immigrant, and refugee individuals and families experiencing homelessness often face additional barriers, experiences of discrimination, and challenges when attempting to access services, including emergency shelter. Although the City of Hamilton and emergency shelter operators strive to provide equitable service to everyone experiencing homelessness, systemic racism influences all institutions and levels of government. From microaggressions to overt forms of racism to stereotyping, racism impacts all areas of racialized people's lives culminating in a higher risk of homelessness. Emergency shelters will support racialized and newcomer clients through the following practices: • Where possible and requested, translators will be used to assist with communication. • Emergency shelter operators will not request or collect immigration status information in order to determine service eligibility as part of a shelter's intake or admission process, unless approved by the City of Hamilton. • Providing information on legal and community resources for newcomer clients as needed. • Responding to and addressing complaints of racism or discrimination reported by clients, staff, volunteers, and management. • Communicating to all clients that racism, discrimination, and hate speech are against the law and shelter policy. • Providing ongoing training and education for all staff, volunteers, management, and other residents on anti-racist, including anti-Black racism, and anti-oppression practices and considerations. • Hiring employees to reflect racial diversity. Emergency shelter operators and the City of Hamilton should develop policies and practices that take into consideration the following recommendations for combating racism in the shelter system:

	• Anti-oppression and anti-racism training for all staff, leadership, and board of directors. • Work with Black and racialized community leaders and clients to gather input through engagement activities. • Apply an equity, diversity, and inclusion analysis to current Human Resources policies and practices (hiring, retention, promotion, performance evaluation, and workplace culture initiatives) to support the implementation of processes to address unconscious bias and systemic anti-Black racism, as well as intentional hiring and advancement opportunities for racialized clients and staff. • Support clients with accessing health and mental health supports and services that are culturally responsive when requested and available. • Facilitate and build partnerships with community organizations, racialized and Black community leaders, advocating for the rights of racialized community members and learn from best practices.
Policy	Not applicable

6.7 Gender	
Standard Statement	Gender-based discrimination and violence continues to impact cis and trans women as well as gender diverse individuals, especially during experiences of homelessness. The unique needs of those marginalized due to gender include increased risk of violence, caregiver responsibilities, and pregnancy. Emergency shelter operators support women and gender diverse clients through the following practices: • Accepting gender identity as defined by the individual rather than by the perception of shelter staff and/or other clients. Sometimes this may not correspond with a person's physical appearance. Emergency shelter operators will ask all clients for their gender and pronouns at intake rather than assume and will include a line on intake forms indicating that the shelters welcome trans and gender diverse clients. • Supporting the choices of transgender clients to access designated sleeping areas that will best preserve their safety and dignity. In instances where a transgender client expresses concerns about their safety or dignity, emergency shelter

	operators will accommodate requests for a bed in a gender neutral/private room, if possible. • Providing information on and referrals to reproductive health services. • If a client discloses that they are fleeing gender-based violence or intimate partner violence shelters will provide information on Violence Against Women services and shelters, as well as engage in safety planning if requested. • If possible and available, emergency shelter operators will create safer zones such as semi-private rooms. • Addressing harassment of transgender and gender diverse clients by focusing on the inappropriate behaviour and enforcing rights and responsibilities. • Enforcing policies around confidentiality that do not require transgender individuals to disclose their status. If they do disclose, emergency shelter operators will maintain confidentiality and ask the individual how they would like the topic to be addressed if it is raised. • Having a notification process for when men will be entering private shelter spaces of women, trans, and gender diverse persons. • All shelters will provide menstrual products for clients who menstruate. • A minimum of one washroom that is barrier-free, fully accessible and marked as gender neutral will be provided. Emergency shelter operators will provide options for private bathroom access whenever possible. • Emergency shelter operators will provide staff training on safety planning and resources to connect with a VAW shelter for support for gender based or domestic violence considerations.
Policy	Not applicable

6.8 Religion	
Standard Statement	Emergency shelters serve clients from a wide array of backgrounds, experiences, and religious affiliations. It is important to acknowledge that people experiencing homelessness may have experienced persecution based on their religious affiliations or may have had traumatic experiences stemming from exposure to or involvement with a particular religion or religious organization. To provide a respectful environment for people practicing many different religions emergency shelter operators will ensure that their spaces, staff, and

	clients are welcoming and provide a respectful environment for people affiliated with all religions. Emergency shelter operators support religious diversity through the following practices: • Ensuring that respect for religious differences is maintained through anti-discrimination policies, made clear in written shelter policies and practices, but also posted in visible locations. • Allocating space for religious practice, such as a quiet space or prayer room with a closed door, is important to allow clients to maintain religious observation. • If requested, provide information on local religious communities or congregations that clients can access for support and community building is important for building up local support systems and community connections. • Allowing for flexibility at mealtimes for emergency shelters that provide food to accommodate religious fasting (e.g. during Ramadan). • Not requiring clients to participate in or attend any religious services or activities offered by the shelter.
Policy	Not applicable

6.9 Owners of Service Animals

Standard Statement	According to the Accessibility for <i>Ontarians with Disabilities Act</i> (AODA), clients are permitted to bring service animals into areas that are open to the public unless the animal is excluded by another law. In cases where another law prohibits service animals from entering the premises, emergency shelter operators will provide another way for clients to access services or facilities. Emergency shelter operators will accommodate service animals, however, may refer clients to alternative services if a service animal's behaviour is compromising the safety of staff or clients. Clients must provide documentation from a regulated health professional for their service animal or an identification card from the Ontario Ministry of the Attorney General for people who are blind and use guide dogs. Clients are responsible for managing the behaviour of their service animal, arranging veterinary care, and meeting the basic needs of their service animal.

	If a client requires a service animal, emergency shelter operators should support clients in connecting with appropriate health supports when a service animal designation is needed and advocate for accommodation in housing options for clients with service animals.
Policy	Not applicable

7. Shelter Operations

- 7.1. Training Requirements
- 7.2. Neighbourhood Relationships
- 7.3. Facility Ratios

Intent: This section details requirements related to the daily operations of emergency shelters, including staff training, facility ratios, and neighbourhood relations.

intent:

This section details requirements related to the daily operations of emergency shelters, including staff training, facility ratios, and neighbourhood relations.

SHELTER OPERATIONS

7.1 Training Requirements

7.2 Neighbourhood Relationships

7.3 Facility Ratios

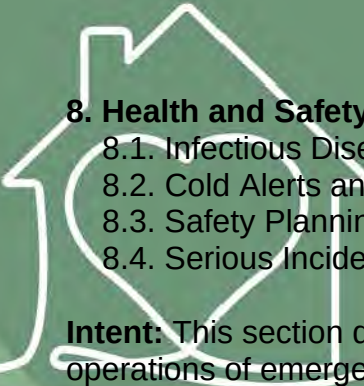
7.1 Training Requirements	
Standard Statement	Emergency shelter operators will have a written policy that outlines the orientation procedure and mandatory training for all its new employees, peer workers, volunteers, and Board of Directors members. The training requirements outlined below may change to meet new and emerging needs in the homeless-serving sector. Emergency shelter operators will work with the City to identify and implement new training as required. The minimum mandatory training for shelter staff includes: • Ongoing Indigenous cultural competency and accountability • Shelter Diversion practices • Housing-Focused Case Management Supports • Discharge planning • Serious Incident Guidelines and Reporting • Service Restriction Guidelines and Reporting • Single Facilities Incident Plan (Emergency Contingency Plan) • VI - SPDAT (City to provide training) • HIFIS and/or applicable HMIS and data entry guidance (City to provide training) • Anti-racism, anti-oppression (AROP) • Infection Prevention and Control (IPAC) measures • Standard First Aid/CPR (at least one person per shift is certified in Standard First Aid/ CPR) and health and safety training (in accordance with the Workplace Safety and Insurance Act) • Workplace Hazardous Materials Information System (WHMIS) (for those exposed to hazardous materials in accordance with Regulation 101 under the Workplace Safety and Insurance Act) • Safe Food Handling Certificate (for any staff serving food for over 10 people in accordance with Ontario Food Premised Regulations 562/90) Shelters will also ensure that their volunteers, employees, Board of Directors, or agents, who deal with members of the public, receive training in the following areas: • Suicide intervention; crisis intervention; de-escalation

	• Provision of services to persons with disabilities, in compliance with the <i>Accessibility for Ontarians with Disabilities Act</i>, (2005) • Harm reduction education including overdose risk assessment, referral to receive naloxone kits and training for staff and clients • Regular ongoing equity training • Training and education for staff and clients on experiences and issues related to the 2SLGBTQIA+ community • Training for safety planning, or connect with a VAW shelter for support for gender-based or domestic violence • Training on the Hamilton Emergency Shelter Standards
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • Orientation procedures and mandatory shelter staff training.

7.2 Neighbourhood Relationships	
Standard Statement	The City of Hamilton and emergency shelter operators recognize that emergency shelters operate within and for the Hamilton community, which requires respectful and responsive relationships with properties, businesses, and residents that neighbour shelter facilities. Emergency shelter operators will develop a good neighbour commitment that outlines: • How emergency shelter operators will mitigate and minimize the impacts of shelter activities on neighbouring properties, businesses, and residents. • How to contact the shelter to report incidents or concerns and when to contact police/bylaw for issues outside of shelter scope. • Provide community members with information on the complaints policy.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • Complaints policy.

7.3 Facility Ratios	
Standard Statement	Clients accessing emergency shelters are entitled to adequate and appropriate sleeping facilities, washrooms, and bathing facilities. Emergency shelter operators are accountable to the City of Hamilton – Property Standards, zoning requirements, and provincial fire code. Emergency shelter operators will ensure clients have reasonable accommodations to meet their basic needs by: • Ensuring that ratios for amenities follow the Ontario Building Code, emergency safety planning guidelines, and Zoning by-laws as applicable. • Providing a minimum amount of space per person in the sleeping area, in accordance with Ontario Building Code, to decrease the potential spread of illness, to enhance personal security and to decrease altercations resulting from a lack of personal space. • Beds, cribs, and bassinets will be arranged in a manner that: - o Facilitates clear walking paths and sightlines for emergency evacuations. - o Does not block air vents, windows, doors, plumbing, or access panels. - o Does not expose a client to existing or potential danger. To assist clients in meeting their hygiene and sanitary needs, each shelter will provide a minimum of: • One toilet for every 15 clients up to the first 100 clients and one toilet for every 30 clients thereafter (urinals may replace up to half the number of required toilets). • One washbasin for every 15 clients (with liquid soap and paper towels). • One shower for every 20 clients.
Policy	Not applicable

8



8. Health and Safety

- 8.1. Infectious Disease Prevention and Management
- 8.2. Cold Alerts and Heat Warnings
- 8.3. Safety Planning
- 8.4. Serious Incidents

Intent: This section details key areas of health and safety concerns which impact the operations of emergency shelters. Information in this section clarifies how emergency shelter operators prepare and respond to serious health and safety concerns in the shelter environment.

This section details key areas of health and safety concerns which impact the operations of emergency shelters. Information in this section clarifies how emergency shelter operators prepare and respond to serious health and safety concerns in the shelter environment.

HEALTH AND SAFETY

8.1 Infectious Disease Prevention and Management

8.2 Cold Alerts and Heat Warnings

8.3 Safety Planning

8.4 Serious Incidents

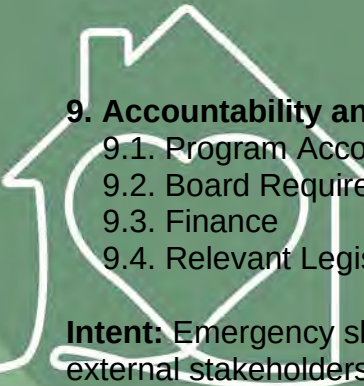
8.1 Infectious Disease Prevention and Management	
Standard Statement	Emergency shelter operators will follow all directions and standards for infectious disease prevention and management set out by Health Canada and Infection Prevention and Control Canada. In the event of an outbreak or public health risk, emergency shelter operators will follow directions from Hamilton Public Health and the Ministry of Health.
Policy	Not applicable

8.2 Cold Alerts and Heat Warnings	
Standard Statement	When the City's Medical Officer of Health issues a Cold Alert or Heat Warning recreation centres, social service agencies, and the homeless-serving sector respond as they are able to the needs of homeless and vulnerable residents by expanding service hours, easing service limitations/caps, and ensuring locations offer a welcoming space for individuals and families to stay out of the cold. More information on cold alerts and heat warnings can be found online (Cold Alerts: http://hamilton.ca/cold , Heat Warning: http://hamilton.ca/heat).
Policy	Not applicable

8.3. Safety Planning	
Standard Statement	Emergency shelter operators undertake safety planning with clients for a number of reasons. Safety planning is a component of trauma-informed care and may be done at the request of the client when entering shelter and reviewed regularly throughout a shelter stay as needed. Emergency shelter operators and clients will build safety plans together which leverage available resources and reflect shelter limitations related to staffing and physical facilities. In some cases, emergency shelter operators may be able to offer interim safety measures until a more secure arrangement can be made. Safety planning is done in response to a risk assessment and for a variety of reasons including: • Protecting client safety in cases of conflict between residents or from an outside aggressor. • Protecting client safety in known incidents or suspected risk of human trafficking. • Protecting client safety related to harm reduction planning in cases where substance use may be a consideration for clients. • Protecting client safety in cases where suicide risk or self-harm may be a consideration. • Providing trauma-informed care for clients who have experienced abuse, trauma, and/or gender-based violence. • As a means of supporting clients engaging in sex work. • Connecting clients with health or mental health considerations to resources in the community. • Doing community safety planning when a risk may be posed to the surrounding community. • Having a documented approach for how emergency shelter operators and staff will support a client and modify approaches as may be needed to aid in de-escalation. • Maintaining safety at the shelter in accordance with the <i>Occupational Health and Safety Act</i>. Safety plans should be time limited and reviewed regularly.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • Safety planning.

8.4 Serious Incidents	
Standard Statement	Emergency shelter operators will have a system in place for recording unusual incidents. The recording of the incident should include identifying any residents and staff who were involved in or witnessed the incident in the event of a criminal investigation. An incident report will be completed within 24 hours of all serious incidents involving fire, death, severe assault/accidental injuries and/or attempted suicides requiring medical assistance, and occurrences involving a firearm. One copy of the Serious Incident Report will be forwarded within 24 hours to the City of Hamilton. Shelter providers will make grief and loss support available to staff and clients following a client death or serious incident. Support may include de-briefing, healing circles, one-on-one counselling, and peer-to-peer supports.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • Serious incident policy.

9



9. Accountability and Governance

- 9.1. Program Accountability
- 9.2. Board Requirements
- 9.3. Finance
- 9.4. Relevant Legislation

Intent: Emergency shelter services are shaped by and responsible to numerous external stakeholders. This section clarifies how emergency shelters are held accountable and governed through a combination of internal organizational structures, relevant legislation, and funding agreement requirements.

Emergency shelter services are shaped by and responsible to numerous external stakeholders. This section clarifies how emergency shelters are held accountable and governed through a combination of internal organizational structures, relevant legislation, and funding agreement requirements.

ACCOUNTABILITY AND GOVERNANCE

9.1 Program Accountability

9.2 Board Requirements

9.3 Finance

9.4 Relevant Legislation

9.1 Program Accountability	
Standard Statement	The City of Hamilton and emergency shelter operators work in collaboration to ensure that shelter services are delivered in accordance with the Hamilton Emergency Shelter Standards. Emergency shelter operators and the City of Hamilton are held accountable through the following mechanisms: Governance and Partnerships: • The City of Hamilton convenes regularly with emergency shelter operators and Indigenous Community Entity to review emerging issues in the homeless-serving sector, including but not limited to: - o Reviewing the size and composition of the emergency shelter sector to determine if adjustments are needed to the number of beds and supports available. - o Reporting and reviewing service restriction data on a quarterly basis. - o Reviewing best practices and developing partnerships to meet client needs. - o Strengthening and growing their relationship with Indigenous Community Entity to support Indigenous clients by exploring how to best deliver culturally safe supports and identifying the resources that would be required to make that happen. - o Sharing feedback from PWLE engagement activities regarding system gaps, suggestions, and feedback. Contract Requirements: • Funding contracts will be maintained and monitored by the City of Hamilton. Program reviews will be conducted as required by funding contracts or at the request of the City of Hamilton. • Emergency shelter operators will submit information as outlined in funding contracts. Communicating Policies and Expectations: • Emergency shelter operators will explain at intake (or as soon as possible) and post the following policies and expectations in a visible area of the shelter: Client rights and responsibilities, curfew policy, policies related to storing personal belongings, service restriction policy, and complaints

	policy. If requested, shelter staff will provide clients with a written copy of any shelter policy. Information Management: • Emergency shelter operators will fully participate in Hamilton's Homelessness Management Information System (HMIS), as outlined in Section 10: Information Systems of the standards. • Information management will be assessed in accordance with the applicable policy and guidance as available via HMIS for auditing including but limited to data field completion, user access and activities, attestations, and staff role assignments. System reporting will be assessed in accordance with the applicable policy and guidance as available via HMIS for reporting including but limited to service reach, client demographics, service outcomes, client follow ups, time to service, and service types. Complaints Policy: • If a client, advocate, or community member feels that emergency shelter operators are not meeting their obligations as outlined in the Standards, they may follow the process outlined under Section 2.3: Complaints Process. • Complaints which are not resolved by the shelter operator may be escalated to the City of Hamilton as outlined in the complaint resolution process (pending City Council approval September 2023). The City of Hamilton will report back to emergency shelter operators a summary of complaints received after emergency shelter operators complete their internal complaints process. Applicable Legislation and Bylaws: • Emergency shelter operators and their Board of Directors are responsible for ensuring that their organization complies with all relevant and applicable federal, provincial, and municipal legislation, including but not limited to those outlined in Section 9.4: Relevant Legislation of the Standards. • Emergency shelter operators will work with the City of Hamilton and Hamilton Public Health to respond as needed to infectious disease situations.
Policy	Not applicable

9.2 Board Requirements	
Standard Statement	Not-for-profit organizations funded to provide emergency shelter services will be governed by a volunteer Board of Directors. At a minimum, the Board of Directors is responsible for: • Ensuring the mandate, mission, values, and strategies of the organization are followed. • Setting agency priorities. • Reviewing and approving policies. • Evaluating services. • Ensuring that the organization meets funder expectations and contract conditions including compliance with the Standards. • Reviewing budgets and expenditures. • Reviewing and approving accounting and reporting procedures. • Selecting and conducting an annual performance review of the Executive Director.
Policy	Not applicable

9.3 Finance	
Standard Statement	On a monthly basis, all shelters will provide program and financial information to the Housing Services Division in a format specified by the City of Hamilton. All annual budget submissions will be submitted, in the specified format, to the City by a date determined by the City of Hamilton. Agencies will invoice the City in accordance with the terms and conditions of the funding agreements. Bookkeeping and financial records will be set up according to generally accepted accounting procedures, adhering to the terms and conditions of the funding agreements, and an annual audit will be conducted by a qualified independent auditor. All financial records will be kept for a minimum of seven years for financial audit purposes.
Policy	Not applicable

9.4 Relevant Legislation	
Standard Statement	Emergency shelter operators and their Board of Directors are responsible for ensuring that their organization complies with all relevant and applicable federal, provincial, and municipal legislation, including but not limited to: FEDERAL • Canada Consumer Product Safety Act PROVINCIAL • Accessibility for Ontarians with Disabilities Act • Child and Family Services Act • Ontario's Homelessness Prevention Program, including its guidelines • Employment Standards Act • Fire Prevention and Protection Act • French Language Services Act • Health Protection and Promotion Act • Health Insurance Act, R.S.O. 1990 • Municipal Freedom of Information and Protection of Privacy Act • Occupational Health and Safety Act • Ontario Building Code Standards • Ontario Fire Code • Ontario Human Rights Code • Ontario Food Premises Regulation • Personal Health Information Protection Act • Smoke Free Ontario Act • Workplace Safety and Insurance Act MUNICIPAL • Property Maintenance By-laws • Property Standards By-laws • Zoning By-laws In the event of any legal conflict between the Hamilton Emergency Shelter Standards and applicable legislation, the legislation shall prevail to the extent of the conflict. Shelter providers and their Board of Directors will consult qualified legal professionals about any and all legal and financial obligations related to their operation as a shelter.

Policy	Not applicable

10

10. Information Systems

- 10.1. Client Database Information Management Systems
- 10.2. Consent
- 10.3. Confidentiality
- 10.4. Storing Information

Intent: This section outlines how information about people experiencing homelessness will be recorded, including the process for obtaining consent from clients. Shelter operators and the City of Hamilton are responsible for maintaining records which include sensitive and personal information and as a sector, strive to maintain information in ways that are client centred and reflect best practices for maintaining the privacy and dignity of clients.

This section outlines how information about people experiencing homelessness will be recorded, including the process for obtaining consent from clients. Shelter operators and the City of Hamilton are responsible for maintaining records which include sensitive and personal information and as a sector, strive to maintain information in ways that are client centred and reflect best practices for maintaining the privacy and dignity of clients.

INFORMATION SYSTEMS

10.1 Client Database Information Management Systems

10.2 Consent

10.3 Confidentiality

10.4 Storing Information

10.1 Client Database Information Management Systems	
Standard Statement	Emergency shelter operators are directed to fully participate with Hamilton's Homelessness Management Information System (HMIS), including participation in HIFIS-related activities, data collection, and reporting cycles. Programs are directed to use HIFIS or any other designated system to collect, manage, and share data at the direction of the City of Hamilton with the consent of the client for the purpose of providing clients with housing supports and helping clients find and maintain a place to live.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i> and applicable data entry guidance. • <i>Hamilton's Homeless Serving System – HIFIS Confidentiality and User Agreement.</i> • <u>Hamilton's Homeless Serving System Consent and Intake Policy.</u>

10.2 Consent	
Standard Statement	Shelter staff will obtain informed consent from persons and dependents accessing shelter services, prior to consulting with or providing referrals to other service providers. Consent can change over time and shelters may review consent with clients periodically or at client request. Individuals must provide consent to have their personal information stored in the Homelessness Management Information System (HIFIS 4.0 and the By-Name List). All new clients are required to review and sign the Consent to Share Personal Information with Hamilton's Homeless Serving System. In cases of declined consent, no information will be added to HIFIS and the client's name will not appear on the By-Name List. Staff will make every attempt to progressively engage clients to help them understand the benefits of participating in the Coordinated Access system of care and to obtain consent. Progressive engagement to obtain consent should be conducted according to agency practice in a way that is culturally considerate and respects individual autonomy. Consent must be provided in order for a client to be known to the homeless-serving system to be referred to additional supports through Coordinated Access. However, clients who decline consent still have full access to emergency sheltering, outreach, and drop-in services without restriction. The use of declined consent in HIFIS is used in exceptional circumstances and requires City approval. Referrals of Indigenous clients and other clients who do not consent to be added on HIFIS but do consent to their information being shared with the City and/or a specific program, can be made through the City of Hamilton based on the Urgent Health and Safety or Missing/Inaccurate Information criteria in the Coordinated Access Prioritization Policy. Indigenous clients are not required, but may choose, to consent to their information being stored in HIFIS and on the By-Name List (BNL). Indigenous clients are not required to complete a VI-SPDAT or SPDAT. This also applies to consent for data storage outside of HIFIS including other databases, tracking sheets, and paper records.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • <u>Hamilton's Homeless Serving System Consent and Intake Policy.</u>

10.3 Confidentiality	
Standard Statement	Emergency shelter operators have access to detailed and highly sensitive personal information about clients. Protecting the privacy and confidentiality of shelter clients and their personal information is of the utmost importance. Each shelter operator and its staff will keep in confidence the personal information of clients to which it has access as part of the <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i>. All emergency shelter operators will comply with applicable municipal, provincial, and federal legislation relating to the collection, storage, and sharing of client personal information and in so doing will take all reasonable precautions to protect all personal information from any unauthorized use, disclosure, copying, modification, and destruction. Emergency shelter operators will notify clients that personal information collected in HIFIS may be shared with designated parties for the purposes of providing and funding ongoing or future housing supports. Emergency shelter operators will inform clients at intake of the process for requesting access to their personal file and will provide access within a reasonable timeframe of a client request for their file. Emergency shelter operators will develop a confidentiality strategy that works with clients to ensure that staff do not disclose personal information that a client wishes to remain private. Shelter staff will explain the limits of confidentiality to clients at intake, or as soon as possible.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i> and applicable data entry guidance. • Hamilton's Homeless Serving System – <i>HIFIS Confidentiality and User Agreement</i>.

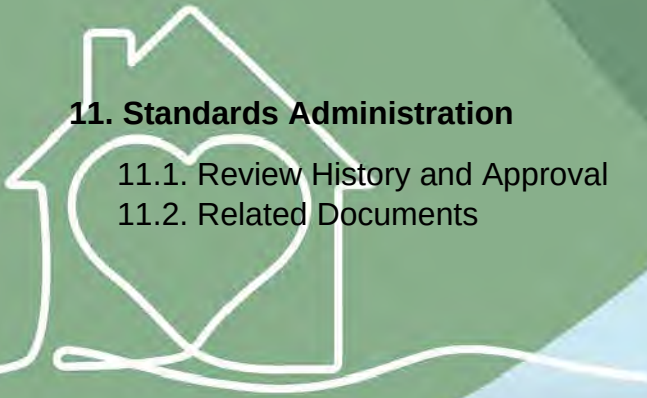
10.4 Storing Information	
Standard Statement	As per the <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i> the HIFIS Community Coordinator (The City of Hamilton) is responsible for the secure storage of all HIFIS data collected from the service providers. The HIFIS Community Coordinator will ensure that the data is backed up daily and stored in a secure location. It should be made clear to clients, through the signing of the Consent to Share Personal and Health Information with the Hamilton's Homeless Serving System, where the client's information will be stored, and which community partners have access to that information. For all new clients who sign the Consent form, staff will scan the signed copy of the consent on a secure scanning device and upload it to HIFIS, delete the electronic copy of the consent, and then retain the physical signed copy of the form in a securely locked cabinet. This also applies to storage methods outside of HIFIS including other databases, tracking sheets, and paper records.
Policy	Emergency shelter operators will develop or adhere to the following policies related to this standard: • Where and how hard copies/files are stored securely, for how long, and who has access to those files. • Hamilton's Homeless Serving System Consent and Intake Policy • <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i>

11

11. Standards Administration

11.1. Review History and Approval

11.2. Related Documents



STANDARDS ADMINISTRATION

11.1 Review History and Approval

11.2 Related Documents

11.1 Review History & Approval			
Revision Number	Revision and Approval Date	Description of Change(s)	Process Approval Name & Position
0	October 2008	Creation of the first Hamilton Emergency Shelter Standards.	City of Hamilton – Housing Services Division
1	July 2023	Creation of the revised Hamilton Emergency Shelter Standards. New Sections created. Major additions to Sections 3, 5 and 6. Updated all existing sections to add clarification on expectations and best practices related to the homeless-serving sector. Endorsed by all sectors including men's, women's, family, youth, and Indigenous community.	Michelle Baird, Director, Housing Services Division
Next Review Date: January 2027			

11.2 Related Documents
The following policies and guides related to Hamilton's homeless serving system referenced in the Standards can be found online: https://www.hamilton.ca/people-programs/housing-shelter/preventing-ending-homelessness/resources-homeless-serving-partners. • <i>City of Hamilton complaint resolution process</i> • <i>Hamilton's Coordinated Access Case Management Policy</i> • <i>Hamilton's Coordinated Access Prioritization Policy</i> • <i>Hamilton's Coordinated Access System Process Guide</i> • <i>Hamilton's Homeless Serving System Consent and Intake Policy</i> • <i>Hamilton's Homeless Serving System HIFIS Confidentiality and User Agreement</i> • <i>Hamilton's Homeless Serving System Service Restriction Policy</i> • <i>Hamilton's Homeless Serving System Triage and Assessment Policy</i> • <i>HIFIS Data Sharing Protocol for Hamilton's Homeless Serving System</i>

A5979

Last Update:
Version 01
Approval Date:

Service Restriction Policy for Emergency Shelters

Policy Statement & Purpose	The service restriction policy outlines a framework to be used by all city-funded emergency shelters to guide decision-making and communication related to restricting a client from one or more shelter service. It is intended to support clear, consistent, and accountable approaches to service restrictions across the homeless-serving system. Service restrictions are at times necessary, however should be viewed as a last resort when all other avenues of resolution have been exhausted. As such, this document also outlines alternate strategies and approaches to avoid a potential restriction.
Scope	This policy applies to the following city-funded emergency shelter programs: - All emergency shelters that serve single adults, youth, and families. This policy applies with limitations to: - The hotel overflow program. City and shelter staff supporting service users staying in the hotel overflow program will adhere to this policy, however hotel staff/owners may discharge clients from hotel at their discretion. In those instances, it may not be possible for the duration guidelines and appeals process to be followed. This policy does not apply to: - Violence Against Women shelters - City funded and non-City funded drop-in programs - Case management programs (ICM, Rapid Rehousing) or transitional housing programs.
Definitions	<u>Client</u>: An individual who is accessing or attempting to access a service provided by one of the included agencies. Sometimes referred to as a service user, guest, or resident. <u>Discharge</u>: The process of concluding a client's stay including the use of HIFIS to release a client's assigned bed. Discharge may be initiated by the client or staff for a variety of reasons, including but not limited to finding housing, no longer meeting eligibility criteria, or service restrictions. <u>Serious Incident</u>: May include, but not limited to, any behavior, possession, or threat, that creates harm to staff, community members, or other clients leading to an incapacity to manage safety within a communal living setting. <u>Service Restriction</u>: An action that limits a client's access to one or more services provided by an emergency shelter for a limited duration of time in response to a specific incident or behavior. A service restriction is NOT to be issued for reasons other than serious incidents or risk of harm to others.

A1695

	Turn Away: The process of declining a client access to service due to ineligibility or being over capacity and unable to provide space. A5980
Guiding Principles	Service restrictions should primarily be utilized in situations where there has been, or is a significant risk of, harm to other clients, guests, and/or staff. Service restrictions may also be issued due to ongoing behaviours which interfere with shelter operations, illegal activities, court order, significant damage to property, or prolonged refusal to engage with program requirements. Service restrictions are not to be applied in instances where a client is turned away from shelter due to ineligibility based on demographic factors or medical accommodations beyond the capacity of the agency mandate. Staff and management responsible for issuing and reviewing service restrictions will be mindful of the following guidelines when applying this policy: • The primary focus of agencies should be to avoid service restrictions through alternative person-centered and trauma-informed interventions. • Emergency shelter operators must balance the well-being of individual clients against risk of harm to other clients, staff, guests, volunteers, and neighbours, as well as their obligations under the <i>Occupational Health and Safety Act</i>. • Intersectional & Anti-Opressive Practice: Service restrictions will be considered through a trauma-informed, gender and equity lens; recognizing the systemic barriers faced by women, trans, gender-diverse or non-binary people, and experiencing intersecting oppressions including, but not limited to, race, ethnicity, substance use, mental health, disability, gender identity, religion, and sexual orientation. • Service restrictions are not to be used as a punitive measure. • Weather Alerts / Extreme Weather Events: During a Weather Alert or extreme weather event and under staff discretion, all agencies work to relax restrictions where possible for clients accessing service and for those previously restricted who are seeking service. Decisions will be guided by the prioritization of the health, safety, and wellbeing of all staff, clients, and guests at the location.
Service Restriction Process	Clients will be made aware of the service restriction policy upon admission, intake, or as soon as reasonably possible. The service restriction policy will be posted in each agency for all clients to reference. <u>Staff will follow the steps below when assessing if a service restriction may be necessary:</u> • Confirm that a service restriction is applicable for the situation. Clients who are ineligible for services will not be issued a service restriction, rather the reason for ineligibility would be provided to the client and staff would document this in HIFIS as a turn away. • Assess the situation using the service restriction policy guiding principles and values. • Consider if all other avenues of resolution within shelter staff capacity have been exhausted. Review all actions taken to support the client and end the behaviour(s) putting the client at risk of a service restriction. Ensure warnings and attempts to prevent issuing a service restriction have been documented. • Determine if failure to service restrict this client will endanger other clients and staff. • Consider what purpose the service restriction would serve. For example: if a client is attempting to harm a staff member or client, the purpose of the service restriction is to help ensure the safety of staff and other clients. <u>Staff will follow the steps below when issuing a service restriction:</u> A1696

	A5981 • When determining the appropriate duration for a service restriction, staff will use the Guideline for Duration (Appendix A) and consider the context surrounding the incident, unique circumstances, and social location of the individual client. • Staff will always make every reasonable effort to secure a space with another system provider. However, the inability to secure an alternate space or the client's refusal to accept a referral to an alternate space does not mean that restrictions won't still be applied. • Staff will inform clients of their right to have a support person with them to attend meetings regarding their service restriction. All clients should be permitted to have a support or an advocate of their choice present during the service restriction and appeals process (when this doesn't present a conflict or safety concern). • When an Indigenous person is being restricted staff will work in partnership with the client's identified Indigenous service provider. If they are not yet connected to one, the agency will provide a referral at the client's request. • Where it is safe and reasonable to do so, staff or management must verbally notify the client that they are being restricted from service(s) at the time of discharge. When requested, service restriction details will also be provided in writing. When it is not safe or reasonable to inform the client at the time of discharge staff will inform the client at the next point of contact. Notice of the service restriction must include: ○ Specific details of the service restriction (Date, duration, reason, site(s) to which it applies) ○ The process for re-accessing services after the restriction ends, ○ Information on how long belongings will be stored and how clients can retrieve their belongings, ○ A copy of the service restriction policy and guidelines for duration (appendix A), ○ A copy of the agency's complaints policy should the client wish to appeal the restriction. <u>Agency management, supervisors, or designated senior staff will support staff in applying the service restriction policy by:</u> • Reviewing and approving service restrictions more than 24 hours in length. • Reviewing and determining service restriction durations greater than 1 month. • Reviewing and bring forward any restrictions greater than 3 months in duration or inadvertent system-wide service restrictions to the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services. <u>The City will support operators in applying the service restriction policy by:</u> The City will convene a teleconference with management/leadership to review the circumstances that led to a client being restricted from all locations and potential interventions to support the client with re-engaging in services.
Service Restriction Types	Access to location may be limited or denied in the following ways: • Postponement Period/Warning: A brief period in which the client is asked to leave the premises with a view of taking time and space to de-escalate their current behaviour. In such intense situations, the client will be invited to return when they feel better equipped to engage appropriately in the environment. Postponement period/warnings cannot exceed 12 hours in length and will not be issued overnight. A1697

	A5982 • Partial Restriction: A client who is suspended for a specific time period, from specific activities in the program. Partial restrictions may be part of a harm reduction strategy to keep clients connected to some programs while limiting the risk of harm to others. • Examples: a client with a partial restriction could be denied access to a day program but allowed to stay in the shelter in the evening; or a client may not be permitted to stay in the shelter overnight but is granted limited access to specific programs (e.g. a health clinic; meal program; or a housing worker). • Full Restriction - Discharge (Level 1-4): A client is denied all access to a location for a specific length of time greater than 24 hours. • System-Wide Service Restrictions: Service restrictions will not be applied across the system pre-emptively, however there may be circumstances where a client's behaviour has resulted in repeated service restrictions from multiple locations, leading to a situation where it is not feasible for the client to be admitted to any of the locations they are eligible for in Hamilton. If all avenues for intervention have been exhausted, then staff will contact the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services. The City will convene a teleconference with management/leadership to review the circumstances that led to a client being restricted from all location and potential interventions to support the client with re-engaging in services.
Documentation	All shelters must maintain records of all service restrictions and these must be documented in the current Homelessness Management Information System (e.g. Homeless Individuals and Families Information System 4.0) as follows: • Service Restrictions should be entered into HIFIS by the staff issuing the restriction or their direct supervisor/manager. • Any non-overnight restrictions (postponement period/warnings and partial restrictions) will be documented in case notes, including which agency-specific services the client is restricted from (e.g. shelter, food services, all services, etc.). • Service Restriction documentation should be completed in accordance with this policy and HIFIS user documentation and training. • Staff are required to enter detailed notes about the Service Restriction. These notes should include the following: ○ Reason(s) for the restriction. ○ Alternatives pursued to prevent restriction including details of how staff attempted to avoid service restricting the client (e.g. de-escalation, partial restriction, case management meeting with client, etc.). ○ Date the client was notified of the restriction or attempt to notify client was made. ○ Shelter or other destination to which the client was referred, if applicable. ○ Confirmed authorization by supervisor or manager if the restriction exceeds 24 hours. ○ Details of the three warnings issued leading up to the service restriction being put in place (if it was safe and reasonable to issue warnings). ○ For 60+ day restrictions, details of the review results and extension (as applicable). ○ For appealed restrictions, details on the appeal findings and adjustments made. A1698

	• If the client is being discharged, staff must record that the Reason for Discharge is because they are Service Restricted. • If a shelter has issued a Trespass Order, they must provide the client with a copy of the Trespass Order, including a copy of the Police Occurrence Report (if applicable). Trespass Order number and Police Occurrence Report number should be documented. All staff across the Coordinated Access System will see the Client Alert: <i>Client Has Active Service Restriction</i> and will be able to view the Service Provider that issued the restriction and the start and end date. The reason for the restriction will not be visible outside of the issuing shelter.
Appeals Process	Any client who has been restricted from service is entitled to appeal a service restriction and/or request the length of the restriction be reviewed. The client has the right for the appeal to be heard in a timely manner (usually within two days Monday to Friday) with the decision of outcome clearly communicated to the client once a timely decision has been reached. Appeals will be heard by the service manager or designate, and outcomes will immediately be shared with all applicable employees and documentation will be updated as required. Appeals are to be submitted through a shelter's complaints policy process. All agencies will have a written complaints process in accordance with the Hamilton Emergency Shelter Standards. • Exceptions: Hotel staff/owners may discharge clients from hotel at their discretion. If a client disagrees with the decision of the hotel staff/owner, they may request a review of the decision by the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services. When appropriate and possible the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services may direct staff to work with clients to find alternate shelter or hotel options.
Related Documents	• Service Restriction Policy Appendix A: Guidelines for Duration • Hamilton's Homeless-Serving System Consent for the Collection and Sharing of Personal Information • City of Hamilton – Housing Services Complaints Resolution Policy (pending) • City of Hamilton - Hamilton Coordinated Access Process Guidelines, 2022 • City of Hamilton – Case Management Policy, 2023 • City of Hamilton – Housing Services Consent Policy, 2023 • City of Hamilton – Housing Services HIFIS User Manual (pending) • Occupational Health and Safety Act • Ontario Human Rights Code, 1990 • Accessibility for Ontarians with Disabilities Act, 2005
Policy Review	This policy should be reviewed and updated every two years, led by the City of Hamilton Housing Services Division with input from the included partners and Indigenous community entities.

Guidelines for Determining Service Restriction Duration

How to use this guide: Shelter staff will utilize the following guide to determine the appropriate length of time a client will be restricted from services. The categories and recommended lengths in this guide are to be used in complement with the Service Restriction Policy. When issuing a service restriction, staff will use the guiding principles and values from the service restriction policy to consider the context surrounding the incident, unique circumstances, and social location of the individual client. Shelter operators must also take into consideration their obligations under the Occupational Health and Safety Act to provide a safe work environment and will work with staff when determining the duration of service restrictions. With these factors in mind, the length of time a client is restricted may be less than the duration outlined below, however restrictions should not exceed the timeframes in this guide. The circumstances and behaviours which may lead to a service restriction can be complex and evolve quickly between different incidents and risk levels. While staff are expected to follow the duration guidelines outlined below in exceptional circumstances an agency has discretion to implement a restriction that is longer than the recommended guideline, however the rationale for a longer restriction must be documented in HIFIS.

Exceptions:

The hotel overflow program. City and shelter staff supporting the hotel overflow program will attempt to adhere to the guidelines however, hotel management may make decisions related to service restrictions or permanent bans from a hotel that override this guide. In those instances, it may not be possible for the duration guidelines and appeals process to be followed. Whenever possible, staff supporting the hotel overflow program will work with families being restricted from hotel to avoid discharge and find alternate hotel or shelter options. Clients restricted from the hotel overflow program may appeal the decision through the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services.

Court ordered or Trespass Orders. If a client is not permitted to access shelter due to a court order or no trespass order the duration will be based on the length of the court order or no trespass order and therefor may be longer than the duration guideline.

Service Restriction Reasons

Category	Definition
Safety/Security Risk	Behaviours or activities which put the safety and security of other clients, guests, and/or staff at risk, such as: Threatening others Physical violence Deliberate and ongoing harassment of clients or staff
Non-compliance with Agency Rules/Regulations	Failure to follow agency rules or regulations, such as: Name calling/bullying including racism, sexism, or any discriminatory language Refusal to follow health and safety regulations
Illegal Activity	Illegal activities affecting the operations, safety, wellbeing, or property of others, including but not limited to: Violating Ontario Fire Code or Smoke Free Ontario Act (e.g. smoking inside program, tampering with a fire alarm) Arson Selling drugs on property Theft or stealing in the building Deliberate and serious property damage Breaking into locked or prohibited areas of the shelter

Prolonged Refusal to Engage	Refusal to engage with staff as required in the Client Rights and Responsibilities to discuss or work towards housing goals for more than 60 days.		
Disruptive Behaviour	Breaching Client Rights and Responsibilities expectations in a manner which significantly interferes with staff's ability to maintain operations. This may include: Being persistently uncooperative and argumentative Interfering with the ability of others to sleep or access services Vandalism/damage to property Refusing to leave when asked		
Hotel Admin Restriction	Hotel staff decide to discharge a client due to behaviours which disrupt business operations, negatively affect other customers, failure to comply with hotel rules, or as otherwise deemed necessary by hotel management.		
Court Order/No Trespass	A court order or no trespass order which prohibits a client from accessing an emergency shelter site. Issued by a court or Hamilton Police Services.		
Type & Duration Guidelines			
Type	Description	Recommended Duration	Roles & Responsibilities
Postponement Period / Warning	Repeated breaches of expectations outlined in the Emergency Shelter Standards Client Rights and Responsibilities Name calling/bullying including racism, sexism, or any discriminatory language Violating Ontario Fire Code or Smoke Free Ontario Act (e.g. smoking inside program)	Short postponement e.g. 1 to 12 hours off property Maximum 12 hours and cannot include overnight hours	Approval: Agency staff Issue: Agency staff Documentation: Agency staff (under case notes) Review: N/A
Partial Restriction	A client who is suspended for a specific time period, from specific activities while still being allowed limited access to some programs Partial restrictions may be part of a harm reduction strategy to keep clients connected to some programs while limiting the risk of harm to others	12 or more hours	Approval: Supervisor or above if more than 24 hours in duration Issue: Agency staff Documentation: Agency staff (under case notes) Review: N/A

Level 1 Discharge	After 3 documented postponement periods/warnings or partial restrictions <u>First occurrence of:</u> Selling drugs on property Theft or stealing in the building <u>Repeated occurrences of:</u> Being persistently uncooperative and argumentative Violating Ontario Fire Code or Smoke Free Ontario Act (e.g. smoking inside program) Vandalism/damage to property Name calling/bullying including racism, sexism, or any discriminatory language Refusing to leave when asked – may involve police called to escort out	Out of location and off property for 24 hours	Approval: Supervisor or above A5986 Issue: Agency staff Documentation: Agency staff Review: Supervisor or above
Level 2 Discharge	Second occurrence of a Level 1 Service Restriction <u>Repeated occurrence of:</u> Selling drugs on property Theft or stealing in the building	Out of location and off property for up to 4 days with supervisor review prior to re-entry	Approval: Supervisor or above Issue: Agency staff Documentation: Agency staff Review: Supervisor or above
Level 3 Discharge	Serious incidents which compromise the safety of other clients, staff, and community: Physical violence or immediate threat of violence Arson Breaking into locked areas and resident rooms	Out of location and off property for up to 60 days with Supervisor review prior to return	Approval: Supervisor or above Issue: Agency staff Documentation: Agency staff Review: Supervisor or above will conduct review to determine duration of restriction (maximum 1 month without a review) A1702

	Deliberate and ongoing harassment of clients or staff Deliberate and serious property damage.		Review at 1 month and consult with community partners: Supervisor or ED
Level 4 Discharge	Long-term service restrictions (over a period of three months) will only be issued in the most serious cases that compromise the safety and security of staff and clients. The Manager of Homelessness and Housing Supports or Supervisor of Emergency Shelter Services must be notified of any long-term service restrictions. Threat of physical harm/ threatening with a weapon Violent behaviour/Physical assault of staff and clients Fire setting/arson	61 days or greater , with Supervisor review prior to return	Approval: ED Issue: Supervisor or above Documentation: Agency staff Review: ED will conduct review to determine duration of restriction Review at 3 months and consult with community partners: Supervisor or ED
Court Order/ Trespass Orders	Depending on circumstances, a client may not be permitted to access a location due to court order or a Trespass Order. An order may be initiated by either an individual location or by Hamilton Police Services. In these circumstances, the service restriction due to the order shall be communicated to all affected locations.	Duration will be based on the length of the court order or Trespass Order.	Approval: ED Issue: Supervisor or above Documentation: Agency staff Review: Manager or Director (or delegate)

System-Wide Service Restrictions	Occasionally a client may be restricted from all locations concurrently. In these instances, agency staff will contact the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services. The City will convene a teleconference with agency management to review the circumstances that led to a client being restricted from all locations and potential interventions to support the client with re-engaging in services.	N/A Brought forward to the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services.	Approval: ED A5988 Issue: Supervisor or above Documentation: Agency staff Review: Manager or Director (or delegate) from appropriate sector (i.e. men's, women's) via teleconference and the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services.

Pandemic Planning in Homeless Shelters: A pilot study of a COVID-19 testing and support program to mitigate the risk of COVID-19 outbreaks in congregate settings

Timothy O'Shea MD, MPH (Corresponding Author)

Department of Medicine, McMaster University

Hamilton Shelter Health Network

Juravinski Hospital & Cancer Centre

A3-66, 711 Concession Street

Hamilton, ON, Canada L8V 1C3

Phone: (905) 389-4411 Ext. 42471

osheat@mcmaster.ca

Claire Bodkin BA, MD

Department of Family Medicine, McMaster University

Hamilton, Canada

Vaibhav Mokashi BSc, MD

Department of Medicine, McMaster University

Hamilton, Canada

Kerry Beal RT, ART, BSc, MD;

Adjunct Clinical Professor, Faculty of Health Sciences, McMaster University

Hamilton, Canada

Jill Wiwcharuk MD

Department of Family Medicine, McMaster University

Hamilton Shelter Health Network

Hamilton, Canada

Robin Lennox MD

Department of Family Medicine, McMaster University

Hamilton Shelter Health Network

Hamilton, Canada

Dale Guenter MD, MPH

Department of Family Medicine, McMaster University

Hamilton Shelter Health Network

Hamilton, Canada

Marek Smieja MD, PhD

Department of Medicine, Pathology and Molecular Medicine, McMaster University

Hamilton, Canada

Abstract: We tested 104 residents and 141 staff for COVID-19 who failed daily symptom screening in homeless shelters in Hamilton, Canada. We detected one resident (1%), seven staff (5%) and one case of secondary spread. Shelter restructuring to allow physical distancing, testing and isolation can decrease outbreaks in shelters.

Keywords: coronavirus, homeless, shelter, surveillance, outbreak

Accepted Manuscript

Introduction:

SARS-CoV-2, the novel coronavirus responsible for causing COVID-19, has particularly affected those in congregate settings such as nursing homes, prisons and homeless shelters (1,2). In Canada, there have been several outbreaks documented in homeless shelters (3,4).

Preventing and minimizing outbreaks in shelter settings using limited resources protects residents and staff within shelters as well as those they may interact with in the broader community. Furthermore, the higher prevalence of comorbidities amongst shelter residents places them at higher risk of severe COVID-19 disease (5). Preventing transmission in this population may have a greater impact on reducing hospital admissions and burden on critical care resources.

The objective of this report is to describe our experience with shelter facility restructuring, daily symptom screening and rapid testing to mitigate the risk of COVID-19 in the homeless shelter setting in Hamilton, Ontario, Canada.

Methods:

The homeless shelter system in the city of Hamilton is operated as a partnership between the municipality and social service agencies. Healthcare within the shelters is provided by the Hamilton Shelter Health Network, a group of physicians (Family Medicine, Internal Medicine and Psychiatry), nurse practitioners, nurses and midwives who are funded through an alternate funding plan by the Provincial Government of Ontario.

At the start of the pandemic, there were approximately 341 shelter beds across eight shelters in Hamilton. Collaboration between the local public health unit, municipal government, shelter operators and the Shelter Health Network began in March of 2020. The collaboration allowed an increase from 341 to 395 shelter beds spread across the pre-existing shelters, three additional hotel sites and one additional temporary men's shelter. This enabled increased physical spacing between shelter beds and lower density within each shelter. Furthermore, a temporary isolation center (from a repurposed recreation center) was created for COVID-19 positive homeless individuals.

Through a partnership with the Hamilton Regional Laboratory Medicine Program (HRLMP) we were able to access COVID-19 testing with rapid turnaround time. This allowed us to use existing spaces within shelters for short-term isolation while awaiting COVID-19 testing results and to immediately arrange two-week isolation for those who tested positive.

Between March 17 and April 30, 2020, COVID-19 testing was performed on all shelter residents and staff who failed daily screening for potential COVID-19 related symptoms as well as staff and residents identified as close contacts of positive cases. Symptom screening was conducted according to direction given by the local public health unit, and was updated as new information regarding potential symptoms of COVID-19 were uncovered (e.g. anosmia). Nasopharyngeal swabs (NPS) were performed by trained nurses, paramedics and physicians. Between March 19 and April 16, testing was done using a laboratory-developed BD Max Multiplex Real-Time Polymerase Chain Reaction (RT-PCR) for COVID-19 (using 5'-Untranslated region, or 5'-UTR), Influenza A, Influenza B, Respiratory Syncytial Virus (RSV), Metapneumovirus, Parainfluenza 1, Adenovirus and Rhinovirus/Enterovirus. After April 17,

testing exclusively for COVID-19 was undertaken in order to streamline result times and tests were considered positive if RT-PCR was positive for COVID-19 5'-UTR or Envelope genes.

Residents awaiting results were isolated within their shelter in single room areas. Residents who tested positive for COVID-19 and did not require hospitalization were transferred to our prepared isolation center for further monitoring. Transportation was organized by the City of Hamilton and involved the use of a dedicated transportation vehicle with enhanced infection control measures including a barrier between patient and driver and surgical mask, face shield, gloves and gown for the driver. Isolation continued for a total duration of fourteen days, with the ultimate decision to end isolation made in conjunction with our local public health unit. Nurses performing tests and shelter staff caring for isolated residents wore a disposable gown, surgical mask, face shield and disposable gloves. Staff who tested positive were excluded from work and provided with information related to self-isolation and symptom monitoring. All positive results were reported to the local public health unit for appropriate case management and contact tracing.

For context, the provincial government declared a state of emergency on March 17, limiting public gatherings to 50 people or less, and subsequently closed non-essential businesses on March 23. Gatherings were further limited to five people on March 28. No specific limitations were imposed upon shelter residents during the study period although movement between shelters was discouraged. Universal masking within common areas in the shelter system was initiated on April 18.

Results:

Between March 19 and April 30, a total of 245 NPS were obtained from 141 staff and 104 residents (Figures 1a and 1b). Of the 88 total tests (59 residents and 29 staff) completed on the multiplex PCR platform prior to April 17, 12 (13.6%) were positive for a viral pathogen. Ten of 59 residents (16.9%) were diagnosed with rhinovirus/enterovirus infection and two of 29 staff (6.8%) were diagnosed with COVID-19 infection. A total of 157 (44 residents and 113 staff) tests performed after April 17 were tested exclusively for COVID-19; of these 1 resident (2.3%) and 5 staff (4.4%) tested positive. Overall during our study period, 1 of 104 residents (1.0%) and 7 of 141 staff (5.0%) were diagnosed with COVID-19 infection, and a total of 17 tests (6.9%) identified a viral pathogen. All positive cases were detected only through the daily symptomatic screening protocol or contact tracing.

Follow up contact tracing and testing revealed no secondary spread linked to the one positive shelter resident. Of the seven staff diagnosed with COVID-19, four were part of a cluster that was cohabiting at the same location distant from the shelter and were presumed to be community acquired. The remaining three staff worked at two separate shelter sites. During the time period of our study, one additional shelter resident was diagnosed with COVID-19 after presentation to a local emergency room (outside of our surveillance protocol).

For comparison, during the study time period, the City of Hamilton reported 422 patients with COVID-19 and a positivity rate of approximately 5-7%. Approximately 10% of the cases

were in congregate settings (mainly long term care homes). In the province of Ontario, there were 15973 reported COVID-19 infections and 1080 deaths during our study period.

Test turnaround time throughout our study period averaged 14 hours from time of specimen arrival in the lab to time of reported results and 89 per cent of results were reported within 24 hours.

Discussion:

We have thus far been successful in preventing large outbreaks in the shelter setting despite identifying positive cases in both staff and residents. Our results emphasize the importance of taking a proactive, aggressive approach to outbreak mitigation in high risk settings. While there has certainly been some random chance, we postulate that four factors have been particularly important in increasing our chances of success:

1. Increased capacity of shelter space by opening surge shelters and hotel rooms, allowing for more effective physical distancing in congregate shelters;
2. Access to rapid assessment and testing on site when symptomatic residents or staff are identified through active screening;
3. Restructuring of physical spaces to accommodate isolation of residents with confirmed COVID-19 and those awaiting test results; and
4. Rapid turnaround of test results through collaboration with our regional laboratory program allowing triage of individuals into isolation spaces without exceeding available capacity.

There are several limitations which should be taken into account in interpreting our data. Our testing program provided evaluation of those staff and residents who were identified as symptomatic through active screening within the shelters. We are aware of instances where shelter residents and staff have presented to other settings where testing has been performed, and is not captured in our data. Secondly the test characteristics of a NPS can be influenced by testing technique, and as such the sensitivity of our test in the real world setting of a mobile testing unit has not been clearly established. However, the lack of large scale outbreaks in area shelters suggests that we have not had a large number of false negative tests thus far.

Efforts to mitigate the risk of outbreaks of COVID-19 in high risk congregate settings such as long term care facilities, homeless shelters, and prisons are essential in moving towards the broader goal of managing COVID-19 risk in the general community. Our group has recently initiated a cluster randomized control trial to examine the effectiveness and acceptability of various surveillance testing strategies of asymptomatic individuals within our shelter system in an ongoing effort to enhance our ability to rapidly detect and isolate COVID-19 infected individuals. However, such efforts should be conceptualized as secondary prevention. There is also a pressing need to consider primary prevention - that is, upstream actions to end homelessness.

Our study demonstrates that accessible shelter housing that allows for rapid testing, isolation and physical distance is imperative to outbreak prevention in the shelter setting. The strategy presented here should be considered as part of the COVID-19 pandemic response alongside other homelessness prevention and reduction interventions.

Acknowledgements:

We thank the Hamilton Regional Laboratory Medicine Program (HRLMP), Hamilton Public Health, City of Hamilton and staff working within the Hamilton Shelter Health Network.

None of the authors has any potential conflicts of interest to disclose.

Accepted Manuscript

References:

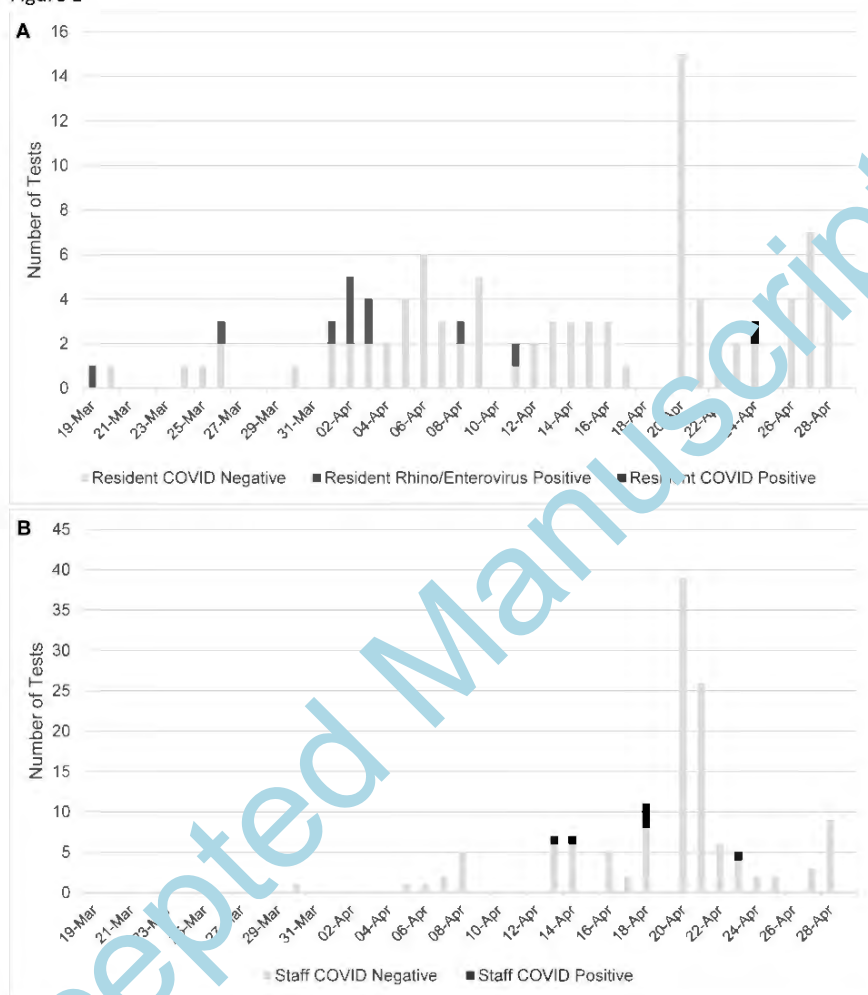
1. McMichael TM, Currie DW, Clark S, Pogojans S, Kay M, Schwartz NG, et al. Epidemiology of Covid-19 in a Long-Term Care Facility in King County, Washington. *N Engl J Med*. 2020 Mar 27.
2. Tobolowsky FA, Gonzales E, Self JL, Rao CY, Keating R, Marx GE, et al. COVID-19 Outbreak Among Three Affiliated Homeless Service Sites — King County, Washington, 2020. *MMWR Morb Mortal W Rep*. 2020 May 1;69(17):523–6.
3. Hudes S. Testing of asymptomatic homeless shelter clients underway after four cases confirmed in Calgary. *Calgary Herald*. 2020 Apr 27.
4. Casey L. COVID-19 outbreak spikes among homeless in Toronto with 135 cases. *CityTV News*. 2020 Apr 25.
5. Aldridge RW, Story A, Hwang SW, Nordentoft M, Luchenski SA, Hartwell G, et al. Morbidity and mortality in homeless individuals, prisoners, sex workers, and individuals with substance use disorders in high-income countries: a systematic review and meta-analysis. *The Lancet*. 2018 Jan;391(10117):241–50.

Figure 1 legend

Number of daily tests and test results in residents (A) and staff (B).

Accepted Manuscript

Figure 1



Number of daily tests and test results in residents (A) and staff (B).

POPULATIONS AT RISK

Homeless People's Perceptions of Welcomeness and Unwelcomeness in Healthcare Encounters

Chuck K. Wen, MSc¹, Pamela L. Hudak, BScPT, PhD², and Stephen W. Hwang, MD, MPH^{2,3,4}

¹Faculty of Medicine, University of Toronto, Toronto, Ontario, Canada; ²Department of Medicine, St. Michael's Hospital, Toronto, Ontario, Canada; ³Center for Research on Inner City Health, St. Michael's Hospital, 30 Bond Street, Toronto, Ontario M5B 1W8, Canada; ⁴Division of General Internal Medicine, University of Toronto, Toronto, Ontario, Canada.

BACKGROUND: Homeless people face many barriers to obtaining health care, and their attitudes toward seeking health care services may be shaped in part by previous encounters with health care providers.

OBJECTIVE: To examine how homeless persons experienced "welcomeness" and "unwelcomeness" in past encounters with health care providers and to characterize their perceptions of these interactions.

DESIGN: Qualitative content analysis of 17 in-depth interviews.

PARTICIPANTS: Seventeen homeless men and women, aged 29–62 years, residing at 5 shelters in Toronto, Canada.

APPROACH: Interpretive content analysis was performed using iterative stages of inductive coding. Interview transcripts were analyzed using Buber's philosophical conceptualization of ways of relating as "I-It" (the way persons relate to objects) and "I-You" (the way persons relate to dynamic beings).

RESULTS: Most participants perceived their experiences of unwelcomeness as acts of discrimination. Homelessness and low social class were most commonly cited as the perceived basis for discriminatory treatment. Many participants reported intense emotional responses to unwelcoming experiences, which negatively influenced their desire to seek health care in the future. Participants' descriptions of unwelcoming health care encounters were consistent with "I-It" ways of relating in that they felt dehumanized, not listened to, or disempowered. Welcoming experiences were consistent with "I-You" ways of relating, in that patients felt valued as a person, truly listened to, or empowered.

CONCLUSIONS: Homeless people's perceptions of welcomeness and unwelcomeness are an important aspect of their encounters with health care providers. Buber's "I-It" and "I-You" concepts are potentially useful aids to health care providers who wish to understand how welcoming and unwelcoming interactions are fostered.

KEY WORDS: homeless persons; professional-patient relations; trust; welcomeness; unwelcomeness.

DOI: 10.1007/s11606-007-0183-7

© 2007 Society of General Internal Medicine 2007;22:1011–1017

INTRODUCTION

Meeting the health care needs of homeless persons is a daunting challenge. An estimated 800,000 Americans are currently homeless, and in Toronto, Canada, more than 5,000 people are homeless on any given night.^{1–4} Homeless individuals have a high burden of illness and are at increased risk for premature death,^{5–9} but factors such as the daily struggle to meet basic needs, lack of health insurance, mental illness, and addictions can limit homeless people's ability to access health care services appropriately.^{1,10,11}

Homeless people's attitudes toward health care services, shaped in part by previous health care encounters, may also affect their propensity to seek care.¹² In this qualitative study, we examine how homeless persons experience interactions with health care providers and specifically explore what it means to these individuals to feel "welcomed" or "unwelcomed" during these encounters. We believed that these concepts might be particularly meaningful to homeless people because of their everyday experiences as a marginalized group.

METHODS

Participants

This study was conducted in Toronto at a convenience sample of 3 men's shelters, 1 women's shelter, and 1 mixed-sex shelter. Potential participants were identified by random selection of bed numbers. Eligibility criteria were age ≥ 16 years, ability to communicate in English and give written informed consent, and lifetime duration of homelessness ≥ 1 month. Participants received a payment of \$15. The study was approved by the St. Michael's Hospital Research Ethics Board (IRB).

Of 22 individuals approached, 17 consented to participate. Five individuals declined, citing illness ($n=2$), fatigue ($n=2$), or dislike of research studies ($n=1$). Sampling was discontinued after 17 interviews when there were sufficient similarities in the data to identify a common understanding of welcomeness

Received September 1, 2006

Revised January 25, 2007

Accepted March 16, 2007

Published online April 6, 2007

Ex # 7 m/d/y 08/30/2024 Pg 1 of 7
Exam of Dr. Stephen Gaetz
Heegsma et al v City of Hamilton
Nimigan Mihailovich Reporting Inc.

and unwelcomeness (i.e., theoretical saturation was achieved). Participants included 4 women and 13 men who ranged in age from 29 to 62 years (median 40 years). Lifetime duration of homelessness ranged from 8 months to 14 years (median 3 years).

Data Collection

Each participant completed an audio-taped in-depth semi-structured interview conducted by a single investigator (CKW). An interview guide (available on request) was formulated after literature review and discussion among the research team and revised based on pilot interviews. The interview explored the nature and meaning of welcomeness and unwelcomeness in health care settings. We prompted participants to recount at least 1 health care experience in detail. When needed, probes were used to focus their narratives (e.g., "How did that experience make you feel unwelcome?"). Direct questions concerning the concept of interest were also utilized (e.g., "What does 'welcomeness' mean to you?"). Interviews lasted approximately 1 hour. Audiotapes were transcribed verbatim. To ensure confidentiality, no personal identifiers were recorded. Fictitious names are associated with all quotations in this paper.

Coding and Analysis

We performed interpretative content analysis, which involves identifying, coding, and categorizing patterns in textual data.¹³ Codes, which are abbreviated phrases representing underlying concepts or themes, were generated from and applied to the data. Coding began inductively and was iterative (i.e., codes were tested and refined as each transcript was successively analyzed). Line-by-line coding of each transcript was performed by the lead author (CKW) with ongoing input from the other researchers. Discrepancies in interpretation were discussed and resolved during consensus meetings.

During coding, we noted that some participants characterized unwelcoming health care experiences as dehumanizing, using words such as "subhuman" or "dehumanized." For example, 1 participant stated:

"...she just didn't care. It was like you were a piece of meat."

(Timothy)

These observations led us to consider the philosophical writings of Martin Buber as a potentially relevant framework for understanding these emerging themes. In his seminal work *I and Thou* (1923), Buber described "I-It" as the way a person relates to a thing or object that does not have the power to define its own essence and function.¹⁴ Buber contrasted this with "I-You," the way in which a person relates to a dynamic being who has a say in defining his or her own essence and who should be approached with a degree of openness and receptivity. Buber suggested that rather than relating to others as "I-You," people sometimes relate to other persons in an "I-It" manner, that is, in the same way that they relate to objects.

The language of dehumanization in participants' accounts suggested that "unwelcoming" encounters between participants and health care professionals could be conceptualized

as "I-It" relationships, whereas "welcoming" encounters could be conceptualized as "I-You" relationships. To systematically explore this possibility, we generated codes consistent with Buber's definitions of "I-It" and "I-You" relationships and applied them to all transcripts to test their robustness and appropriateness (Table 1). Support for these interpretations is provided using segments of data that most clearly illustrate each analytic point and are representative of the entire dataset.

RESULTS

Experiences of Unwelcomeness

Participants described health care encounters that made them feel unwelcome in a variety of ways. During these episodes, participants often felt that they were being ignored, rushed, brushed aside, or treated rudely. Moreover, 13 of 17 participants perceived their experiences of unwelcomeness as acts of discrimination. Some participants spontaneously and explicitly mentioned a connection between unwelcomeness and discrimination during the course of their interview. For example, when asked to describe any health care experience that stood out for him, 1 participant responded:

"...on two occasions I had reason to believe that because I'm in a shelter, it's like secondary treatment, not as how we envisage it should be when you go to accident and emergency [an emergency department]."

(Hernando)

For other participants, the connection between unwelcomeness and discrimination was implicit. A participant reported waiting in an emergency department and seeing other patients arrive after him but receive care first. He stated:

"You know, I mean that's not fair. I mean, I work myself, I pay my taxes and stuff like that. I don't work full time, but I work part time, as a longshoreman. Just like everybody else, I pull my own weight. You know, I just live here [in a shelter] because rent's so high and stuff like that—maybe I can come here and save some money."

(Michael)

This participant felt that he was treated differently because he was homeless, and implicitly attributed this treatment to the stereotyping of homeless people as "freeloaders." Participants identified various characteristics that accounted for what they believed to be discriminatory treatment, most commonly homelessness ($n=9$) and low social class ($n=9$). Additional reasons, each mentioned once, were drug addiction, mental illness, race, and age.

For many, perceived discrimination in health care settings was understood as part of a widespread societal pattern of discrimination against homeless persons. Six participants spontaneously related discrimination in health care settings to their general life experiences. For example, 1 participant explained poor treatment in a health care encounter in these terms:

"We are always discriminated against because we are homeless... Walking down the street, people laugh at us. They know you're homeless... wearing not so normal clothes, dirty clothes or something like that."

(Matt)

Another individual explained his experience of unwelcomeness in this way:

"[homeless people] are less welcome in the majority of places... You go to any mall, you dressed the way you are and me, and we sat down on a bench in a mall and was having coffee, within thirty-five minutes a security guard would come over and tell me that I had to leave. They wouldn't say nothing to you."

(Luke)

Many participants reported intense emotional responses when they felt unwelcomed, which frequently led to a strong distrust of health care workers and a desire to avoid health care institutions at almost any cost. As 1 individual stated:

"I get to the point where I don't really, I don't know, trust or like physicians. More and more I see it as almost they would sooner deal with rich people, people with good insurance, and everything else."

(Luke)

Another participant reported:

"I got treated like that the first time over there, and I'm not going to get treated like that, I'm not going through that again. I'd rather sit here and f___n' die on a bench than go over there."

(Michael)

This latter statement was a response to a short interaction with an attendant at a hospital information desk who redirected the individual to the Emergency Department. The participant stated that he perceived unwelcomeness through the attendant's "attitude" and not because of anything the attendant said. Thus, some homeless individuals may impute a great deal of meaning to brief contacts that do not involve any overt verbal discourtesy. A number of participants reported similarly strong negative reactions to subtle experiences of unwelcomeness. Feeling unwelcomed could even affect the desire to care for one's own health:

"If you were welcome, you would feel better, it makes you feel better, it makes you want to get better. If you are not welcome, you don't want to get better. What the f___k, you don't care. I shouldn't get better so I don't care if I get better or not"

(Matt)

Unwelcomeness and Welcomeness as "I-It" and "I-You" Relationships

Participants' descriptions of unwelcoming experiences were often consistent with Buber's characterization of an "I-It" way

of relating, in which the patient felt that the health care provider reduced them to an object, was unwilling to know and empathize with them, ignored or failed to listen to them, was preoccupied with their own agenda, and made them feel disempowered (Table 1). In contrast, welcoming experiences were more consistent with an "I-You" way of relating, in which the patient felt that the health care provider valued them as a person, was willing to know and empathize with them, truly listened, acknowledged their needs, and minimized power imbalances (Table 1).

Feelings of dehumanization were frequently evoked by unwelcoming health care encounters, suggesting that participants felt treated as an object and in a manner not recognizing their worth and personhood:

"it makes me subhuman, like that I don't really belong in society,"

(Luke)

In contrast, welcoming health care encounters were often associated with feelings of humanization:

"they made me feel like I was a person, not just some derelict that, you know, shouldn't be breathing."

(Luke)

Accounts of unwelcoming experiences often included descriptions of a closed disposition, also associated with the "I-It" way of relating:

"You [the health care provider] withdraw. You don't really want to know who I am or what I am all about."

(Timothy)

Participants also perceived that health care providers in unwelcoming encounters lacked a desire or ability to empathize:

"like they heard you, but they weren't really concerned as much"

(Irene)

When participants described welcoming experiences, they often perceived the health care provider to have an open intellectual and emotional disposition toward them:

"they're open and receptive and they don't stereotype me..."

(Lisa)

Welcoming experiences enabled genuine sharing and communication. An individual described a welcoming encounter in which he felt invited to disclose his feelings:

"they ask you how you are feeling and you talk about what is wrong with you. Some places are better at doing that."

(Matt)

Unwelcoming experiences with health care providers often involved poor or absent communication, which is characteris

Table 1. Coding Categories Consistent with "I-It" and "I-You" Encounters, with Specific Examples from Interview Transcripts

"I-It" Encounters				"I-You" Encounters	
Coding category	Description	Examples from transcripts	Coding category	Description	Examples from transcripts
Identity as object	When an individual feels as though he or she has been reduced to a thing or object	"It makes me subhuman almost, like that I don't really belong in society" (Luke) "...she just didn't care. It was like you were a piece of meat." (Timothy)	Identity as person.	When an individual feels as though he or she has been acknowledged or valued as a person.	"It makes you feel happier inside. It makes you feel wanted." (Matt)
Closed intellect	A closed way of knowing the other. An unwillingness to know the other and/or the use of restrictive concepts to define the other (e.g., stereotypes)	"most of them automatically judge you and stereotype you" (Luke) "...it just seemed like she just wanted to be just, just sit down and wait. Like it seemed to me that she didn't even believe me." (Joe) "they didn't even want to know who in the hell I was." (Timothy)	Open intellect	An open way of knowing the other. A willingness to know the other and the absence of restrictive concepts that define the other (e.g., stereotypes)	"They don't really judge people. They just take all walks of life, whether you're working or not working or where you live." (Irene) "the person likes to get to know you or wants to know about you." (Timothy)
Closed emotions	A closed way of relating to the other. An unwillingness or inability to empathize with the other.	"A lot of the problem is that doctors don't have or won't take the time to actually find out where you are or how things are affecting your life and why." (Luke) "she made me feel like she was sympathetic...but I don't think she was...I don't know, it's just the way I felt" (Matt) "like they heard you, but they weren't really concerned as much" (Irene)	Open emotions	An open way of relating to the other. A willingness and ability to empathize and be receptive toward the emotions of the other.	"To say, you know, I see where you're coming from..." (Irene) [welcomeness is]: "Hi, how are you? How do you feel? Where have you been?" you know? That instead of just "where is the form I sign? Okay, here you go, go". (Pierre)
Closed communication	When an individual feels as if he or she is ignored or not listened to.	"That's it, I don't want to talk to you," that's the impression I got." (Andre) "They ignore me completely. People only talk to me bad." (Hernando) "They were a bunch of jerks...just because they are running a big hospital they should just take time to personally interact with the individual...you feel like they are snobs and they just don't want to get to know you." (Timothy)	Open communication	When an individual feels as if he or she is truly listened to.	"uh, they ask you how you're doing, sort of thing and if you need any help ... What am I looking for, what type of help or?" (Irene) "...with just the tone and the expression of how they talk to you. You know, a lot of times you get them asking how are you doing? Have a bit of a conversation." (Luke)

(continued on next page)

Table 1. (continued)

"I-It" Encounters			"I-You" Encounters		
Coding category	Description	Examples from transcripts	Coding category	Description	Examples from transcripts
Closed agenda	An unwillingness or inability to acknowledge the needs of the other, and preoccupation with one's own agenda (e.g., functional or mechanical relationships)	"...they just gave me like that whole facial look, like, like I'm too busy and all this stuff, like...but that's just how it is though right." (Joe) "they're very business-like I dunno...they want to get on with the next patient...their work day...basically" (Raj) "You serve the customer, get them out of the way, and go to the next one. That's all it basically seemed like, was just an assembly line." (Luke)	Open agenda	A willingness and ability to acknowledge the needs of the other, even at the expense of one's own agenda. (e.g., caring relationships that are not purely functional or mechanical)	"they show that they care, its not just a job... they want to know you as well as a person, if you're okay in general and any other treatments you might need." (Irene) "We see you, you ask for help. We will get you the help you need. And basically didn't abandon me." (Luke)
Power imbalance	When an individual feels disempowered by the other	"...like you're less than the working population." (Christopher) "...like I had no sense of worth." (Matt)	Power equity	When there is a balance of power between individuals encountering one another	"[the doctor] didn't talk down to me like some doctors do...they sometimes have a tendency to do that...I think, maybe doctors just think they're smarter than the public on average" (Christopher) "He knows me, I know him... giving one another pointers, helping, I mean like working together right and not sort of just, just, just dividing ourselves." (Joe)

tic of the "I-It" way of relating. One participant described his frustration when he tried to ask a nurse at an Emergency Department about his expected wait time:

"She snubbed me when I went up to ask her, you know, how long it's going to be? It will be as long as it takes, was her reply. It's just the way she moved her body, you know. I was sitting there and she was sitting here, and she sort of turned her back on me, and I said, excuse me, and she just looked over and kept pointing over there and kept turning away, so I finally gave up on this one and went back inside and waited."

(Timothy)

Unwelcoming encounters had a purely mechanical, functional, and unidirectional character, another feature of "I-It" relating:

"Yep, I felt like she was processing a piece of meat...Let's just do this guy out and get him into the waiting room."

(Timothy)

In contrast, participants felt their own agendas were heard and taken seriously during welcoming experiences. This participant described an encounter in which she received assistance with an application for disability benefits:

"...someone spent an hour on the phone trying to help me get a package together...and that amount of work on, on a case to improve my life circumstances and make an adjustment in me is really commendable."

(Lisa)

Finally, unwelcoming experiences were characterized by power imbalances, consistent with the "I-It" way of relating to persons like things or objects; for example:

"right then, I felt about that big [gestures to indicate small size]... you feel demeaned...you feel lower class"

(Timothy)

In contrast, a welcoming experience was described in terms of perceived power equity:

"He makes me feel great. He talks one on one to you, you know, at your level. It doesn't matter whether you are above him or below him. He talks to you at the same level. A lot of people don't do that."

(Timothy)

DISCUSSION

Our findings indicate that perceptions of welcomeness and unwelcomeness are a potentially critical dimension of the homeless people interviewed for this study. Respondents often reported that unwelcoming experiences elicited strong emotional responses and decreased the likelihood they would seek health care in the future. These preliminary findings suggest that the

provision of effective care for homeless people may be tied to the ability to create a welcoming environment. Further, many unwelcoming experiences involved nonclinical staff such as receptionists, suggesting that *all* workers who come into contact with patients should be included in future research studies.

Trust has been defined as an "acceptance of a vulnerable situation in which the truster believes that the trustee will act in the truster's best interests."¹⁵ Patient trust is engendered by a health care provider's technical competence, interpersonal interactions, and fiduciary role.¹⁵ Although the experience of feeling welcomed, which arises through interpersonal interactions, likely contributes to the creation of trust,¹⁶ we postulate that welcomeness is not merely a component of trust, but a unique and salient concept in its own right. In this work, we have seen how welcomeness and unwelcomeness are important because they are closely linked to patient perceptions of interactions as humanizing or dehumanizing. Buber's concepts of "I-You" and "I-It" ways of relating provides a useful theoretical framework for examining homeless people's narratives of welcoming and unwelcoming experiences, and offers a new and previously unexplored way of thinking about patient-health professional interactions. Future work exploring the interrelationship between trust, patient satisfaction, and Buber's concepts would be valuable.

Study participants often linked unwelcoming experiences with discrimination, suggesting that stigma is an additional dimension of these interactions. Stigma is "a special kind of relationship between attribute and stereotype" in which an objective attribute (e.g., "homelessness") is linked to a stereotype that is often of a discrediting nature (e.g., "lazy").¹⁷ In social encounters between a nonstigmatized and a stigmatized person, there is a strong tendency for the former to relate to the latter on the basis of these stereotypes. This mode of relating maps clearly onto Buber's "I-It" concept because the stigmatized individual is approached within the preconceived constraints of a stereotype rather than with openness. Prevailing stereotypes of homeless people and homeless individuals' past experiences of discrimination heighten the risk that a homeless patient will feel unwelcome and dehumanized during an encounter.

This study has several limitations. First, our sample of 17 participants, although consistent with qualitative research methods, limits the generalizability of our findings in a statistical sense. Nonetheless, all descriptions of welcoming and unwelcoming experiences included at least some elements of "I-You/I-It" ways of relating, suggesting that our results are likely to be applicable to similar patients in other locations. Second, the rationale for our choice of Buber's "I-You/I-It" conceptualization as an analytic tool may be challenged. Although other theoretical frameworks could have been used, we selected Buber's because it coherently captured important and varied aspects of the nature of patient-physician interactions, which figured prominently in participants' accounts, and because it offered a new and potentially useful understanding of patient-provider interactions. Third, we focused on identifying shared themes in this exploratory study and did not attempt to determine the differential effects of characteristics such as sex, race, or duration of homelessness on experiences of unwelcomeness. Studies of this nature could be the focus of future work. Fourth, study participants often linked their

experiences of unwelcomeness to their homeless state, but such experiences may be shared in common by individuals belonging to a wide range of stigmatized groups or those who frequently use emergency departments as their main source of health care.¹⁸ This is an empirical question that would benefit from additional study. Finally, we sought to understand health care encounters from the perspective of homeless persons and did not aim to critique the objectivity or factual accuracy of their accounts. We worked from the position that participants' accounts accurately described their own honest perceptions and understandings of these interactions. However, homeless people do have a high prevalence of mental illness, substance abuse, and previous traumatic experiences,¹⁹ which may increase their risk of misinterpreting health care providers' verbal and nonverbal cues. Homeless people may also display difficult behaviors that might encourage negative responses from providers. Future studies triangulating the perceptions of both homeless patients and health care providers would address this problem.

In summary, our results indicate that conveying welcome-ness was an important aspect of health care for the homeless persons we studied. Whereas this concept is less tangible than other factors that contribute to the accessibility of health care for homeless people, it is no less important. Healthcare providers may find that Buber's "I-You" way of relating provides an easily remembered outline of the characteristics of a welcoming interaction; it encourages health care providers to approach each patient with openness, humility, and receptivity befitting his or her dignity and fullness as a sacred person. Clearly, this goal can only be achieved by recognizing the unique circumstances of each patient rather than through a mechanically applied formula. Such an approach may prove useful in guarding against the tendency to stereotype patients who are members of a stigmatized group.

Acknowledgments: Dr. Hudak is a recipient of a Career Scientist Award from the Ontario Ministry of Health and Long-Term Care. Dr. Hwang is a recipient of a New Investigator Award from the Canadian Institutes of Health Research. The Center for Research on Inner City Health is supported in part by a grant from the Ontario Ministry of Health and Long-Term Care. We wish to thank Evie Gogosis and Shirley Chiu at the Center for Research on Inner City Health for their expert assistance, and the staff of the Determinants of Community Health course, Faculty of Medicine, University of Toronto. The results and conclusions are those of the authors, and no official endorsement by the above organizations is intended or should be inferred.

Conflict of Interest: None disclosed.

Corresponding Author: Stephen W. Hwang, MD, MPH; Center for Research on Inner City Health, St. Michael's Hospital, 30 Bond Street, Toronto, Ontario M5B 1W8, Canada (e-mail: hwangs@smh.toronto.on.ca).

REFERENCES

1. Burt MR. Helping America's Homeless. Washington, DC: Urban Institute Press; 2001.
2. Link BG, Susser E, Stueve A, Phelan J, Moore RE, Struening E. Lifetime and five-year prevalence of homelessness in the United States. *Am J Public Health.* 1994;84:1907-12.
3. Toronto Report Card on Housing and Homelessness 2003. City of Toronto. Available at: <http://www.toronto.ca/homelessness>. Accessed March 5, 2007.
4. 2006 Street Needs Assessment. City of Toronto. Available at: <http://www.toronto.ca/housing/streetneeds.htm>. Accessed March 5, 2007.
5. Hwang SW. Mortality among men using homeless shelters in Toronto, Ontario. *JAMA.* 2000;283:2152-7.
6. Cheung AM, Hwang SW. The risk of death among homeless women: a cohort study and review of the literature. *CMAJ Can Med Assoc J.* 2004;170:1243-7.
7. Hwang SW. Homelessness and Health. *CMAJ Can Med Assoc J.* 2001;164:229-32.
8. Hwang SW, Bugeja AL. Barriers to appropriate diabetes management among homeless persons in Toronto. *CMAJ Can Med Assoc J.* 2000;163:161-5.
9. Hwang SW, Dunn JR. Homeless people. In: Handbook of Urban Health: Populations, methods, and practice. Galea S, Vlahov D, eds. New York: Kluwer/Plenum; 2005:19-41.
10. Gelberg L, Gallagher TC, Andersen RM, Koegel P. Competing priorities as a barrier to medical care among homeless adults in Los Angeles. *Am J Public Health.* 1997;87:217-20.
11. Kushel MB, Vittinghoff E, Haas JS. Factors associated with the health care utilization of homeless persons. *JAMA.* 2001;285:200-06.
12. Bogart LM. Relationship of stereotypic beliefs about physicians to health care-relevant behaviors and cognitions among African American women. *J Behav Med.* 2001;24(6):573-86.
13. Atkinson PA, Coffey A. Making Sense of Qualitative Data: Complimentary Research Strategies. Thousand Oaks, CA: Sage Publications; 1996.
14. Buber M. I and Thou. Translated by Walter Kaufmann. New York: Touchstone Books; 1996.
15. Thom DH, Hall MA, Pawlson LG. Measuring patients' trust in physicians when assessing quality of care. *Health Aff.* 2004;23(4):124-32.
16. Fiscella K, Meldrum S, Franks P, et al. Patient trust: is it related to patient-centered behavior of primary care physicians? *Med Care.* 2004;42(11):1049-55.
17. Goffman E. Stigma: Notes on the Management of Spoiled Identity. Englewood Cliffs, NJ: Prentice-Hall; 1963.
18. Kushel MB, Perry S, Bangsberg D, Clark R, Moss AR. Emergency department use among the homeless and marginally housed: results from a community-based study. *Am J Public Health.* 2002;92:778-84.
19. North CS, Eylich KM, Pollio DE, Spitznagel EL. Are rates of psychiatric disorders in the homeless population changing? *Am J Public Health.* 2004;94:103-8.

A6009

Understanding Encampments of People Experiencing Homelessness and Community Responses

Emerging Evidence as of Late 2018



A1725

Understanding Encampments of People Experiencing Homelessness and Community Responses:

Emerging Evidence as of Late 2018

January 7, 2019

Submitted by:

Rebecca Cohen

Will Yetvin

Jill Khadduri

Abt Associates

Table of Contents

List of Exhibits.....	ii
Introduction.....	1
What Are Encampments, and What Do We Need to Know About Them?	1
Understanding Encampments	4
Explanations for the Increase in Encampments	4
The Shelter System Falls Short	4
Sense of Safety and Community.....	5
Desire for Autonomy and Privacy.....	5
Access to Illegal Substances	6
Variation in Encampments	6
Resident Characteristics, Social Structure, and Motivations of Residents.....	6
Regional Differences in Encampments.....	7
Community Responses to Encampments	9
Factors that Drive Local Responses.....	10
Community and Political Pressure.....	11
Resource Availability	11
Fear of Litigation.....	11
Effectiveness of Various Responses.....	12
Clearance with Little or No Support	13
Clearance with Support	13
Tacit Acceptance	14
Formal Sanctioning	15
Limitations of the Current Evidence on Encampments	17
Scope and Rigor of the Current Literature on Encampments.....	17
Challenges to Collecting Data on People in Encampments	18
Suggestions for Additional Research	19
Conclusion	21
Appendix A. Methods Used to Conduct the Literature Review and Interviews with Key Informants.....	23
Appendix B. Summaries of Selected Studies	25
Appendix C: Selected Practitioner Resources	31
References.....	32

List of Exhibits

Exhibit 1: Research Questions for the Study of Encampments 2

Exhibit 2: Shortcomings in the Shelter System 5

Exhibit 3: Typology of Responses to Encampments..... 9

Exhibit 4: Search Strings and Limiters..... 23

Exhibit 5: Key Informants..... 24

Introduction

Cities, suburban communities, and rural areas across the United States have seen in recent years the rise of groups of people experiencing unsheltered homelessness together. The term *encampment* is widely used by journalists and researchers to describe these groups, but other terms include *tent cities*, *homeless settlements*, and *homeless camps*. Although their existence is not unprecedented, media reports suggest that the number of encampments has increased sharply in recent years (National Law Center on Homelessness and Poverty, 2017).

People experiencing unsheltered homelessness may perceive staying in an encampment as a safer option than staying on their own in an unsheltered location or in an emergency shelter; however, encampments can create both real and perceived challenges for the people who stay in them as well as for neighbors and the broader community. As community leaders seek to develop and deploy a response, they often are called on to balance multiple, sometimes competing priorities and demands from a diverse group of stakeholders, including community residents, business owners, public health and safety officials, and advocates for disadvantaged populations—as well as the people living in the encampments.

This paper documents what is known about homeless encampments as of late 2018, based on a review of the limited literature produced thus far by academic and research institutions and public agencies, supplemented by interviews with key informants. This paper is part of a larger research study sponsored by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, and the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. This study's goal is to contribute to our understanding of homelessness, including the characteristics of homeless encampments and the people who stay in them, as well as local ideas about how to address encampments and their associated costs.

What Are Encampments, and What Do We Need to Know About Them?

The term *encampment* has connotations of both impermanence and continuity. People are staying in temporary structures or enclosed places that are not intended for long-term continuous occupancy on an ongoing basis. Inhabitants may be a core group of people who are known to one another and who move together to different locations when necessary, or they may be a changing group of people who cycle in and out of a single location. The physical structures that make up encampments can take many forms, including tents on pallets and shanties, or lean-to shacks built with scavenged materials. Structures may be simple or complex multiroom compounds. People experiencing homelessness in encampments may also stay in groups of cars or vans or in manmade tunnels and naturally occurring caves.

Community reactions to encampments have taken a variety of forms. Some communities send police to quickly clear (“sweep”) encampments, with no attempt to provide services or referrals to help people at the encampment find another place to stay. At the other end of the spectrum, some communities permit (“sanction”) encampments formally. Local government or community organizations provide running water and places to prepare food and dispose of waste, as well as healthcare and other services.

The research questions that guided this review are shown in Exhibit 1. In the larger research study, we will attempt to provide information about encampments and the people who are staying in them and to answer these research questions. We sought preliminary information for these questions through a formal examination of the peer-reviewed literature; we also identified and examined non-peer-reviewed reports by academic institutions, public agencies, and other organizations (sometimes called *gray literature*). In addition to conducting literature reviews, we interviewed several key informants who are subject matter experts on encampments. We selected them because they are conducting research on encampments and related topics or they are helping communities devise and implement best practices for dealing with encampments.

Exhibit 1. Research Questions for the Study of Encampments

Understanding Encampments

1. What factors are driving the increase in people living in encampments?
2. What infrastructure or state or local ordinances or other policies impede or promote the establishment of encampments?
3. Who lives in encampments? Are there some subpopulations of people experiencing homelessness who are more likely to form or attach themselves to homeless encampments? Do people staying in the same encampment share certain characteristics? Are there any differences between the unsheltered population living in encampments and those who are unsheltered in other locations?
4. How large are encampments? Do their characteristics vary by size?
5. What types of social structures characterize encampments?
6. Why do people choose to live in encampments? What are the “pull” and “push” factors?

Community Efforts to Address Encampments

7. What steps are communities taking to prevent the establishment of encampments?
8. How are communities responding to encampments? What are the major activities, and which stakeholders are engaged?
9. Can approaches to encampments be categorized—for example, as sanctioning, clearing, or relocating?
10. How do responses to encampments relate to the broader homelessness services system?
11. How do responses to encampments differ across different types of communities?
12. In what ways do these efforts differ from efforts to serve the unsheltered population not living in encampments?

Costs Associated with Encampments

13. What are the direct costs incurred by communities in their efforts to address encampments?
14. How do costs differ depending on different community approaches?
15. How do the costs of managing or addressing encampments compare with the cost of emergency shelter and the cost of permanent supportive housing?
16. What health and safety issues have communities encountered with people staying in encampments?
17. What are the broader societal costs associated with encampments?

We summarize the nascent evidence on encampments in the following two sections. *Understanding Encampments* reviews what we know about why encampments form and what they look like.

Community Responses to Encampments describes the factors that lead communities to adopt various approaches and what we know so far about their effectiveness. Then we describe the *Limitations of the Current Evidence on Encampments*, including some suggestions for additional research beyond the scope of this study. Finally, Appendix A describes how we conducted the literature review and key informant interviews, Appendix B provides additional details on selected studies that were particularly informative as we completed our review, and Appendix C summarizes selected practitioner resources to assist with addressing encampments.

Understanding Encampments

This section describes what we know as of late 2018 about encampments: why there has been a sudden increase in encampment homelessness in the past few years and how encampments vary in resident characteristics, in social structure, and regionally. As discussed herein, conditions can be harsh, volatile, and unhealthy. Still, people may live in encampments (rather than shelters or in other, unsheltered locations) for a variety of reasons, including factors that lead them to reject other types of shelter and factors that attract them to encampments. Section 3 will cover what we know about emerging community responses to encampments.

Explanations for the Increase in Encampments

Researchers generally agree that increases in homelessness are first and foremost the result of severe shortages of affordable housing, combined with a lack of political will to dedicate sufficient resources to address this problem (Shinn and Khadduri, forthcoming). According to a key informant who is helping communities understand how to deal with encampments, when people are in crisis, their decisions about where to stay represent pragmatic choices among the best available alternatives, based on individual circumstances at a particular moment in time. Encampments form in response to the absence of other, desirable options for shelter.

Within this underlying context, several related factors seem to influence whether people experiencing homelessness form or go to encampments rather than stay in shelters or on their own in unsheltered locations. Primary among those factors are (1) shortcomings in the shelter system, (2) a sense of safety and community within encampments, and (3) a desire for autonomy and privacy. Only one peer-reviewed article (Herring, 2014) mentions the potential for greater access to food and services or other material comforts as reasons that people congregate in encampments rather than stay on their own in unsheltered locations. Key informants and other peer-reviewed articles did not identify this as a primary factor influencing the decisions of people experiencing homelessness.

The Shelter System Falls Short

Shortcomings in the shelter system are consistently identified as a primary factor that “pushes” people to congregate in encampments. Many communities have literal shortages in the capacity of the shelter system to provide beds for everyone experiencing homelessness (Herring and Lutz, 2015; National Coalition for the Homeless, 2016; National Law Center on Homelessness and Poverty, 2014; Speer 2018a). In other communities, shelter beds are available but go unused because of regulations or conditions that are incompatible with potential clients’ expectations or needs. Exhibit 2 lists some of the reasons cited in the literature and in key informant interviews why people experiencing homelessness may eschew shelters in favor of encampments. The availability and type of shelter available seem to be key drivers of encampments, as people weigh the disadvantages of staying in a shelter against their tolerance for the difficulties of staying in an unsheltered location (City of San Francisco, 2015; Herring and Lutz, 2015; National Law Center on Homelessness and Poverty, 2014).

Exhibit 2. Shortcomings in the Shelter System

Specific shortcomings in the shelter system that may contribute to increased numbers of people congregating in encampments:

- A supply of shelter beds insufficient to meet the demand; this problem may be exacerbated by limited funding for emergency shelters and by community opposition to creating new or expanded shelter and bridge housing facilities or permanent supportive housing.
- Restrictions in shelters that would result in separation from a partner, family member, or pet.
- Shelter entry/exit times and locations that are inconvenient or incompatible with people's daily routines, including work schedules.
- Concerns about the security of personal belongings; restrictions on the ability to store belongings and difficulty moving belongings in and out of shelters on a daily basis.
- Concerns about personal safety and exposure to germs and disease within shelters.
- Specific barriers to entry, including sobriety requirements and entry fees.
- General perceptions of shelters as "inhospitable," "alienating," "demeaning," and offering little or no support or case management to find permanent housing.

Sense of Safety and Community

People who stay in encampments may see them as offering greater safety and protection from police harassment and aggression (Burness and Brown, 2016), and from assaults or the theft of belongings (Donley and Wright, 2012; Speer, 2017), than if they were unsheltered on their own. This sense of "safety in numbers" may be particularly prevalent in long-standing and highly organized encampments, in which residents have established around-the-clock security patrols and mutually enforced norms and standards for behavior (Lutz, 2015; National Law Center on Homelessness and Poverty, 2014; Sparks, 2017a). In high-cost cities in particular, individuals' decision to congregate in an encampment may be influenced by the behavior of their peers, according to a key informant who is conducting research on encampments. Once a critical mass of people has determined that encampments are a way of dealing with their housing crisis, others may feel emboldened to follow suit. Some cities respond to the presence of an established encampment by providing bathroom facilities and other basic services, making encampments seem to be a reasonable alternative to constant moving, threats of eviction, or shelters.

Desire for Autonomy and Privacy

In contrast to the rules that govern many aspects of shelter stays, staying in an encampment means that people can generally come and go as they please. The ability to exercise autonomy and freedom of movement appears to be a powerful factor that draws some people to encampments (Lutz, 2015; National Law Center on Homelessness and Poverty, 2014; Sparks, 2017a). This independence is sometimes eroded in communities that "normalize" encampments, introducing regulations that restrict residents' activities in the process. When that happens, encampments may in effect become an extension of the same shelter system that people reject in favor of encampments (Herring, 2014; Speer, 2018a).

Access to Illegal Substances

Residents of encampments may or may not be using illegal substances. Nothing in the literature suggests that most or even many encampments are where people congregate primarily to support their drug addiction. That said, in at least one high-profile example, the location of an open-air drug market directly influenced the formation and continued existence of an encampment, according to a key informant studying encampments. In that instance, the availability of a dependable supply of heroin close-by led addicts to stay in encampments in the Kensington area of Philadelphia even though the city had available shelter space.

Variation in Encampments

Researchers and other experts have not yet developed a single, standard set of criteria defining a group of people experiencing unsheltered homelessness as an “encampment.” In this review, the definition we used encompasses a wide variety of scenarios—from established settlements that have a well-defined set of mutually agreed-on and enforced rules to loose congregations that have little to no organization or cohesion. In this section, we describe what our literature search and key informant interviews revealed about the variation among encampments in resident characteristics and social structure; we then summarize how encampments may vary in different parts of the United States.

Resident Characteristics, Social Structure, and Motivations of Residents

The literature has little to say about characteristics that distinguish people experiencing unsheltered homelessness in encampments from those who experience unsheltered homelessness on their own. The U.S. Interagency Council on Homelessness is leading an effort to analyze data records for people experiencing homelessness, along with partner organizations including U.S. Department of Housing and Urban Development, the National Alliance to End Homelessness, California Policy Lab (a nonprofit partnership between the Universities of California Los Angeles and Berkeley), and the consulting firm OrgCode. That effort will provide insights into the characteristics and experiences of people experiencing homelessness in unsheltered locations, including whether they are distinctly different from people who experience sheltered homelessness; however, the data will not make it possible to distinguish people in encampments from people in unsheltered locations generally.

Some studies describe variations in the racial and ethnic composition of encampments. For example, one study conducted outside Orlando, Florida, engaged 39 people staying in encampments in focus groups. Nearly three-fourths of participants were men, and most were White—a demographic composition characterized by the local outreach team as generally representative of people experiencing unsheltered homelessness in the area. In contrast, downtown shelters in Orlando had a much larger population of African Americans (Donley and Wright, 2012). Seattle’s evaluation of its sanctioned encampments also found fewer people of color in encampments relative to emergency shelters (City of Seattle, 2017). The demographic makeup of people staying in encampments in Oakland, California, seems to include a larger share of people of color, but individual encampments are segregated along racial and ethnic lines (Jones et al., 2015).

The internal organization and motivations of residents significantly vary among encampments. Some encampments have a strong social structure and organization, sometimes with oversight or assistance from local charitable or faith-based organizations. Residents may be required to assume responsibility

for day-to-day operations, including security patrols and other duties (City of Seattle, 2017; Lutz, 2015). Residents may vote in governance decisions, and they may be expected to attend weekly resident meetings in accordance with an encampment-wide code of conduct (Sparks, 2017a). A key informant conducting research on encampments described the social structure established by a group of mothers staying with their children in a recently cleared encampment in Oakland, California. Residents of the encampment prohibited drug use and shared responsibility for childcare. These expectations promote a sense of community and have been credited with helping encampment residents “feel human” and believe that they have something to contribute (Sparks, 2017b).

Other encampments have less cohesion and more informal rules and structure, which may on occasion result in friction and conflict among residents (Sparks, 2017a). Larger encampment “communities” may be less cohesive than smaller groups composed of family members and friends (City of San Francisco, 2015). In addition, the potential for exploitation exists in encampments, according to key informants conducting research on encampments. For example, younger people may offer to provide protection to older residents but then expect some form of compensation in exchange. Encampments formed around access to opioids in Philadelphia seem to have no leadership structure at all; however, according to a key informant conducting research on encampments, rarely do people living in an encampment have a complete lack of interaction with each other. People staying together in encampments tend to look out for one another and have some sense of solidarity.

Motivations of encampment residents may differ, as well. According to key informants who are helping communities develop responses to encampments, some residents of encampments are eager to access services and permanent housing. Others clear out in advance of a sweep, even if the sweep may provide them with access to services. Such variation might occur within one encampment if it is large enough. For example, when more than 700 people were cleared from the Santa Ana River encampment in Orange County, California, some people accepted help and were able to find housing or went to drug treatment centers, whereas others simply left for another encampment. When encampments have formed in areas that provide dependable access to illegal drugs in general and opioids in particular, referrals to housing and services are likely to be met with a mixed reaction, depending on the timing of individual residents’ addiction trajectories and the characteristics of the shelters that are an alternative to staying in the encampment.

Regional Differences in Encampments

Cities in the Northeast, where winters can be harsh, are more likely than cities in other parts of the country to have relatively large shelter systems. According to a key informant who is conducting research on homelessness, this difference in the homelessness services system is reflected in the characteristics of people experiencing unsheltered homelessness, including those who stay in encampments. According to her observations, in cities with large numbers of shelter beds, the unsheltered population tends to have high rates of disability and mental health issues, which may create challenges to entering shelters. In contrast, in West Coast cities with limited shelter availability (or where barriers to shelter use are higher), the unsheltered population represents a greater mix of people, including those who do not have behavioral health disabilities but are unable to access shelter for other reasons. They may be recently homeless and unfamiliar with the shelter system, or they could be unwilling or unable to comply with the requirements of relatively high-barrier shelters on the

West Coast, or they may simply be unable to find an available shelter bed. As on the East Coast, many people in West Coast encampments are not able to tolerate or navigate the shelter system because of mental health or substance abuse disorders; however, West Coast encampments are also likely to include people who do not face those challenges.

According to researchers in the San Francisco Bay Area, those who stay in encampments may even have support from family members who visit regularly and bring food and medication or who invite them in to shower and do laundry (Jones et al., 2015). According to key informants who are researching encampments in the West, people who are now staying in encampments in western states could maintain stable housing without supportive services if they had rental assistance or other income support. For those individuals, the lack of access to affordable housing and shortages of shelter beds are the primary factors driving them to experience homelessness in encampments.

The physical nature of encampments often reflects regional differences in the geographic setting, including the natural features and available land. For example, an encampment in Southern California's Coachella Valley consists of a variety of structures detached and spread out across a contiguous area. In Columbus, Ohio, encampments are composed of tightly clustered tents and lean-tos. In San Francisco, people form encampments along the edges of highways and train tracks and under elevated freeways. In Las Vegas, encampments can be found in an underground tunnel system. The location of encampments balances two factors: maximizing convenience (that is, ease of access to the resources people use to address their daily needs) and minimizing visibility (that is, avoiding complaints to the city that could result in the encampment being cleared) (City of San Francisco, 2015).

Regional variation in encampments may also reflect the different ways that cities respond to encampments. Section 3 presents a typology of community responses to encampments and discusses the evidence—at this point, scant—on the effectiveness of those various approaches.

Community Responses to Encampments

Local responses to encampments are evolving in many communities, as stakeholders seek to identify the best strategies to address this growing phenomenon. Approaches vary along many dimensions but can be broken into four basic categories, as described in Exhibit 3. Specific activities range from sending police to quickly clear (“sweep”) the encampment—providing little or no support to help people find another place to stay—to formally sanctioning encampments and providing onsite services.

Communities commonly use more than one response at a time to manage encampments, depending on resource availability, the location of encampments, and the characteristics of people congregating in encampments. For example, Las Vegas has created the Courtyard, a one-stop resource center that includes secure space to sleep outside, but it also deploys outreach teams that include law enforcement officers to clear encampments. Jurisdictions within the same region may adopt different strategies to address encampments. According to key informants helping communities to develop responses to encampments, communities may need to use a variety of approaches at the same time to serve populations that have different needs. When those efforts are not well coordinated across departments or neighboring jurisdictions, however, they may act at cross-purposes. For example, a jurisdiction that clears encampments, with little notice and no support, may undermine efforts to build relationships and trust in a neighboring jurisdiction that tacitly approves encampments.

Exhibit 3. Typology of Responses to Encampments

Category	Characteristics
Clearance With Little or No Support	• Notice of pending sweeps provided only a few days in advance, if at all • Belongings stored for a short period of time, if at all • Few or no shelter or service referrals provided • Regulatory or physical barriers to secure the site of the former encampment and keep it from being reoccupied
Clearance With Support	• Notice of pending sweeps provided weeks in advance, often by trained outreach workers who have experience working with people experiencing unsheltered homelessness • Longer term storage of belongings available • Referrals to shelter or services provided by outreach workers, who also accompany the first responders and sanitation crews who clear encampments

COMMUNITY RESPONSES TO ENCAMPMENTS

Category	Characteristics
Tacit Acceptance	• Encampments allowed to persist regardless of whether laws or ordinances explicitly authorize or prohibit their existence • Longer term storage of belongings available • Basic services or infrastructure provided, in particular to address public health and sanitation concerns (for example, portable toilets, showers, and potable water) • Outreach workers may visit the encampment to provide referrals to permanent housing, shelter, and services
Formal Sanctioning	• Encampments permitted by law or ordinance on public and or privately owned property, usually only in designated locations • May have established rules that govern the size, location, or duration of encampments • May have a public agency or nonprofit organization manage encampments • Infrastructure and public services—which may include laundry and potable water, common spaces for eating and meeting, lockers for storing belongings (including on a longer term basis), meal services and food donations, job training programs, access to mail and voice mail services—provided by the municipality and private or faith-based organizations and volunteers • May provide case management, including assistance applying for transitional or permanent housing and other benefits, appealing denials, and managing funds

Cities also use strategies to prevent encampments from forming. Some communities enact laws prohibiting activities associated with encampments, such as lying down or erecting structures on public space. More than one-third of U.S. cities have adopted camping bans, citing health and safety concerns (National Coalition for the Homeless, 2016). Researchers at the University of Denver identified more than 350 antihomelessness ordinances in Colorado's largest cities (Adcock et al., 2016). Other approaches include physical modifications to the built or natural environment, such as securing vacant lots and buildings to restrict access, clear-cutting brush that could provide cover for encampments, and installing sprinklers in areas where encampments might form (Chamard, 2010; National Law Center on Homelessness and Poverty, 2014). When an encampment is cleared, with or without support, the community may also impose new regulatory or physical barriers to keep the encampment from reemerging in the same location or in other parts of the community.

Factors that Drive Local Responses

Cities respond to encampments for a variety of reasons, and the goals of the interventions may vary—from cleaning up a business area, to helping people access shelter, to helping people obtain permanent housing. Even within the same jurisdiction, different stakeholders may have different definitions of success in dealing with encampments. For example, the transit authority may have a goal of breaking up encampments adjacent to a railroad bed, the department of public health may want to prevent the

spread of disease, the housing department may be working to end homelessness, and community homeless advocates may be focused on avoiding adverse consequences for the encampment population. Those differing views will also influence the strategy, or set of strategies, used by the city to address encampments (Burness and Brown, 2016; Jones et al., 2015) and can make comparing interventions across communities difficult. The factors that were most commonly cited in the literature as influencing cities' approaches to encampments are (1) community and political pressure, (2) resource availability, and (3) fear of litigation.

Community and Political Pressure

According to researchers and key informants who are helping communities devise strategies to address encampments, the “nuisance” factor is the key policy driver. Outreach teams or police usually are deployed only when community residents or other stakeholders complain about an encampment. At that point, interventions need to be visible and quick to demonstrate responsiveness to community concerns and to relieve political pressure (National Law Center on Homelessness and Poverty, 2014). In the absence of sufficient resources to move everyone into permanent housing, communities often employ a clearance strategy, with or without support, that moves people out of sight or farther from central business districts, where their presence can affect economic growth (Speer, 2018b).

Cities typically prioritize efforts in neighborhoods where political pressure is greatest. Not surprising, those neighborhoods often are not the locations with the highest levels of unsheltered homelessness and encampments, according to key informants who are helping communities devise strategies to address encampments. In areas with low visibility, with little or no community pressure, cities may pursue a policy of tacit acceptance—even if encampments exist in violation of a no-camping ordinance (Herring, 2014).

Resource Availability

Concern for community and resident well-being would, ideally, be the primary factor shaping cities' encampment response strategies; however, resource limitations may require city leadership to make trade-offs and choose an approach that works within existing constraints (Herring and Lutz, 2015; Loftus-Farren, 2011; National Law Center on Homelessness and Poverty, 2014). In Philadelphia, for example, according to a key informant conducting research on encampments, recent efforts that could be characterized as clearance with a high level of support were limited to two of four known opioid encampments because the city lacked funding to provide services and shelter for people congregating in all four. Without the ability to provide rent assistance or needed services, the city adopted a policy of tacit acceptance at the remaining two encampments. Cities may also create sanctioned encampments in lieu of providing permanent rent subsidies, or cities may pursue clearance with little or no support if they lack the resources to provide any additional assistance.

Fear of Litigation

Fear of legal challenges influences how cities approach closing encampments. Local jurisdictions want to avoid being taken to court over due process and cruel and unusual punishment challenges, according to a key informant engaged in research on encampments. This concern is likely to grow following the September 2018 ruling of the Ninth Circuit Court of Appeals in *Martin v. City of*

COMMUNITY RESPONSES TO ENCAMPMENTS

Boise.¹ Courts have found that depriving homeless people of the rights to perform survival activities in public spaces when no alternatives are available violates the 1st, 4th, 5th, 8th, and 14th Amendments to the Constitution (Kieschnick, 2018; National Law Center on Homelessness and Poverty, 2014). In *Martin v. City of Boise*, the court held that “as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property.”

Some legal challenges have resulted in settlements, which generally call for minimum notice before clearance of encampments, requirements for storage of personal belongings, and compensation for people who are swept from encampments and for their attorneys (National Law Center on Homelessness and Poverty, 2017). In January 2018, advocates brought a lawsuit against officials in Orange County, California, following the clearance of a massive encampment along the Santa Ana riverbed. As of October 2018, elements of a preliminary settlement agreement were more expansive and included a commitment to provide proactive outreach and engagement, as well as referrals to services, before evicting people from encampments; development of “standards of care” by the county for homelessness services programs; drawdown of funds already available to support “programs, services, and activities” for people experiencing homelessness; adoption of due process protections; establishment of a method for formally addressing requests for accommodations under the Americans with Disabilities Act; and referrals to collaborative courts² to handle citations.³

Effectiveness of Various Responses

The effectiveness of responses to encampments may be thought of as creating positive outcomes for the people who stay in encampments, creating positive outcomes for the broader community, or both. At this point, research that attempts to measure any such outcomes in a rigorous way is limited. Findings from anecdotal reports in individual cities are not broadly generalizable or transferable. To begin to address gaps in existing knowledge, the National Alliance to End Homelessness, U.S. Interagency Council on Homelessness, and U.S. Department of Housing and Urban Development are working with state and local partners to develop and test strategies for addressing unsheltered homelessness, including encampments. The Arnold Foundation (2018) is exploring the effectiveness of interventions that first responders can use to address unsheltered homelessness. Those projects are still in the early stages and are complicated, according to a key informant, by the absence of baseline data from which to evaluate the effectiveness of the responses. According to a researcher currently working on encampments, intensive outreach work will be needed to establish study samples, and a

¹ The Ninth Circuit has jurisdiction over nine states in the western United States, including Alaska and Hawaii, as well as the District of Guam and the District of the Northern Mariana Islands.

² Collaborative courts are an alternative justice model that focuses on treatment and behavior change (rather than sentencing) to help defendants improve their lives. Homeless courts are one type of collaborative court. According to the California Association of Collaborative Courts, these are “special court sessions held in a local shelter or other community site designed for homeless citizens to resolve outstanding misdemeanor criminal warrants.” <https://www.ca2c.org/types-of-collaborative-justice-courts/>

³ Orange County Catholic Worker et al. v. County of Orange et al., Joint Statement of Settlement Progress (Central District of California, 2018) <https://scng-dash.digitalfirstmedia.com/wp-content/uploads/2018/10/oc-homeless-plaintiffs-lawsuit-settlement.pdf>.

high level of resources will be required to track people's experiences over time and to measure outcomes, but those efforts will be necessary to develop appropriate policy responses.

Without the availability of strong evidence, cities adopt approaches that seem to be best practices. Local responses also depend on the community's goals and priorities, which may include reducing crime, eliminating health hazards, or improving a business district—and may or may not include housing people experiencing homelessness. In the following sections, we provide descriptive and inferential information on the factors that may determine the effectiveness of responses, including the approach selected, the characteristics of encampment populations, and available resources. We summarize the current state of knowledge for various types of approaches.

Clearance with Little or No Support

Cities that adopt a policy of clearance with little or no support may justify this approach as “tough love” that encourages people in encampments to enter city-operated shelters (Lutz, 2015; National Coalition for the Homeless, 2016). The literature and key informants, however, agree that sweeps of encampments do little to increase shelter usage or otherwise resolve the problem of encampments (National Law Center on Homelessness and Poverty, 2014). Especially in communities with many low-visibility places, people are likely to simply pack up and move on to another location (Junejo, Skinner, and Rankin, 2016) or reestablish the encampment at the former site once the city has cleaned the area.

Clearance with little or no support may actually *reduce* the likelihood that people will seek shelter because it erodes trust and creates an adversarial relationship between people experiencing homelessness and law enforcement or outreach workers. In a survey of encampment residents in Honolulu, 21 percent of respondents said that they were less able or likely to enter shelters after sweeps, and 68 percent said that the sweeps had no effect on whether or not they went to shelters, although those responses seem mostly to be the result of undesirable shelter conditions (Dunson-Strane and Soakai, 2015). Another study conducted in Seattle finds that only one-third of encampment residents “accepted offers of alternative shelter after a sweep” (Junejo, Skinner, and Rankin, 2016: 16). Analyzing interviews with both outreach staff and encampment residents in Oakland, California, Jones and his colleagues hypothesized that continuous sweeps cause people experiencing unsheltered homelessness to “focus on short-term needs and immediate coping strategies,” disrupting the level of stability necessary for encampment residents to engage in long-term planning (2015: 82). People forced to relocate during a sweep may have difficulty reconnecting with outreach workers who have been working with them, and any progress made toward moving into housing or accessing services could be lost. Experiences in Honolulu, Seattle, and Oakland suggest that sweeps are disruptive to people who are attempting to stabilize their lives and find a pathway to housing, and they may have lasting traumatic psychological and emotional impacts (Jones et al., 2015; Junejo, Skinner, and Rankin, 2016).

Clearance with Support

The support provided in responses that can be characterized as clearance with support may include extensive outreach in advance of clearance and referrals to existing shelters or housing programs. Communities may also make changes to policies on eligibility and rules for supportive housing or

drug treatment programs. They may create entirely new programs to facilitate entry by people formerly staying in encampments. For example, San Francisco created a new type of shelter, Navigation Centers, to provide shelter-averse people with room and board and access to case management and other services provided by public, nonprofit, and faith-based partners. The low-barrier model waives many of the policies commonly cited as obstacles to shelter: Navigation Centers do not have sobriety requirements, and people may come with their pets and partners, bring their belongings, and stay all day—there are no required entry or exit times. Space in the Navigation Centers is limited, however, and drop-ins are not accepted; instead, access is determined by the city’s Homeless Outreach Team (SF HOT) case by case as space becomes available, with a focus on serving the most vulnerable people in San Francisco’s encampments. Considerations by the outreach team include the length of time someone has been experiencing homelessness, shelter usage over a 6-month period, and motivation to move to permanent housing (San Francisco Health Network, 2018). Some evidence suggests that people strategically make themselves visible on the street in areas where the SF HOT will be making referrals so that they can gain access to the Navigation Centers, but no evidence indicates that people leave shelters in pursuit of a referral to a Navigation Center (City of San Francisco, 2015).

An evaluation of efforts to clear two encampments in Philadelphia’s Kensington neighborhood provides a comprehensive look at another approach to clearance with support. After intensive and continuous outreach to and engagement of people staying in the Kensington encampments, outreach workers offered their clients emergency shelter in low-barrier “respite” and “navigation” centers, with access to case management and drug treatment services. The city also relaxed shelter admission requirements and rules and expectations for residents (Metraux et al., 2019). According to key informants developing policies to address such “drug encampments,” enrolling people who are addicted to opioids and other substances into rehabilitation services may be difficult. Efforts to streamline access to drug treatment, however—including waiving requirements for identification and preauthorization and helping people get their documents in order—may ensure that treatment is available to them when they are ready to accept it.

Several key informants reported that communities are beginning to add social workers or community mental health workers to outreach teams. Law enforcement officials often are the only people on call to handle complaints around the clock, and community members may be more likely to call the police than to call a homeless hotline. When outreach teams include trained members, they can offer referrals to services and can begin to establish trust and build relationships with people experiencing homelessness in encampments. Without adequate funding for affordable, bridge, or permanent supportive housing, however, clients may end up back in encampments despite a robust outreach effort.

As of this review, policymakers and practitioners are developing promising practices to support residents of cleared encampments, and researchers are developing descriptive data and hypotheses for testing that approach.

Tacit Acceptance

Some cities tacitly accept encampments, not through sanctioning by law but by a lack of enforcement or by selective enforcement. Cities may tacitly accept homeless encampments to reduce the costs of

enforcing anti-camping ordinances or ordinances that prohibit lying down or sitting down in public places. Homeless people are permitted to congregate in areas that do not generate complaints from local businesses and residents (Herring, 2014). In Fresno, California, for example, police have carried out a more active clearance approach in the higher rent, downtown business districts, but they take a hands-off approach within an abandoned industrial zone (Herring, 2014; Speer, 2018b). In some cases, cities may provide basic services, such as potable water and security, without formally sanctioning the encampment (Loftus-Farren, 2011), and outreach workers charged with helping people resolve unsheltered homelessness may focus on people staying in the tacitly accepted encampments. In addition to having political reservations to sanctioning encampments, city officials may refuse to formally sanction encampments “on the grounds of increased liability, expenditures, and conflicts with health and zoning codes” (Herring, 2014: 298).

The literature we reviewed did not provide any indication of the effectiveness of tacit acceptance of encampments either in helping people resolve the circumstances that made them homeless or in limiting the negative consequences of encampments for the community.

Formal Sanctioning

Some cities formally sanction encampments through a variety of mechanisms: issuing temporary use permits; changing land use and zoning ordinances to permit encampments (which may place limits on the duration and number of people at each site); and creating designated campgrounds that have standards for operations and services to be provided on site. Some sanctioned encampments are managed publicly; others are self-governed but have public and private assistance and oversight.

- ***Publicly managed encampments.*** In some cases, sanctioned encampments are created and operated by the city, sometimes with nongovernmental community partners. Establishment of those encampments often is motivated by a desire to contain people who are unsheltered in a specified area where service delivery can be concentrated and public health risks controlled. For example, in 2017, the City of Las Vegas established the Courtyard Homeless Resource Center, where people can sleep in a secure, open-air, and sheltered courtyard with access to an array of amenities. The Courtyard is funded with public dollars and is currently operated by the city, with medical, employment, and other services provided on site through a variety of partners (City of Las Vegas, 2018).
- ***Safe parking programs*** provide similar structure and access to services for people who are experiencing homelessness and using a car, van, or RV as their primary place of shelter. People staying in their vehicles apply for a permit to safely and legally park overnight in designated lots that typically have some form of security and access to restrooms and other sanitation facilities. These programs are intended to offer transitional assistance for people who are interested in securing permanent housing and, as such, the programs provide access to extensive case management and other social services. Most programs use background checks to screen out sex offenders and recent violent felons, and program participants are required to have their own car insurance and comply with program rules and regulations. Safe parking programs are most common in West Coast cities. Program data from local jurisdictions in California indicate that participants have successfully accessed housing,

COMMUNITY RESPONSES TO ENCAMPMENTS

although rates of placement vary widely, from 5 percent in Santa Barbara to 65 percent in San Diego (Homelessness Policy Research Institute, 2018).

- ***Self-governed encampments with public and private assistance and oversight.*** Rather than establishing new areas for unsheltered people to congregate, some cities sanction existing encampments. This process typically involves establishing a legal framework for their continued existence and organizing services but allowing the encampment to continue as a self-governed enterprise. In 2011, the Seattle City Council adopted an ordinance to permit transitional encampments as an “accessory use” on land owned or controlled by a religious organization and established health and safety standards for those encampments. A similar ordinance passed in 2015 extended those standards to city-owned or private, nonreligious property. Seattle’s Human Services Department selected several nonprofit organizations with experience supporting unsheltered homeless people to provide service-enriched case management, including referrals to diversion programs and shelters, access to legal services and rapid rehousing programs, and employment training and educational referrals at three newly established, permitted encampments (City of Seattle, 2017).

In a city-sponsored evaluation (City of Seattle, 2017) that attempted to assess the effectiveness of formal sanctioning, Seattle documented a positive response from communities around the new encampments. Data and information about crime levels collected by the Seattle Police Department suggest that crime has not significantly increased in the areas surrounding the encampments since they were established. Authors of the evaluation view the self-managed governance structure positively, as an opportunity for residents to build confidence and leadership skills. Between September 2015 and May 2017, 759 people stayed in Seattle’s six permitted encampments, and 16 percent (121 people) transitioned to permanent housing. It is unclear how generalizable these findings are to other communities.

Sanctioned encampments are best understood as an interim solution to address the immediate conditions of people experiencing unsheltered homelessness. Such encampments are not themselves a solution to homelessness, and cities will need to invest in permanent solutions, such as housing that is affordable to extremely low-income people, permanent supportive housing, mental health services, affordable healthcare, and perhaps also supervised drug consumption sites and low-barrier employment opportunities (Junejo, Skinner, and Rankin, 2016; Loftus-Farren, 2011; Parr, 2018). Currently, limited evidence suggests that sanctioned encampments help to reduce homelessness; we also do not know whether certain types of sanctioned encampments are more effective than others.

Limitations of the Current Evidence on Encampments

In this section, we describe limitations in the rigor and scope of the literature considered in preparing this review, as well as challenges to collecting data on the encampment population. We conclude with some recommendations for additional research found in the published literature or made by key informants interviewed as part of this scan of current evidence on encampments.

Scope and Rigor of the Current Literature on Encampments

Research on the nature and causes of homeless encampments is still in the nascent stages, as is evaluation of community responses to encampments. In many ways this is parallel to the state of research on homelessness during the 1980s, when modern homelessness, sheltered and unsheltered, first became apparent and was the focus of news reports and efforts to document and understand the phenomenon. As of late 2018, the research literature on encampments is primarily descriptive, relying on reviews of articles in the news media, along with some ethnographic research and fieldwork that includes interviews with encampment residents, service providers, city staff, and community members. Administrative data are used in only a few cases (Metraux et al., 2019; Speer, 2017). In general, sample sizes are small, with analysis limited to interviews with a small number of community stakeholders or encampment residents.⁴ Researchers almost exclusively use convenience samples rather than representative samples of encampment populations. Evaluators have not yet begun to use methods that compare the results of a response to encampments with what would have happened in the absence of the policy or practice.

So far the literature focuses heavily on West Coast cities, especially Fresno and San Francisco, California; Portland, Oregon; and Seattle, Washington. An exception is a descriptive study by the National Law Center on Homelessness and Poverty (2014) that deliberately focuses on East Coast and Southern cities.⁵ The ethnographic research reviewed for this paper focuses on people in encampments that are sanctioned, either formally or tacitly. This type of research, which relies on observation of people and conditions within encampments, would be more difficult to carry out in communities that have an encampment clearance policy.

Our scan of the literature identified only one study that begins to develop standards for evaluating the effectiveness of various responses to encampments. Jones and his colleagues (2015) provided standards for three criteria—effectiveness, equity, and implementation feasibility—and use them in connection with resident, service provider, and stakeholder interviews to assess whether alternative approaches would be more effective than a current policy of clearing encampments in Oakland, California (see Appendix B for a description of the study). Some local jurisdictions have started to track housing placements among people who formerly stayed in publicly sanctioned encampments

⁴ Research methods and rigor differ little between the peer-reviewed literature and the reports of public agencies and other organizations. Both types of literature rely heavily on media reports and on qualitative interviews.

⁵ The cities are Lakewood, New Jersey; New Orleans, Louisiana; Providence, Rhode Island; and St. Petersburg, Florida.

LIMITATIONS OF THE CURRENT EVIDENCE

(City of Seattle, 2017; Hunter et al., 2016), but assessing how rigorous and successful those tracking efforts will be is difficult.

Little information is available on the direct and indirect community costs associated with encampments. Some reports provide partial accounts of the costs of various activities associated with local responses to encampments. None attempt a rigorous analysis of the costs of a response type or a comparison with the costs of other interventions for people experiencing homelessness. Adcock and her colleagues (2016) provided a thoughtful methodology for calculating the cost of enforcing ordinances that criminalize homelessness in Denver and the state of Colorado, but that analysis pertains to unsheltered homelessness in general; it is not limited to encampments. Some case studies report expenditures associated with various activities related to encampments (City of Seattle, 2017; Jones et al., 2015). Complicating the documentation of costs, encampment-related expenditures often are spread across multiple agencies and contracts (for example, department of public works for refuse disposal, department of human services for case management), sometimes without a budget category or line item specific to encampments (Junejo, Skinner, and Rankin, 2016).

Challenges to Collecting Data on People in Encampments

Some local jurisdictions have started to collect and report data on the characteristics of people who stay in encampments. The types of information collected include these:

- Basic demographic data, such as gender, age, race, veteran status and discharge type, and first language (City of Seattle, 2017; Metraux et al., 2019)
- Earned income or benefits receipt (City of Seattle, 2017)
- History of domestic violence (City of Seattle, 2017)
- Physical and mental health conditions (City of Seattle, 2017)
- Duration of homelessness (City of Seattle, 2017; Hunter et al., 2016; Metraux et al., 2019)
- Current living conditions (Metraux et al., 2019)
- Where they were staying before the encampment (City of Seattle, 2017; Hunter et al., 2016)
- Potential barriers to entering shelter, such as pets, partners, or a significant number of belongings (Hunter et al., 2016)

That type of data may be collected during the intake process at sanctioned encampments, through outreach to people staying in tacitly accepted encampments, or during the process of encampment clearance. One of the key challenges of any data collection effort associated with encampments is capturing a representative sample of people. As described by a key informant who is conducting research on encampments, people who stay in unsanctioned encampments often strive to keep off the public radar, and they may differ in important ways from the subset of people who are visible for data collection efforts. According to this key informant, outreach workers are generally better received when they make low demands, offer something that people in encampments might want or need, and share demographic characteristics or lived experiences with those in encampments. People who stay

LIMITATIONS OF THE CURRENT EVIDENCE

in encampments may be wary of authority figures and are more likely to welcome outreach workers who do not act or present as such. These same considerations may also apply to sanctioned encampments.

Data collection efforts are also hampered by the transient nature of people experiencing unsheltered homelessness and the limited capacity of outreach teams to comprehensively canvas the less visible and less accessible geographies within their communities. Intensive and time-consuming outreach and follow-up efforts are required to collect information about encampment residents over time. Mental illness and substance use can also complicate data collection because the responses of affected individuals to questions may be unreliable.

Suggestions for Additional Research

As part of this review of the current evidence base on encampments, we gathered suggestions from the key informants we interviewed—people who are conducting research on encampments or advising communities on strategies for addressing encampments—for additional research that could advance the field in a variety of ways. Some of the published literature we reviewed also included suggestions for additional research that would support deeper understanding of the nature of encampments and would inform program design going forward. These ideas for additional research include the following:

- ***Understanding the characteristics of people who are living in encampments.*** What are the characteristics of people in encampments, including their immediate past experience? Are they different in meaningful ways from other people experiencing unsheltered homelessness? Are there significant differences in the characteristics of people who live in different types of encampments—for example, in groups of cars or other vehicles compared with encampments of tents or other structures? How long have they lacked stable housing? Where were they living before their stay in the encampment? What were their circumstances that contributed to them staying in an encampment? How often are families with children living in encampments, and how are their characteristics, needs, and vulnerabilities different from those of individual adults? This type of information could help to improve the targeting of efforts to prevent homelessness and stays in encampments.
- ***Understanding the experience of people experiencing unsheltered homelessness in encampments.*** How do they spend their days? How long do people stay in encampments, and where do they go when they leave encampments (how often do people continue to experience unsheltered homelessness, how often do they find housing, and how often do they go to shelters or other settings, including treatment programs)? What are their service utilization patterns and the costs of their service use? With a better understanding of the behaviors and needs of people who are living in encampments, practitioners and policymakers can design and implement more effective interventions that meet those needs. Research projects can draw on integrated data systems, real-time surveys, and interviews with people with lived experience. Some of the best early opportunities may be in states and local jurisdictions that already link data systems.

LIMITATIONS OF THE CURRENT EVIDENCE

- ***Understanding the relative effect of interventions currently in use.*** Do people who receive extensive outreach and referrals in advance of an encampment clearance fare better than those who stay in formally sanctioned encampments? Do outcomes vary depending on who conducts the outreach? Do sanctioned encampments achieve higher rates of exits from homelessness than do other approaches to ending homelessness for unsheltered people? Do the outcomes of people who formerly stayed in encampments differ over time, depending on the type of assistance they receive?
- ***Exploring racial/ethnic disparities in access to the homeless services system.*** Studies in Oakland, Orlando, and Seattle point to the possibility of racial segregation, and perhaps self-segregation, of encampment populations—and, by inference, of populations using shelters. Research could explore the reasons for these patterns, including possible barriers to entry into shelters or to programs providing permanent housing that affect particular racial/ethnic groups.
- ***Understanding community responses to the presence of encampments.*** What are community members' expectations regarding responses to unsanctioned encampments in their neighborhoods and approaches to resolving them? How are community members' responses shaped by stigma or bias related to race, homelessness, poverty, mental health needs, and substance use? How do community members respond to sanctioned encampments, and are factors present that determine whether sanctioned encampments experience more or less acceptance? What strategies can public and private agencies use to keep community members informed of their approaches to assist people living in encampments?

Conclusion

In recent years, encampments of people experiencing homelessness have become pervasive in communities across the United States. They can be found in busy neighborhoods in large cities, isolated rural areas, and everywhere in between. Encampments may be as small as a cluster of 8 to 10 households next to a highway entrance ramp, or they may encompass multiple structures scattered across several acres of parkland or industrial areas. The encampments that are visible to outside observers take many forms, including tents, lean-to shacks and shanties, and groups of cars or vans; other encampments that are not so visible are hidden in manmade infrastructure or natural features. The motivations and circumstances of people staying in encampments are as varied as their size, shape, and location.

Despite this diversity, at the root of all encampments is a need for greater investment of resources to address severe shortages of affordable housing. Absent this commitment, people experiencing homelessness are forced to find other places to stay, and encampments may be the best alternative among a limited set of options. Articles in the peer-reviewed and gray literature document a consistent set of factors that contribute to people's decisions to stay in encampments rather than in shelters or in other, unsheltered locations. Shortages in the availability of shelter beds, policies that create barriers to entry, and undesirable conditions inside shelters all influence people to seek an alternative place to stay. When shelters cannot fulfill their needs for safety, sense of community, and the freedom to come and go at will, people experiencing homelessness may decide to stay in encampments.

Local jurisdictions are pursuing a variety of strategies to address encampments and the challenges they pose to health, safety, and well-being. The most rudimentary of those approaches is to "sweep" encampments, the primary goal of which is clearing out the people staying in them. Preliminary evidence suggests that this response of clearance without support results in disruption and trauma for inhabitants of the encampments but does little to resolve the problem. Encampments are quickly reestablished in a new location or even back on the recently cleared site. We know little about the effects of other responses that provide support to people in encampments, including responses that allow encampments to persist—through either tacit acceptance or formal sanctioning—and clearance efforts that are accompanied by outreach and referrals to housing and services.

Communities are experimenting with new service approaches to assisting people living in encampments. The Navigation Centers that were first established in San Francisco now are being replicated elsewhere but, so far, not based on strong evidence of their effectiveness. The logic is that removing many of the barriers that cause people to seek alternatives to emergency shelters and including intensive case management to help clients secure permanent housing will prevent encampments from forming and provide a transition to permanent housing for people moved out of encampments. Other cities are relaxing admission requirements for drug treatment programs to expedite entry by people in encampments. Still others are pairing first responders with trained outreach workers who can help make connections to appropriate services. More research will be needed to assess the results of these and other initiatives.

We do not know enough about the characteristics and experiences of people who stay in encampments. Collecting even baseline information can be difficult when many people actively try to escape public notice. Data collection challenges also complicate efforts to understand the costs and effectiveness of public responses to encampments. Practical and political barriers will have to be overcome to arrive at meaningful findings that can inform policymaking and practice.

This review of what we know as of late 2018 about encampments is part of a larger study sponsored by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, and the U.S. Department of Housing and Urban Development, Office of Policy Development and Research that will help increase the body of knowledge. We will use interviews with stakeholders in nine communities and site visits to four communities to collect information on the causes and characteristics of encampments and on community responses to encampments. The site visits to four communities also will attempt to document the public costs of various strategies for addressing encampments.

Appendix A. Methods Used to Conduct the Literature Review and Interviews with Key Informants

Scan of Peer-Reviewed Literature

To identify relevant peer-reviewed literature, we searched EBSCO Discovery Service, which provides a comprehensive search of academic journals and databases, and Google Scholar. Specific search strings and limiters used are listed in Exhibit 4.

Exhibit 4. Search Strings and Limiters

Search string used:

- “homeless encampment” OR “tent city” OR “homeless settlement” OR “homeless camp”

Limiters used:

- Peer-reviewed journals
- Published on or after January 1, 2011
- Published in English

We compiled references and abstracts from all database returns using Zotero software. We then reviewed all abstracts, identifying 43 articles for retrieval and further review. We excluded articles if they focused on encampments serving a non-homeless population, such as refugees or protesters. We also excluded research on homeless encampments in an international context because experiences with encampments and unsheltered homelessness in other countries diverge in important ways from the experience in the United States.

We identified 16 articles from more than 500 returned results that addressed the research questions shown in Exhibit 1 in the introduction. Those 16 articles include several written by the same primary author that draw on a single dataset. Under other circumstances, we might exclude a portion of the similar articles from review; however, given the small body of research on encampments, we opted to consider them all.

Scan of Gray Literature

We searched websites of government agencies, nongovernmental organizations, and academic institutions to supplement the peer-reviewed literature and identify relevant unpublished literature, white papers, presentations, and research briefs. When a website included a search function, we used the search string identified in Exhibit 4 to identify relevant resources. We also scanned relevant website sections for pertinent materials.

We found reports, publications, and conference proceedings on the official websites of the following agencies and organizations: U.S. Department of Justice, National Alliance to End Homelessness, National Coalition for the Homeless, National Law Center on Homelessness and Poverty, Seattle University School of Law, University of Denver Sturm College of Law, and San Francisco Office of

the Controller. We identified 41 documents through this process, 17 of which were determined to be relevant to this project.

We identified additional resources during interviews with key informants and by following references in the peer-reviewed and gray literature.

Interviews with Key Informants

We conducted interviews with key informants to augment information collected during the literature reviews. We identified an initial list of interviewees based on recommendations from the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, and the U.S. Department of Housing and Urban Development, Office of Policy Development and Research staff and from project team members with expertise in homelessness, substance use disorder, and criminal justice. We identified additional individuals by asking at the conclusion of each interview for suggestions of other academics or practitioners who may be studying encampments.

Exhibit 5 lists the key informants we interviewed.

During the interviews, we asked about ongoing research projects focused on the recent growth in unsheltered homelessness and encampments; the characteristics of people in encampments and the factors that lead them to congregate there; and communities' responses, including their costs and effectiveness. We also asked key informants targeted questions about specific research projects or programs, based on our background research.

Exhibit 5. Key Informants

Name	Title	Affiliation	Date Interviewed
Sharon Chamard, PhD	Associate Professor	University of Alaska, Anchorage	November 8, 2018
Dennis Culhane, PhD	Dana and Andrew Stone Professor of Social Policy; Co-Principal Investigator, Actionable Intelligence for Social Policy	University of Pennsylvania	October 16, 2018
Margot Kushel, MD	Professor; Director of the Center for Vulnerable Populations	University of California, San Francisco	October 25, 2018 December 27, 2018
Stephen Metraux, PhD	Associate Professor; Director of the Center for Community Research & Service	University of Delaware	October 26, 2018
Colleen Murphy	Manager, Coordinated Entry System Access	Los Angeles Homeless Services Authority	November 16, 2018
Barbara Poppe	Founder and Principal	Barbara Poppe & Associates LLC	November 2, 2018
Kelly Robson	Chief Social Services Officer	HELP of Southern Nevada	October 29, 2018
Nan Roman	President and CEO	National Alliance to End Homelessness	November 1, 2018

Appendix B. Summaries of Selected Studies

In this appendix, we provide details on the approach, methodology, limitations, and key findings from selected studies in the peer-reviewed and gray literature. These studies were particularly informative as we completed our review.

City of Seattle, Human Services Department. (2017). *Seattle Permitted Encampment Evaluation*. Seattle, WA: City of Seattle.

This internal evaluation assesses the performance of three temporary, permitted encampments in the City of Seattle in 2016: Ballard, Interbay, and Othello. The encampments were created by the city on public land. They are operated by nonprofit partners with oversight from the city's Human Services Department. The authors used HUD's Annual Performance Report, Seattle Police Department data, and stakeholder interviews to inform their analysis, which focuses on (a) determining whether temporary, permitted encampments are an effective homelessness response strategy, and (b) identifying areas where the model works well or could be improved. Data collection challenges include people departing from the encampment before they interact with a case manager, case manager staff turnover, and missing responses (client doesn't know/client refused, data not collected).

The Human Services Department found that several features contributed to the success of the encampments:

- Inhabitants of encampments benefited from being able to stay in one location for a longer period, as they could make progress toward stability goals and build relationships with the community.
- The self-management model used at all three encampments empowered inhabitants and enabled them to build confidence, camaraderie, and leadership skills.
- The provision of structured case management services, including referrals to local shelters and rapid rehousing when appropriate, referrals to employee training and education, domestic violence services, and access to a mobile medical van.

The evaluation concludes that Seattle's sanctioned encampment model is successfully serving people who have been living outside in greenbelts, on the streets, in cars, and in otherwise hazardous situations. The neighboring communities have responded positively, and crime did not increase significantly when a permitted encampment was established.

Donley, A., and J. Wright. 2012. "Safer Outside: A Qualitative Exploration of Homeless People's Resistance to Homeless Shelters," *Journal of Forensic Psychology Practice* 12 (4): 288–306. [doi:10.1080/15228932.2012.695645](https://doi.org/10.1080/15228932.2012.695645).

This study examines why people experiencing homelessness in Orange County, Florida, stay in encampments instead of available rooms in local shelters. The authors conducted a series of five focus groups with 39 people who lived in the East Orange encampments. All participants were

recruited for the study by the Orlando Homeless outreach team. Each focus group averaged 2 hours in duration and included, on average, eight people from two or three camp sites. The study is limited by the small and localized sample size; in addition, although the study was published in 2012, the focus groups were conducted in February of 2007. The authors do not discuss local preventive or punitive ordinances with regard to encampments in Orange County.

Participants “described their experiences with downtown [Orlando] homeless services and downtown itself in negative terms and said they would not venture back downtown for any conceivable reason, no matter how many services might be available there.” Although participants gave many reasons for this decision, the most prevalent themes centered on the undesirable location of shelter facilities, prior negative experiences with shelters, and the sense of companionship, freedom, and safety associated with encampments.

Herring, C., and M. Lutz. 2015. “The Roots and Implications of the USA’s Homeless Tent Cities,” *City* 19 (5): 689–701. [doi:10.1080/13604813.2015.1071114](https://doi.org/10.1080/13604813.2015.1071114).

Herring and Lutz explain the resurgence of homeless encampments in the United States through comparative case studies of encampments in Fresno, California, and Seattle, Washington. They draw from interviews and field notes completed by both authors between 2009 and 2011, along with the preexisting peer-reviewed and gray literature on encampments. The authors chose to focus on Fresno and Seattle because those cities contain large, persistent camps—including some that are legally recognized and others that are illegal and tacitly accepted.

Herring and Lutz argue that homeless encampments were not rooted in the 2008 recession, nor can they be explained by a general expansion in the homeless population. Using their case studies as supplementary evidence, they conclude that the “crisis of welfare provision in the form of perpetual shelter shortages and repulsive shelter arrangements led homeless people to prefer large encampments and led advocates and city officials to recognize large encampments as legitimate shelter alternatives.”

Jones, P., K. Parish, P. Radu, T. Smiley, and J. van der Heyde. 2015. *Alternatives to Unsanctioned Homeless Encampments*. Berkeley, CA: Goldman School of Public Policy, University of California, Berkeley.

The authors of this report interviewed Oakland, California, encampment residents, service providers, and city stakeholders to understand their needs and concerns. The needs assessment and interviews with Oakland stakeholders revealed that people living in encampments “face serious barriers to both housing and shelter use that makes unsanctioned camps their only viable alternative.” Jones and his colleagues then studied best practice examples of two alternatives to Oakland’s current approach of clearing encampments: (1) establishing city-sanctioned campgrounds and (2) adopting a Housing First approach. They examined those alternatives in four cities: Nashville, Tennessee; Ontario, California; Portland, Oregon; and Seattle, Washington.

Analyzing the data obtained from interviews in Oakland and the best practices from other cities, the authors assigned a score to each of these approaches (clearance, sanctioned encampments, and Housing First) with respect to three criteria:

- *Effectiveness*, defined as the “degree to which the policy in question addresses the immediate problems associated with homeless encampments, comprehensively and across both the short- and long-term.”
- *Equity*, as a measure of the “differential consequences of the policy for different stakeholders or constituents” and that looks at the degree to which an intervention is likely to have disproportionate effects for any particular group.
- *Implementation feasibility*, or a city’s capacity to implement each policy according to its original design.

The authors weighted the criteria to reflect stakeholders’ stated preferences about the relative importance of each criterion. Effectiveness accounted for 50 percent of the score, equity for 30 percent, and implementation feasibility for 20 percent. Higher scores indicate more preferable alternatives for Oakland.

Jones and his colleagues conclude that Oakland officials could expect a city-sanctioned campground to perform best as measured by effectiveness, equity, and implementation feasibility, followed closely by a Housing First approach. Although the authors found clearing encampments to be the most easily implemented, it scored lowest on effectiveness and equity. Despite efforts to coordinate with outreach services and give sufficient notice to camp residents, the process of clearing camps “prevents residents from complying with important housing or health appointments.” In short, the status quo in Oakland as of 2015 “serves as a cyclical disruption for camp residents and creates an additional barrier on their pathway to housing.”

Metraux, S., M. Cusack, F. Graham, D. Metzger, and D. Culhane. 2019. *An Evaluation of the City of Philadelphia’s Kensington Encampment Resolution Pilot*. Philadelphia, PA: City of Philadelphia.

This report is an independent process evaluation of the City of Philadelphia’s Encampment Resolution Pilot (ERP). The ERP is a cross-departmental city initiative that was established to close down two outdoor homeless encampments in May 2018. The ERP process included extensive outreach to and engagement of people staying in the encampments and the establishment of Navigation Centers to provide them with access to housing and drug treatment assistance and intensive case management. The city also took steps to prevent the encampments from re-forming through police monitoring, continued outreach and community involvement efforts, and physical changes to the site.

To evaluate the ERP, Metraux and his colleagues draw on an array of data sources that include city documents and interviews with key stakeholders and persons directly involved with implementing the pilot. In addition, the authors had direct access to planning and operational activities, and they conducted ethnographic observations at the encampments and in the surrounding community. They

used a semi-structured interview guide with a sample of residents at the two encampments targeted by the ERP to elicit open-ended responses in four topic areas: living situation, typical day, background and service use, and perspectives on the encampment closure.

The report uses this information to assess the planning, implementation, and initial outcomes of the ERP and to determine strengths and limitations of the pilot.

National Law Center on Homelessness and Poverty. 2014. *Welcome Home: The Rise of Tent Cities in the United States*. Washington, DC: National Law Center on Homelessness and Poverty.

This report documents the rise of homeless encampments and tent cities across the United States and the legal and policy responses to that growth. The authors reviewed media reports on tent cities published between 2008 and April 2012 as well as existing literature on the subject. They also conducted telephone interviews with experts and service providers. Based on this preliminary research, the authors identified four sites for in-depth case studies: Lakewood, New Jersey; New Orleans, Louisiana; Providence, Rhode Island; and St. Petersburg, Florida. The sites were chosen on the basis of their locations, the size and prominence of the former or current encampments they hosted, and their perceived usefulness for gaining a broader understanding of the causes of and responses to homeless encampments. The authors chose to focus on the East Coast because a report documenting tent cities on the Pacific Coast already existed.

Their media survey found documentation of more than 100 tent communities in 46 states and the District of Columbia. While maintaining that the existence of tent cities itself reflects a severe lack of affordable housing, the report finds that “when adequate housing or shelter is not available, forced evictions of tent communities may violate human rights, and may also violate principles of domestic law.” The authors argue that tent cities are a result of the absence of other reasonable options. Where alternative housing facilities are insufficient, municipalities should work together with people staying in encampments “in a manner that prioritizes the autonomy and dignity of homeless individuals and allows them to have a voice in the process.”

Sparks, T. 2017a. “Citizens Without Property: Informality and Political Agency in a Seattle, Washington Homeless Encampment,” *Environment and Planning A: Economy and Space* 49 (1): 86–103. [doi:10.1177/0308518X16665360](https://doi.org/10.1177/0308518X16665360)

Sparks, T. 2017b. *Neutralizing Homelessness, 2015: Tent Cities and Ten Year Plans*. *Urban Geography* 38 (3): 348–356. [doi:10.1080/02723638.2016.1247600](https://doi.org/10.1080/02723638.2016.1247600).

Sparks bases these two articles on his 2006 ethnographic fieldwork, including 6 months living and participating as a resident in Seattle’s Tent City 3. In addition to participant observation, during his time in Tent City 3, he conducted 50 in-depth interviews with people staying there.

In “Citizens Without Property,” Sparks documents the history of Seattle’s encampments and offers an explanation for why people experiencing homelessness often do not take advantage of social services and shelters, even when they are available. That is, within encampments, people

experiencing homelessness have a venue to “respond, resist, and remake the political landscapes of homelessness” and to “challenge their marginalization and create more habitable and emancipatory spaces.” Sparks centers his theory around the social and political structures in Tent City 3, which allow residents to feel responsible, be independent, and participate in camp activities—in contrast to the demeaning treatment received at shelters.

In “Neutralizing Homelessness,” Sparks claims that the “medicalization and personalization of homelessness” serves to “stabilize and maintain homelessness in seeming perpetuity”—that is, because of this flawed view of homelessness, people experiencing homelessness are blamed for their situation rather than systems, structures, or societal conditions being blamed. Well-intended service providers accept the narrative of “homeless as pathology” and create an environment that dehumanizes people who might otherwise seek assistance, leading them to stay in encampments, where they can be seen as “normal” people.

Speer, J. 2017. “‘It’s Not Like your Home’: Homeless Encampments, Housing Projects, and the Struggle over Domestic Space” *Antipode* 49 (2): 517–35. [doi:10.1111/anti.12275](https://doi.org/10.1111/anti.12275).

Speer, J. 2018a. “The Rise of the Tent Ward: Homeless Camps in the Era of Mass Incarceration,” *Political Geography* 62: 160–169. [doi:10.1016/j.polgeo.2017.11.005](https://doi.org/10.1016/j.polgeo.2017.11.005).

Speer, J. 2018b. “Urban Makeovers, Homeless Encampments, and the Aesthetics of Displacement,” *Social & Cultural Geography* 1–21. [doi:10.1080/14649365.2018.1509115](https://doi.org/10.1080/14649365.2018.1509115).

In these three articles, Speer builds on interviews and ethnographic fieldwork conducted in Fresno, California, in 2013. Of the 24 people Speer interviewed, 9 were officials involved in homeless management, 8 were homeless, and 7 were local activists. She selected homeless participants from multiple racial/ethnic backgrounds, genders, and ages. The author returned to Fresno in 2016 to volunteer at an activist-led encampment and follow up with former research participants. To supplement fieldwork, Speer also relied on two local media sources and reviewed policy reports, legal documents, and online videos and radio programs depicting homeless activism and evictions. Speer believes Fresno to be an ideal city through which to examine the politics of home in relation to homelessness because of its large-scale encampments and intensive housing subsidy program.

“‘It’s Not Like Your Home’” focuses on how people staying in encampments define *home*. Participants appreciate the sense of community within encampments and the opportunities to exercise autonomy. Speer demonstrates that, by staying in encampments, “homeless Fresnoans were creating a new kind of home in which individuals and families were part of a larger collective tied to each other through relations of mutual care.”

“Urban Makeovers” probes the motivations behind Fresno’s varying responses to homeless encampments. Drawing on personal interviews, media articles, and statements made by city officials and politicians, Speer claims that in the Fresno political discourse, homeless encampments are framed as “unpleasant objects that must be removed to make way for economic opportunities.” Thus, “efforts to reinforce a ‘live play work’ aesthetic resulted in a politics of displacement and criminalization” as city officials worked to move those in encampments to the margins of town, sanction those marginalized encampments, and make them visually uniform and uncluttered.

“The Rise of the Tent Ward” goes beyond Fresno to look at city-sanctioned and -controlled encampments in King County, Washington; Ontario, California; Portland, Oregon; Reno, Nevada; and St. Petersburg, Florida. Speer terms these encampments as *tent wards* to reflect “how incarceration becomes enmeshed with the provision of care and shelter.” She argues that these encampments “are not simply a cost effective form of shelter: they are a new node in a wider network of quasi-carceral spaces that govern homeless mobility” that “undermine structural efforts to address poverty and housing inequality.”

Appendix C: Selected Practitioner Resources

In the course of conducting this literature review, the study team identified a number of resources that did not meet our criteria for inclusion in the review but may be informative for local leaders and practitioners who are seeking practical guidance on how to address encampments in their communities. We provide links to these resources below.

United States Interagency Council on Homelessness (USICH)

Following conversations with advocates, housing and services providers, and government officials, USICH prepared a suite of resources intended to help local communities develop an action plan to connect people experiencing homelessness in encampments with permanent housing. Those resources include a [paper](#) that discusses the key components of an action plan, a [quick guide](#) that provides an introduction to the concepts covered in the paper, and a [planning checklist](#) with action steps for each of the key components. Those resources were published in 2015 and are available for download at www.usich.gov/tools-for-action/ending-homelessness-for-people-in-encampments/.

USICH has also prepared a [series of case studies](#) of communities that are implementing strategies to address the housing and services needs of people experiencing homelessness in encampments. Published in 2017, the case studies describe lessons learned from the local experience in six communities: Charleston, South Carolina; San Francisco, California; Seattle, Washington; Chicago, Illinois; Philadelphia, Pennsylvania; and Dallas, Texas. Topics covered include the evolution of the city's approach to addressing encampments, key stakeholders and tips for engaging them, and challenges or surprises encountered in the implementation process.

In May 2018, USICH published a brief titled [Caution is Needed When Considering “Sanctioned Encampments” or “Safe Zones”](#). The brief urges communities to proceed with caution when considering the establishment of sanctioned encampments and lists key points to consider for those who decide to proceed. The brief concludes with a list of links to additional USICH resources.

Corporation for Supportive Housing (CSH)

CSH has made available for download an extensive set of templates, provider tools, and draft policies for addressing unsheltered homelessness. Although not specific to encampments, many of these resources may be helpful in working with people experiencing unsheltered homelessness in encampments. All resources are available for download at www.csh.org/communityresponse/.

National Alliance to End Homelessness

The National Alliance to End Homelessness publishes presentation notes and slide decks from sessions at its national conferences. Several sessions at recent conferences address encampments, including the following:

- [Resolving Encampments: Evaluating Different Approaches](#) (July 2018)
- [Sanctioned Encampments: Questions You Should Ask](#) (July 2018)
- [Understanding Unsheltered Homelessness: What We Know So Far](#) (July 2018)
- [A Growing Unsheltered Population: Addressing Encampments](#) (August 2016)

References

- Adcock, R.A., R. Butler-Dines, D.W. Chambers, M.J. Lagarde, A.M. Moore, C.F. Nutting, S.M. Reed, A.M. Schreiber, P.M. Warren, K.A. Webb, and E.M. Zwiebel. 2016. *Too High a Price: What Criminalizing Homelessness Costs Colorado*. Denver, CO: University of Denver.
- Arnold Foundation. 2018. *Building the Evidence for Evidence-Based Policing: An Overview of the Strategy of the Laura and John Arnold Foundation*. May 23.
<https://www.arnoldventures.org/stories/building-the-evidence-for-evidence-based-policing>
- Burness, D., and C. Brown. 2016. *An Assessment of Adams County's Efforts to Address Homelessness*. Denver, CO: University of Denver.
- Chamard, S. 2010. *Homeless Encampments*. Problem-Oriented Guides for Police Problem-Specific Guides Series No. 56. Pamphlet. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services.
https://popcenter.asu.edu/sites/default/files/sites/default/files/problems/pdfs/homeless_encampments.pdf
- City of Las Vegas. 2018. "Homeless Services." Website.
<https://www.lasvegasnevada.gov/Residents/Neighborhood-Services/Homeless-Services>.
- City of San Francisco, Office of the Controller. 2015. "Encampment Homelessness in San Francisco: Lessons Learned at the Navigation Center," in *Perspectives from the Navigation Center*, Report No. 2. San Francisco, CA: City of San Francisco: 2. <http://hsh.sfgov.org/wp-content/uploads/2016/06/Perspectives-from-the-Navigation-Center-Report-2.pdf>.
- City of Seattle, Human Services Department. 2017. *Seattle Permitted Encampment Evaluation*. Seattle, WA.
- Donley, A.M., and J.D. Wright. 2012. "Safer Outside: A Qualitative Exploration of Homeless People's Resistance to Homeless Shelters," *Journal of Forensic Psychology Practice* 12 (4): 288–306. [doi:10.1080/15228932.2012.695645](https://doi.org/10.1080/15228932.2012.695645).
- Dunson-Strane, T., and S. Soakai. 2015. *The Effects of City Sweeps and Sit-Lie Policies on Honolulu's Houseless*. Manoa, HI: University of Hawai'i at Mānoa.
- Herring, C. 2014. "The New Logics of Homeless Seclusion: Homeless Encampments in America's West Coast Cities," *City & Community* 13 (4): 285–309.
- Herring, C., and M. Lutz. 2015. The Roots and Implications of the USA's Homeless Tent Cities," *City* 19 (5): 689–701. [doi:10.1080/13604813.2015.1071114](https://doi.org/10.1080/13604813.2015.1071114).
- Homelessness Policy Research Institute. 2018. *Safe Parking Programs*. Los Angeles, CA: Homelessness Policy Research Institute.
<https://socialinnovation.usc.edu/wp-content/uploads/2018/12/Safe-Parking-Literature-Review.pdf>.

- Hunter, R., J. Lapka, L. Marshall, K. Patterson, and P. Stevenson. 2016. *San Francisco Navigation Center Year-End Evaluation*. San Francisco, CA: Office of the Controller.
- Jones, P., K. Parish, P. Radu, T. Smiley, and J. van der Heyde. 2015. *Alternatives to Unsanctioned Homeless Encampments*. Berkeley, CA: University of California, Berkeley, Goldman School of Public Policy.
- Junejo, S., S. Skinner, and R. Rankin. 2016. *No Rest for the Weary: Why Cities Should Embrace Homeless Encampments*. Seattle, CA: Seattle University School of Law, Homeless Rights Advocacy Project. [doi:10.2139/ssrn.2776425](https://doi.org/10.2139/ssrn.2776425).
- Kieschnick, H. 2018. "A Cruel and Unusual Way To Regulate the Homeless: Extending the Status Crimes Doctrine to Anti-Homeless Ordinances," *Stanford Law Review* 70 (5): 1569–1621.
- Loftus-Farren, Z. 2011. "Tent Cities: An Interim Solution to Homelessness and Affordable Housing Shortages in the United States," *California Law Review* 99 (4): 1037–1081. [doi:10.15779/Z38HH6C](https://doi.org/10.15779/Z38HH6C).
- Lutz, M. 2015. "Uncommon Claims to the Commons: Homeless Tent Cities in the US." In *Urban Commons: Moving Beyond State and Market*, edited by M. Dellenbaugh, M. Kip, M. Bieniok, A. Müller, and M. Schwegmann. Basel, Switzerland: Birkhäuser: 101–116.
https://www.academia.edu/26014671/Uncommon_Claims_to_the_Commons_Homeless_Tent_Cities_in_the_US_2015_book_chapter_in_Dellenbaugh_Mary_et_al._Urban_commons_Moving_beyond_state_and_market._Bauwelt_Fundamente_Vol._15_Birkh%C3%A4user_101-117.
- Metraux, S., M. Cusack, F. Graham, D. Metzger, and D. Culhane. 2019. *An Evaluation of the City's Kensington Encampment Resolution Pilot*. Philadelphia, PA: City of Philadelphia.
<https://www.phila.gov/documents/an-evaluation-of-the-citys-kensington-encampment-resolution-pilot/>.
- National Coalition for the Homeless. 2016. *Swept Away: Reporting on the Encampment Closure Crisis*. Washington, DC: National Coalition for the Homeless.
- National Law Center on Homelessness and Poverty. 2014. *Welcome Home: The Rise of Tent Cities in the United States*. Washington, DC: National Law Center on Homelessness and Poverty.
- . 2017. *Tent City, USA*. Washington, DC: National Law Center on Homelessness and Poverty.
- Parr, E. 2018. *It Takes a Village: Practical Guide for Authorized Homeless Encampments*. Unpublished paper, Seattle University School of Law.
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3173224
- San Francisco Health Network. 2018. "Community Collaboration Projects." Website.
<https://www.sfhealthnetwork.org/sfhot/community-collaboration-projects/>.
- Shinn, M., and J. Khadduri. Forthcoming. *In the Midst of Plenty: How To Prevent and End Homelessness in the United States*. Hoboken, NJ: John Wiley & Sons, Inc.

Sparks, T. 2017a. Citizens Without Property: Informality and Political Agency in a Seattle, Washington Homeless Encampment. *Environment and Planning* 49 (1): 86–103. [doi:10.1177/0308518X16665360](https://doi.org/10.1177/0308518X16665360).

———. 2017b. “Neutralizing Homelessness, 2015: Tent Cities and Ten Year Plans,” *Urban Geography* 38 (3): 348–356. [doi:10.1080/02723638.2016.1247600](https://doi.org/10.1080/02723638.2016.1247600).

Speer, J. 2017. “‘It’s Not Like Your Home’: Homeless Encampments, Housing Projects, and the Struggle over Domestic Space,” *Antipode* 49 (2): 517–535. [doi:10.1111/anti.12275](https://doi.org/10.1111/anti.12275).

———. 2018a. “The Rise of the Tent Ward: Homeless Camps in the Era of Mass Incarceration,” *Political Geography* 62: 160–169. [doi:10.1016/j.polgeo.2017.11.005](https://doi.org/10.1016/j.polgeo.2017.11.005).

———. 2018b. “Urban Makeovers, Homeless Encampments, and the Aesthetics of Displacement,” *Social & Cultural Geography*. [doi:10.1080/14649365.2018.1509115](https://doi.org/10.1080/14649365.2018.1509115).



June 2019

Dr. Stephen Gaetz

PUNISHING HOMELESSNESS

Heegsma et al

City of Hamilton

Sara K. Rankin*

Ex # _____ m/d/y _____ Pg _____ of _____

Exam of _____

_____ v _____

Nimigan Mihailovich Reporting, Inc.

Homelessness is punishing to those who experience it, not just from the inherent and protracted trauma of living exposed on the street, but also due to widespread and pervasive laws that punish people for being homeless. People experiencing homelessness, particularly chronic homelessness, often lack reasonable alternatives to living in public. Yet cities throughout the country are increasingly enacting and enforcing laws that punish the conduct of necessary, life-sustaining activities in public, even when many people have no other option. These laws are frequently challenged in court and often struck down as unconstitutional. But legally sound, cost-effective, and non-punitive alternatives to ending chronic homelessness exist. This article exposes some of the problems with criminalization laws, not only for people experiencing homelessness, but also for the broader community. It discusses how current approaches often make chronic homelessness worse and explains why non-punitive alternatives, especially Housing First and permanent supportive housing, are the most cost-effective means of addressing chronic homelessness. Ultimately, this article urges cities and their constituents to stop punishing homelessness and instead to start solving it.

Keywords: homeless, constitutional law, human rights, poverty, ordinances, begging, camping, First Amendment, Fourth Amendment, Eighth Amendment, Fourteenth Amendment, stigma, marginalized groups, race, incarceration

* Associate Professor, Seattle University School of Law, 901 12th Avenue, Sullivan Hall, Seattle, Washington 98122, rankins@seattleu.edu. Founder and Director of the law school's Homeless Rights Advocacy Project (HRAP) in the Fred T. Korematsu Center for Law and Equality at the Seattle University School of Law. Each year, HRAP releases a series of new reports that continue the group's groundbreaking research into laws that unfairly target the visibly poor.

New Criminal Law Review, Vol. 22, Number 1, pps 99–135. ISSN 1933-4192, electronic ISSN 1933-4206. © 2019 by The Regents of the University of California. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Reprints and Permissions web page, <http://www.ucpress.edu/journals.php?p=reprints>. DOI: <https://doi.org/10.1525/nclr.2019.22.1.99>.

INTRODUCTION

Is poverty a crime? A quick answer is, of course, yes: poverty is systemically created and punished. Debtors' prisons,¹ mass incarceration,² and the structure of the welfare system³ are just a few examples of systemic designs that produce and reproduce poverty.

The intersectionality of poverty and homelessness suggests its systemic nature. Poverty disproportionately impacts already and otherwise marginalized groups, such as people of color, immigrants, people with mental illness or physical disabilities.⁴ For example, consider links between race, poverty, and homelessness. Nationally, white people comprise approximately 74 percent of the population, but only 49 percent of the country's homeless population.⁵ By contrast, black Americans represent 13 percent of the general population, but over 40 percent of

1. *Out of Reach 2018*, NAT'L LOW INCOME HOUSING COAL., <http://nlihc.org/oor> (last visited Sept. 14, 2018); see, e.g., AM. CIVIL LIBERTIES UNION OF WASH. & COLUMBIA LEGAL SERVS., MODERN-DAY DEBTORS' PRISONS: THE WAYS COURT-IMPOSED DEBTS PUNISH PEOPLE FOR BEING POOR (Feb. 2014), <https://www.aclu-wa.org/docs/modern-day-debtors-prisons-washington> (writing that "[t]he practice of imposing and collecting excessive [legal financial obligations] results in a counterproductive system that punishes people simply for being poor."); AM. CIVIL LIBERTIES UNION, IN FOR A PENNY: THE RISE OF AMERICA'S NEW DEBTORS' PRISON (Oct. 2010), https://www.aclu-wa.org/sites/default/files/media-legacy/attachments/InForAPenny_web.pdf (stating that "day after day, indigent defendants are imprisoned for failing to pay legal debts they can never hope to manage"); ALEXES HARRIS, A POUND OF FLESH: MONETARY SANCTIONS AS PUNISHMENT FOR THE POOR (Russell Sage 2016).

2. See, e.g., MICHELLE ALEXANDER, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS (2010).

3. Kaaryn Gustafson, *The Criminalization of Poverty*, 99 J. CRIM. L. & CRIMINOLOGY 643 (2009) (examining "the treatment of welfare recipients in the courts, where the poor have been relegated to an inferior status of rights-bearing citizenship, a status on par with parolees and probationers").

4. See KAYA LURIE & BREANNE SCHUSTER, SEATTLE UNIV. HOMELESS RIGHTS ADVOC. PROJECT, DISCRIMINATION AT THE MARGINS: THE INTERSECTIONALITY OF HOMELESSNESS & OTHER MARGINALIZED GROUPS 2 (Sara K. Rankin ed., May 2015), <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1002&context=hrap> (finding that "marginalized groups disproportionately experience homelessness, including its many burdens—such as laws that criminalize the conduct of necessary, life-sustaining activity in public").

5. JEFFREY OLIVET ET AL., CTR. FOR SOCIAL INNOVATION, SUPPORTING PARTNERSHIPS FOR ANTI-RACIST COMMUNITIES: PHASE I STUDY FINDINGS 4 (Mar. 2018), <http://center4si.com/wp-content/uploads/2018/03/SPARC-Phase-I-Findings-March-2018i.pdf>.

the homeless population.⁶ Latinos represent at least 16.9 percent of those experiencing homelessness in the United States.⁷ Native American rates of homelessness are also disproportionately high, occurring at rates three to eight times higher than their proportion of the general population.⁸ In total, over 68 percent of the nation's homeless population are people of color, even though they represent one-third of the U. S. population overall.⁹ Race or, more pointedly, racism and homelessness are inseparable.

Like race and incarceration,¹⁰ homelessness and incarceration are also closely linked, leading some to characterize the United States' penal system as the nation's largest homeless shelter.¹¹ Homelessness is a risk factor for incarceration: over 15 percent of those in jail were homeless prior to incarceration, a rate of 7.5 to 11.3 times higher than the general adult population.¹² Approximately 25–50 percent of the general homeless population has a criminal history,¹³ oftentimes sparked by arrests for non-violent

6. *Id.* at 6.

7. *Id.*

8. *Id.*

9. *Id.* (quantifying racial statistics for homeless populations); *Racial and Ethnic Minority Populations*, SUBSTANCE ABUSE AND MENTAL HEALTH SERVS. ADMIN. (Aug. 16, 2018), <https://www.samhsa.gov/specific-populations/racial-ethnic-minority> (quantifying racial statistics for the national population).

10. See, e.g., ALEXANDER, *supra* note 2.

11. See, e.g., LOÏC WACQUANT, *PRISONS OF POVERTY* (Univ. of Minn. Press 2009).

12. Sarah Knopf-Amelung, *Incarceration & Homelessness: A Revolving Door of Risk*, 2 IN FOCUS 2, 1 (Nov. 2013), https://www.nhchc.org/wp-content/uploads/2011/09/infocus_incarceration_nov2013.pdf.

13. Stephen Mettraux & Dennis P. Culhane, *Recent Incarceration History Among a Sheltered Homeless Population*, 52 CRIME & DELINQ. 3, 507 (2006) (finding that 23.1% of individuals surveyed at adult shelters had a record of incarceration); N. Tejani et al., *Incarceration Histories of Homeless Veterans and Progression Through a National Supported Housing Program*, 50 CMTY. MENTAL HEALTH J. 5, 516 (2013) (finding that 43.4% of individuals who entered a supported housing program for homeless veterans reported a past incarceration history); Martha R. Burt et al., *Homelessness: Programs and the People They Serve, Findings of the National Survey of Homeless Assistance Providers and Clients* (Dec. 1999), <http://webarchive.urban.org/UploadedPDF/homelessness.pdf> (finding that “54% of currently homeless clients have spent some time incarcerated, compared with 45% of formerly homeless clients”). These records may be generated when poor or homeless people commit crimes of desperation. Randeep Ramesh, *A Fifth of all Homeless People Have Committed a Crime to Get Off the Streets*, GUARDIAN (Dec. 22, 2010), <https://www.theguardian.com/society/2010/dec/23/homeless-committing-crimes-for-shelter>.

offenses associated with homelessness, such as camping or begging.¹⁴ And nationwide, approximately 49 percent of homeless adults reported spending five or more days in jail, while 18 percent had been incarcerated in a state or federal prison.¹⁵ Even if inmates were not homeless just before they are arrested or jailed, once they are processed through the criminal justice system, they are more likely to become homeless upon exit.¹⁶

Key drivers for the criminalization of homelessness are increasingly popular laws and policies that seek to expel visibly poor people from public space. In the broadest sense, the term “visibly poor” and its various iterations “encompass individuals currently experiencing homelessness, but also include individuals experiencing poverty in combination with housing instability, mental illness, or other psychological or socio-economic challenges that deprive them of reasonable alternatives to spending all or the majority of their time in public.”¹⁷ In the more specific sense, the term “visibly poor” refers to people experiencing chronic homelessness. Chronic homelessness “is characterized by few spells lasting long periods of time, reflecting a persistent homeless state.”¹⁸ In other words, chronic homelessness is the most visible category compared to other homeless populations

“Since results indicated that the likelihood of committing a nonviolent crime increases as homelessness increases, a strong argument can be made that homelessness encourages nonviolent crime. Rather than thinking of homeless individuals as criminals, it may be more accurate to think of them as people struggling to get by whose engagement in non-violent illegal activities is driven by survival needs.” Sean N. Fischer et al., *Homelessness, Mental Illness, and Criminal Activity: Examining Patterns Over Time*, 42 AM. J. CMT. PSYCH. 251, 262 (2008).

14. See, e.g., COALITION ON HOMELESSNESS, PUNISHING THE POOREST: HOW THE CRIMINALIZATION OF HOMELESSNESS PERPETUATES POVERTY IN SAN FRANCISCO 2, <http://www.cohsf.org/Punishing.pdf> (last visited Sept. 14, 2018) (reporting that 69% of homeless respondents were cited for “quality of life” offenses in the year prior to the study; 90% were unable to pay for their last citation, which results in high fees, an arrest warrant, and driver’s license suspension).

15. Burt et al., *supra* note 13.

16. Once burdened with a criminal record, people face extraordinary difficulty finding housing (or employment to pay for housing). Zoe Carpenter, *Think It’s Hard Finding a Place to Live? Try Doing So with a Criminal Record*, NATION (Nov. 4, 2015), <https://www.thenation.com/article/public-housing-criminal-record/>; Pat Hartman, *How to Become Homeless: Have a Criminal Record*, HOUSE THE HOMELESS, INC. (Jan. 31, 2012), <http://www.housethehomeless.org/how-to-become-homeless-have-a-criminal-record/>.

17. Sara K. Rankin, *The Influence of Exile*, 76 MD. L. REV. 4, 6 (2016) (citing, e.g., JOEL BLAU, *THE VISIBLE POOR: HOMELESSNESS IN THE UNITED STATES* (1993)).

18. Adam M. Lippert & Barrett A. Lee, *Stress, Coping, and Mental Health Differences Among Homeless People*, 85 SOCIOLOGICAL INQUIRY 3, 345 (2015).

because, unlike most cases of homelessness that are briefly episodic or transitional, people experiencing chronic homelessness are homeless more frequently and for longer periods of time.¹⁹ As a more technical matter, chronic homelessness is defined as sleeping in places not meant for human habitation or staying in emergency shelters for a year or longer—or experiencing at least four such episodes of homelessness in the last three years—and also living with a disabling condition such as a chronic health problem, psychiatric or emotional condition, or physical disability.²⁰ These co-occurring conditions help to explain the persistence of their homelessness. By virtue of their sustained visibility in public space, chronically homeless people are the primary target of ordinances punishing homelessness.²¹ These laws, fueled by the stigma of visible poverty, function to purge chronically homeless people from public space.²²

19. *Id.* Chronically homeless individuals are also more likely to live unsheltered, compared to homeless populations generally, which are more likely to benefit from rapid rehousing or other transitional housing interventions.

20. The United States Department of Housing and Urban Development (HUD) defines a disabling condition as “a diagnosable substance abuse disorder, a serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions” that “[l]imits an individual’s ability to work or perform one or more activities of daily living.” U.S. DEP’T OF HOUS. & URBAN DEV. OFFICE OF CMTY. PLANNING & DEV. & OFFICE OF SPECIAL NEEDS ASSISTANCE PROGRAMS, *DEFINING CHRONIC HOMELESSNESS: A TECHNICAL GUIDE FOR HUD PROGRAMS* (Sept. 2007), <https://www.hudexchange.info/resources/documents/DefiningChronicHomeless.pdf>. The nexus between chronic homelessness and disabilities is plain in the federal definition: a “chronically homeless individual” is “an individual with a disability who has been continuously homeless for one year or more or has experienced at least four episodes of homelessness in the last three years where the combined length of time homeless in those occasions is at least 12 months.” U.S. DEP’T OF HOUS. & URBAN DEV. OFFICE OF CMTY. PLANNING & DEV., *THE 2017 ANNUAL HOMELESS ASSESSMENT REPORT (AHAR) TO CONGRESS 2* (Dec. 2017) [hereinafter *AHAR 2017*], <https://www.hudexchange.info/resources/documents/2017-AHAR-Part-I.pdf>.

21. Chronic homelessness increases the likelihood of interacting with law enforcement; mental illness commonly associated with chronic homelessness also presents a greater risk of violent outcomes. Mental illness played a role in approximately one quarter of 987 police killings in 2017. Micah Lee & Alice Speri, *Police Broke Into Chelsea Manning’s Home with Guns Drawn—In a “Wellness Check”*, *THE INTERCEPT* (June 5, 2018, 7:13AM), <https://theintercept.com/2018/06/05/chelsea-manning-video-twitter-police-mental-health/> (internal citation omitted). The American Civil Liberties Union reports that, in the first eight months of 2018 alone, police shot and killed at least 64 people who were suicidal or had other mental health issues. *Id.*

22. See generally Rankin, *supra* note 17.

Criminalization laws and policies express collective disdain for visible poverty, but many supporters of criminalization are not aware of how such laws actually make homelessness worse. Many are not aware that criminalization, along with other traditional approaches that manage homelessness, are the most expensive and least effective ways to address it. Some are not prepared to accept evidence that non-punitive alternatives, such as permanent supportive housing, are the most cost-effective ways to solve chronic homelessness. They cannot fathom giving housing or help to someone who does not appear worthy.²³ Such resistance to shifting from criminalization to non-punitive alternatives is fueled by fear, stereotypes, and discrimination.²⁴ But for other supporters of criminalization, they simply do not realize that criminalization is such an urgent problem and that more effective non-punitive alternatives exist.

This article is structured in four parts. Part I of this article lays an important, human-centric context for understanding how homelessness, itself, is punishment. The inherent traumas of homelessness besiege those who experience it. Understanding this context compels more thoughtful legal and policy responses. Part II provides an overview of laws that punish homelessness, gives common examples, and explains how these laws are often constitutionally infirm and make homelessness worse. Part III surveys some reasons why American cities commonly criminalize homelessness, explaining some psychological and sociological motivations, and giving examples of common myths that perpetuate damaging stereotypes and discrimination against people experiencing homelessness. And finally, Part IV examines Housing First and permanent supportive housing, non-punitive alternatives to criminalization, which are proven to be more cost-effective solutions to homelessness.

I. PUNISHING HOMELESSNESS

Being homeless, in and of itself, is punishment. Trauma is both a cause and a consequence of homelessness.²⁵ Poor physical and mental health, abuse, drug and alcohol abuse, and victimization can contribute to the likelihood

23. *Id.* at 21–22.

24. *Id.*

25. Jennifer Castellow, Bret Kloos, & Greg Townley, *Previous Homelessness as a Risk Factor for Recovery from Serious Mental Illness*, 51 CMTY. MENTAL HEALTH J. 6, 674–84 (2015) (noting “the experience of homelessness is inherently traumatic and thus has the

that someone will become homeless; however, once a person becomes unsheltered, the likelihood that they will experience such trauma is virtually guaranteed.

Psychiatric disorders affect at least 30 to 40 percent of all people experiencing homelessness.²⁶ Severe mental illness, present in a significant portion of chronically homeless people, “describes severe and persistent psychiatric disability that generally has a profound impact on a person’s behavior, cognition, affect, and social functioning.”²⁷ Common examples include depression, schizophrenia, suicidal ideation, bipolar disorder, and debilitating mood disorders.²⁸ At least half of chronically homeless people struggle with alcohol and drug abuse or both.²⁹ By comparison, approximately one fourth of housed people “meet criteria for any mental or drug/alcohol disorder in the past year.”³⁰ Significantly, studies clearly associate these mental and health disorders with “selected stress and coping measures” inherent in dealing with the trauma of homelessness,³¹ and these traumas are especially and disproportionately concentrated among those experiencing chronic homelessness.³²

Homelessness is also acutely associated with other forms of trauma, such as material deprivation, including lack of shelter, food insecurity, and unmet health care needs.³³ Indeed, homelessness makes mental illness worse: “not only are they at risk related to the detection and treatment of the condition, but the exposure to multiple stressors apart from that vulnerability might actually precipitate or exacerbate the manifestation of symptomatology.”³⁴

potential to affect the manifestations of mental illness,” psychiatric distress, alcohol and drug abuse, and other measures of vulnerability).

26. Lippert & Lee, *supra* note 18, at 344 (citing Barrett A. Lee, Kimberly A. Tyler, & James D. Wright, *The New Homeless Revisited*, 36 ANN. REV. SOC., 501–21 (2010)).

27. Castellow, Kloos, & Townley, *supra* note 25, at 674 n.1.

28. *Id.* at 674; Lippert & Lee, *supra* note 18, at 344 (internal citations omitted).

29. Lippert & Lee, *supra* note 18, at 343.

30. *Id.* (citing Ronald C. Kessler et al., *Prevalence, Severity, and Comorbidity of 12-month DSM-IV Disorders in the National Comorbidity Survey Replication*, 62 ARCHIVES GEN. PSYCHIATRY 617–27 (2005)).

31. *Id.*

32. *Id.* at 345.

33. *Id.* at 347.

34. Castellow, Kloos, & Townley, *supra* note 25, at 675.

Such resource deprivation naturally contributes to poor physical health indicators, such as malnutrition, hunger, lack of medical care and medicine, and “difficulties following treatment protocols.”³⁵ Common examples of health problems that disproportionately affect people experiencing homelessness include “tuberculosis, HIV/AIDS, heart and lung disease, hypertension, hepatitis, and most other infectious and chronic conditions.”³⁶

Physical, sexual, or emotional abuse is another common hallmark of homelessness. More than half of people experiencing homelessness “report some kind of victimization while they are homeless, ranging from theft to beatings and sexual assault.”³⁷ In fact, exposure to violence and victimization disproportionately affects people experiencing chronic homelessness who suffer from severe mental illness, with approximately 80 percent “reporting some form of lifetime victimization.”³⁸ Victimization can be direct or can be experienced indirectly or vicariously by exposure to violence on the streets and in the homeless communities around them.³⁹

Social isolation is a significant traumatizing factor for people experiencing homelessness. “[T]he loss of one’s home and social status can be traumatic and stressful, therefore increasing risk to learned helplessness and social isolation, both of which are prominent contributors to various mental health problems.”⁴⁰ Even the maintenance of social networks to other people experiencing homelessness, such as homeless encampment communities, can help to fulfill critical basic psychological, emotional, and social needs.⁴¹ The potential traumatizing impacts of social isolation are profound, particularly among chronically homeless people.⁴²

II. CRIMINALIZING HOMELESSNESS

The inherent trauma of homelessness is exacerbated by punitive laws and policies that criminalize homelessness. In this context, “criminalization”

35. Lippert & Lee, *supra* note 18, at 347 (internal citations omitted).

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.* at 348.

40. Castellow, Kloos, & Townley, *supra* note 25, at 675.

41. Lippert & Lee, *supra* note 18, at 348.

42. *Id.*

refers to laws that prohibit or severely restrict one's ability to engage in necessary life-sustaining activities in public, even when that person has no reasonable alternative.⁴³ Examples include laws that prohibit sitting, standing, sleeping, receiving food, going to the bathroom, asking for help, or protecting one's self from the elements⁴⁴—all basic behaviors necessary for survival. But most people can engage in these behaviors in some private or relatively private place, such as a home or a business.

For people experiencing chronic homelessness, who lack resort to a private place, surviving in public is fraught with risk. Indeed, chronically homeless people are frequently burdened with civil infractions and criminal charges related to their homelessness.⁴⁵ Living in public often triggers criminal charges, such as loitering or trespassing. But living in public also commonly triggers civil infractions: a ticket imposing conditions and requirements, such as an order to show up to court, avoid an area for significant period of time, or pay a fee.⁴⁶ These conditions are extremely difficult for chronically homeless individuals, who are not only poor but also burdened with secondary disabling conditions, to meet. When they fail to do so, because of conditions such as sickness, lack of money, lack of transportation, mental illness, or some other common barrier, a civil infraction can mutate into a misdemeanor through failure-to-appear or failure-to-pay provisions.⁴⁷ Without an address and without sufficient financial

43. Rankin, *supra* note 17, at 41 (internal citations omitted).

44. *Id.* at 44 (citing, *e.g.*, NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, NO SAFE PLACE: THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES 18 (2014), https://nlchp.org/documents/No_Safe_Place; JUSTIN OLSON & SCOTT MACDONALD, SEATTLE UNIV. HOMELESS RIGHTS ADVOCACY PROJECT, WASHINGTON'S WAR ON THE VISIBLY POOR: A SURVEY OF CRIMINALIZING ORDINANCES & THEIR ENFORCEMENT (Sara K. Rankin ed., 2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2602318; KATHERINE BECKETT & STEVE HERBERT, BANISHED: THE NEW SOCIAL CONTROL IN URBAN AMERICA (2010)).

45. CHRISTOPHER MAYER & JESSICA REICHERT, ILL. CRIM. JUSTICE INFO. AUTH. & CTR. FOR JUSTICE RESEARCH AND EVALUATION, THE INTERSECTION OF HOMELESSNESS AND THE CRIMINAL JUSTICE SYSTEM 8 (July 9, 2018), http://www.icjia.state.il.us/assets/articles/Homelessness_PDF.pdf ("Disproportionate contact with the criminal justice system is due to a combination of laws that seem to criminalize the state of homelessness, mental illness, victimization, and substance use disorders."). Further, "these disproportionately high rates are driven by homeless individual who commit minor 'survival crimes.'" *Id.* at 7.

46. See generally BECKETT & HERBERT, *supra* note 44.

47. See, *e.g.*, Melissa Hellmann, *For Homeless Seattleites, a Reprieve from the Debilitating Burden of Warrants*, SEATTLE WEEKLY (Jan. 10, 2018, 1:30AM), <http://www.seattleweekly>.

resources, homeless people are often unaware of or unable to respond to these conditions, resulting in bench warrants and crushing legal financial obligations.⁴⁸

Once individuals are saddled with a misdemeanor or a warrant, they are often rendered ineligible to access shelter, food, services, and other benefits that might support their ability to emerge from homelessness.⁴⁹ Even an unpaid civil infraction can generate staggering, insurmountable fees.⁵⁰ By criminalizing public survival, such laws actually render chronically homeless people more resistant to recovery and more likely to remain homeless, to become sick, to self-medicate, to be incarcerated, and even to die.⁵¹

com/news/for-homeless-seattleites-a-relieve-from-the-debilitating-burden-of-warrants/ (Seattle Municipal Court staff and public defenders opining that many of the nearly 10,000 outstanding warrants issued to people who lack permanent addresses because they are homeless and often unaware they have been ordered to appear).

48. See, e.g., Columbia Legal Servs., *King County Superior Court Rules in Favor of Seattle Resident Whose Vehicle and Home Were Impounded by City* (Mar. 2, 2018), <http://columbialegal.org/king-county-superior-court-rules-favor-seattle-resident-whose-vehicle-and-home-were-impounded-city>.

49. E.g., SUZANNE SKINNER, SEATTLE UNIV. HOMELESS RIGHTS ADVOC. PROJECT, SHUT OUT: HOW BARRIERS OFTEN PREVENT MEANINGFUL ACCESS TO EMERGENCY SHELTER (Sara Rankin ed., May 10, 2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2776421 (explaining that the conditions and rules of many shelters effectively bar many individuals experiencing homelessness from entry to the shelters due to their criminal record, which results from the criminalization of laws that punish individuals for being homeless); see generally Alexandra Natapoff, *Misdemeanors*, 85 S. CAL. L. REV. 1313, 1313 (2012) (writing that “[t]he consequences of these [misdemeanor] convictions are significant: in addition to the stigma of a criminal record, misdemeanants are often heavily fined or incarcerated, and can lose jobs, housing, or education opportunities.”).

50. HARRIS, *supra* note 1; see also Vianna Davila, *Judge Rules Seattle Homeless Man’s Truck is a Home*, SEATTLE TIMES (Mar. 3, 2018), <https://www.seattletimes.com/seattle-news/homeless/judge-rules-seattle-homeless-mans-truck-is-a-home/> (ruling that Seattle’s impoundment of a vehicle resident’s truck violated the state’s Homestead Act because he was using it as a home and the city-imposed fees violated constitutional protections against excessive fines).

51. “Exposed on the street, [chronically homeless individuals] suffer from higher rates of poor health, mental illness, and substance abuse when compared to homeless populations generally.” SEATTLE UNIV. HOMELESS RIGHTS ADVOCACY PROJECT, *Frequently Asked Questions About Homelessness*, <https://law.seattleu.edu/Documents/korematsu/FAQs%20About%20Homelessness.pdf> (last visited Sept. 21, 2018) (linking to *Health*, HOMELESS HUB [hereinafter HOMELESS HUB Health], http://www.homelesshub.ca/about-homelessness/topics/health?_ga=2.215176535.155110989.1530558055-2108360416.1526944142 (last visited Sept. 21, 2018)); and *Homelessness and Housing*, SUBSTANCE ABUSE AND MENTAL

The criminalization of homelessness comes at a significant cost, not just to the lives and liberties of poor men, women, and children, but to society overall. Several studies show it is far more expensive to criminalize poverty and homelessness than it is to pursue non-punitive alternatives such as permanent supportive housing, and mental health and substance abuse treatment.⁵² Despite these punishing effects, cities increasingly deploy the strategy of criminalization as a favored response to chronic homelessness.

Criminalization laws take many forms, but are pervasive. Common examples include bans on loitering, loafing, or vagrancy; bans on sitting or lying down in public; begging restrictions; and bans on living in vehicles.⁵³ The National Law Center on Homelessness and Poverty surveyed hundreds of cities nationwide, and found dramatic spikes in criminalization laws in recent years.⁵⁴ For example, over the last decade, city-wide

HEALTH SERVS. ADMIN. [hereinafter SAMHSA Homelessness and Housing] (Sept. 15, 2017), <https://www.samhsa.gov/homelessness-housing>.

52. See, e.g., JOSHUA HOWARD & DAVID TRAN, SEATTLE UNIV. HOMELESS RIGHTS ADVOCACY PROJECT, AT WHAT COST: THE MINIMUM COST OF CRIMINALIZING HOMELESSNESS IN SEATTLE AND SPOKANE, at iii (Sara K. Rankin ed., May 2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2602530 (examining costs in Seattle and Spokane); GREGORY A. SHINN, RETHINK HOMELESSNESS & IMPACT HOMELESSNESS, THE COST OF LONG-TERM HOMELESSNESS IN CENTRAL FLORIDA: THE CURRENT CRISIS AND THE ECONOMIC IMPACT OF PROVIDING SUSTAINABLE HOUSING SOLUTIONS 8 (2014), <https://shnny.org/uploads/Florida-Homelessness-Report-2014.pdf> (examining costs in Central Florida); SARAH B. HUNTER ET AL., EVALUATION OF HOUSING FOR HEALTH PERMANENT SUPPORTIVE HOUSING PROGRAM, RAND CORPORATION, at viii (2017), https://www.rand.org/content/dam/rand/pubs/research_reports/RR1600/RR1694/RAND-RR1694.pdf (examining costs in Los Angeles County). In 2016 alone, Los Angeles police arrested 14,000 people experiencing homelessness for everyday activities such as sitting on the sidewalk. *Gale Holland & Christine Zhang, Huge Increase in Arrests of Homeless in L.A.—But Mostly for Minor Offenses*, L.A. TIMES (Feb. 4, 2018, 8:20AM), <http://www.latimes.com/local/politics/la-me-homeless-arrests-20180204-story.html>. In San Francisco, the City/County Budget analyst's office determined that it cost \$20 million in a single year to enforce prohibitions against loitering, panhandling, and so on against people experiencing homelessness. Adam Brinklow, *San Francisco Spends \$20 Million on Anti-Homeless Laws: Millions of Dollars Resulted in 125 Arrests in 2015*, CURBED (June 3, 2016, 10:30AM), <https://sf.curbed.com/2016/6/3/11852832/homeless-san-francisco>.

53. For more information and resources on this topic, see *The Criminalization of Homelessness: Additional Resources*, SEATTLE UNIV. HOMELESS RIGHTS ADVOCACY PROJECT, <https://law.seattleu.edu/centers-and-institutes/korematsu-center/initiatives/homeless-rights-advocacy-project/additional-resources> (last visited Sept. 14, 2018).

54. NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, HOUSING NOT HANDCUFFS: ENDING THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES 10 [hereinafter NLCHP

bans on camping in public increased by 69 percent; city-wide bans on begging increased by 43 percent; city-wide bans on standing around increased by 88 percent; and bans on sitting or lying down increased by 52 percent.⁵⁵ Bans on sleeping in vehicles—the thin tin line that separates a human being from the street—increased by a staggering 143 percent nationwide since 2006.⁵⁶

Statewide studies also suggest the dizzying popularity of criminalization laws.⁵⁷ In Washington state, for example, criminalization laws are not only prevalent,⁵⁸ but many people spend over 90 days in jail for violating these laws.⁵⁹ Moreover, Washington state data suggests that as rates of income disparity rise in any particular city, so does the rate at which that city enforces its criminalization laws.⁶⁰ In other words, the greater the gap between the rich and the poor in a particular city, the more punitive that space becomes for the poor people within its boundaries.

HOUSING NOT HANDCUFFS], <https://www.nlchp.org/documents/Housing-Not-Handcuffs> (last visited Sept. 27, 2018) (finding that “laws punishing the life-sustaining conduct of homeless people has [*sic*] increased in every measure category since 2006, and in some cases dramatically so.”).

55. *Id.* at 10–11.

56. *Id.* at 11.

57. *See, e.g.*, OLSON & MACDONALD, *supra* note 44 (Washington state study); UC BERKELEY SCH. OF LAW POLICY ADVOCACY CLINIC, CALIFORNIA’S NEW VAGRANCY LAWS: THE GROWING ENACTMENT AND ENFORCEMENT OF ANTI-HOMELESS LAWS IN THE GOLDEN STATE (Feb. 12, 2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2558944 (California study) RACHEL A. ADCOCK ET AL., UNIV. OF DENVER, STURM COLL. OF LAW, HOMELESS ADVOCACY POLICY PROJECT, TOO HIGH A PRICE: WHAT CRIMINALIZING HOMELESSNESS COSTS COLORADO, <https://www.law.du.edu/documents/homeless-advocacy-policy-project/2-16-16-Final-Report.pdf> (last visited Sept. 14, 2018) (Colorado study); ALLARD K. LOWENSTEIN, INTERNATIONAL HUMAN RIGHTS CLINIC, YALE L. SCH., “FORCED INTO BREAKING THE LAW”: THE CRIMINALIZATION OF HOMELESSNESS IN CONNECTICUT (Nov. 2016), https://law.yale.edu/system/files/area/center/schell/criminalization_of_homelessness_report_for_web_full_report.pdf (Connecticut study).

58. *E.g.*, OLSON & MACDONALD, *supra* note 44, at 3 (surveying criminalizing ordinances in Washington and finding that 78% of surveyed municipalities criminalize sitting or standing in public, 78% of surveyed municipalities criminalize sleeping in public places, and 75% criminalize urination or defecation in public).

59. *E.g.*, *id.* at ii (finding that in Washington, “custody times revealed a high number of individuals spending more than 90 days in jail for violating criminalization ordinances”).

60. *E.g.*, *id.* (“As rates of income disparity rise, so does the rate of citations issued for purported violations of criminalization ordinances.”).

Although criminalization laws are increasingly popular, they are also commonly and successfully challenged as unconstitutional under various provisions of the federal Constitution, including the First, Fourth, Sixth, Eighth, and Fourteenth Amendments.⁶¹ Recently, favorable results have been reported in 75 percent of cases challenging encampment sweeps or seizure and destruction of homeless people's belongings, 57 percent of cases challenging anti-camping or sleeping laws, and 100 percent of the cases challenging anti-begging laws.⁶²

Criminalization laws are often unconstitutional, make homeless people less likely to emerge from homelessness, and waste public resources and taxpayer dollars. Still, cities persist, seeking new ways to skirt constitutional restrictions to achieve the same desired result of pushing homeless people away from public view.⁶³ A closer look at a few specific examples of criminalization laws reveals not only their common constitutional infirmities, but their punishing impact on already vulnerable people.

A. Punishing Unauthorized Communities

The growing number of unauthorized encampments reflect the reality that many cities lack sufficient emergency shelter and transitional housing. With no safe and legal place to go, many homeless people find community in unauthorized encampments. Encampments can offer several benefits to people experiencing homelessness, such as a sense of safety, security, community, autonomy, stability; they can also lessen health care burdens.⁶⁴

61. See, e.g., NAT'L L. CTR. ON HOMELESSNESS & POVERTY, HOUSING NOT HANDCUFFS: A LITIGATION MANUAL II [hereinafter NLCHP LITIGATION MANUAL], <https://www.nlchp.org/documents/Housing-Not-Handcuffs-Litigation-Manual> (last visited Sept. 14, 2018).

62. *Id.* at 6.

63. JOCELYN TILLISCH & DREW SENA, SEATTLE UNIV. HOMELESS RIGHTS ADVOCACY PROJECT, BEGGING FOR CHANGE: BEGGING RESTRICTIONS THROUGHOUT WASHINGTON 3 (Sara Rankin & Justin Olson eds., 2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3173191 (writing that cities are attempting to circumvent First Amendment jurisprudence by enacting aggressive begging laws that "hinge on subjective perceptions of the person being solicited for help—for example, a person might be guilty of aggressive begging if someone listening to them feels intimidated, regardless of the means and manner of the solicitation." (internal citation omitted)).

64. EVANIE PARR, SEATTLE UNIV. HOMELESS RIGHTS ADVOCACY PROJECT, IT TAKES A VILLAGE: PRACTICAL GUIDE FOR AUTHORIZED ENCAMPMENTS 4–5 (Sara K. Rankin ed., 2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3173224.

As the population of unsheltered people experiencing homelessness has increased across the country, so have encampments. One national study found a 1,342 percent increase in the number of encampments reported across the country.⁶⁵ Encampments have been reported in every state and the District of Columbia.⁶⁶ In response to growing encampments, many cities sweep unauthorized homeless encampments.⁶⁷ Sacramento County alone closed 1,579 camps in 2016.⁶⁸

Through sweeps, cities disrupt and evict encampment residents without providing a safe and legal alternative place for them to go. Such sweeps often provoke Fourth Amendment challenges.⁶⁹ The Fourth Amendment provides: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.”⁷⁰ Some cases turn on whether tents or other makeshift shelters fall within the Fourth Amendment’s prohibition of unreasonable searches of one’s “home” or “house.”⁷¹ Advocates argue that privacy rights should not apply only to conventional homes with four walls and a lockable door; such constructions could effectively mean that unsheltered people have no Fourth Amendment protections.⁷² Courts often agree: although governments may conduct sweeps to clean public areas, seizing and destroying encampment residents’ personal property often violates their Fourth Amendment rights to be free from unreasonable searches and seizures.⁷³

65. NAT’L LAW CTR. ON HOMELESSNESS & POVERTY, TENT CITY, USA: THE GROWTH OF AMERICA’S HOMELESS ENCAMPMENTS AND HOW COMMUNITIES ARE RESPONDING 21 (2017), https://www.nlchp.org/Tent_City_USA_2017.

66. *Id.*

67. NLCHP HOUSING NOT HANDCUFFS, *supra* note 54, at 8; OLSON & MACDONALD, *supra* note 44.

68. *Latest Ranger Activity Data, Ranger Activity Reports*, SACRAMENTO COUNTY REGIONAL PARKS, <http://www.regionalparks.saccounty.net/Rangers/Pages/Latest-Ranger-Activity-Data.aspx> (last visited Sept. 21, 2018).

69. NLCHP LITIGATION MANUAL, *supra* note 61, at 11.

70. U.S. Const. Amend. IV. In addition, the Fourth Amendment provides that “No Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” *Id.*

71. See, e.g., Evanie Parr, Note, *When a Tent is Your Castle: Constitutional Protection Against Unreasonable Searches of Makeshift Dwellings of Unhoused Persons*, 42 SEATTLE U. L. REV. (forthcoming Jan. 2019).

72. *Id.*

73. NLCHP LITIGATION MANUAL, *supra* note 61, at 11; e.g., *Lavan v. City of Los Angeles*, 693 F.3d 1022 (9th Cir. 2012) (finding that Los Angeles violated the Fourth and Fourteenth

Homeless plaintiffs can also prevail on due process claims under the Fourteenth Amendment when cities fail to follow certain procedures when managing confiscated private property.⁷⁴

But in addition to often being illegal, sweeps frequently inflict real and lasting damage on people experiencing homelessness. Sweeps not only displace homeless people from public space, they also exact significant emotional and psychological tolls on encampment residents.⁷⁵ Sweeps often devour and destroy encampment residents' valuable property, such as state identification cards, social security cards, passports, and birth certificates.⁷⁶ Personal identification cards are needed to qualify for countless services and are difficult to replace.⁷⁷ Items of significant sentimental value such as photos of lost family members, or vital property such as medication, are commonly taken or destroyed.⁷⁸

The loss of these items can be devastating to homeless people. For example, the loss of identification documents can make it difficult, if not impossible, for someone to access employment, gain access to housing, or

Amendment rights of individuals experiencing homelessness by "seizing and immediately destroying their unabandoned personal possessions, temporarily left on public sidewalks while [the individuals] attended to necessary tasks such as eating, showering, and using the restrooms").

74. See, e.g., *Mitchell v. City of Los Angeles*, Case No.: 16-cv-01750 SJO (JPR) (C.D. Cal. Apr. 2016).

75. See, e.g., TAI DUNSON-STRANE & SARAH SOAKAI, DEP'T OF URBAN & REG'L PLANNING UNIV. OF HAWAII AT MANOA, THE EFFECTS OF CITY SWEEPS AND SIT-LIE POLICIES ON HONOLULU'S HOUSELESS 25 (June 2015), http://blog.hawaii.edu/durp/files/2015/06/Houseless-Honolulu-Report.small_.pdf.

76. In a 2011 survey by the Law Center of homeless service providers, advocates, and homeless individuals in 26 states, over 75% of respondents reported that sweeps of homeless people in their communities have resulted in the loss of homeless persons' valuables, medications, identification documents, or other personal items. NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, CRIMINALIZING CRISIS: THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES 21 (Nov. 2011), https://www.nlchp.org/Criminalizing_Crisis. Similarly, a survey of homeless adults at three large homeless encampments in Honolulu, Hawai'i, in February and March of 2015, found that the single largest effect of sweeps in that area was "significant property and economic losses," including loss of property needed to survive in public space. DUNSON-STRANE & SOAKAI, *supra* note 75, at 4. Monetary losses can also occur in the form of citations, which were given out to half of encampment residents in one study of Honolulu. *Id.* at 16. For a broader look at the detrimental impact of citations, see generally COALITION ON HOMELESSNESS, *supra* note 14.

77. DUNSON-STRANE & SOAKAI, *supra* note 75, at 24–25.

78. *Id.* at 22.

even to exercise their basic right to vote.⁷⁹ The loss of warm clothing, protective tents, and medication directly threatens the health of already vulnerable people.⁸⁰ Sweeps also create or worsen existing physical and mental health problems for those experiencing chronic homelessness, who are particularly vulnerable to such harms.⁸¹

Meanwhile, sweeps are ineffective at reducing homelessness. For example, California's state transportation agency eliminated 217 homeless encampments between July 2014 and February 2015, only to have some reopen the very same day.⁸² Sweeps are often conducted, as in Seattle, when there are no adequate alternative places to live. Because this exercise merely disperses, rather than reduces, homelessness, new encampments inevitably reappear.⁸³ Indeed, sweeps can actually worsen the problem of unsheltered homelessness and make it less likely for people to enter or remain in homeless services.⁸⁴

This forced displacement of already vulnerable people, especially in the absence of adequate housing or shelter alternatives, leaves them with no safe and legal place to go. Meanwhile, sweeps can create real harm to encampment residents by disrupting whatever fragile community may have existed, forcing people to constantly move, and sending "a message to people experiencing homelessness that they are not allowed anywhere."⁸⁵

79. NLCHP HOUSING NOT HANDCUFFS, *supra* note 54.

80. *See, e.g.*, Kincaid v. City of Fresno, 2006 WL 3542732 (E.D. Cal. 2006). In *Kincaid*, a Fresno police officer destroyed the asthma medication and nebulizer machine that a homeless woman, Jeannine Nelson, needed to breathe. *Id.* at *11 (E.D. Cal. 2006). The destruction of this property landed Ms. Nelson in the emergency room, a costly medical intervention, and required her to eventually replace her medications and breathing machine—all at taxpayer expense. *Id.*

81. *See generally* INSTITUTE OF MEDICINE (US) COMMITTEE ON HEALTH CARE FOR HOMELESS PEOPLE, HOMELESSNESS, HEALTH, AND HUMAN NEEDS (1988), <https://www.ncbi.nlm.nih.gov/books/NBK218236/>.

82. COALITION ON HOMELESSNESS, *supra* note 14, at 27.

83. NLCHP HOUSING NOT HANDCUFFS, *supra* note 54.

84. For example, in a report from the University of Hawaii at Manoa, 21% of homeless people subjected to sweeps reported that they were less able or less likely to seek shelter. DUNSON-STRANE & SOAKAI, *supra* note 75, at 19.

85. SAMIR JUNEJO & SUZANNE SKINNER, SEATTLE UNIV. HOMELESS RIGHTS ADVOCACY PROJECT, NO REST FOR THE WEARY: WHY CITIES SHOULD EMBRACE HOMELESS ENCAMPMENTS 6 (Sara K. Rankin ed., May 11, 2016), <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1006&context=hrap>.

But sweeps also punish the broader community because they do nothing to solve homelessness; instead, they are a costly, rotating door that wastes taxpayer dollars. Certainly sweeps might appease constituents by creating a temporary illusion that homelessness is being solved when it is not. But by failing to ensure a safe and legal place for homeless people to exist, sweeps are an expensive exercise in displacement, generating municipal expenses of millions of dollars by forcing chronically homeless people from one place to another. In 2017, for example, Seattle spent \$10 million on homeless sweeps alone.⁸⁶ For 2018, Seattle is reported to be doubling the rates of sweeps;⁸⁷ accordingly, it is on pace this year to spend \$20 million displacing homeless people. If this \$20 million were redirected from sweeps to permanent supportive housing, Seattle could end homelessness for approximately 37 percent of its chronically homeless population.⁸⁸ But there is no indication that such cities are relenting.⁸⁹

B. Punishing Sleeping, Lying Down, Sitting, or Protecting Oneself from the Elements

Other common criminalization laws ban or severely restrict camping, sleeping, lying down, or sitting in public. Because many cities lack sufficient affordable housing or shelter space, homeless people are often left

86. Chris Daniels, *Seattle Spent \$10 Million on Homeless Sweeps in 2017*, K5 NEWS (May 28, 2018, 8:28PM PDT), <https://www.king5.com/article/news/local/homeless/seattle-spent-10-million-on-homeless-sweeps-in-2017/281-554503199>.

87. Erica C. Barnett, *City Accelerates Homeless Encampment Removals, Doubling Pace in 2018*, THE C IS FOR CRANK (Aug. 21, 2018), <https://thecisforcrank.com/2018/08/21/homeless-encampment-removals-accelerated-this-year-doubling-in-pace-since-january/>.

88. See, e.g., *Introduction to Housing First/Permanent Supportive Housing*, SEATTLE UNIV. HOMELESS RIGHTS ADVOCACY PROJECT (July 11, 2018), <https://law.seattleu.edu/Documents/korematsu/Introduction%20to%20Housing%20First%20and%20Permanent%20Supportive%20Housing.pdf> (explaining that, on average, it costs approximately \$16,000 to \$22,000 to provide permanent supportive housing to each chronically homeless individual). This projection is based on dividing \$20 million by the \$16K baseline number, suggesting that \$20 million could fund approximately 1,250 new units, which would house 37% of the 3,552 chronically homeless people in King County, based on the 2018 point-in-time count.

89. See, e.g., Vianna Davila, *San Francisco is Cracking Down on Tent Camps. Will Seattle do the Same?*, SEATTLE TIMES (Sept. 20, 2018, 6:00AM), <https://www.seattletimes.com/seattle-news/homeless/san-francisco-is-cracking-down-on-tent-camps-will-seattle-do-the-same/>.

with no reasonable alternative but to conduct these unavoidable activities in public spaces.

The Ninth Circuit recently addressed the question of whether cities can punish homeless people for such activities in *Martin v. City of Boise*.⁹⁰ Given the particular prevalence of homelessness in Western states within the Ninth Circuit,⁹¹ *Martin* has extraordinary implications for the criminalization of homelessness. The plaintiffs, a group of people currently or formerly experiencing homelessness in Boise, Idaho, alleged that the city violated their Eighth Amendment rights⁹² by outlawing sleeping or camping in public under its Camping and Disorderly Conduct Ordinances, even when the City failed to offer sufficient shelter.⁹³ Boise sits within Ada County, where approximately 125 unsheltered individuals live.⁹⁴ The City's three shelters offer a total of "354 beds and 92 overflow mats."⁹⁵ One shelter "is open to men, women, and children of all faiths"; it has 96 beds, but is routinely full.⁹⁶ A second shelter is open to men only, and the third is open exclusively to women and children.⁹⁷ The latter two also require adherence to certain religious classes or otherwise impose religious messages on those seeking shelter.⁹⁸ The court held that Boise could not "criminalize indigent, homeless people for sleeping outdoors, on public property, on the

90. *Martin v. City of Boise*, No. 145-35845 (9th Cir. Sept. 4, 2018).

91. States in the Ninth Circuit have been hit especially hard by the increase in unsheltered populations. California, Nevada, Oregon, and Hawaii are the only four states in which more than half of all people experiencing homelessness were staying in unsheltered locations. AHAR 2017, *supra* note 20, at 12. The State of California alone had nearly half of all unsheltered people in the country. *Id.* The State of Washington is also experiencing an unprecedented unsheltered homeless crisis. According to the Washington State Department of Commerce, the number of people experiencing homelessness in Washington State has increased since 2013. See *Why is Homelessness Increasing?*, WASH. DEPT' OF COMMERCE (Jan. 2017), <https://www.commerce.wa.gov/wp-content/uploads/2017/01/hau-why-homelessness-increase-2017.pdf>.

92. The Eighth Amendment provides: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. Const., Amend. VIII. The *Martin* court's analysis of the Eighth Amendment is detailed at pages 28–33. *Martin*, *supra* note 90, at *28–33.

93. *Id.* at *5.

94. *Id.* at *6–7.

95. *Id.* at *9.

96. *Id.* at *7.

97. *Id.* at *8.

98. *Id.* at *9.

false pretense they had a choice in the matter.”⁹⁹ The court reasoned that the Eighth Amendment’s prohibition against cruel and unusual punishment precluded enforcement of the law prohibiting homeless residents from conducting such activities in public when they have no reasonable alternative but to do so.¹⁰⁰

Thus, *Martin* stands for the proposition that laws criminalizing homelessness are unconstitutional when (1) a city punishes a homeless person for engaging in necessary, life-sustaining activity in public; (2) that person has no reasonable alternative but to survive in public space; and (3) existing shelters are inadequate in number or are functionally accessible to their homeless population.

Martin also clarifies that determining whether a city provides reasonable alternatives is not a simple mathematical calculation of shelter beds. Instead, that sufficient reasonable alternative shelter must be functionally accessible. In *Martin*, the religious requirements imposed as a condition to accessing many shelter beds created an unacceptable barrier; therefore, those beds were not reasonable alternatives.¹⁰¹

Martin is also significant because many shelters throughout the country not only lack capacity, they also impose various barriers to entry that render them functionally inaccessible to many homeless people.¹⁰² For example, a “shortage of emergency shelters leads to overcrowding, which creates unhealthy, unsanitary, and even dangerous conditions in some shelters.”¹⁰³ A complex system of rules and regulations also commonly creates obstacles to access.¹⁰⁴ Common requirements force families or partners to split up, exclude LGBTQ youth or pet owners, or “refuse admittance to substance abusers and the mentally ill.”¹⁰⁵ These common barriers apply to many chronically homeless individuals, excluding them and forcing them to

99. *Id.* at *3.

100. *Id.* at *28–33.

101. *Id.*

102. See SKINNER, *supra* note 49.

103. *Id.* at 2.

104. *Id.*; see also Castellow, Kloos, & Townley, *supra* note 25, at 675 (“[T]he simple act of accessing and utilizing services can be unpredictable and dangerous; the network of resources for people experiencing homelessness is intricate, frustrating, and time-consuming. Shelters, although often essential commodities, can be disruptive and unsafe as multiple individuals from various backgrounds are placed in most quarters with minimal regulation.”).

105. SKINNER, *supra* note 49, at 2.

remain on the street. *Martin* pushes cities to reconsider the punitive, widespread, and cumulative impact of such common barriers to accessing shelter. Several cities are already taking note of *Martin*, proactively declining to enforce existing anti-camping laws.¹⁰⁶

Still, other cities, like Seattle, suggest that they are not criminalizing homelessness because they do not always charge or cite for violations but instead issue move-along warnings.¹⁰⁷ Such positions miss the point. Not only did the *Martin* case reject similar arguments made by the City of Boise,¹⁰⁸ but move-along warnings are a prevalent form of criminalization that has “detrimental consequences for wide swaths of the homeless population.”¹⁰⁹ Such warnings are a form of punishment, conducted under the explicit or implicit threat of criminal prosecution, and thus press against the essential boundaries of the Eighth Amendment—whether it is illegal to be poor, whether having no housing is a crime, or whether resting in public space is against the law.

Moreover, as a policy matter, move-along warnings are highly problematic. Move-along orders “are not recorded or reported in many jurisdictions,” amounting to a “virtually invisible practice [that is] common, pervasive, and potent.”¹¹⁰ In terms of punishing homelessness, criminal charges and civil citations may well represent the tip of the proverbial iceberg: below the surface lurks the virtual guarantee of constant exposure to move-along orders and threats of arrest, resulting in forced displacement, social isolation, destruction of property, loss of community, heightened interpersonal conflict, and increased fear of engagement with police.¹¹¹

106. See, e.g., Maggie Vespa, *Portland Police Will Not Cite Homeless for Sleeping on Streets, Citing Court Ruling*, KGW8 (Sept. 7, 2018), <https://www.kgw.com/article/news/local/homeless/portland-police-will-not-cite-homeless-for-sleeping-on-streets-citing-court-ruling/283-591977968>.

107. E.g., Vianna Davila, *Federal-Court Ruling on Homeless Camps Won't Affect Seattle, City Attorney Says*, SEATTLE TIMES (Sept. 7, 2018, 5:13PM), <https://www.seattletimes.com/seattle-news/homeless/federal-court-ruling-on-homeless-camps-wont-affect-seattle-city-attorney-says/> (quoting Seattle City Attorney Pete Holmes: “Seattle has no blanket citywide policy that criminalizes sleeping outside, therefore we don’t expect that this decision will affect the way the City is able to respond to people living outdoors[.]”).

108. *Martin*, *supra* note 90, No. 145–35845, *at 18–19.

109. Christopher Herring, Dilara Yarbrough, & Lisa Marie Alatorre, *Pervasive Penalty: How the Criminalization of Homelessness Perpetuates Poverty*, SOC. PROBS. (forthcoming 2019).

110. TILLISCH & SENA, *supra* note 63, at 31.

111. See, e.g., Herring, Yarbrough, & Alatorre, *supra* note 109, at 11 (noting that in San Francisco, “over 80% of homeless complaints are not resolved through citation or arrest, but

Exacting punishment through move-along warnings is also costly and futile. Aside from the obvious expenses associated with law enforcement time, move-along orders, like the enforcement of criminalization laws generally, do not serve as an effective deterrent.¹¹² Move-along warnings do not move homeless people indoors. Instead, common responses to such orders are to simply move “down the street, around the corner, or to walk around” and return after police depart.¹¹³ Accordingly, move-along warnings are persistent and pervasive punishments of homelessness.

C. Punishing Requests for Help or Acts of Giving Help

Homeless people are commonly associated with needing help or charity. The First Amendment provides fundamental protection to requests for help and acts of giving it. Among other provisions, the First Amendment protects freedom of speech and religion.¹¹⁴ In homeless rights advocacy, the First Amendment commonly applies to laws that restrict both begging and food sharing. Peaceful begging is, at its most fundamental level, a request for help.¹¹⁵ Members of the faith community commonly share food with homeless people as an expression of their faith.¹¹⁶ Accordingly,

by police warnings and requests that homeless people stop engaging in activities that violate the law”). For example, recent surveys in San Francisco show that 70% of homeless individuals had been forced to move from public space by law enforcement; over one third experienced such displacement at least once a month, and 20% on a weekly basis. For chronically homeless people, forced displacement through move-along orders was much more common: approximately 90% were forced to move at least once in the past year, and nearly 50% were evicted from public spaces monthly. *Id.* at 12.

112. NLCHP HOUSING NOT HANDCUFFS, *supra* note 54, at 12 (“In addition to being futile, use of ‘move along’ orders discriminates against homeless people who have not violated any laws, and who are merely present in public.”).

113. Herring, Yarbrough, & Alatorre, *supra* note 109, at 22.

114. “Congress shall make no law respecting an establishment of *religion*, or prohibiting the free exercise thereof; or abridging the *freedom of speech*, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” U.S. Const. Amend. I. (emphasis added).

115. TILLISCH & SENA, *supra* note 63.

116. See generally Marc-Tizoc González, *Hunger, Poverty, and the Criminalization of Food Sharing in the New Gilded Age*, 23 J. OF GENDER, SOCIAL POLICY & L. 2 (2015); see also Joshua Stewart, *After a Hiccup with Permits, a Pacific Beach Church is Back to Feeding the Homeless*, SAN DIEGO UNION-TRIBUNE (June 10, 2017), <http://www.sandiegouniontribune.com/news/homelessness/sd-me-church-homeless-20170610-story.html>; *City of Philadelphia Sued Over New Regulations that Prevent Religious Groups from*

laws that prohibit or severely restrict begging or food sharing are often successfully challenged as violating First Amendment rights.

Indeed, since the U.S. Supreme Court's 2015 decision in *Reed v. Town of Gilbert*, courts have uniformly rejected laws restricting begging. *Reed* actually had nothing to do with begging: it involved a city ordinance that provided different restrictions for signs depending on their content.¹¹⁷ A small church brought a First Amendment challenge, contending that the law discriminated against free speech because church and other non-profit signs were subjected to the highest regulations, while other messages were not.¹¹⁸ The Court agreed.¹¹⁹ It held that the law impermissibly discriminated against certain kinds of speech, but not others.¹²⁰ In its reasoning, the Supreme Court stressed that the government cannot restrict speech based on its content or single out one form of speech over another based on the perceived worthiness of the speech.¹²¹ The *Reed* decision cleared the way for cases challenging begging restrictions that disfavor even peaceful requests for help, a protected form of free speech.¹²²

Many cities have caught on and recast their begging restrictions as so-called "aggressive begging" laws, even though many of these laws can encompass even non-aggressive conduct.¹²³ Violations can be triggered solely on a witness's subjective perception: If someone witnesses begging and feels fearful or even feels "compelled" to give, such feelings may be

Providing Food for the Homeless in City Parks, AM. CIVIL. LIBERTIES UNION PA (June 5, 2012), <https://www.aclupa.org/news/2012/06/05/state-house-committee-passes-bill-to-increase-spying-power-of-government-and-civilians,-says-aclu-of-pa>.

117. Specifically, the ordinance differentiated among signs based its content. *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2224 (2015). The law provided the greatest flexibility and fewest restrictions for political and ideological signs. The church's signs and some other non-profit, event-related signs could only be six square feet, displayed for no more than fourteen hours, and were limited to four per property. *Id.* at 2225. Other restrictions applied to the other two categories. *Id.* at 2224–25.

118. *Id.* at 2226.

119. *Id.* at 2223.

120. *Id.*

121. *Id.* at 2229 ("Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppressed disfavored speech. That is why the First Amendment expressly targets the operation of the laws—i.e. 'the abridg[ement] of speech'—rather than merely the motives of those who enacted them." (internal citation omitted)).

122. TILLISCH & SENA, *supra* note 63, at 12.

123. *Id.* at 3.

sufficient to make begging criminal even if the person begging has not engaged in any objectively aggressive conduct.¹²⁴ Such reliance on whether a witness “subjectively” feels fear is highly problematic in light of studies proving people tend to feel fear simply when viewing a homeless person, regardless of that person’s conduct.¹²⁵ Accordingly, homeless rights advocates have recommended that cities repeal begging restrictions and instead rely on existing laws, such as assault, battery, or harassment, to address truly aggressive behavior.¹²⁶

Some cities also seek to punish those who try to help homeless people, including through food-sharing restrictions.¹²⁷ “United States cities are enacting ordinances that regulate, under threat of criminal punishment, sharing food with hungry people in public properties, like parks, sidewalks, and streets.”¹²⁸ Such restrictions not only limit food availability to homeless people, but they also subject individuals or organizations, often faith-based organizations, to fines or criminal charges for sharing food. Perhaps the most infamous instance of a city’s enforcement of an anti-food-sharing law was in Fort Lauderdale, Florida, where police arrested a 90-year-old veteran and two pastors attempting to feed homeless neighbors.¹²⁹ More recently, California Governor Brown approved Assembly Bill 2178, which reaffirms criminal sanctions against “temporary” feeding operations.¹³⁰ Advocates maintain that such food-sharing restrictions are constitutionally or statutorily infirm under judicial precedent and the Religious Land Use

124. *Id.* at 20.

125. Rankin, *supra* note 17, at 6–7.

126. TILLISCH & SENA, *supra* note 63, at iv.

127. David L. Abney, *Religion and Housing for the Homeless: Using the First Amendment and the Religious Land Use Act to Convert Religious Faith into Safe, Affordable Housing*, 8 ST. MARY’S L. REV. ON MINORITY ISSUES I (2005).

128. González, *supra* note 116, at 47.

129. This event received national media coverage. *See, e.g.*, Peter Holley, *After 90-Year-Old is Arrested Florida Judge Halts Law that Restricts Feeding the Homeless*, WASH. POST (Dec. 3, 2014), https://www.washingtonpost.com/news/post-nation/wp/2014/12/03/after-90-year-old-is-arrested-florida-judge-halts-law-that-restricts-feeding-the-homeless/?utm_term=.03c40fo09e2d.

130. Cal. Assembly Bill 2178 (2018) (enacted). For an initial analysis of the AB 2178’s predictable negative impacts on hungry people and the religious and political activists who peaceably assemble to publicly share food with them, see Marc-Tizoc González, *California Assembly Bill 2178 Threatens Food Sharing Throughout the State*, FOOD SHARING LAW (Sept. 18, 2018), <https://foodsharinglaw.net/2018/09/18/california-assembly-bill-2178-threatens-food-sharing-throughout-the-state/>.

and Institutionalized Persons Act (RLUIPA).¹³¹ Food-sharing restrictions have decreased slightly, perhaps due to recent successful challenges in some high-visibility cases.¹³² But at least 6 percent of cities still punish sharing food with people experiencing homelessness.¹³³

III. WHY WE CRIMINALIZE HOMELESSNESS

Criminalizing homelessness is often illegal, always expensive, and generally ineffective. If criminalizing homelessness is such a bad idea, why do cities across the country continue to do it? A persistent contributor of the criminalization of homelessness is the power of our instinctive response to visible poverty. Americans are stained by “the influence of exile”: deeply ingrained class and status distinctions that can inconspicuously, even unconsciously guide us to create and enforce laws and policies that restrict the visibility of poverty—of poor people—in public space.¹³⁴

Studies suggest that Americans react to evidence of visible poverty with higher rates of negativity than to any other marginalized trait, including traits historically associated with discrimination, such as race or gender.¹³⁵ Exposure to evidence of human struggle or desperation commonly provokes fear, annoyance, disgust, or anger from those who witness it.¹³⁶ Other researchers explain that disgust of visible poverty expresses “a behavioral immune system,” activated by an association of homeless people with “pathogens,” a human expression of disease, lack of cleanliness, or disorder.¹³⁷ These deeply rooted “physiological mechanisms” compel us to prevent contact with homeless people because we implicitly associate

131. See, e.g., Marc-Tizoc González, *Criminalizing Charity: Can First Amendment Free Exercise of Religion, RFRA, and RLUIPA Protect People who Share Food in Public?*, 7 U.C. IRVINE L. REV. 291, 300, 320–21, 323, 335–37 (2017) (discussing California-based litigation brought by religious food-sharing plaintiffs under RLUIPA).

132. See, e.g., *Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale*, No. 16–16808 (11th Cir. Aug. 22, 2018).

133. NLCHP HOUSING NOT HANDCUFFS, *supra* note 54, at 10.

134. Rankin, *supra* note 17, at 7.

135. *Id.* at 17.

136. *Id.* at 7.

137. Scott Clifford & Spencer Piston, *Explaining Public Support for Counterproductive Homelessness Policy: The Role of Disgust*, 39 POLIT. BEHAV. 2, 507–509 (2017).

them with disease, perceiving them as “pathogenic threats” we must avoid through “physical distancing” to avoid potential contamination.¹³⁸

This deeply rooted, often unconscious, stigmatization of visible poverty is expressed in common mythologies about homelessness. For example, a persistent myth is that homelessness is a consequence of bad choices. But the top five causes of homelessness are lack of affordable housing, lack of a living wage, domestic violence, medical bankruptcy, and untreated mental illness.¹³⁹ These causes can happen to anyone. Trauma can also play a large role.¹⁴⁰ When coping with mental illness or addiction, maintaining independent housing may not be feasible. Lawyers, doctors, film directors, entrepreneurs, university professors, professional musicians, and many others have experienced homelessness.¹⁴¹ Anyone can become homeless if they cannot pay for housing and lack other resources or support.

Many causes of homelessness have nothing to do with choice.¹⁴² For example, many homeless women are survivors of domestic abuse.¹⁴³ These women lack a support system and may be unable to seek resources. If they depend on their abuser for financial stability, they will face challenges in

¹³⁸. *Id.* at 507.

¹³⁹. NAT’L LAW CTR. ON HOMELESSNESS & POVERTY, HOMELESSNESS IN AMERICA: OVERVIEW OF DATA AND CAUSES (Jan. 2015), https://www.nlchp.org/documents/Homeless_Stats_Fact_Sheet.

¹⁴⁰. *Trauma*, SUBSTANCE ABUSE & MENTAL HEALTH SERVS, ADMIN., <https://www.samhsa.gov/homelessness-programs-resources/hpr-resources/trauma> (last visited Sept. 14, 2018) (“Homelessness is traumatic . . . Some such people, particularly women, may have histories of trauma, including sexual, psychological, or physical abuse.”).

¹⁴¹. Jens Erik Gould, *Down and Out in L.A.: When the Middle Class Goes Homeless*, TIME (Sept. 2, 2011), <http://content.time.com/time/nation/article/0,8599,2090997,00.html> (writing that there has been an increase in homeless families that were once “secure members of the middle class,” such as movie producers and collections agents); Emily Crane, *California’s Hidden Homeless: Teachers, Chefs, Nurses and Other Middle Class Workers Living in Cars in Parking Lots Because of the State’s Crazy Property Prices*, DAILY MAIL (Dec. 26, 2017), <https://www.dailymail.co.uk/news/article-5212977/Californias-middle-class-homeless-living-parking-lots.html> (“Hundreds of people, including nurses and chefs, are sleeping in parking lots in affluent areas like Santa Barbara as they make the most of the only homes they can afford.”); *see also* Charles Mudede, *Seattle’s New Normal: Homelessness is Now Middle Class*, THE STRANGER (Mar. 23, 2018), <https://www.thestranger.com/slog/2018/03/23/25950929/seattles-new-normal-homelessness-is-now-normal>.

¹⁴². *See* LURIE & SCHUSTER, *supra* note 4.

¹⁴³. *Id.* at 14 (“Homelessness has a discriminatory impact on female victims of domestic violence in Washington State. Mirroring the national data, domestic violence is a leading cause of homelessness for women and children statewide.” (internal citation omitted)).

finding the money for a new home, especially if they have been prevented from working by their abuser.¹⁴⁴ Veterans also suffer homelessness disproportionately due to trauma, poverty, lack of support networks, and dismal living conditions in overcrowded or substandard housing.¹⁴⁵

Some attempt to support such a “homeless by choice” narrative by pointing to statistics showing some unsheltered people decline offers of services or emergency shelter.¹⁴⁶ But many cities lack sufficient shelter, not only due to an insufficient number of beds, but also due to the functional inaccessibility of existing shelter. Some people sleep outside rather than in shelters because they do not fare well in crowded environment, or they fear having to leave pets and belongings outside.¹⁴⁷ In addition, many shelters and homeless housing programs have stringent eligibility criteria and rules that screen out the most vulnerable people.¹⁴⁸ Finally, most shelters are a place to sleep for a few hours, not a place to live. Moreover, offers of services and treatment, without also offering stable housing, are unlikely to benefit someone who must return to the trauma of homelessness after a session of service.

Setting aside the “homeless by choice” narrative, others favor criminalization over investments in positive solutions, such as housing or services,

144. See, generally *Domestic Violence and Homelessness*, AM. CIVIL LIBERTIES UNION, <https://www.aclu.org/sites/default/files/pdfs/dvhomelessness032106.pdf> (last visited Sept. 25, 2018) (“A lack of alternative housing often leads women to stay in or return to violent relationships. In Minnesota in 2003, for instance, 46% of homeless women reported that they had previously stayed in abusive relationships because they had nowhere to go.”). “The intersection of homelessness and domestic violence is complex . . . [A] survivor may be unable to pay rent because of actions taken by an abusive partner to undermine her economic stability and ability to live independently.” *Homelessness Prevention and Rapid Re-Housing for Survivors of Domestic Violence*, NAT’L ALLIANCE TO END HOMELESSNESS, <http://endhomelessness.org/wp-content/uploads/2011/03/prevention-rapid-rehousing-for-dv-survivors.pdf> (last visited Sept. 25, 2018).

145. *Veteran Homelessness Facts*, GREEN DOORS, <http://greendoors.org/facts/veteran-homelessness.php> (last visited Sept. 14, 2018).

146. E.g., Vernal Coleman & Vianna Davila, *Seattle Officials at Odds on How Many Homeless Get Shelter After Camps Cleared*, SEATTLE TIMES (Nov. 4, 2017), <https://www.seattletimes.com/seattle-news/homeless/seattle-officials-at-odds-on-how-many-homeless-get-shelter-after-camps-cleared/> (“79 percent of people offered shelter either declined or ruled ‘ineligible’ because of their criminal records, lack of identification or other complications.”).

147. SKINNER, *supra* note 49, at Part II.

148. *Id.* at 11–14.

because they believe such investments will serve as a beacon, attracting new homeless people from other locations and overwhelming the host city. This “magnet” myth is closely related to the belief that people experiencing homelessness in any given city are not residents, but outsiders. But the best available evidence suggests otherwise. For example, in Seattle/King County, the vast majority (95%) of the county’s homeless population were Washington state residents—83 percent from within King County—before they became homeless.¹⁴⁹ The city of Seattle’s Homeless Needs Assessment showed similar results: 49 percent of respondents reported they were living in the city of Seattle when they most recently became homeless; 31 percent reported being originally from Seattle; of the 69 percent of respondents not originally from Seattle, 15 percent reported living in Seattle for a decade or more.¹⁵⁰ These results, which suggest people experiencing homelessness are homegrown, are not uncommon.¹⁵¹

149. ALL HOME, SEATTLE/KING COUNTY POINT-IN-TIME COUNT OF PERSONS EXPERIENCING HOMELESSNESS 2018, at 30 (2018), <http://allhomekc.org/wp-content/uploads/2018/05/FINALDRAFT-COUNTUSIN2018REPORT-5.25.18.pdf>.

150. CITY OF SEATTLE & ASR, 2016 HOMELESS NEEDS ASSESSMENT 16 (2016), <https://assets.documentcloud.org/documents/3480319/City-of-Seattle-Homeless-Needs-Assessment-March.pdf>.

151. *E.g.*, APPLIED SURVEY RESEARCH, SAN FRANCISCO 2017 HOMELESS COUNTY & SURVEY COMPREHENSIVE REPORT 22 (2017), <http://hsh.sfgov.org/wp-content/uploads/2017/06/2017-SF-Point-in-Time-Count-General-FINAL-6.21.17.pdf> (finding that 69% of respondents in the 2017 San Francisco point-in-time (PIT) survey were living in San Francisco at the time they most recently became homeless); METRO DENVER HOMELESS INITIATIVE, 2017 POINT-IN-TIME REPORT: SEVEN-COUNTY METRO DENVER REGION AT 9 (2017), https://d3n8a8pro7vnmx.cloudfront.net/mdhi/pages/12/attachments/original/1498599733/2017_Metro_Denver_PIT_Final.pdf?1498599733 (finding 32.9% of individuals reported their last permanent residence to be in the City or County of Denver, 37.7% within state, while only 17.2% of individuals reported that their last permanent residence was either out of state or out of country); BITFOCUS, HELP HOPE HOME: 2017 SOUTHERN NEVADA HOMELESS CENSUS & SURVEY COMPREHENSIVE REPORT 48 (2017), <http://helphopehome.org/wp-content/uploads/2017/07/2017-S-Nevada-Census-and-Survey-for-posting.pdf> (finding in the Southern Nevada PIT survey, 79% of respondents reported living in Southern Nevada when they most recently become homeless). Contrary indications are not the norm. *See, e.g.*, Amelia Templeton, *How Portland Tried, and Failed, to Provide a Bed for All its Homeless Children*, OPB (Mar. 13, 2018), <https://www.opb.org/news/article/portland-oregon-homeless-children-shelter-families/> (reporting Portland’s “no turn away” shelter policy attracted 45% of local county residents, but “significant” numbers came from other Oregon counties, and about one-third were from out of state).

Laziness is another stereotype applied to people experiencing homelessness: many believe that homeless people do not work even though they can. Many homeless people do work (some reports estimate 44% nationally),¹⁵² but still have no reasonable alternative to living in their cars, emergency shelters, or even outside. But it is hard to get or maintain employment without a place to bathe, to prepare meals, or to set an alarm. Getting and keeping a job can be especially challenging. Applying for work can be difficult without a permanent address or regular access to a shower or transportation. Other obstacles such as mental illness, physical disabilities, and even a non-violent criminal history can be a barrier to seeking employment.¹⁵³

Even having a job is no guarantee against homelessness. There is no state in the United States where a minimum wage worker working full time can afford a two-bedroom apartment at fair market rent.¹⁵⁴ For example, currently in Washington State, a resident must work 75 hours a week at minimum wage to afford the rent of a one-bedroom apartment.¹⁵⁵ Accordingly, the price of housing is out of reach for most, especially and including people experiencing chronic homelessness.

Closely related to myths about laziness and unemployment is the misperception that homeless people heavily rely on government assistance, such as disability benefits in Supplemental Security Income (SSI) or welfare benefits in Temporary Assistance to Needy Families (TANF). To the contrary, a relatively small percentage of homeless people receive such

152. *Employment and Homelessness*, NAT'L COAL. FOR THE HOMELESS (July 2009), <https://www.nationalhomeless.org/factsheets/employment.html> ("As bad as it is for the 44% of homeless people who have jobs and can't escape homelessness, climbing out of homelessness is virtually impossible for those without a job.").

153. OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING & EVALUATION, EMPLOYMENT AND INCOME SUPPORTS FOR HOMELESS PEOPLE: BARRIERS TO WORK FACED BY HOMELESS PEOPLE 3 (Mar. 1, 2007), <https://aspe.hhs.gov/report/toward-understanding-homelessness-2007-national-symposium-homelessness-research-employment-and-income-supports-homeless-people/barriers-work-faced-homeless-people> (stating that all segments of the homeless population face significant and multiple barriers to employment, including: transportation, educational credentials, mental and physical health, disabilities, substance use disorders, incarceration history, child care, and the digital divide).

154. See NAT'L LOW INCOME HOUSING COAL., *supra* note 1.

155. *Out of Reach 2018: Washington*, NAT'L LOW INCOME HOUSING COAL., <http://nlihc.org/oor/washington> (last visited Sept. 14, 2018).

assistance.¹⁵⁶ Although over 40 percent of homeless persons are eligible for disability benefits, only 11 percent actually receive them.¹⁵⁷ Most homeless families are eligible for welfare benefits, but only 52 percent receive them.¹⁵⁸ Even when homeless individuals do receive benefits, they rarely receive enough to afford housing. Since 2017, every state's TANF benefits for a family of three are at or far below the poverty line, woefully inadequate to pay a fair market rent.¹⁵⁹

Another potent stereotype is the association of homeless people with criminality. But a person who is homeless is no more likely to be a criminal than a housed person, with one legal exception: camping ordinances.¹⁶⁰ People who are homeless break that law by being homeless. Criminal records for homeless single adults are overwhelmingly due to misdemeanor offenses related to living outdoors, such as trespass.¹⁶¹ A person who is homeless is no more likely to perpetrate a violent crime than a housed person,¹⁶² but is much more likely to be the victim of a violent crime, such as murder, assault, rape, and theft.¹⁶³ Homeless people are also often the

156. DAVID LONG, JOHN RIO, JEREMY ROSEN, EMPLOYMENT AND INCOME SUPPORTS FOR HOMELESS PEOPLE 6 (2007), <https://aspe.hhs.gov/system/files/pdf/180356/report.pdf>; see also Burt et al., *supra* note 13, at 12 (finding that the “the highest rates of participation [in government benefits] among homeless clients were food stamps (37%) and Medicaid (30%).”).

157. LONG, RIO, & ROSEN, *supra* note 156, at 6 (“In 2000 . . . 39 percent of homeless persons reported mental health problems and 46 percent of homeless persons had chronic physical disabilities, far more than the 11 percent receiving SSI. While not all persons with disabilities are eligible for SSDI or SSI, these disparities suggest that at least some eligible individuals who are homeless are not receiving benefits.”); Burt et al., *supra* note 13, at xx (“11 percent receive Supplemental Security Income”).

158. LONG, RIO, & ROSEN, *supra* note 156, at 9.

159. Ife Floyd, *TANF Cash Benefits Have Fallen by More Than 20 Percent in Most States and Continue to Erode*, CTR. ON BUDGET AND POLICY PRIORITIES (Oct. 13, 2017), <https://www.cbpp.org/research/family-income-support/tanf-cash-benefits-have-fallen-by-more-than-20-percent-in-most-states>.

160. OLSON & MACDONALD, *supra* note 44.

161. Social science studies have found that individuals experiencing homelessness are at risk for engaging in non-violent criminal activity, and that “homeless jail inmates were more likely to have been arrested for nuisance offenses (e.g., camping without a permit, indecent exposure) than domiciled inmates.” Fischer, *supra* note 13, at 251.

162. *Myths and Facts of Homelessness in Washington State: Building a New Public Narrative to Combat Criminalization and Advance Real Solutions*, WASH. LOW INCOME HOUS. ALL., <https://www.wliha.org/sites/default/files/myths.pdf> (last visited Sept. 24, 2018).

163. About half of homeless people (49%) report being victims of violence compared with only 2% of the general U.S. population. NAT’L COAL. FOR THE HOMELESS,

victims of hate crimes.¹⁶⁴ The misattribution of heightened criminality to people experiencing homelessness, like many other stereotypes, fuels their criminalization.

IV. ALTERNATIVES TO CRIMINALIZATION

The instinct to criminalize likely is also driven by the misperception that homelessness cannot be solved. But well-established studies show that even chronic homelessness—the most persistent form of homelessness—can be solved.

Although chronically homeless people do not constitute the majority of the overall homeless population,¹⁶⁵ they warrant particular attention for reasons beyond the degree of punishment they bear through criminalization. First, while some other subpopulations are decreasing,¹⁶⁶ many major cities, especially along the West Coast, continue to experience increases in

VULNERABLE TO HATE: A SURVEY OF HATE CRIMES & VIOLENCE COMMITTED AGAINST HOMELESS PEOPLE IN 2013, at 22 (2014), <http://nationalhomeless.org/wp-content/uploads/2014/06/Hate-Crimes-2013-FINAL.pdf>. See Molly Meinbresse et al., *Exploring the Experiences of Violence Among Individuals who are Homeless Using a Consumer-Led Approach*, 29 VIOLENCE & VICTIMS 1 (2014), http://www.nhchc.org/wp-content/uploads/2014/08/vv-29-1_ptr_a8_122-136.pdf (“The prevalence of violence victimization in the homeless population has been estimated to range from 14% to 21% and approximately one-third report having witnessed a physical attack on another person who was homeless.” (internal citations omitted)).

164. NAT’L COAL. FOR THE HOMELESS, NO SAFE STREET: A SURVEY OF VIOLENCE COMMITTED AGAINST HOMELESS PEOPLE IN 2014 & 2015, at 3 (July 13, 2016), <http://nationalhomeless.org/category/civil-rights/violence-against-the-homeless/> (“Over the past 17 years, NCH has recorded 1,650 incidents of crimes committed against this unprotected group. In 2014 and 2015, NCH became aware of 192 attacks, 58 of which resulted in death.”).

165. In 2017, HUD issued its Annual Homeless Assessment Report (AHAR) to Congress which reported data from a national PIT count of individuals experiencing homelessness. AHAR 2017, *supra* note 20. The 2017 PIT count found that 553,742 individuals were experiencing homelessness, and of that base number, 86,962 were individuals with chronic patterns of homelessness. *Id.* at 1.

166. For example, the 2017 AHAR reported a 5% decrease in the number of unhoused families with children since 2016. AHAR 2017, *supra* note 20, at 1. Additionally, despite a 2% increase in unhoused veterans between 2016 and 2017, “homelessness among veterans dropped 45 percent since 2009.” *Id.*

chronic homelessness.¹⁶⁷ So chronic homelessness is increasing in severity and remains at the epicenter of many homelessness crises.

Second, this subpopulation is the most visible. Their sustained visibility not only renders them frequent targets of criminalization laws, but also positions them as a lightning rod for polarized, charged debates around housing and homelessness. Their presence controls the narrative that drives societal perspectives and associated laws and policies.¹⁶⁸ To many homeless rights advocates, if non-punitive interventions can show progress in mitigating chronic homelessness—the so-called “hardest to house”—such progress may help to change the way people think, talk, legislate, and litigate about criminalizing homelessness generally.

Third, in many ways, chronically homeless people are also the most vulnerable. Exposed on the street, they suffer from higher rates of poor health,¹⁶⁹ mental illness, and substance abuse¹⁷⁰ when compared to homeless populations generally. Because chronic homelessness always involves the presence of at least one other significant disabling condition,¹⁷¹ their pronounced vulnerability contributes to their persistent homelessness. Accordingly, they are the least likely to exit homelessness without intervention.

Fourth, chronic homelessness is the most costly segment. Although they do not constitute a majority within homeless populations overall, chronically homeless individuals generate a disproportionate share of public costs because they are among the highest frequency users of emergency services and hospitalization, as well as police, court, and probation resources, and jail time.¹⁷²

167. Specifically, “[o]ver half of all states, 28, experienced an increase between 2016 and 2017 in the number of individuals with chronic patterns of homelessness. *California* by far had the largest increase, with 5,996 more chronically homeless individuals in 2017 than in 2016. The next largest increase occurred in *Washington*, with 2,050 more individuals with chronic patterns of homelessness there in 2017.” *Id.* at 66 (emphasis added).

168. *See, e.g.*, Robert P. Agans et al., *Public Attitudes Toward the Homeless*, PROCEEDINGS OF THE AMERICAN STATISTICAL ASSOCIATION 5934–46 (2011), <https://www2.amstat.org/sections/srms/Proceedings/y2011/Files/400188.pdf> (suggesting public opinions about homelessness drive personal action, such as voting for or against certain related laws and policies).

169. HOMELESS HUB Health, *supra* note 51.

170. SAMHSA Homelessness and Housing, *supra* note 51.

171. *See supra* p. 6 and note 20 (defining “chronic homelessness”).

172. *See Ending Chronic Homelessness in 2017*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, https://www.usich.gov/resources/uploads/asset_library/Ending_Chronic_

Fifth and finally, studies consistently show that solving chronic homelessness is achievable through the evidence-based solutions¹⁷³ of Housing First¹⁷⁴ and permanent supportive housing (PSH).¹⁷⁵

A. What is Housing First?

A seminal, widely known theory sets helpful context for understanding Housing First.¹⁷⁶ Regardless of whether someone has studied business, medicine, psychology, or some other discipline, they have likely learned about Maslow's Hierarchy of Needs.¹⁷⁷ Maslow's Hierarchy demonstrates that people must satisfy basic physiological needs—like breathing, eating, drinking, excreting, sleeping, and having stable housing—before they can successfully attend to successively higher-order needs.¹⁷⁸ Since this theory's publication in 1943, it illuminated understanding of human motivation, performance, and capability, immeasurably impacting psychology, psychiatry, health care, business, education, social work, and numerous other fields.

Unfortunately, traditional approaches to homelessness often defy what Maslow's Hierarchy teaches, expecting or requiring people experiencing

Homelessness_in_2017.pdf (last visited Sept. 11, 2018) ("Ending chronic homelessness could reduce avoidable public costs such as avoidable emergency department visits, jail, and shelter costs.").

173. See *Evidence Base*, CTR. FOR EVIDENCE-BASED SOLUTIONS TO HOMELESSNESS, <http://www.evidenceonhomelessness.com/evidence-base/> (last visited Sept. 11, 2018).

174. *Fact Sheet: Housing First*, NAT'L ALL. TO END HOMELESSNESS I, <http://endhomelessness.org/wp-content/uploads/2016/04/housing-first-fact-sheet.pdf> (last visited Sept. 11, 2018) ("Consumers in a Housing First model access housing faster and are more likely to remain stably housed." (internal citations omitted)).

175. *Chronic Homelessness*, Ctr. For Evidence-Based Solutions to Homelessness, <http://www.evidenceonhomelessness.com/topic/chronic-homelessness/> (last visited Sept. 11, 2018) ("[Permanent supported housing] can lead to substantial savings and, among the heaviest service users, may even be a cost-neutral investment, with the cost of housing subsidies and services offset by reductions in other spending for public services.").

176. *Deploy Housing First System Wide*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS (Aug. 15, 2018), <https://www.usich.gov/solutions/housing/housing-first/> ("A Housing First system orientation recognizes that people experiencing homelessness—like all people—need the safety and stability of a home in order to best address challenges and pursue opportunities.").

177. A.H. Maslow, *A Theory of Human Motivation*, 50 PSYCH. R. 370–96 (1943).

178. *Id.*

the trauma of homelessness to accept offers of service or treatment without also offering a stable place to live.¹⁷⁹ Not surprisingly, such traditional approaches are often unsuccessful. Housing First is an exception.

Housing First is a homelessness intervention that prioritizes providing permanent housing to people experiencing homelessness, ending their homelessness and serving as a platform from which they can improve their quality of life. This pragmatic approach reflects the reality that people need basic necessities like food, sleep, and a stable place to live before attending to any secondary issues, such as getting a job, budgeting properly, or attending to substance use issues.¹⁸⁰ It also reflects evidence that allowing residents to exercise choice in housing selection and supportive service participation is key to making them more successful in remaining housed and improving their life.

Housing First does not require people experiencing homelessness to address all of their problems, including behavioral and health problems, or to graduate through a series of services programs before they can access housing. It does not mandate participation in services either before obtaining housing or in order to retain housing. The Housing First approach views housing as the foundation for life improvement and enables access to permanent housing without prerequisites or conditions beyond those of a typical renter. Supportive services are offered to help people with housing stability and individual well-being, but participation is not required: services are proven to be more effective when the recipient chooses to engage. Other approaches make such requirements for a person to obtain and retain housing; these approaches are far less effective.

B. What is Permanent Supportive Housing?

Supportive housing is an evidence-based housing intervention that combines non-time-limited affordable housing assistance with wrap-around

179. See, e.g., Amanda Stafford & Lisa Wood, *Tackling Health Disparities for People who are Homeless? Start with Social Determinants*, 14 INT. J. ENVIRON. RES. PUBLIC HEALTH 12, 1535 (noting the low degree of effectiveness in treating the health needs of people experiencing homelessness then simply sending them back to the conditions that compromise their health).

180. U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, *supra* note 176.

supportive services for people experiencing homelessness and other people with disabilities.¹⁸¹ Research shows supportive housing is a cost-effective solution to homelessness, particularly for people experiencing chronic homelessness.¹⁸² Studies consistently show that supportive housing not only resolves homelessness and increases housing stability, but also improves health and lowers public costs by reducing the use of publicly funded crisis services, including shelters, hospitals, psychiatric centers, jails, and prisons.¹⁸³

Together, Housing First and permanent supportive housing programs have demonstrated success in ending homelessness for even the “hardest” to reach.¹⁸⁴ Moreover, once people are housed, they eventually begin to accept services and treatment at higher rates than before, and the impact of those services is far more robust and enduring.¹⁸⁵ Once housed, people can

181. *E.g.*, Kristofor Husted, *A Permanent Home that Allows Drinking Helps Homeless Drink Less*, NPR (Jan. 23, 2012, 11:08AM ET), <https://www.npr.org/sections/health-shots/2012/01/19/145477493/a-permanent-home-that-allows-drinking-helps-homeless-drink-less> (writing about a supported housing program in Seattle that allowed alcohol consumption found that its participants’ consumption of alcohol decreased by about 25% at the end of a two-year study: “the data show that finding homeless people a permanent home first may provide them with the support they need to tackle other health concerns later.”).

182. *The Effectiveness of Housing First & Permanent Supportive Housing*, SEATTLE UNIV. HOMELESS RIGHTS ADVOCACY PROJECT (July 25, 2018) [hereinafter HRAP Effectiveness of Housing First & PSH], <https://law.seattleu.edu/Documents/korematsu/HRAP-Excerpts-of-Studies-on-Housing-First-Permanent-Supportive-Housing.pdf> (providing “a non-exhaustive sampling of studies concerning the Effectiveness of Housing First and Permanent Supportive Housing”).

183. *Id.*; see also Husted, *supra* note 181.

184. *Id.*

185. *E.g.*, SARAH B. HUNTER ET AL., *EVALUATION OF HOUSING FOR HEALTH: PERMANENT SUPPORTIVE HOUSING PROGRAM* (2017), https://www.rand.org/content/dam/rand/pubs/research_reports/RR1600/RR1694/RAND_RR1694.pdf (finding a 60% reduction in use of public services among PSH participants and a reduction in emergency medical services, illustrating the impact of supporting housing services on stability); M.E. Larimer, D.K. Malone, M.D. Garner, et al., *Health Care and Public Service Use and Costs Before and After Provision of Housing for Chronically Homeless Persons with Severe Alcohol Problems*, 301 J. OF AMER. MED. ASSOC. 13, 1349–57 (2009) (finding that prior to receiving Housing First intervention, the participants received a median of \$4066 in public services per person, but after six months of receiving Housing First intervention, this cost dropped to a median of \$1492 per person, illustrating the enduring impact of public services while being in permanent housing).

more easily and effectively work toward resolving issues such as alcoholism, drug addiction, and mental illness.

Providing permanent supportive housing to individuals with chronic patterns of homelessness is proven to significantly reduce use of expensive acute care services such as emergency shelters, hospital emergency rooms, and detoxification and sobering centers.¹⁸⁶ As a result, permanent supportive housing can lead to substantial savings.¹⁸⁷ Even among the heaviest service users, it may be a cost-neutral investment, with the cost of housing subsidies and services offset by reductions in other spending for public services.

Numerous communities throughout the United States are taking note, taking action, and making significant progress toward ending chronic homelessness.¹⁸⁸ States like Utah¹⁸⁹ and Hawaii,¹⁹⁰ cities such as New Orleans,¹⁹¹

186. HRAP Effectiveness of Housing First & PSH, *supra* note 182.

187. NAEH, *Study Data Show that Housing Chronically Homeless People Saves Money, Lives*, NAT'L ALL. TO END HOMELESSNESS: ENDING HOMELESSNESS TODAY (June 30, 2015), <https://endhomelessness.org/study-data-show-that-housing-chronically-homeless-people-saves-money-lives/> (including a map of PSH cost studies, the majority of which “show significant savings that completely or nearly offset the cost of housing”).

188. David Bornstein, *A Growing Drive to Get Homelessness to Zero*, NY TIMES (June 5, 2018), https://www.nytimes.com/2018/06/05/opinion/homelessness-built-for-zero.html?rref=collection%252Fcolumn%252Ffixes&action=click&contentCollection=opinion&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection.

189. Kelly McEvers, *Utah Reduced Chronic Homelessness by 91 Percent; Here's How*, NPR (Dec. 10, 2015, 6:08PM ET), <https://www.npr.org/2015/12/10/459100751/utah-reduced-chronic-homelessness-by-91-percent-heres-how> (writing that Utah nearly met its goal of ending chronic homelessness in 2015, when the population of chronically homeless people decreased by 91% within the state).

190. Max Dible, *Homeless Ranks Shrink Statewide, Islandwide for Second Straight Year*, WEST HAWAII TODAY (May 8, 2017, 12:05AM), <http://www.westhawaii.com/2018/05/08/hawaii-news/homeless-ranks-shrink-statewide-islandwide-for-second-straight-year/> (“This year, Hawaii saw a 9.6 percent decrease in overall homelessness compared with a 9 percent decrease the year before.”).

191. Noelle Swan, *In a U.S. First, New Orleans Finds Homes for All Its Homeless Veterans*, CHRISTIAN SCIENCE MONITOR (Jan. 9, 2015), <https://www.csmonitor.com/USA/Society/2015/0109/In-a-US-first-New-Orleans-finds-homes-for-all-its-homeless-veterans> (“New Orleans [became] the first U.S. city to effectively eliminate veteran homelessness.”).

San Antonio,¹⁹² Detroit,¹⁹³ and Tulsa,¹⁹⁴ and countries like Finland,¹⁹⁵ Denmark,¹⁹⁶ and Canada¹⁹⁷ have all made significant progress through such programs. The demonstrated success of such non-punitive alternatives to criminalization underscores the problem with current laws and policies that punish already vulnerable people.

CONCLUSION

Seattle and many other cities throughout the country need to know that our current approach to criminalizing homelessness is an often illegal and always expensive rotating door. It costs far less for cities to invest in non-punitive alternatives that actually solve homelessness, like permanent

192. John Stephens, *A Public-Private Homeless Solution in Texas Might Work for Costa Mesa and O.C.*, LOS ANGELES TIMES (Feb. 7, 2018, 12:00PM), <http://www.latimes.com/socal/daily-pilot/opinion/tn-dpt-me-commentary-stephens-20180207-story.html> (writing that in 2017, San Antonio, Texas, experienced an 80% decrease in numbers of individuals experiencing homeless since 2010).

193. *Detroit's Focus on Supportive Housing Drives Down Homelessness 15 Percent*, DETROIT JOURNALISM COOPERATIVE, <https://www.detroitjournalism.org/2018/05/09/detroits-focus-on-supportive-housing-drives-down-homelessness-15-percent/> (last visited Sept. 11, 2018) (“The number of people in Detroit experiencing homelessness continued a steady decline in 2017, dropping 15% over the previous year.”).

194. Corey Jones, *Built for Zero Tulsa Surpasses 1,000 People Housed in Effort to Stymie Chronic, Veteran Homelessness*, TULSA WORLD (Apr. 20, 2018), https://www.tulsaworld.com/news/local/built-for-zero-tulsa-surpasses-people-housed-in-effort-to/article_3d648c71-b614-5a7c-a0c1-7a2c2dbdfaf9.html (writing that the Built for Zero Tulsa initiative, a Housing First model, placed 1,000 individuals into permanent housing).

195. Gordon F. Sander, *Finland's Homeless Crisis Nearly Solved. How? By Giving Homes to all who Need*, CHRISTIAN SCIENCE MONITOR (Mar. 21, 2018), <https://www.csmonitor.com/World/Europe/2018/0321/Finland-s-homeless-crisis-nearly-solved.-How-By-giving-homes-to-all-who-need> (writing that “the number of homeless people in Finland has declined from a high of 18,000 30 years ago, to approximately 7,000”).

196. *Housing First in Denmark*, DANISH NAT'L CTR. FOR SOC. RESEARCH, <https://en.sfi.dk/publications/housing-first-in-danmark-12839/> (last visited Sept. 11, 2018).

197. Vicky Stergiopoulos et al., *Effect of Scattered-Site Housing Using Rent Supplements and Intensive Case Management on Housing Stability Among Homelessness Adults with Mental Illness: A Randomized Trial*, JAMA NETWORK (Mar. 3, 2015), <https://jamanetwork.com/journals/jama/fullarticle/2174029> (finding that “scattered-site supportive housing using rent supplements and ICM services led to significantly greater housing stability for homeless adults with mental illness and moderate support needs compared with usual care in 4 cities across Canada over the 24-month follow-up period”).

supportive housing. In Seattle and elsewhere on the West Coast, the rapid rise in homelessness has overwhelmed existing systems,¹⁹⁸ generating crisis responses not capable of actually ending homelessness. Cities throughout America can and should do more to end the criminalization of homelessness and redirect such investments to non-punitive alternatives such as Housing First and permanent supportive housing. The status quo is punishment, broadly borne by us all.

198. West coast cities may be responsible for most increases in homelessness nationally. See, e.g., Pam Fessler, *Homeless Population Rises, Driven by West Coast Affordable-Housing Crisis*, NPR (Dec. 6, 2017, 12:02AM ET), <https://www.npr.org/2017/12/06/568605069/homeless-population-rises-driven-by-west-coast-affordable-housing-crisis> (“The increase is almost entirely due to a surge in homelessness in Los Angeles and other cities facing severe shortages of affordable housing, say HUD officials. Many of the cities are on the West Coast, including Seattle, San Diego, and Sacramento, Calif.”); Christopher Weber & Geoff Mulvihill, *For the First Time in 7 Years There are More Homeless in US*, WASH. POST (Dec. 6, 2017), https://www.washingtonpost.com/business/us-homeless-count-rises-pushed-by-crisis-on-the-west-coast/2017/12/06/fof8c2de-da42-11e7-a241-0848315642do_story.html?utm_term=.634848dc165d (“The nation’s homeless population increased this year for the first time since 2010, driven by a surge in the number of people living on the streets in Los Angeles and other West Coast cities.”); Jeff Andrews, *West Coast Spike in Homelessness Drives National Increase: Tight West Coast Housing Markets Cause the First Rise in Homelessness in Years*, CURBED (Dec. 7, 2017, 10:30AM ET), <https://www.curbed.com/2017/12/7/16743122/west-coast-homelessness-national-increase> (“[T]he slight increase in homeless was mostly driven by increases on the West Coast, particularly in tight housing markets like Los Angeles and Seattle.”).



Homeless encampments: connecting public health and human rights

Nicholas Olson¹ · Bernadette Pauly²

Received: 24 June 2021 / Accepted: 22 September 2021 / Published online: 2 November 2021
© The Author(s), under exclusive licence to The Canadian Public Health Association 2021

Ex # 9 m/d/y 08/30/2024 Pg 1 of 4
Exam of Dr. Stephen Gaetz
Heegsma et al v City of Hamilton
Nimigan Mihailovich Reporting Inc.

Abstract

The COVID-19 pandemic is exacerbating longstanding issues related to homelessness, including lack of affordable housing, unemployment, poverty, wealth inequality, and ongoing impacts of colonization. Homelessness is often accompanied by narratives rooted in individual blame, criminalization, and reinforcement of substance use and mental health-related stigma. Visible homelessness, in the form of encampments, is a manifestation of government policy failures that neglect to uphold the human right to housing, and demonstrate eroding investments in affordable housing, income and systemic supports. Encampments make visible that some in our community lack basic determinants of health such as food, water, sanitation, safety, and the right to self-determination. In order for public health to effectively and equitably promote health and enact commitments to social justice, we argue that public health must adopt a human rights approach to housing and to homeless encampments. Embracing a human rights perspective means public health would advocate first and foremost for adequate housing and other resources rooted in self-determination of encampment residents. In the absence of housing, public health would uphold human rights through the provision of public health resources and prohibition on evictions of encampments until adequate housing is available.

Résumé

La pandémie de COVID-19 exacerbe des problèmes de longue date liés au sans-abrisme, dont le manque de logements abordables, le chômage, la pauvreté, l'inégalité de richesse et les impacts continus de la colonisation. Le sans-abrisme s'accompagne souvent de discours narratifs ancrés dans le blâme personnel, la criminalisation et le renforcement de la stigmatisation de l'usage de substances et des troubles de santé mentale. Le sans-abrisme visible, qui prend la forme des campements, est un constat d'échec des politiques gouvernementales qui négligent de faire respecter le droit fondamental au logement, et il démontre l'érosion des investissements dans les logements abordables, le soutien du revenu et le soutien systémique. Les campements rendent visible le fait qu'il manque à certains membres de la collectivité les déterminants de base de la santé, comme la nourriture, l'eau, les installations sanitaires, la sécurité et le droit à l'autodétermination. Pour que la santé publique fasse efficacement et équitablement la promotion de la santé et pour qu'elle donne suite à ses engagements envers la justice sociale, nous faisons valoir qu'elle doit aborder le logement et les campements de sans-abri selon une approche fondée sur les droits humains. L'adoption d'une perspective axée sur les droits humains signifie que la santé publique doit d'abord et avant tout plaider en faveur de ressources, dont des logements adéquats, ancrées dans l'autodétermination des résidents des campements. En l'absence de logements, la santé publique devrait faire respecter les droits humains par la mise à disposition de ses ressources et par l'interdiction des expulsions des campements jusqu'à ce que des logements adéquats deviennent disponibles.

Keywords Public health · Encampments · Tent cities · Human rights · Housing · Homelessness

Mots-clés Santé publique · campements · villages de tentes · droits de l'homme · logement · sans-abrisme

✉ Bernadette Pauly
bpauly@uvic.ca

¹ School of Public Health and Social Policy, University of Victoria, Victoria, BC, Canada

² Canadian Institute for Substance Use Research (CISUR), University of Victoria, 2300 McKenzie Ave, Victoria, BC V8N 5M8, Canada

The COVID-19 pandemic has resulted in widespread public and private sector restrictions and a global economic crisis that has intensified existing inequities such as lack of affordable housing, unemployment, longstanding poverty and wealth inequality, and the ongoing impacts of colonization. During COVID-19, there has been an increase in

visible homelessness particularly in the form of encampments in urban centres (Lorinc, 2020). The rise of visible homelessness is often paired with troubling public narratives that perpetuate stereotypes, stigma, and discrimination related to crime, substance use, mental health, and poverty, thus intensifying the trauma endured by people experiencing homelessness. Such narratives are often used to justify the displacement of encampments while ignoring that encampment residents lack basic determinants of health and human rights to water, sanitation, food, and shelter. Public health officials are often at the nexus of these controversies and heightened public tensions. In this commentary, we outline the importance and relevance of a human rights approach for informing and bolstering public health responses to homelessness.

Public health is rooted in health equity and social justice, goals (Beauchamp, 1976) that are operationalized in public health standards and competencies (Edwards & Davison, 2008; Public Health Agency of Canada, 2008). Health equity is concerned with the impacts of social conditions on health and promotion of equitable conditions for health with an emphasis on the involvement and engagement of people impacted by inequities (Braveman, 2010). As such, health equity is inextricably linked to human rights including access to adequate housing, food, income, and self-determination as requirements for health justice and enshrined in International Human Rights Covenants (Braveman, 2010; Meier et al., 2018). The 2019 Canadian Housing Strategy Act specifically recognizes that (a) “the right to adequate housing is a fundamental human right affirmed in international law” and (b) “housing is essential to inherent dignity and well-being of the person and to building sustainable and inclusive communities” (Government of Canada, 2019, p. 2). This recognition is echoed in the National Protocol for Homeless Encampments in Canada (National Protocol) outlining the importance of housing as a human right and a human rights approach to homelessness (Farha & Schwan, 2020). Ongoing homelessness and failure to implement these policies is contributing to poor health and premature death for homeless persons (Centre for Equality Rights in Accommodation and National Right to Housing Network, 2021). Recognizing the right to housing and protecting human rights are central to public health commitments to health equity and social justice.

In the absence of housing, COVID-19 guidelines for encampments such as those released by the National Collaborating Centre for Environmental Health (NCCEH) (Yehia, 2020) and the best practices released by the British Columbia (BC) Ministry of Health (BCCDC, 2020) offer public health guidance, but fall short of adopting a human rights approach. This shortcoming raises the risk of these guidelines being co-opted and used to justify stigmatization, displacement, criminalization, and inaction due to a lack of focus on human rights to basic determinants of health (Farha

& Schwan, 2020). Without a strong public health and human rights approach, public health can be weaponized in service of societal narratives that problematize homelessness as an individual failing, a disease or crime rather than a structurally produced problem with consequences of trauma and violence.

Dominant discourses surrounding encampments

Encampments are often portrayed publicly through three closely linked narratives—individual deficiencies, mental health and substance use, and criminalization—which often inform governmental, community, and non-profit responses to these sites. Despite the fact that people experiencing homelessness are no more likely to break the law, except for laws that punish people for living outdoors (Rankin, 2019), community opposition to encampments is often based in fears of increasing crime rates and jeopardizing public health and safety (Loftus-Farren, 2011).

For example, court cases, such as *British Columbia v. Adamson BCSC 1245* (2016), have cited “health and safety risks” such as fire hazards, violence, criminal activities, human waste, pests, substance use, and used needles as reasons to call for dismantling of an encampment. When public health is co-opted by narratives of public safety, it denies the varied human rights and public health concerns raised by residents of encampments that often focus on deficiencies in the determinants of health, such as housing, food and sanitation.

The neoliberal notion that encampments exist because of individual shortcomings ignores how encampments are instead sites of public health deficiencies rooted in government policies related to lack of housing, sanitation, food storage, inadequate incomes, and other resources. In May 2020, a BC ministerial order cited public health concerns of COVID-19 transmission, public safety, and increases in crime when forcing residents out of three public spaces in Vancouver and Victoria (Kines, 2020). Although displacement of the three encampments was accompanied by offers of hotel-style spaces, the process ignored rights to self-determination of encampment residents and forced closure of these encampments despite lack of adequate and sufficient spaces to move everyone indoors.

Instead of citing concerns of safety, crime, mental health, and substance use as public health rationale for displacement of encampments, public health officials should recognize encampment residents as rights holders—people with a right to housing, self-determination and basic determinants of health. This would ensure public health responses are rooted in social justice and bolstered by human rights.

Public health and “a human rights approach”

The National Protocol outlines eight principles, including the right to housing and how to uphold human rights in the absence of housing (Farha & Schwan, 2020). These eight principles can be used to squarely orient public health guidelines, such as those identified earlier, to housing as a human right and a public health approach based on protection of human rights and promotion of health equity and social justice.

The first two principles of the National Protocol recognize those who are homeless as holders of human rights, and the priority of appropriate housing as determined by encampment residents themselves as the only adequate, human rights-centred response to encampments (Farha & Schwan, 2020). As such, public health must acknowledge those who are living unsheltered in encampments as having the fundamental right to housing that is contained in human rights law and recognized as an essential basic determinant of health. Principle 2 of the National Protocol states that residents of encampments must be able to participate in decisions that affect their health and well-being as an “exercise of agency, autonomy, and self-determination” (Farha & Schwan, 2020, p. 16). The public health guidelines laid out by the BC Ministry of Health and the NCCEH neglect to foreground self-determination and the involvement of encampment residents as a fundamental requirement of human rights and core principle of health equity. For example, offers of shelter spaces are often refused by people experiencing homelessness because of lack of privacy and safety (Cohen et al., 2019). Further, any decisions surrounding encampment service provision, harm reduction, hygiene and sanitation, and potential relocation should be centred around the perspectives of people living in encampments and acknowledge that “residents are experts in their own lives”, including how best to promote and protect health (Farha & Schwan, 2020).

Principles 3, 4, and 5 relate to human rights in the context of evictions and relocations. The BC Ministry of Health and NCCEH public health guidelines acknowledge the increased risk of infectious disease spread and other public health and safety risks that come with displacement of encampments. However, this acknowledgement falls short of a human rights perspective that prohibits forcible evictions “in all circumstances”, including but not limited to public health emergencies such as COVID-19 (Farha & Schwan, 2020). Forcible displacement results in a myriad of harms, including trauma and disconnection from services.

The sixth principle of the National Protocol requires governments to “ensure encampments meet basic needs of residents consistent with human rights” (Farha & Schwan, 2020). In the absence of providing adequate housing as

determined by encampment residents, a public health and human rights response would ensure access to basic determinants of health such as food, water, sanitation, and garbage disposal. While the BC Ministry of Health and the NCCEH guidelines advocate for the timely provision of such resources, when removed from a rights-based approach these guidelines risk being used for enforcement and displacement when public health standards are not met, instead of protecting rights to basic determinants of health.

Last, principles 7 and 8 speak to the importance of ensuring respect and dignity for all encampment residents with specific attention to Indigenous Peoples. While the BC Ministry of Health refers to human rights and Indigenous rights in their encampment guidelines, the NCCEH guidelines do not mention Indigenous Peoples or Canada’s ongoing history of colonization that has deprived Indigenous people of land and resources and led to an overrepresentation of Indigenous people among those who are homeless. Guidelines that neglect to meaningfully frame recommendations from these perspectives risk inadequate public health responses and actions that violate human rights and are complicit in ongoing processes of colonization.

The eight principles of the National Protocol offer examples of how public health responses to encampments can protect public health and uphold human rights, first and foremost through access to adequate housing as defined by encampment residents, and in absence of that, through the provision of public health resources and supports to address basic determinants of health.

Human rights claims and public health assertions

Dominant narratives place the blame for systemic deficiencies onto residents of encampments to rationalize displacement and eviction of encampments. However, encampments are manifestations of government and public health deficiencies, specifically the “failure to successfully implement the right to adequate housing” (Farha & Schwan, 2020) and protect rights to basic determinants of health.

According to the Pan American Health Organization (n.d.), effective public health “requires explicit and concrete efforts to promote and protect human rights and dignity”. The BC Ministry of Health and NCCEH guidelines are meant to address public health concerns related to encampments in the context of COVID-19. However, in order to do so effectively, they must pair public health with human rights approaches. While these guidelines include “human rights considerations” and maintain that adequate housing is preferable to people living in encampments, meaningfully taking up a human rights approach would begin by firmly

stating a right to housing and respecting people experiencing homelessness as rights holders in ensuring adequate housing options and basic determinants of health. To enact public health commitments of health equity and social justice, public health guidance regarding homeless encampments should integrate human rights principles as outlined above from the National Protocol.

Author contributions All authors contributed to the study conception and design. The first draft of the manuscript was written by Nicholas Olson and all authors commented on previous versions of the manuscript. All authors read and approved the final manuscript.

Funding This study was funded by Bernie Pauly's Island Health Scholar in Residence.

Declarations

Ethics approval This article does not contain any studies with human participants or animals performed by any of the authors.

Conflict of interest The authors declare no competing interests.

References

- Beauchamp, D. E. (1976). Public health as social justice. *Inquiry*, 13(1), 3–14.
- Braveman, P. (2010). Social conditions, health equity, and human rights. *Health and Human Rights: An International Journal*, 12(2).
- British Columbia Centre for Disease Control (BCCDC). (2020). Response to homeless encampments health issues in the context of COVID-19: guidelines and best practices. Resource Document. <https://www.qathet.ca/wp-content/uploads/2020/06/COVID19-Homeless-Encampment-Responses-Resource-final.pdf>. Accessed 17 May 2021.
- British Columbia v. Adamson, 1245 (BCSC 2016). <https://www.escri-net.org/caselaw/2010/victoria-city-v-adams-2009-bcca-563-2008-bcsc-1363>
- Centre for Equality Rights in Accommodation and National Rights to Housing Network. (2021). The rights to life, protection of the home and non discrimination in Canada. Assessing the Housing & Homelessness Crisis in Accordance with Articles 2, 6, 17 & 26 of the ICCPR. Submission to UN Human Rights Committee, 132nd Session. For the List of Issues prior to reporting for Canada's 7th periodic review.
- Cohen, R., Yetvin, W., & Khadduri, J. (2019). Understanding encampments of people experiencing homelessness and community responses. U.S. Department of Housing and Urban Development. <https://www.huduser.gov/portal/publications/Understanding-Encampments.html>. Accessed 17 June 2021.
- Edwards, N. C., & Davison, C. M. (2008). Social justice and core competencies for public health. *Canadian Journal of Public Health*, 99(2), 130–132.
- Farha, L., & Schwan, K. (2020). A human rights approach: A national protocol for homeless encampments in Canada. Resource Document. UN Special Rapporteur on the Right to Housing. Resource Document. <https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>. Accessed 17 May 2021.
- Government of Canada. (2019). National Housing Strategy Act. <https://laws-lois.justice.gc.ca/eng/acts/N-11.2/FullText.html>.
- Kines, L. (2020). Province orders dismantling of Pandora, Topaz camps; residents moving to hotels. *Times Colonist*. April 25, 2020. <https://www.timescolonist.com/news/local/province-orders-dismantling-of-pandora-topaz-camps-residents-moving-to-hotels-1.24124339>. Accessed 17 May 2021.
- Loftus-Farren, Z. (2011). Tent cities: An interim solution to homelessness and affordable housing shortages in the United States. *California Law Review*, 99, 1037–1081.
- Lorinc, J. (2020). Tents housing the homeless are popping up around Toronto. Here's what the city is doing about it. *Toronto Star*. May 15, 2020. <https://www.thestar.com/news/gta/2020/05/14/tents-housing-the-homeless-are-popping-up-around-toronto-heres-what-the-city-is-doing-about-it.html>. Accessed 17 May 2021.
- Meier, B. M., Evans, D. P., Kavanagh, M. M., Keralis, J. M., & Armas-Cardona, G. (2018). Human rights in public health: Deepening engagement at a critical time. *Health and Human Rights*, 20(2), 85–92.
- Pan American Health Organization. (n.d.). The links between health and human rights. https://www3.paho.org/hq/index.php?option=com_content&view=article&id=1348:links-between-health-human-rights&Itemid=643&lang=fr. Accessed 17 May 2021.
- Public Health Agency of Canada. (2008). Core competencies for public health in Canada: Release 1.0. Resource Document. <https://www.canada.ca/content/dam/phac-aspc/documents/services/public-health-practice/skills-online/core-competencies-public-health-canada/cc-manual-eng090407.pdf>. Accessed 17 May 2021.
- Protecting the right to housing in the context of the COVID-19 outbreak. (2020). <https://www.ohchr.org/EN/Issues/Housing/Pages/COVID19RightToHousing.aspx>. Accessed 17 May 2021.
- Rankin, S. K. (2019). Punishing homelessness. *New Criminal Law Review*, 22(1), 99–135. <https://doi.org/10.1525/nclr.2019.22.1.99>
- Yehia, J. (2020). Environmental public health guidance for encampments during the COVID-19 pandemic. Resource Document. National Collaborating Centre for Environmental Health. <https://nccch.ca/documents/guide/environmental-public-health-guidance-encampments-during-covid-19-pandemic>. Accessed 17 May 2021.

Publisher's note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.



**SEATTLE
UNIVERSITY
SCHOOL OF LAW**

Washington's War on the Visibly Poor:

A Survey of Criminalizing Ordinances & Their Enforcement

AUTHORS

Justin Olson & Scott MacDonald
Seattle University School of Law

EDITOR

Sara K. Rankin
Associate Professor of Lawyering Skills

Ex # 11 m/d/y 08/30/2024 Pg 1 of 63

Exam of Dr. Stephen Gaetz

Heegsma et al v City of Hamilton

Nimigan Mihailovich Reporting Inc.

Seattle University School of Law Legal Paper Series # 15-19

Published by the SU Homeless Rights Advocacy Project

**This paper can be downloaded without charge from
the Social Science Research Network Electronic Paper Collection**

Standing for *excellence*. Reaching for *justice*.

WASHINGTON'S WAR ON ^{A6090} THE VISIBLY POOR:

A Survey of Criminalizing Ordinances
& Their Enforcement



**SEATTLE
UNIVERSITY**
SCHOOL OF LAW

HOMELESS RIGHTS
ADVOCACY PROJECT

^{A1806}

Washington's War on the Visibly Poor:
*A Survey of Criminalizing Ordinances
& Their Enforcement*

AUTHORS

Justin Olson & Scott MacDonald

EDITOR

Sara K. Rankin

A1807

ACKNOWLEDGMENTS

The Homeless Rights Advocacy Practicum is a section of the Homeless Rights Advocacy Project (HRAP) at Seattle University School of Law's Korematsu Center. Scott MacDonald and Justin Olson, law students at Seattle University School of Law and founding members of HRAP, authored this policy brief under the supervision of Professor Sara Rankin of Seattle University School of Law. The authors are deeply grateful to the following individuals for their time and contributions toward the preparation of this brief:

- Paul Boden, Executive Director (Western Regional Advocacy Project)
- The Honorable Bill Bowman (King County Superior Court)
- Mark Davidson, Member (Williams Kastner, PLLC)
- David Harrison, Partner (Miller & Harrison, LLC)
- The Seattle University School of Law Criminal Justice Research Methodology students led by Professor Matthew J. Hickman
- The Honorable Judith Hightower (Seattle Municipal Court)
- Carla Lee, Deputy Chief of Staff (King County Prosecuting Attorney's Office)
- Chris Lee, Local Artist
- Nick Licata, Councilmember (City of Seattle)
- Officer Daniel McCormack, Homeless Outreach Team (Colorado Springs Police Department)
- Our HRAP colleagues Kaya Lurie, Josh Howard, Javier Ortiz, Matthew Dick, Breanne Schuster, and David Tran
- Mark Solomon, Crime Prevention Coordinator (Seattle Police Department)
- Nancy Talner, Staff Attorney (American Civil Liberties Union)
- Michelle Thomas, Director of Policy and Advocacy (Washington Low Income Housing Alliance)
- The University of California, Berkeley School of Law Policy Advocacy Clinic, including students Marina Fisher, Nathaniel Miller, and Lindsay Walter, along with Clinic Director Jeffrey Selbin
- Alex West, Policy and Advocacy Session Aide (Washington Low Income Housing Alliance)

And finally, but perhaps most emphatically, the authors would like to thank Professor Sara Rankin, whose passion for homeless rights advocacy inspired and guided us through every phase of this daunting process.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
INTRODUCTION	1
I. Washington Criminalization Ordinances	2
A. Not In Our State: Increasing Statewide Commitment to Criminalization	2
B. Not On Our Streets: The Focus of Criminalization	3
C. Not In Our City: Municipalities with the Most Criminalization	6
D. Legal and Policy Concerns: Overlapping and Compound Ordinances	7
1. <i>Overlapping Ordinance</i>	7
2. <i>Compound Ordinances</i>	8
3. <i>Prevalence in Municipalities</i>	8
II. Washington Enforcement Data	9
A. General Findings and Trends	11
1. <i>Predicting Enforcement: The Effects of Income Disparity</i>	11
2. <i>Comparing Local Enforcement to National Trends</i>	12
3. <i>Civil vs. Criminal: To Jail or Not To Jail</i>	12
B. Under the Microscope: A Case Study of Seven Cities	14
1. <i>Seattle</i>	14
i. <u>Citations</u>	15
ii. <u>Case Dispositions</u>	16
iii. <u>Sentencing</u>	16
2. <i>Bellingham</i>	19
i. <u>Citations</u>	19
ii. <u>Case Dispositions and Sentencing</u>	19
3. <i>Spokane</i>	20
i. <u>Citations</u>	20
ii. <u>Case Dispositions and Sentencing</u>	21
iii. <u>Overlapping Ordinance Concerns</u>	22
4. <i>Vancouver</i>	24
i. <u>Citations</u>	24
ii. <u>Case Dispositions and Sentencing</u>	24
iii. <u>Overlapping Ordinance Concerns</u>	25
5. <i>Burien</i>	25
i. <u>Citations</u>	26
ii. <u>Case Dispositions and Sentencing</u>	26
iii. <u>Overlapping Ordinance Concerns</u>	27
6. <i>Auburn</i>	28
i. <u>Citations</u>	29
ii. <u>Case Dispositions and Sentencing</u>	29
7. <i>Pasco</i>	29

i. <u>Citations</u>	29
ii. <u>Case Dispositions and Sentencing</u>	30
iii. <u>Overlapping Ordinance Concerns</u>	30
CONCLUSIONS & RECOMMENDATIONS	31
APPENDIX	33

EXECUTIVE SUMMARY

Throughout the country, there are laws punishing behaviors that are necessary for survival. For those without shelter, there is no alternative but to conduct these behaviors in public. Camping outdoors, urinating in public, sitting or lying down on sidewalks—these laws target homeless people either in practice or outright. But until now, no one knew how widespread these laws are throughout Washington, or how they are being enforced. This brief answers these questions.

HRAP researchers surveyed the municipal codes of 72 cities across Washington to identify ordinances that essentially criminalize homelessness in each jurisdiction. From this survey, researchers created a chart tracking every ordinance they could find. Seven of the cities were selected as case studies for closer examination of the enforcement and citations of these ordinances. The findings reveal that homeless criminalization exists regardless of where you live. From densely populated urban cities to scattered rural townships, city councils are increasingly passing these laws, often drafting them in a way that raises serious legal and policy concerns about how Washington treats its most vulnerable residents.

This brief shines a spotlight on the problems with these laws: how they are written, how they impact the homeless community, and how easily cities can fall into the trap of vilifying already vulnerable populations in the name of safety and public health. This report shows that the problem of criminalizing homelessness, so often buried in municipal codes, is both widespread and systemic. Key findings of the brief include:

Washington cities increasingly criminalize homelessness by outlawing **necessary, life-sustaining activities**:

- Laws that prohibit or limit sitting or standing in public places (78% of surveyed municipalities)
- Laws that prohibit or limit sleeping in public places (78%)
- Although the majority of cities in Washington (75%) criminalize urination and defecation in public, cities typically fail to provide sufficient access to reasonable alternatives such as 24-hour restrooms and hygiene centers

Whether you live in a small town or a large metropolis, municipalities are **likely to aggressively criminalize homelessness**:

- Since 2000, Washington cities have enacted new ordinances targeting homelessness in 288 new ways, increasing the amount of criminalization by more than 50% compared to prior years
- As population rises, the minimum number of criminalization laws also rises
- At least two-thirds (66%) of cities draft criminalization ordinances in a way that either overlap with other ordinances or contain compound provisions that criminalize multiple, and often unrelated, behaviors; these practices create legal and policy concerns
- Auburn is the city with the highest number of criminalization ordinances (14 ordinances/population 70,000), followed by Spokane (12), Pasco (12), Everett (11), and Bellingham (11)

- Auburn also criminalizes the broadest range of surveyed activities (13 categories), followed Spokane (12), Puyallup (12), University Place (12), and Pasco (11)
- Seattle has the highest total population (609,000) but was in the median range of criminalization ordinances (7)

Enforcement of criminalization ordinances raises both **legal and policy concerns**, such as inconsistent or selective citation and sentencing practices:

- As rates of income disparity rise, so does the rate of citations issued for purported violations of criminalization ordinances
- Monetary penalties varied between civil infraction fees of \$250 or more up to misdemeanor charges as high as \$5,000
- Civil infractions can evolve into criminal violations or otherwise result in criminality for homeless defendants; for example, in the likely event that a homeless defendant “fails to respond” or “fails to pay” the fee for the civil infraction
- In 2013, 87% of defendants sentenced to jail time under Seattle’s Pedestrian Interference ordinance spent more than 30 days in jail, compared to 42% in 2009
- Seattle cited individuals for “camping in public” at a disproportionately higher rate compared to other ordinances within its jurisdiction (4,117 citations or 71%)
- More warrants were issued for standing, sitting, or sleeping in public places than for any other categories of behavior
- In addition, custody times revealed a high number of individuals spending more than 90 days in jail for violating criminalization ordinances, especially in Seattle (38)

Although a comprehensive list of policy recommendations is beyond the scope of this report, HRAP researchers can make the following **key recommendations** to Washington policymakers:

- Local lawmakers should abandon the policy of imposing sanctions for the conduct of necessary, life-sustaining activity because people experiencing homelessness have no reasonable alternatives but to survive in public
- Civil infractions should never result in criminal penalties if the defendant is unable to pay or whose housing status makes an appearance or payment highly unlikely
- Jurisdictions should stop the practice of writing overlapping and compound ordinances that raise legal and policy concerns
- Policymakers should re-examine and reject laws that discriminatorily impact visibly poor people

INTRODUCTION

Homelessness leads to a variety of daily hurdles: finding a safe place to sleep, securing shelter from the elements, and obtaining necessary sustenance, to name only a few. Increasingly, cities make overcoming these hurdles more difficult. Cities criminalize “visible poverty” by literally criminalizing evidence of it. Visible poverty refers to the real or perceived state of being poor in public spaces, and social science proves what we intuitively know to be true: bearing witness to visible poverty creates discomfort in passersby.¹ The policy of criminalizing homelessness has been described as “a social control mechanism used to make the blighted human circumstances disappear instead of getting at the root of the concern and addressing it in a meaningful way.”² In fact, the trend of passing criminalization ordinances on a local level is neither new nor effective³ at addressing the core problems associated with homelessness—for the homeless individual or for the community at large.⁴ Other studies provide compelling data on the increasing criminalization of homelessness;⁵ however, to date, no entity has performed a Washington-specific analysis. This brief seeks to remedy that deficit.

Between 2014 and 2015, members of the Seattle University School of Law Homeless Rights Advocacy Project (“HRAP”) conducted a survey of 72 municipalities within Washington State (representing 56% of the state population)—the most extensive survey of its kind within the nation.⁶ The purpose of this study was to identify ordinances that criminalize homelessness by targeting the conduct of necessary, life-sustaining activities and disproportionately impacting homeless individuals (such as laws that prohibit sitting, sleeping, lying down, panhandling, erecting shelters in public, and more).

HRAP researchers first created a chart with links to every criminalization ordinance throughout the state.⁷ Upon completing the chart, researchers initiated public records requests to seven cities that enacted higher numbers of ordinances. These requests sought (1) enforcement data for the identified ordinances during a five year period from January 1, 2009, through December 31, 2013, and (2) demographic data regarding the characteristics of defendants cited

¹ Sara K. Rankin, *A Homeless Bill of Rights (Revolution)*, 45 SETON HALL L. REV. 383, 390–92 (2015), available at <http://ssrn.com/abstract=2376488>.

² Interview with Carla Lee, Deputy Chief of Staff, King County Prosecuting Attorney's Office, SEATTLE UNIVERSITY HOMELESS RIGHTS ADVOCACY PROJECT (Mar. 2, 2015).

³ Josh Howard & David Tran, Seattle University Homeless Rights Advocacy Project, AT WHAT COST: THE MINIMUM COST OF CRIMINALIZING HOMELESSNESS IN SEATTLE & SPOKANE (Sara Rankin ed., 2015).

⁴ See Javier Ortiz & Matthew Dick, Seattle University Homeless Rights Advocacy Project, THE WRONG SIDE OF HISTORY: A COMPARISON OF MODERN & HISTORICAL CRIMINALIZATION LAWS (Sara Rankin ed., 2015); see also Howard & Tran, *supra* note 3.

⁵ See, e.g., THE NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY, FROM WRONGS TO RIGHTS: THE CASE FOR HOMELESS BILL OF RIGHTS LEGISLATION (2014), available at http://nlchp.org/documents/Wrongs_to_Rights_HBOR [hereinafter “THE NATIONAL LAW CENTER”]; U.C. Berkeley School of Law Policy Advocacy Clinic, *California's New Vagrancy Laws: The Growing Enactment and Enforcement of Anti-Homeless Laws in the Golden State* (2015).

⁶ The survey included every municipality in the 2010 United States Census with populations exceeding 5,000, covering more than 3,700,000 people (56% of the State's population), plus two additional cities based on geographic spread. Omak and Colville, having a population of less than 5,000, were not included in the relevant 2010 Census data but were included in this survey to provide geographic representation.

⁷ For a full discussion of the methodologies employed by researchers, please see *infra* Appendix III.

under these ordinances.⁸ Although HRAP researchers encountered several logistical limitations, they obtained a significant amount of data regarding how local cities within Washington State criminalize homeless individuals. Of course, this brief cannot capture all of the laws that may be creatively enforced against the visibly poor. There is an omnipresent need for ongoing research.

This brief is divided into four major parts. Part I reviews key findings and trends with regard to the enactment of ordinances. Part II discusses the results of the public records requests for enforcement data. Part III synthesizes and analyzes the ordinance data analysis with the enforcement data. Finally, Part IV presents recommendations for improving future efforts to collect and analyze homelessness criminalization data in other jurisdictions.

I. WASHINGTON CRIMINALIZATION ORDINANCES

A statewide effort to identify specific criminalization ordinances serves to detail the scope and extent of criminalization throughout the state so that advocates, businesses, service providers, city agencies, and citizens are better educated about the way the homeless are criminalized throughout Washington State. This section provides a summary of core findings regarding a given jurisdiction's propensity to criminalize visible poverty. In particular, this section summarizes: (1) the increasing enactment of criminalizing ordinances over time; (2) the most commonly criminalized behaviors across Washington State; (3) the municipalities with the highest rates of criminalization as measured by the variety of behaviors covered; and (4) the proliferation of overlapping and compound ordinances.

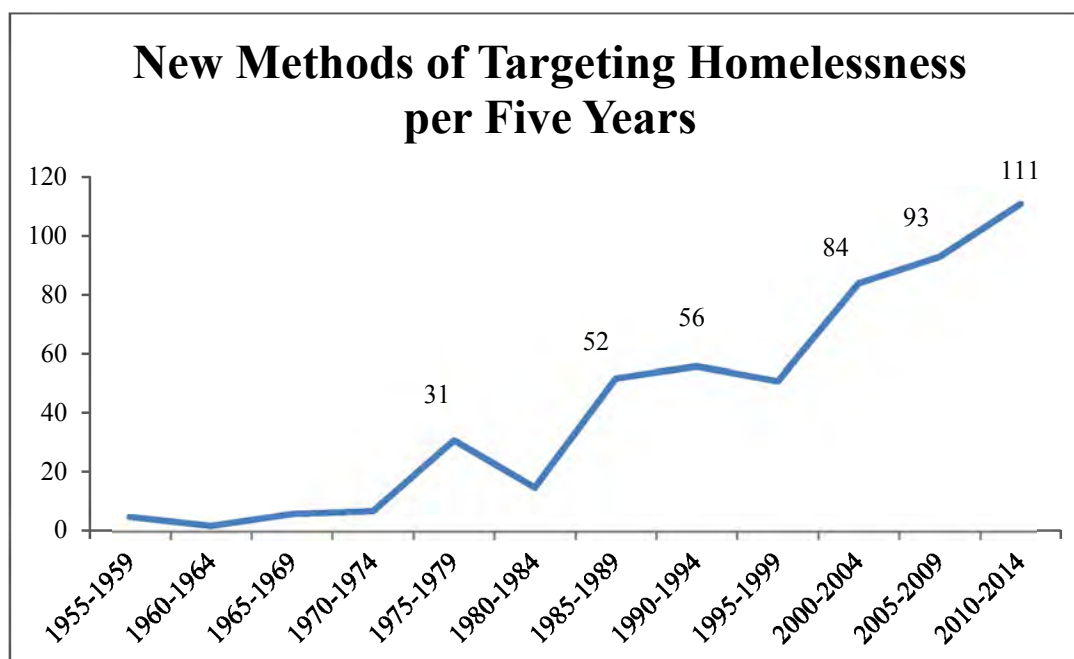
A. Not In Our State: Increasing Statewide Commitment to Criminalization

Criminalization is now local lawmakers' preferred method for addressing the problem of homelessness. Cities are giving themselves new ways to remove homeless people from public spaces, and are doing so at exponentially higher rates. More alarmingly, this trend has intensified in the past fifteen years.

Over half of new criminalization efforts occurred after 2000. This fourteen year span has already eclipsed the previous forty-five years' total enactment numbers, and the numbers are continuing to rise. The graph below shows the number of new avenues cities enacted to criminalize homeless conduct over five-year increments.⁹

⁸ See *infra* Appendix I-A (enforcement data request template) and I-B (demographic data request template).

⁹ Data based on charting the enactment year of every surveyed ordinance. The entry does not merely chart ordinance enactment, because a single ordinance might result in two new avenues of targeting homeless conduct.



These Washington specific numbers reinforce evidence from other studies showing that lawmakers are committed to addressing the problem of homelessness through criminalization.¹⁰ However, the graph above does not depict amendments to the original ordinances, which would further reinforce that lawmakers are dedicated to criminalization even after revisiting the issue. In reality, a significant number of pre-2000 ordinances have been reaffirmed or even strengthened by post-2000 amendments.

B. Not On Our Streets: The Focus of Criminalization

It is not easy for new ordinances to come into being. Homeless criminalization ordinances are written up and proposed to city councilmembers, who then vigorously debate the benefits and drawbacks of each ordinance before voting on its passage. Sometimes, similar ordinances are discussed across the state; other times, certain types of conduct may be a concern only in particular cities, or perhaps even only in other states. In all instances, the passage of ordinances can serve as a window into the priorities of each municipality, as well as illuminate common approaches to homelessness statewide.

In Washington State, the most commonly criminalized behaviors are such benign activities as sitting or standing in public spaces (78%)¹¹ and sleeping in public spaces (78%).¹² Another frequently targeted behavior is urination or defecation in public (75%). Although the majority of cities in Washington criminalize this activity, studies have shown that cities often fail to provide sufficient access to 24-hour restrooms and hygiene centers.¹³ The fourth most

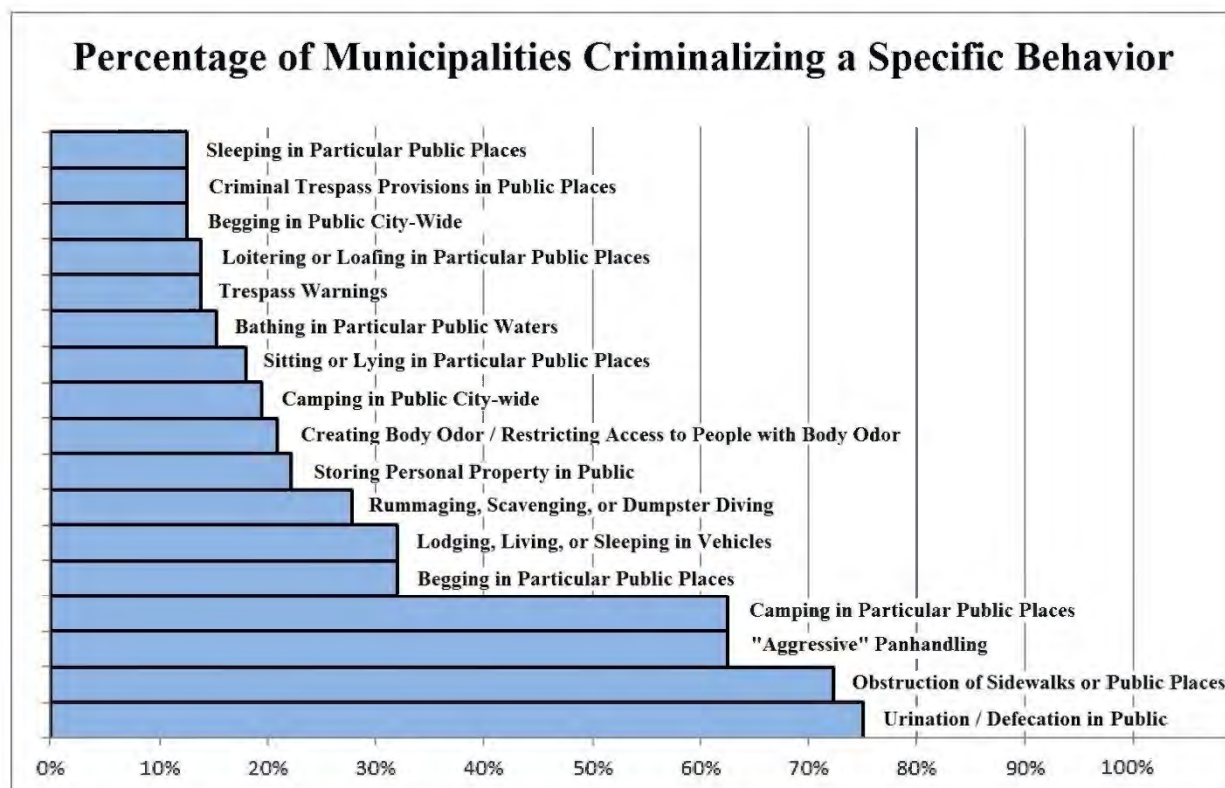
¹⁰ See THE NATIONAL LAW CENTER, *supra* note 5; U.C. Berkeley School of Law, *supra* note 5.

¹¹ This category includes cities with one or more law criminalizing sitting/lying down, obstruction of sidewalks, loitering, or vagrancy.

¹² This category includes cities with one or more laws that criminalize either sleeping or camping in particular public places or in public citywide.

¹³ THE NATIONAL LAW CENTER, *supra* note 5.

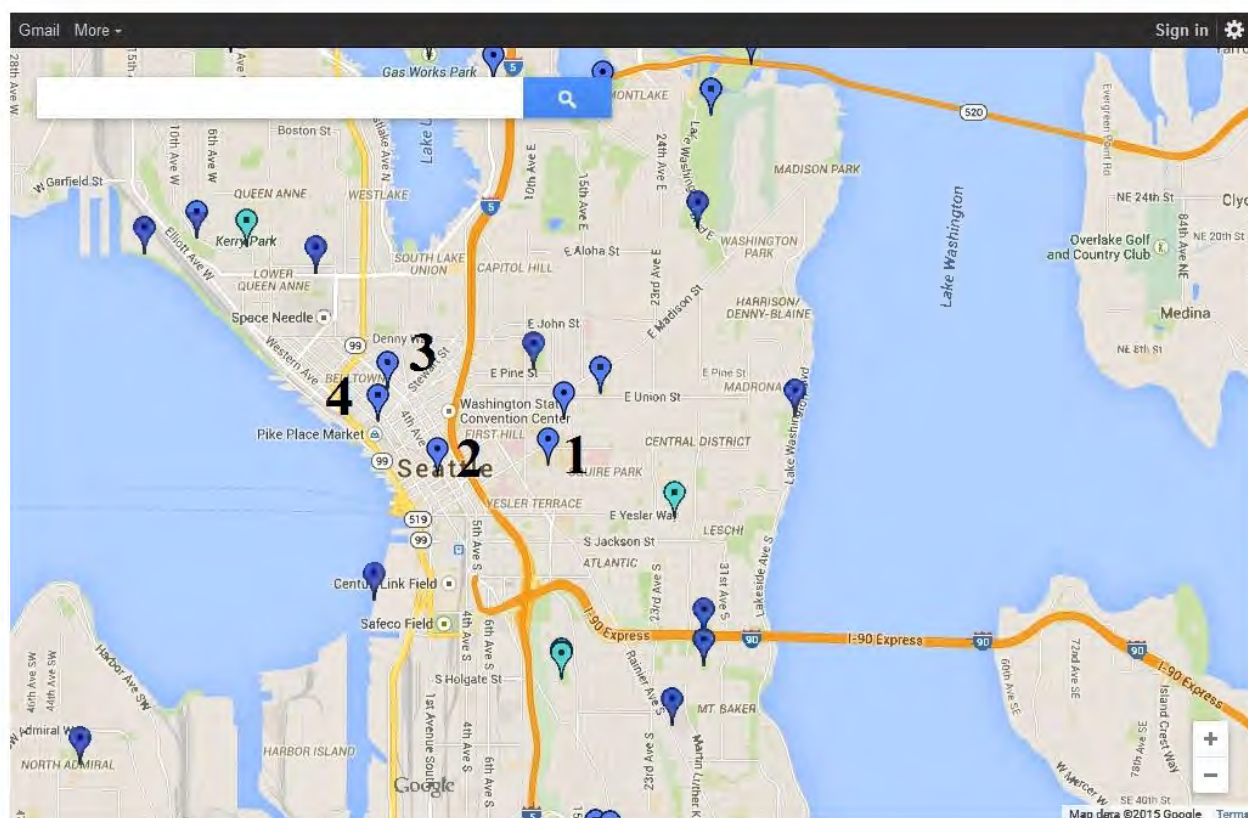
frequently prohibited activity is “aggressive” panhandling (63%). These ordinances specifically target visibly poor people and hold them to a higher standard than existing assault or harassment laws, which often prohibit the same type of conduct but are facially neutral. The following graph demonstrates the percentage of Washington cities that prohibit each of the prohibited behaviors surveyed:



Although some ordinances may appear neutral on their face, in practice, many disproportionately target visibly poor people. For example, 20 cities (28%) prohibit any kind of rummaging or scavenging through trash receptacles. Additionally, 16 cities (22%) criminalize the storage of personal property in public places and 15 cities (21%) criminalize or restrict access to public facilities to those who create body odor. Homeless individuals often have no reasonable alternatives but to violate such ordinances, and housed individuals are far less likely to become offenders.

Laws prohibiting urination and defecation in public are a prime example of the sort of practical, disparate impact on homeless individuals that results from seemingly neutral laws. Although such laws may have legitimate health and sanitation purposes, they are not written with consideration to the availability—or lack thereof—of 24-hour public restrooms and hygiene centers. Indeed, access to public restrooms for unsheltered people is sorely lacking all throughout the country.¹⁴ Looking only at Seattle, a Google search for “24-hour bathrooms” yields the following results:

¹⁴ *Id.*



So, consider this likely scenario: if an individual living in downtown Seattle needs to use the bathroom late at night, that person might try one of the four numbered bathroom locations. However, numbers 1–3 are not always available to the public; they are for the Seattle University Park (private athletic field), the Seattle Public Library (closed in the evening), and Whole Foods Market (private business location and closed in the evening). Only number 4, the bathroom at Pike Place Market, is both open to the public and available 24-hours per day; functionally, this single location is the only option for a homeless individual in downtown Seattle. Even if an unsheltered man, woman, or child who needed to use the restroom in the middle of the night knew of these options, they would need to contend with getting there. In this way, a facially neutral law—prohibiting public urination or defecation—has a significant, practical, and disproportionate effect on those who truly have no reasonable alternatives.

Like many cities elsewhere in the nation, Washington municipalities are increasingly enacting such nuanced ordinances criminalizing behaviors that purport to fall under health, safety, or general public order.¹⁵ Given increasing criticism of such laws from a legal and policy perspective, Washington policymakers should reconsider this trend.¹⁶

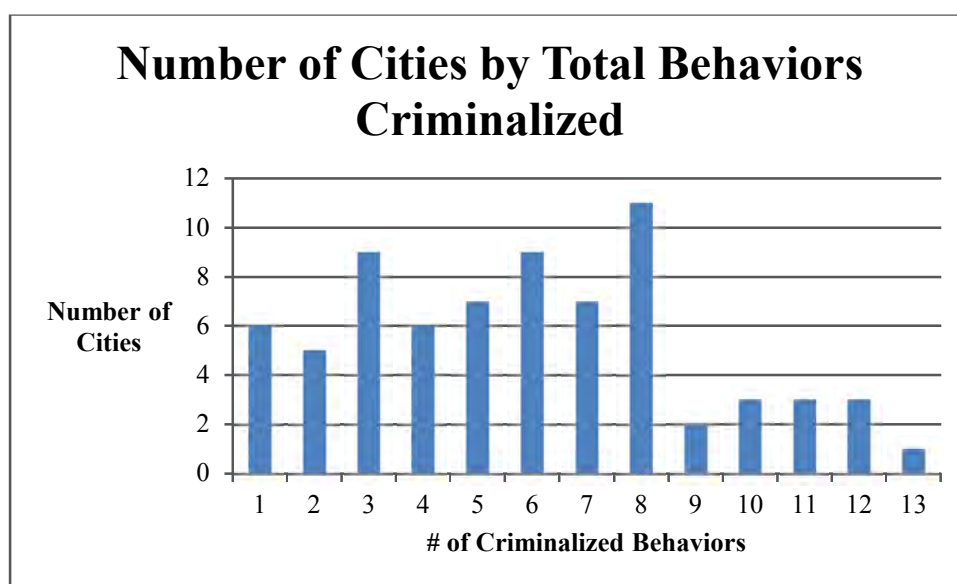
¹⁵ A complete chart summarizing the range of categorized behavior is available in the separately-published Washington Criminalization Ordinance Data. Scott MacDonald & Justin Olson, Seattle University Homeless Rights Advocacy Project, WASHINGTON CRIMINALIZATION ORDINANCE DATA (Sara Rankin ed., 2015), [hereinafter referred to as ORDINANCE DATA] at Part XII. For a full discussion of municipal responses to constitutional defenses, please see Katherine Beckett and Steve Herbert's influential work. KATHERINE BECKETT & STEVE HERBERT, BANISHED: THE NEW SOCIAL CONTROL IN URBAN AMERICA (2009).

¹⁶ See Ortiz & Dick, *supra* note 4.

C. Not in Our City: Municipalities with the Most Criminalization

Homeless criminalization occurs in cities all throughout Washington. Researchers examined those cities with both the highest total number of ordinances and the greatest variety in behaviors prohibited. The resulting list reflects cities with no apparent commonalities. As a result, homeless individuals have no ability to predict safe harbors in Washington.

Auburn criminalizes 13 behaviors, the most of any surveyed city in Washington. Spokane, Puyallup, and University Place each criminalize 12 different behaviors. Pasco, Arlington, and Vancouver all criminalized 11 behaviors.¹⁷ The graph below provides a visual representation of how many cities criminalize a given number of activities.



For a full summary of cities sorted by categories of behavior criminalized, please see the appendix.¹⁸

The survey also revealed how many total ordinances a city has enacted that criminalize the conduct of necessary, life-sustaining activities.¹⁹ Generally, the number of enacted ordinances will mirror the number of criminalized behaviors; in other words, a single ordinance will criminalize a single behavior. However, a quirk exists wherever a city enacts either (1) a single ordinance that criminalizes multiple categories of conduct or (2) multiple ordinances that criminalize a single category of conduct.²⁰ The former situation suggests a city is enacting fewer ordinances than other jurisdictions that are actually criminalizing categories of behavior at the

¹⁷ The least offending municipalities criminalized only one behavior: Pullman, Tukwila, Ellensburg, Mill Creek, West Richland, and Ferndale. Of those six cities, 3 prohibited “camping in particular public places,” while the other two prohibited “urination/defecation in public.” Beyond those single-ordinance cities, five cities criminalized only two behaviors, and nine cities criminalized three behaviors.

¹⁸ ORDINANCE DATA, *supra* note 15, at Part XIV.

¹⁹ ORDINANCE DATA, *supra* note 15, at Part XV.

²⁰ Referred to in subsection D as compound ordinances and overlapping ordinances, respectively.

same rate. The latter situation suggests a city is enacting more ordinances than other jurisdictions that are actually criminalizing categories of behavior at the same rate.

Unsurprisingly, the jurisdiction that criminalizes the broadest range of behavior—Auburn—also has enacted the highest number of criminalization ordinances (14). The next closest are Spokane and Pasco with (12), followed by a slew of municipalities at 11: Puyallup, University Place, Arlington, Bellingham, Everett, and Wenatchee.

D. Legal and Policy Concerns: Overlapping and Compound Ordinances

For purposes of clarity, legislative efficiency, and constitutional due process concerns, each ordinance should deal with a single type of behavior, and each restricted behavior should be addressed by just one ordinance. In synthesizing the survey results, researchers recognized that a majority of municipalities enacted ordinances that did not meet these parameters. Researchers termed these ordinances as either overlapping or compound, and then sought to quantify their presence among the surveyed jurisdictions.

1. *Overlapping Ordinances*

Overlapping occurs when a city criminalizes the same behavior under multiple ordinances. Besides the logistical concerns of reviewing duplicative prohibitions, overlapping ordinances create significant concern for homeless individuals and enforcement personnel. On a constitutional level, the discriminatory enforcement of these overlapping ordinances—such as using ordinances with higher penalties against one class of individuals versus others—gives rise to due process and equal protection concerns.

Under the example below, a homeless individual sitting on the sidewalk in Bellingham may be cited under either the Disorderly Conduct ordinance or the Pedestrian Interference ordinance for the exact same conduct.²¹

Bellingham Municipal Code 10.24.010 Disorderly Conduct	Bellingham Municipal Code 10.24.040 Pedestrian Interference
A person is guilty of disorderly conduct if he: C. Intentionally obstructs pedestrian or vehicular traffic without lawful authority; or	A. A person is guilty of pedestrian interference if, in a public place, he or she intentionally : 1. Obstructs pedestrian traffic ; or

Both the risk and the actual presence of constitutional violations could be pervasive throughout Washington. In a sample of seven cities, more than half (4 or 57%) triggered potential legal and policy problems due to the presence of overlapping ordinances with differing

²¹ These particular Bellingham ordinances highlight close parallels in language between duplicative ordinances. In this case, the constitutional concerns are lessened because both ordinances carry the same penalty. However, other case studies revealed stronger grounds for concern. See Spokane, *infra* Part III.B.3.

penalties.²² In fact, available enforcement data from one of these four cities further suggests that city may be enforcing the ordinances in a discriminatory way.²³ Evidence of discriminatory enforcement in such a small sample size is alarming; this sampling reveals the minefield of potential danger to the rights of homeless people throughout the state of Washington and the very real likelihood of cities triggering those mines.

2. *Compound Ordinances*

Conversely, compound ordinances are single ordinances that criminalize multiple categories of behavior. These ordinances create a lack of transparency in the availability of public records. When a person is cited under a compound ordinance, researchers are unable to determine which conduct led to the citation. This “one fell swoop” process of drafting laws frustrates the ability for advocates to examine the true effects of criminalization, shrouding available data from analytical review. Again, pedestrian interference ordinances, such as the example below, are frequently written as compound ordinances.

Bellingham Municipal Code 10.24.040 Pedestrian Interference.

A. A person is guilty of pedestrian interference if, in a public place, he or she intentionally:

1. Obstructs pedestrian traffic; or
2. Aggressively begs.
- ...

Transparency in the law is crucial for the thoughtful advancement of social policy. In preparing this brief, HRAP researchers scoured public municipal codes and submitted numerous requests for public records. The presence of compound ordinances frustrated these efforts by obscuring the picture painted by enactment and enforcement data. Without sufficient transparency, neither advocates nor policymakers can fully understand the true extent of, and purpose behind, criminalization efforts.

3. *Prevalence in Municipalities*

Having identified the problems associated with overlapping and compound ordinances, researchers created a formula to determine the prevalence of these types of ordinances throughout Washington.²⁴ The formula provides that cities falling in the negative range have enacted more compound ordinances, while cities in the positive range have enacted more overlapping ordinances.²⁵ The further away from zero a city is, the higher the number of

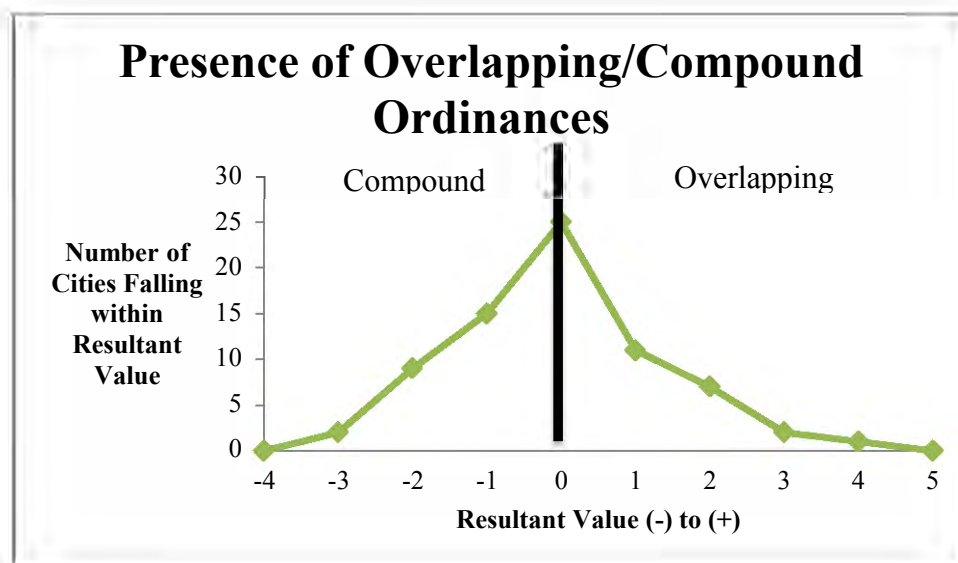
²² These four cities include Pasco, Burien, Vancouver, and Spokane.

²³ This city is Spokane, described in greater detail in Part III.B.3.

²⁴ The formula researchers created required tallying up the total number of offending ordinances a city has enacted, and then subtracting the number of criminalized categories of behavior. A numerical representation of the formula: (# of ordinances) - (# of behaviors prohibited).

²⁵ This methodology may not be true in all instances. It is conceivable that a city has enacted both overlapping and compound ordinances that would cancel one another out in the formula. But the formula is a helpful way of

overlapping or compound ordinances it has enacted. The results of this formula are detailed by the following graph:



The results suggest widespread abuse of overlapping and compound ordinances. The graph indicates that only 25 municipalities mirrored their enacted ordinances to criminalized conduct at a 1:1 ratio, which means that at least 48 cities (66%) have either compound or overlapping ordinances. Furthermore, 26 municipalities (36%) used more overlapping ordinances, while 22 cities (30%) used more compound ordinances.²⁶ Accordingly, at least two-thirds of surveyed Washington cities contain either transparency issues or constitutional violations, or both.

II. WASHINGTON ENFORCEMENT DATA

After charting the homelessness criminalization ordinances across Washington, researchers sought data regarding the enforcement of those ordinances. This section examines enforcement of homeless criminalization ordinances in the following six cities: Seattle, Bellingham, Spokane, Vancouver, Burien, Auburn, and Pasco.²⁷

This section sheds light on how Washington cities are enforcing these ordinances through the police, the city attorney's office, and the judiciary. Police officers across the country face heightened scrutiny as a national debate unfolds regarding their dual roles as peacekeepers and public servants. Meanwhile, the city attorney's office and judiciary struggle with an overwhelming caseload involving defendants who are a far cry from being criminal predators.

discerning possible scenarios without being forced to manually go through the entire 73 city chart, thus saving these and future researchers valuable time. Furthermore, the cancellation effect would cause these results to be under-inclusive, and is not a flaw that would skew these results to show an effect that in reality is not present.

²⁶ ORDINANCE DATA, *supra* note 15, at Part XVI.

²⁷ After cataloguing the first 25 cities, researchers picked the top five with the broadest range of criminalized behaviors. Researchers then added Seattle as the most populous city, and then added Burien as a result of the recently passed "body odor" ordinance. For a more thorough discussion of the enforcement data methodology, see *infra* Appendix IV.

Accordingly, the criminalization of homelessness impacts these groups in distinct ways, and each group is an important participant in the policy discussion.

A police officer's perspective of homeless criminalization affects his or her decision whether to issue a citation to a homeless individual in violation of an ordinance. In many cases, a homeless individual may not even know that the conduct—often necessary to their very survival—is considered unlawful and grounds for punishment. At that moment, police officers serve the dual functions of legal enforcer and community advocate. In other situations, police officers may find their hands tied when responding to complaints made by business owners or members of the public.²⁸

Similarly, homeless criminalization has caused a shift in public perspective regarding the proper role of courts. A large percentage of homeless defendants suffer from mental health or substance abuse issues.²⁹ These defendants inevitably violate a criminalization ordinance and, rather than receiving the treatment they need, are brought before the court. As a result, municipal courts are now “held accountable for the failures of the social service system.”³⁰ Even prosecuting attorneys recognize that in some cities “the mental health system is nearly non-existent and the criminal justice system is utilized as a default system.”³¹

While all judges “seek to do good,”³² there are many different avenues to achieve that goal. Some judges tend to give deference to the prosecutor's recommendations, viewing jail as one piece of a rehabilitative program for mental health or substance abuse treatment.³³ Other judges strongly believe that “the purpose of jail is to get predators off the street.”³⁴ Experienced judges are more likely to intervene when they believe that defendants are not truly a danger to society.³⁵ For example, in Seattle, cases of sleeping in doorways prosecuted as criminal trespass can be dismissed under the city's *de minimis* law.³⁶ Despite the broad scope of judicial discretion, municipal courts are ill-equipped to fill the void left by underfunded social services programs. The courts are an inadequate means of addressing the problem of homelessness.

This section presents general findings and trends identified from the enforcement data, followed by specific data from each of the seven case study cities. Notably, researchers found

²⁸ See, e.g., interview by Bridget Barr and Joseph Ostrowski of Officer Daniel McCormack, Colorado Springs Police Department Homeless Outreach Team, SEATTLE UNIVERSITY HOMELESS RIGHTS ADVOCACY PROJECT (Feb. 20, 2015). Officer McCormack noted that “most of an officer's contacts with homeless individuals are based on calls from the public”

²⁹ See Kaya Lurie & Breanne Schuster, Seattle University Homeless Rights Advocacy Project, DISCRIMINATION AT THE MARGINS: THE INTERSECTIONALITY OF HOMELESSNESS AND OTHER MARGINALIZED GROUPS (Sara Rankin ed., 2015).

³⁰ Interview with the Honorable Judith Hightower, Seattle Municipal Court, SEATTLE UNIVERSITY HOMELESS RIGHTS ADVOCACY PROJECT (Mar. 10, 2015).

³¹ Interview with Carla Lee, Deputy Chief of Staff, King County Prosecuting Attorney's Office, SEATTLE UNIVERSITY HOMELESS RIGHTS ADVOCACY PROJECT (Mar. 2, 2015).

³² Interview with the Honorable Judith Hightower, Seattle Municipal Court, SEATTLE UNIVERSITY HOMELESS RIGHTS ADVOCACY PROJECT (Mar. 10, 2015).

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

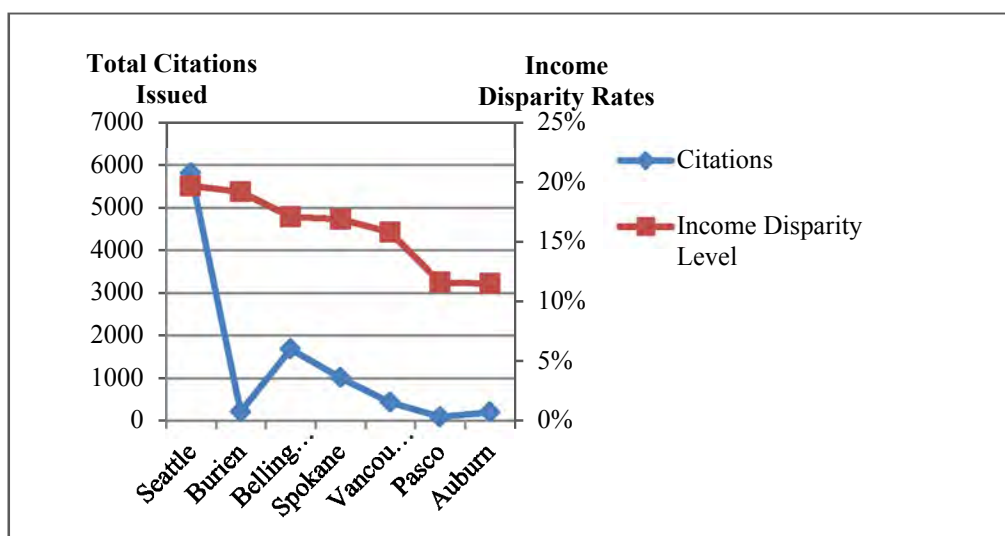
that (1) income disparity predicts ordinance enforcement in nearly all of the case study cities; (2) Washington follows national trends for sit/lie ordinances but also exhibits a greater emphasis on public urination and “aggressive panhandling” ordinances; and (3) distinctions between civil and criminal ordinances allow cities to manipulate the different ways to incarcerate homeless defendants.

A. General Findings and Trends

1. *Predicting Enforcement: The Effects of Income Disparity*

Based on the case study cities, researchers determined that income disparity predicts aggressive enforcement of criminalization ordinances.³⁷ Income disparity, as used in this section, refers to the percentage of a city's wealth concentrated in the wealthiest 5% compared to the poorest 20%.³⁸ Visible poverty increases as a city's wealth becomes increasingly inaccessible to the poorest 20%. This increased visibility might trigger efforts to “clean up the streets” by lawmakers and influential business owners.³⁹

Of course, numerous political and societal factors also play a role in greater efforts to enforce criminalization ordinances. However, the graph below demonstrates that, with the exception of Burien, a rising income disparity gap (red) is generally matched by rising citation numbers (blue) when cities are compared to one another:



³⁷ HRAP researchers analyzed other factors such as total population, population density, rates of ordinance enactment. Of course, there are additional factors that may impact either enforcement, such as racial demographics and local economic trends. These factors may be the subject of future research.

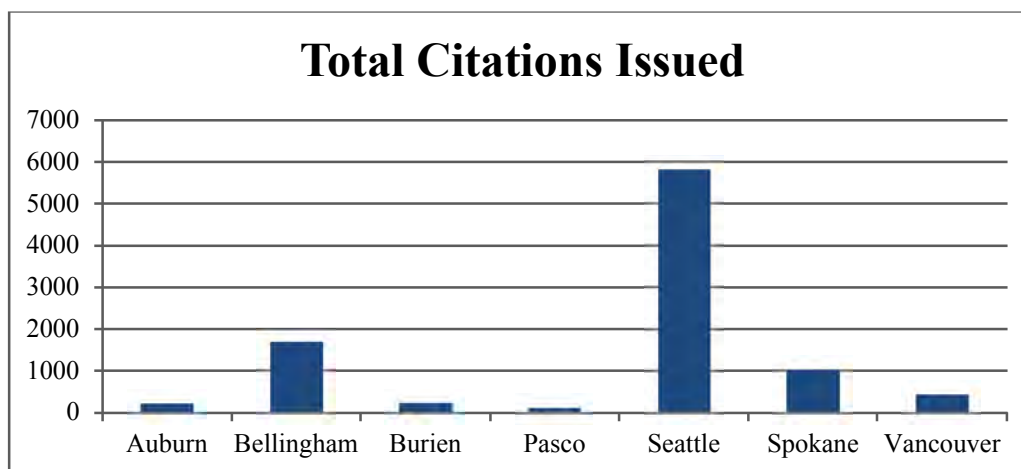
³⁸ Levi Pulkkinen, *Income Inequality: Which Washington City is Worst?*, SEATTLE POST-INTELLIGENCER, (Nov. 7, 2012), <http://www.seattlepi.com/local/article/Income-inequality-Which-Washington-city-is-worst-4004464.php#photo-3682135>.

³⁹ See Ortiz & Dick, *supra* note 4. Mr. Ortiz and Mr. Dick discuss the “Broken Windows Theory” of visible poverty leading to fears of increased crime.

2. Comparing Local Enforcement to National Trends

Researchers observed several key similarities between Washington State and national data. Police cited individuals for obstructing sidewalks or public places more than any other behavior; likewise, a national survey reported that 77% of homeless individuals were harassed and cited for sitting or lying down.⁴⁰ In addition, cities with higher populations enforced their sit/lie ordinances more than cities with lower populations.⁴¹ Other frequently criminalized behaviors in Washington—such as public urination and aggressive panhandling—may not have been accounted for in national studies that focus on laws prohibiting sitting, standing, and lying down.

In Washington specifically, Seattle led the pack with a total of 5,814 citations issued during the five year period—more than 60% of all citations from all seven case study cities. At this rate, Seattle police issued an average of three citations per day over the five year period. Notably, 70% of Seattle citations were issued under an ordinance criminalizing sleeping in particular public places (detached campers or trailers specifically).⁴² On the other hand, Auburn issued relatively few citations (203), despite having a higher total number of ordinances than any other city (14).⁴³



3. Civil vs. Criminal: To Jail or Not To Jail

One critical limitation of the data is the distinction between civil and criminal ordinance designations. Specifically, when an ordinance is listed as a civil infraction, the penalties may include fines but not incarceration. Thus, data relating to judicial disposition and incarceration was limited only to those ordinances listed as “criminal.” For some cities, this could be a fraction of the ordinances.

⁴⁰ *National Civil Rights Outreach Fact Sheet*, W. Reg'l Advocacy Project (April 5, 2013), available at <http://wraphome.org/images/stories/pdf/NationalCivilRightsFactSheetMarch2013.pdf>.

⁴¹ The first, second, and fourth most populous case study cities had the second, first, and third highest number of citations under these ordinances, respectively. ORDINANCE DATA, *supra* note 15, at Part XI.

⁴² SMC 11.72.430.

⁴³ Practicum researchers looked only at municipal codes. Additional enforcement may occur under separate code sources such as administrative codes.

In addition, designating an ordinance as a civil infraction also creates the potential for due process concerns. An individual cited under a civil ordinance does not have a right to counsel or to a jury trial. If the individual fails to pay the fine, a bench warrant might be issued for their arrest. Some cities, such as Seattle, have specific ordinances triggering misdemeanor penalties when an individual fails to respond to a civil infraction.⁴⁴ Alternatively, some ordinances have written in a mechanism to convert to criminal penalties for repeat offenders.⁴⁵ Not surprisingly, homeless defendants are unlikely to be able to pay these citations or to make a scheduled court appearance. Thus, an entire category of criminalization data currently lacks sufficient transparency for HRAP to incorporate into this report.

When an individual is ultimately picked up on a bench warrant, the court considers whether they failed to pay the fine without considering whether they committed the underlying infraction. In this case, homeless defendants lose their “day in court” yet may end up in jail all the same. For example, HRAP researchers discovered evidence of a city council using this distinction in an alarming way: removing criminal penalties simply to prevent homeless defendants from prevailing with sympathetic juries.⁴⁶ Although in some ways this change seems to de-escalate the criminalization of homelessness, the manipulation of penalties is problematic for two key reasons: (1) as explained earlier, even civil infractions frequently escalate to criminal violations because homeless defendants often cannot pay their fines; and (2) the morphing of a criminal violation into a civil infraction, without explicit provisions to the contrary, strips homeless defendants of their rights to counsel and a jury trial.⁴⁷

The attractiveness and utility of the civil/criminal distinction to cities is reinforced by an exceptional Burien ordinance granting unfettered discretion to move fluidly between each as the city sees fit. Under this law, the city can enforce any regulation as either civil or criminal, even if specific penalties are written into the criminalization ordinances themselves.⁴⁸ This boundless discretion represents a grave threat of discriminatory abuse against anyone with whom the city takes issue, especially the homeless.

⁴⁴ SMC 12A.02.085. The City of Seattle informally provided information that suggests a decline in failure to respond cases. In 2008, almost 400 failure to respond cases were brought under this ordinance; in 2009, Seattle pursued over 450 failure to respond cases. But in 2013, the Seattle City Attorney's Office instituted a policy limiting the enforcement of this ordinance to those cases involving numerous civil infractions, and only after “reasonable attempts” had been made to engage the individual in services to resolve the problem. The City further provided information suggesting that the number of cases brought under the ordinance had dropped to just a handful in 2013 and 2014. Such policies, which suggest mindfulness of the disproportionate and unfair impact of failure to respond prosecutions on visibly poor people, are a positive development. Of course, a new administration could easily revoke this policy. A clearer and more permanent solution is to repeal laws that criminalize visible poverty and to enact laws that stop the cycle of criminalization.

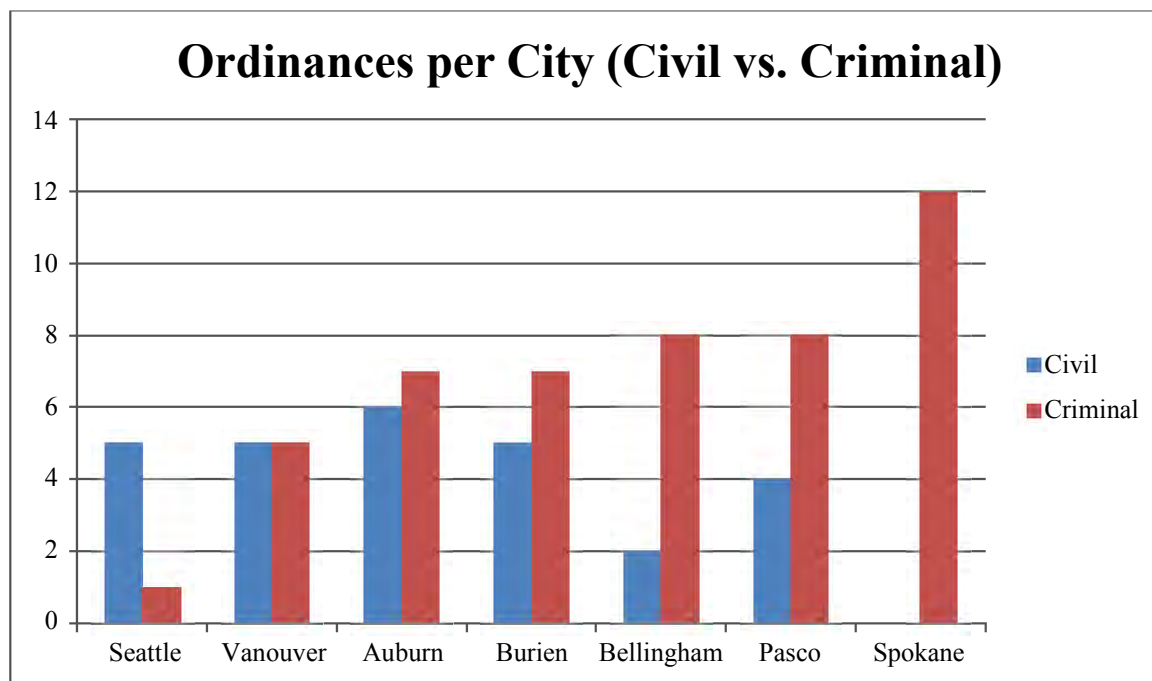
⁴⁵ For example, Seattle's public urination ordinance (SMC 12A.10.100) provides that “Any person who violates this section and previously has either violated this section or has failed to appear as directed when served with a citation and notice to appear for a violation of this section is guilty of a misdemeanor.”

⁴⁶ Interview by Bridget Barr and MJ Osman of David Harrison, Partner at Miller & Harrison, LLC, SEATTLE UNIVERSITY HOMELESS RIGHTS ADVOCACY PROJECT. Because homeless defendants were prevailing with sympathetic juries on an anti-camping ordinance using the necessity defense, one city council restructured the ordinance to be civil rather than criminal.

⁴⁷ For a more thorough discussion of the “criminal versus civil” distinction, see Howard & Tran, *supra* note 3.

⁴⁸ Burien Municipal Code 1.15.080. Of the ordinances listed for Burien, only two failed to have a penalty listed within the ordinance itself.

A review of the ordinances from the case study cities below reveals that most cities lean toward criminal ordinances. With the exception of Seattle, which had only one criminal ordinance, all of the case study cities had as many or more criminal ordinances than civil. A visual representation of the civil and criminal ordinances for each city is as follows:



B. Under the Microscope: A Case Study of Seven Cities

The case studies below illustrate an important cross-section of available data.⁴⁹ These cities present a variety of geographical locations, populations, and income disparity levels. However, they all (in some way or another) present distinct difficulties for homeless individuals whether through variety of ordinances, quantity of citations, or quality of the laws passed.

1. *Seattle*⁵⁰

Population (in 2010):	608,660
Persons Below Poverty Level:	13.2%
Total Housing Units:	308,516
Land Area in Square Miles:	83.94
Total Number of Business Firms: ⁵¹	73,997
Median Household Income:	\$63,470



⁴⁹ Cities are presented below in the order of most-to-least citations issued.

⁵⁰ City-specific facts were obtained from the 2010 United States Census. U.S. Department of Commerce, *State & County QuickFacts*, UNITED STATES CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/53000.html> (last visited Mar. 11, 2015). Map data ©2015 Google.

⁵¹ The Census defines a firm as “a business organization or entity consisting of one domestic establishment (location) or more under common ownership or control.”

As the most populous city in the state, Seattle likely has the highest concentration of homeless citizens out of any Washington city. The recent One Night Count revealed at least 3,772 unsheltered individuals living in King County, a 20% increase from 2014.⁵² Another estimate ranks Seattle fourth in the country for largest homeless population in metropolitan areas.⁵³ On March 30, 2015, the city council unanimously passed several ordinances providing regulated homeless encampments and nearly \$400,000 in funding for additional shelter beds.⁵⁴

i. Citations

Although Seattle has an average number of criminalization ordinances (6), it issues more citations than any other surveyed city: a total of 5,814 citations during the requested five year period (or an average of three citations per day). Of those, the most frequently cited behavior—by a large margin—was for sleeping/camping in public places (4,117 or 71%).⁵⁵ After that, the other behaviors receiving citations were urinating or defecating in public (1,004 or 17%);⁵⁶ aggressive panhandling (349 or 6%);⁵⁷ sitting or lying in particular public places (250 or 4%);⁵⁸ and camping in particular public places (94 or 2%).⁵⁹ No citations were reported during the five year period for storing personal property in public.

Citation issuance over time reveals a general downward trend with a couple notable exceptions. In 2010, for reasons as yet unclear to HRAP researchers, citation issuance spiked across the board in every category.⁶⁰ Since 2010, there has been a general decrease in citations over the years with the exception of Seattle's "Camper/Trailer Detached" ordinance, which dropped in numbers but has generally remained steady since 2011.⁶¹ Additionally, citations for Pedestrian Interference did not drop until 2012; yet, even through 2013, the total citations remained higher than the number issued in 2009.⁶²

⁵² Michael Konopasek, *King Co. Homeless Population up by More Than 20 Percent*, KING 5 NEWS (Feb. 4, 2015), <http://www.king5.com/story/news/local/seattle/2015/01/23/king-county-homeless-count/22210763/>.

⁵³ John Ryan, *After 10-Year Plan, Why Does Seattle Have More Homeless Than Ever?*, KUOW.org (Mar. 3, 2015), <http://kuow.org/post/after-10-year-plan-why-does-seattle-have-more-homeless-ever>.

⁵⁴ City of Seattle, *Full Council of 3/30/15*, SEATTLECHANNEL.ORG (Mar. 30, 2015), <http://www.seattlechannel.org/mayor-and-council/city-council/full-council?videoid=x53504>.

⁵⁵ This particular ordinance, SMC 11.72.430, is listed as "Trailer/Camper Detached" and prohibits a trailer or camper from being parked on any street.

⁵⁶ SMC 12A.10.100.

⁵⁷ SMC 12A.12.015.

⁵⁸ SMC 15.48.040.

⁵⁹ The ordinance prohibiting aggressive panhandling also prohibits obstruction of sidewalks or public places (SMC 12A.12.015—entitled "Pedestrian Interference"). Accordingly, the 349 citations could be for any combination of those two behaviors.

⁶⁰ HRAP hopes to perform additional research on this point in the future.

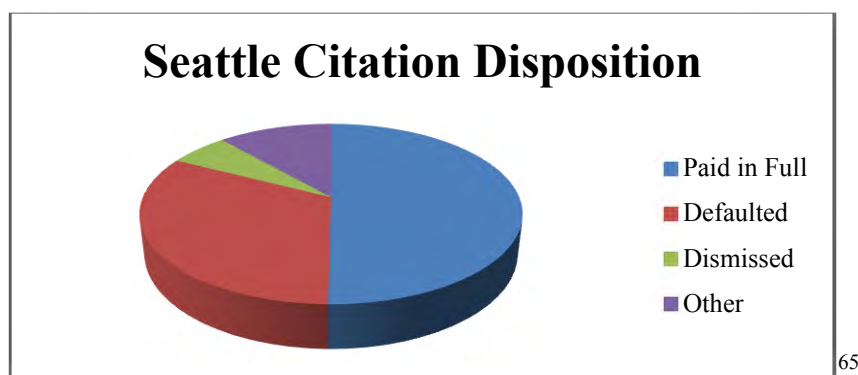
⁶¹ This ordinance is included because of historical efforts throughout the country to prevent homeless people from sleeping or camping in their vehicles. *See, e.g.*, Ian Lovett, *When Home Has No Place to Park*, THE NEW YORK TIMES (Oct. 3, 2010), available at http://www.nytimes.com/2010/10/04/us/04rv.html?_r=1. Other examples of creative criminalization include "scofflaw" ordinances that accelerate vehicle impoundment for unpaid parking tickets (SMC 11.35.010) and Driving While License Suspended ordinances creating a cycle of infractions for being unlicensed (SMC 11.56.320).

⁶² For a complete chart of ordinances over time, see ORDINANCE DATA, *supra* note 15, at Part V.

Seattle had only one instance of overlapping ordinances relating to camping in public. However, the circumstances under each ordinance appeared to be sufficiently distinct. One ordinance deals with camping in parks specifically, while the other ordinance deals with parking campers and trailers on the street.⁶³

ii. Case Dispositions

Researchers were particularly interested in the disposition data for citations because of a peculiar discrepancy: although citation disposition data was robust, information relating to consequent fines and penalties was minimal. While a majority of citations were paid in full (2,919), nearly a third of all citations were listed as defaulted (1,881). The consequence of defaulting on a civil infraction is the imposition of an additional fine and referral to an outside collection agency.⁶⁴ However, because the collection agency is a private business contracted with the court, HRAP researchers did not have access to data on those fines.



With regard to Seattle's criminal Pedestrian Interference⁶⁶ ordinance, the court reported that additional fines for failing to appear are issued under a particular ordinance, yet no fines had been issued under that law since 2002.⁶⁷ The conclusion must be either that the court has consistently declined to enforce monetary penalties for failing to appear, or that data relating to such penalties are simply unavailable through the court's case tracking system.

iii. Sentencing

Under the Pedestrian Interference ordinance, 134 bench warrants were issued and 123 individuals were sentenced to time in custody during the five year period. The complete breakdown is as follows:

⁶³ SMC 18.12.250 and 11.72.430, respectively.

⁶⁴ The court contracts with AllianceOne, a private collections agency. AllianceOne attempts to collect on the debt for 10 years, after which time the debt is "written off by the [c]ourt." A complete copy of the Court's contract with AllianceOne may be found here: <http://web6.seattle.gov/FAS/SummitPan/R296/R296.Result.aspx?PoStatus=2&SearchType=2&SearchTerm=alliance>

⁶⁵ Other categories described by the court include: deferred, pending, closed, cancelled, dispositional continuance, failure to appear, no complaint filed, obligations satisfied, pre-trial diversion, suspended sentence.

⁶⁶ Pedestrian Interference, SMC 12A.12.015.

⁶⁷ SMC 12A.28.070.

Category	1-2 days	3-7 days	8-14 days	15-30 days	31-60 days	61-90 days	91-365 days
Aggressive Panhandling	9 (7%)	6 (5%)	9 (7%)	12 (10%)	4 (3%)	45 (37%)	38 (31%)

Seattle data suggests sentencing for aggressive panhandling is fairly erratic. Defendants charged with aggressive panhandling risk up to a year in jail. Many factors go into a court's sentencing decision: the circumstances surrounding the infraction, the egregious nature of the offense, the existence of prior warrants, and the defendant's criminal history. For example, Seattle data shows that high jail times were commonly (but not always) imposed when additional violations had been included.⁶⁸ On the other hand, a number of aberrations stood out. One defendant spent 365 days in jail for obstructing a public officer and pedestrian interference, while another defendant spent 364 days in jail under only the pedestrian interference ordinance.⁶⁹ Future research and investigation could help to clarify potential issues with the factual scenarios found to constitute aggressive panhandling and whether these factual scenarios seem to warrant the imposition of maximum sentences.

"Aggressive panhandling" ordinances, such as Seattle's Pedestrian Interference ordinance, represents a drafting effort to target homeless people specifically. Panhandling by itself is an act protected by the First Amendment.⁷⁰ In Seattle, panhandling becomes "aggressive" when the facts suggest an "intent to intimidate" such that a reasonable person would feel "fearful or compelled."⁷¹ This language is in nearly every aggressive panhandling ordinance throughout Washington State—yet cities often have laws already on the books that cover the same type of conduct, laws that are facially neutral and do not target a specific subset of people. A side-by-side comparison of Seattle's Pedestrian Interference and Harassment ordinances demonstrates this point:

SMC 12A.12.015 – Pedestrian Interference.	SMC 12A.06.040 – Harassment.
A. The following definitions apply in this section: 1. "Aggressively beg" means to beg with the intent to intimidate another person into giving money or goods. 2. "Intimidate" means to engage in conduct which would make a reasonable person fearful or feel compelled. 	A. A person is guilty of harassment if: 1. With the intent to annoy or alarm another person he/she repeatedly uses fighting words or obscene language, thereby creating a substantial risk of assault; or 2. Without lawful authority, the person knowingly threatens: d. Maliciously to do any other act which is intended to substantially harm the person

⁶⁸ Search performed by going to www.seattle.gov/courts/ and selecting "Online Services" followed by "Look Up Case." As an example, case number 546485 received a sentence of 365 days but included charges for assault, harassment, and criminal trespass.

⁶⁹ Case numbers 551231 and 571215 respectively.

⁷⁰ *U.S. v. Kokinda*, 497 U.S. 720, 725 (1990).

⁷¹ SMC 12A.12.015.

	threatened or another with respect to his or her physical or mental health or safety; and e. The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

The comparison reveals that “aggressive panhandling” is nothing more than harassment in the context of a poor person asking for money. Aggressive panhandling ordinances impose a higher standard of conduct on homeless individuals, simply by virtue of asking for donations. Future research should be performed regarding: (1) how the burdens of proof compare; and (2) how the differing standards applied to the same conduct are reflected in the sentencing outcomes.

With regard to sentencing outcomes for Pedestrian Interference, the Seattle data reveals a startling trend toward imposing greater sentences. In 2009, the duration of jail time sentenced under this ordinance was relatively spread out. The same number of individuals received sentences of between 1–2 days in jail as did individuals sentenced to 31–90 days in jail, and those sentenced to greater than 30 days in jail accounted for 42% of all defendants. But by 2013, no defendant sentenced under this ordinance received less than 15 days in jail and 87% of all defendants were sentenced to more than 30 days in jail.

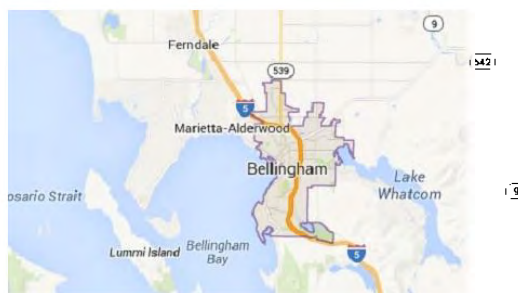
The below table illustrates this trend of increasing sentences given for pedestrian interference:

CUSTODY TIME	2009	2010	2011	2012	2013
1-2 days in custody	6	1	1	1	0
3-7 days in custody	3	0	0	3	0
8-14 days in custody	2	4	3	0	0
15-30 days in custody	4	2	0	2	4
31-90 days in custody	6	10	9	8	15
91+ days in custody	5	9	5	3	12

Seattle's homeless population continues to grow, and the city's response influences policymakers, enforcement personnel, city attorneys, and courts throughout the state. For better or for worse, Seattle is at the forefront of homeless policymaking in Washington. The data paints the picture of a house divided: on the one hand trying to de-escalate penalties by designating ordinances as civil infractions, yet on the other hand imposing increasingly severe jail sentences for violations of its remaining criminal ordinance.

2. Bellingham

Population (in 2010):	80,885
Persons Below Poverty Level:	22.6%
Total Housing Units:	36,760
Land Area in Square Miles:	27.08
Total Number of Business Firms:	8,607
Median Household Income:	\$40,844



Just 21 miles south of the Canadian border, Bellingham describes itself as “the last major city before the Washington coastline meets the Canadian border.”⁷² It is also the twelfth most populous city in the state.⁷³ Out of all six of the case study cities, Bellingham has the second-highest percentage of citizens who fall below the poverty level (after Pasco).⁷⁴ Unfortunately, the data received from the city was comparatively minimal.

i. Citations

Bellingham reported a total of 1,682 citations issued during the requested five year period. The majority of citations were issued for obstruction of sidewalks/public places (1,156 or 69%).⁷⁵ Bellingham also reported 400 citations for public urination or defecation (25%) and 109 citations for sitting or lying in particular public places (6%).⁷⁶ Bellingham reported that no citations had been issued for the remaining eight ordinances identified by HRAP researchers.

Additionally, Bellingham has three overlapping ordinances covering the same type of conduct: obstruction of sidewalks or public places. However, the data did not reveal discriminatory fines or sentencing. All three ordinances are designated as misdemeanors punishable by a fine of up to \$1,000 and/or a jail sentence of up to 90 days.

ii. Case Dispositions and Sentencing

Unfortunately, Bellingham did not provide data regarding case dispositions and sentencing for the citations above. A review of the ordinance language revealed monetary penalties ranging from \$75 up to \$250.⁷⁷ Additional fees for failing to appear included a \$100 bench warrant fee and a \$55 booking fee if the defendant was booked into jail after the issuance

⁷² *About Bellingham*, CITY OF BELLINGHAM, <http://www.cob.org/visiting/about.aspx> (last visited Dec. 4, 2014).

⁷³ U.S. Department of Commerce, *supra* note 50.

⁷⁴ Individuals below poverty level is based on the 2010 Census data.

⁷⁵ This number derives from two overlapping ordinances: 1,127 citations under BMC 10.24.010 and 29 citations under BMC 10.24.040.

⁷⁶ BMC 10.24.020 and 10.24.070, respectively.

⁷⁷ Camping in particular public places (\$75); sitting/lying in particular public places (\$100); obstruction of sidewalks/public places (\$250); nuisances "offending public decency" (\$250); urination/defecation in public (\$200); and rummaging/scavenging (\$200).

of a warrant. The data from Bellingham did not reveal how often these additional fines were assessed.⁷⁸

3. *Spokane*

Population (in 2010):	208,916
Persons Below Poverty Level:	18.7%
Total Housing Units:	94,291
Land Area in Square Miles:	59.25
Total Number of Business Firms:	18,017
Median Household Income:	\$42,274



Located in Eastern Washington, Spokane is one of the last stops before passing over into neighboring Idaho. Nicknamed the “Lilac City,” Spokane was originally one of the most productive mining districts in North America before diversifying to include other industries, such as telecommunications and financial services.⁷⁹ Spokane is also the second most populous case study city and ties with Pasco as having the second highest number of homeless criminalization ordinances.

i. Citations

Spokane was a particularly challenging case study because of its abundance of compound ordinances—that is, single laws prohibiting multiple types of conduct. Accordingly, Spokane’s citation data is presented by ordinance with a notation as to which behaviors each ordinance criminalizes.

Over the requested five year period, Spokane reported a total of 1,015 citations and 759 warrants issued under those citations. Spokane’s enforcement followed the state trend, with citations focused on sit/lie and aggressive panhandling ordinances. The specific breakdown is as follows:

Ordinance	Criminalized Behaviors	Total Citations	Total Warrants
10.06.015	Urinating or defecating in public.	72 (7%)	71 (9%)
10.08.030	Body odor; Obstruction of sidewalks/public places.	29 (3%)	17 (2%)
10.08B.040	Camping in particular public places;	100 (10%)	169 (22%)
10.10.025	Sitting/lying in particular public places; Obstruction of sidewalks/public places;	462 (46%)	426 (56%)

⁷⁸ Bellingham declined to provide any data with regard how many of the cited individuals were homeless, noting that such information would require “significant research or explanation.” Instead, the city referred researchers to the Whatcom County Jail. Practicum researchers require a list of case numbers in order to request information from the jail; however, due to the municipal court’s technological limitations, this list of case numbers could not be provided.

⁷⁹ *Spokane, WA Metropolitan Statistical Area*, FORBES, <http://www.forbes.com/places/wa/spokane/> (last visited Mar. 31, 2015).

	Aggressive panhandling.		
10.10.026	Sleeping in particular public places; Sitting/lying in particular public places.	21 (2%)	26 (3%)
10.10.040	Camping in particular public places; Begging in particular public places.	291 (29%)	1 (0%)
10.10.100	Urinating or defecating in public.	39 (3%)	49 (6%)
10.19.020	Begging in public city-wide.	1 (0%)	0 (0%)

Peculiarly, Spokane courts issued a higher number of warrants under specific categories than there were total citations. The reason for the discrepancy is currently unclear.⁸⁰

With few exceptions, Spokane's data shows the city's increasing tendency to issue citations, almost across the board. In particular, citations for Pedestrian Interference in the last reported year (2013) were more than double any year prior. As the below chart depicts, citation issuances steadily increased for all but the Nuisance ordinance:

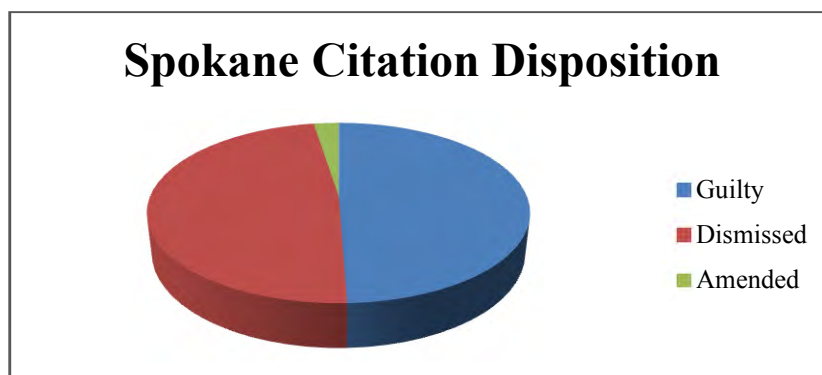
CITATIONS	2009	2010	2011	2012	2013
10.06.015 - Urinating in Public	0	0	1	29	42
10.08.030 – Nuisance	14	13	2	0	0
10.08B.040 - Occupy/Build Transient Shelter	1	4	8	23	64
10.10.025 - Pedestrian Interference	89	83	41	56	193
10.10.026 - Sit/Lie on Sidewalk in Retail Zone	3	1	5	2	10
10.10.040 - Public Park Rules	88	42	75	25	61
10.10.100 - Unlawful Transit Conduct	7	6	10	4	12
10.19.020 – Vagrancy	0	0	0	0	1

ii. Case Dispositions and Sentencing

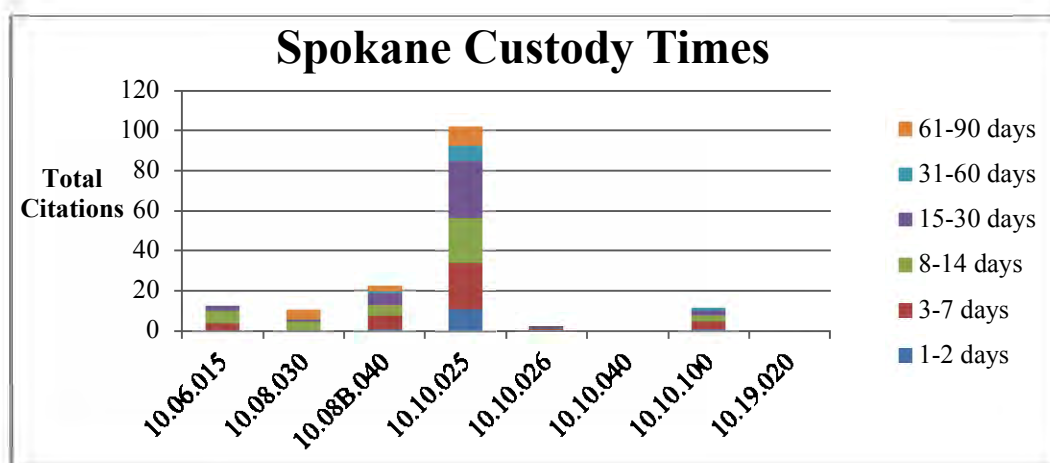
Like Seattle, Spokane provided robust data regarding the disposition of each citation within the five year period. Unlike Seattle, however, citations under each ordinance were adjudicated and dismissed at a roughly equal rate.⁸¹ The following chart depicts the breakdown of citation dispositions:

⁸⁰ This issue warrants future study.

⁸¹ For a breakdown of citation dispositions by ordinance, see ORDINANCE DATA, *supra* note 15, at Part VIII.



Perhaps most striking were Spokane's statistics relating to the duration of time defendants spent in custody. On average, Spokane defendants spent anywhere between 3–30 days in custody for all but two of the ordinances.⁸² One ordinance prohibiting a broad range of conduct—sitting/lying in public places, obstructing sidewalks, and aggressive panhandling—led to both the highest number individuals in custody as well as the highest duration of time spent in custody.⁸³ A visual representation of custody times is as follows:



iii. Overlapping Ordinance Concerns

Spokane's data suggests a potential constitutional issue stemming from enforcement of overlapping ordinances. In general, Spokane's ordinances are punishable as misdemeanors resulting in fines up to \$5,000 and jail time of no more than one year.⁸⁴ However, for camping in public places, Spokane has multiple ordinances punishing the same behavior yet providing for different penalties.⁸⁵ Based on the enforcement data, Spokane police issue citations under the

⁸² No defendants spent time in custody for SMC 10.10.040 (begging in particular public places) and SMC 10.19.020 (begging in public city-wide). For complete table of custody times per ordinance, see ORDINANCE DATA, *supra* note 15, at Part VIII.

⁸³ SMC 10.10.025. As with all custody time data, one inherent limitation is that the sentence imposed may be related to an additional charge brought at the same time as the homeless ordinance violation.

⁸⁴ See ORDINANCE DATA, *supra* note 15, at Part X for complete table of punishment ranges.

⁸⁵ Spokane's ordinances criminalizing camping in public places include SMC 10.08B.040 and SMC 10.10.040.

criminal ordinance in roughly 25% of cases compared to the alternate ordinance carrying only a civil penalty.

Ordinances Prohibiting Camping in Particular Public Places					
Citation	Sentence Range	Citations Issued	Guilty / Committed	Dismissed	Amended / Other
10.08B.040	Up to \$1,000 and jail up to 90 days	94	20 (21%)	63 (67%)	11 (12%)
10.10.040	Up to \$250	291	265 (91%)	20 (7%)	6 (2%)

Not only are the camping ordinances overlapping, but the more criminal ordinance is also compound.⁸⁶ That ordinance targets camping in parks specifically but also camping on any street or publicly owned parking lot. Unfortunately, the data is unclear regarding which behavior the total citations account for. The criminal ordinance remains susceptible to discriminatory enforcement; even a single citation under the criminal ordinance for camping in the park would run afoul of constitutional equal protections and established legal principles.

Spokane's story is one of aggressive criminalization. Spokane's municipal code contains numerous instances of overlapping and compound ordinances. Furthermore, citation numbers rose dramatically over the past five years, despite courts dismissing nearly half of all citations. Coinciding with this sharp increase in criminalization, Spokane's code generates equal protection concerns as a result of its public camping and pedestrian interference ordinances. Perhaps more than any other case study city, Spokane's policy on homelessness encapsulates all of the problems inherent to criminalization.



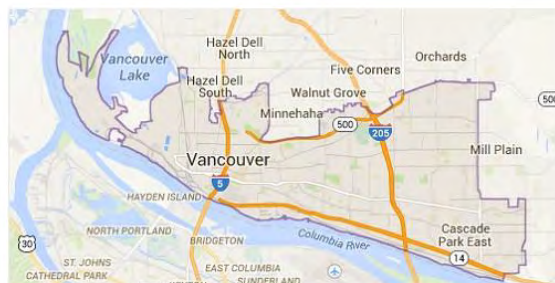
87

⁸⁶ SMC 10.08B.040.

⁸⁷ All comics prepared by Chris Lee, a local Seattle artist. Although adding some brevity to a serious issue, all comics are based on real news stories involving criminalization ordinances. For this comic, see *Spokane Police Clarify Sit and Lie Ordinance*, 590 KQNT, <http://www.590kqnt.com/articles/northwest-news-119088/spokane-police-clarify-sit-and-lie-12810881/> (last visited Mar. 11, 2015).

4. *Vancouver*

Population (in 2010):	161,791
Persons Below Poverty Level:	16.0%
Total Housing Units:	70,005
Land Area in Square Miles:	46.46
Total Number of Business Firms:	13,642
Median Household Income:	\$49,271



Located across the Columbia River from Portland, Oregon, Vancouver is the fourth most populous city in Washington. Vancouver's largest employers are PeaceHealth Southwest Medical Center, followed by Evergreen Public Schools and Vancouver Public Schools.⁸⁸ Over the past decade, Vancouver has focused on revitalizing its downtown and waterfront regions, hoping to attract visitors and small businesses alike.⁸⁹

i. Citations

In the requested five year period, Vancouver reported a total of 434 citations. Vancouver police issued the most citations under a compound ordinance that criminalizes both camping in public city-wide and living or sleeping in vehicles (281 or 64%).⁹⁰ The next most commonly issued citations were for obstruction of sidewalks/public places (33 or 7%),⁹¹ urinating or defecating in public (91 or 20%),⁹² aggressive panhandling (29 or 6%),⁹³ scavenging (18 or 2%),⁹⁴ storing personal belongings in public (9 or 1%),⁹⁵ and a provision allowing trespass warnings to be given (1 or less than 1%).⁹⁶

ii. Case Dispositions and Sentencing

According to the City, the vast majority of the citations above reached a plea agreement (345), while only a fraction were contested in court (48).⁹⁷ The details of such plea agreements, along with the City's motivations to favor them, are unclear. Regrettably, Vancouver did not provide any additional information regarding the citations or sentencing.

⁸⁸ Financial & Management Services, *Comprehensive Annual Financial Report* at 186, CITY OF VANCOUVER, http://www.cityofvancouver.us/sites/default/files/fileattachments/financial_and_management_services/page/1060/cityofvancouver2012cafr.pdf (last visited Mar. 31, 2015).

⁸⁹ Community & Economic Development, *Destination Downtown*, CITY OF VANCOUVER, <http://www.cityofvancouver.us/ced/page/destination-downtown> (last visited Mar. 31, 2015).

⁹⁰ V8.22.040.

⁹¹ 29 of these citations derive from a compound ordinance, V7.04.020, which prohibits two types of behavior: obstruction of sidewalks/public places and aggressive panhandling.

⁹² V7.10.020.

⁹³ V7.04.020.

⁹⁴ V6.12.216.

⁹⁵ V8.22.050.

⁹⁶ V15.04.170.

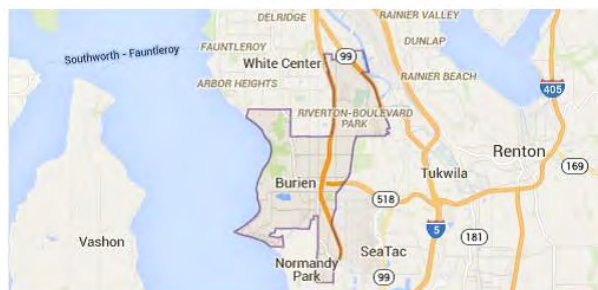
⁹⁷ Defined as receiving a guilty verdict or a dismissal. For a complete breakdown of disposition numbers, see ORDINANCE DATA, *supra* note 15, at Part VII.

iii. Overlapping Ordinance Concerns

Vancouver has three overlapping ordinances prohibiting obstruction of sidewalks or public places. The three ordinances are labeled as nuisances, pedestrian interference, and obstruction on a bus or in a bus station.⁹⁸ The nuisance ordinance is listed as a civil infraction, yet the pedestrian interference and bus obstruction ordinances are listed as misdemeanors. Vancouver reported no citations under either the nuisance or the bus obstruction ordinance, and only 29 citations under the pedestrian interference ordinance. However, the possibility remains for discriminatory enforcement under the language of these laws.

5. *Burien*

Population (in 2010):	33,313
Persons Below Poverty Level:	17.8%
Total Housing Units:	14,322
Land Area in Square Miles:	7.42
Total Number of Business Firms:	2,998
Median Household Income:	\$50,595



Burien has received national attention for recently adopting Chapter 9.125 of its municipal code.⁹⁹ The ordinance allows police officers to issue a trespass warning for any conduct that is “dangerous, unsafe, illegal, or unreasonably disruptive to other uses of public property.”¹⁰⁰ Such behavior could include using electronic or communicative devices in a manner that is unreasonably disruptive to others, wearing insufficient clothing for the location, or even having body odor that is unreasonably offensive to others.¹⁰¹ These trespass warnings allow police to banish individuals from an area for up to seven days after the first warning, and then up to a year for any subsequent warnings.¹⁰² The individual receiving the warning need not be charged, tried, or convicted of any crime.¹⁰³

Public response to the new ordinance was overwhelmingly negative. Mike Alben, a pastor for Burien Evangelical Church who invited roughly a dozen homeless citizens to sleep on church property, criticized the treatment of homeless individuals as affording them “little to no dignity.”¹⁰⁴ The American Civil Liberties Union sent a letter to the City of Burien urging them to repeal the law for being “counterproductive as a matter of policy and unconstitutional.”¹⁰⁵ Burien City Manager Kamuron Gurol responded eight days later in a statement that defended the

⁹⁸ 8.20.010 Nuisances Defined; 7.04.020 Pedestrian Interference; and 7.13.040 Unlawful Bus Conduct.

⁹⁹ BMC 9.125.020. Full text of the ordinance is available at

<http://www.codepublishing.com/wa/burien/html/Burien09/Burien09125.html#9.125>.

¹⁰⁰ BMC 9.125.020(1).

¹⁰¹ BMC 9.125.015.

¹⁰² BMC 9.125.020(4).

¹⁰³ BMC 9.125.020(3).

¹⁰⁴ KIRO 7 Eyewitness News, *Burien's Trespass Ordinance to Address Disturbances in Public Spaces*, KIROTV.COM (Aug. 23, 2014), <http://www.kirotv.com/news/news/buriens-trespass-ordinance-address-disturbances-pu/ng74s/>.

¹⁰⁵ Letter from Jennifer Shaw to Lucy Krakowiak and the Burien City Council (Oct. 6, 2014), available at <https://aclu-wa.org/news/aclu-urges-burien-repeal-unconstitutional-law-targeting-homeless>.

constitutionality of the ordinance and pointed to the guaranteed right of appeal as “an essential feature of the Ordinance.”¹⁰⁶ However, (1) the appeals process is available only to individuals receiving a trespass warning for a period longer than seven days; (2) the request for an appeal must be made in writing with a copy of the warning delivered to the City’s Legal Department; and (3) a sworn report or declaration from the officer who issued the trespass warning will suffice, without further evidentiary foundation, as prima facie evidence that the individual committed the violation as described.¹⁰⁷ These critical components of Chapter 9.125 limit the ability of homeless individuals to protect themselves from the repercussions of the ordinance.

Since the public backlash, the City of Burien repealed the portion of Chapter 9.125 dealing with body odor; however, the other provisions of the ordinance, including the stringent appeals process requirements, remain unchanged at the time of this writing.¹⁰⁸

i. Citations

Aside from the controversies surrounding the new Chapter 9.125, Burien’s data on existing laws showed a typical approach to enforcement of these ordinances. During the requested five year period, Burien issued a total of 215 citations. Of those, Burien police issued citations for obstruction of sidewalks or public places (151 or 70%) more than any other.¹⁰⁹ Burien reported additional citations for living or sleeping in vehicles (61 or 29%) and aggressive panhandling (3 or 1%).¹¹⁰ No citations were issued for the remaining six criminalization ordinances and, at the time of this writing, no records yet exist for trespass warnings under Chapter 9.125.¹¹¹

ii. Case Dispositions and Sentencing

Information regarding the disposition of citations was particularly scarce. The court simply noted that the majority of the citations (179 or 83%) were resolved.¹¹² None of the citations led to the issuance of a warrant, and only two individuals received any sentences of jail time.

Burien’s approach to punishment is far more worrisome. Within the criminalization ordinances themselves, punishments range from fines of \$50 up to penalties of \$250 for each

¹⁰⁶ *Statement from the Burien City Manager Regarding its Trespass Ordinance*, CITY OF BURIEN, <http://burienwa.gov/DocumentCenter/View/5174> (last visited Apr. 1, 2015).

¹⁰⁷ BMC 9.125.020(7) and (8).

¹⁰⁸ Kipp Robertson, *Advocates Still Raising Stink Over Burien Law, Say it Targets Homeless*, MYNORTHWEST.COM (Feb. 24, 2015), <http://mynorthwest.com/11/2715929/Advocates-still-raising-stink-over-Burien-law-say-it-targets-homeless>.

¹⁰⁹ As a note, the City of Burien stated that it does not issue citations for BMC 8.45.020 (obstruction of sidewalks or public places) but instead issues “notices of violation.” Because the effect here appears to be the same, and for purposes of consistency, this sub-section will continue to refer to these notices as citations. In addition, Burien referred Practicum researchers to the King County District Court, South Division, which (through an interlocal agreement) handles all of Burien’s local ordinance adjudications.

¹¹⁰ BMC 7.30.110 and 9.80.400.

¹¹¹ Additional records may be requested from the Burien Police Department as part of future research.

¹¹² 151 “notices of violation” were resolved with 10 outstanding. Of the remaining 54 citations, 28 were resolved and 26 were outstanding.

violation.¹¹³ However, all of these specific penalty provisions are arguably meaningless. Under the general provisions of Burien's municipal code, the city "shall have discretionary authority to enforce a violation as either a civil infraction . . . or as a criminal misdemeanor"¹¹⁴ Thus, the city could pursue enforcement of any ordinance as a criminal misdemeanor, and the courts would be empowered to impose a sentence including 90 days in jail and \$1,000 in fines.

And of course, the notable punishment outlier remains the new Chapter 9.125. As discussed, this ordinance allows a police officer to banish an individual from a public place without the individual being charged, tried, or convicted of any crime or infraction. Because of how the ordinance is written, Chapter 9.125 could be used to prevent a wide variety of behaviors, including obstruction of sidewalks, bathing in public waters, urinating/defecating in public, and creating a nuisance through body odor. Thus, police officers have the power to both cite individuals for this behavior and banish them from the area. Without more specific data on the enforcement of Chapter 9.125, researchers are unable to determine shed light on how enforcement practices relate to existing legal and policy concerns about Burien's controversial law.

iii. Overlapping Ordinance Concerns

Burien contains numerous overlapping ordinances, covering such categories as obstruction of sidewalks, bathing in public waters, urinating/defecating in public, and creating body odor. While all of these ordinances contain consistent penalties,¹¹⁵ the general provision above allows for discriminatory enforcement under any or all of them.

Burien has codified expansive measures aimed at removing visible poverty, to the detriment of due process and equal protection. Although Burien's citation numbers are not extraordinary, the mechanisms in place for discriminatory enforcement are staggering. The general punishment provisions allow for limitless discretion in applying civil or criminal penalties for any violation. In addition, the controversial Chapter 9.125 allows police officers to banish an individual from a public place without any due process. The possibilities for discriminatory enforcement placed Burien under heavy scrutiny by the local community and homeless rights advocates statewide.

¹¹³ BMC 10.15.080 and BMC 1.15.120(2), respectively.

¹¹⁴ BMC 1.15.080(1).

¹¹⁵ Ordinances for obstruction of sidewalks or public places and urinating in public carried misdemeanor penalties; ordinances dealing with bathing in public waters are classified as Class 1 infractions with a penalty up to \$250.



116

6. Auburn

Population (in 2010):	70,180
Persons Below Poverty Level:	14.9%
Total Housing Units:	27,834
Land Area in Square Miles:	29.62
Total Number of Business Firms:	5,068
Median Household Income:	\$39,208



Located between Seattle and Tacoma in the shadow of Mt. Rainier, Auburn boasts a robust outdoor lifestyle. The city has access to the White and Green River trails, three golf courses, and approximately 30 parks of varying sizes.¹¹⁷ Auburn is also home to the Muckleshoot Indian Tribe. According to census data, only 14.9% of residents are below the poverty level; other data suggests Auburn's poverty rate is greater than 30%.¹¹⁸ Unfortunately, Auburn has two other notable qualities: it has the highest number of homeless criminalization ordinances out of all 72 surveyed municipalities, and it provided the least amount of information of any case study city.

¹¹⁶ Comic based on Deborah Horne, *New Ordinance Allows Police to Ban Smelly People from City Buildings*, KIRO 7 (Sept. 15, 2014), <http://www.kiro7.com/news/news/new-ordinance-allows-police-ban-smelly-people-city/nhNK8/>.

¹¹⁷ *About Auburn*, CITY OF AUBURN, <http://www.auburnwa.gov/about.htm> (last visited Dec. 4, 2014).

¹¹⁸ King County 2010–2014 Consolidated Housing & Development Program, *2009 Needs Assessment* 11 (2009), available at www.kingcounty.gov/~media/socialServices/housing/documents/2010_12_Consol_Plan_Append_A.ashx?la=en.

i. Citations

Although Auburn has enacted the highest total number of criminalization ordinances, Auburn has the lowest number of citations of the seven case study cities (203 total citations). Of these reported citations, the most frequently cited behavior was obstruction of sidewalks/public places (125 or 62%).¹¹⁹ The other reported citations were for aggressive panhandling (77 or 38%)¹²⁰ and loitering city-wide (1 or less than 1%).¹²¹

Auburn's municipal code contains numerous overlapping ordinances, covering behaviors such as camping in public places,¹²² obstructing pedestrian traffic,¹²³ and urinating/defecating in public.¹²⁴ All of the ordinances under these categories are classified as misdemeanors. Auburn also has overlapping ordinances for scavenging, but these overlapping ordinances also provide for similar penalties between them (civil fines up to \$250).¹²⁵

ii. Case Dispositions and Sentencing

Regrettably, Auburn did not provide any information relating to the disposition and sentencing of citations.

7. Pasco

Population (in 2010):	59,781
Persons Below Poverty Level:	23.0%
Total Housing Units:	18,782
Land Area in Square Miles:	30.50
Total Number of Business Firms:	3,150
Median Household Income:	\$49,220



Pasco is one of three cities making up the Tri-Cities metropolitan region of southeast Washington, along with Kennewick and Richland. The city has experienced rapid residential growth over the past fifteen years, with a 2014 population estimate that is over double the population in 2000.¹²⁶ Unfortunately, Pasco also has the highest percentage of people below the poverty level out of all seven case study cities.

i. Citations

Pasco is notable for having the lowest total number of reported citations. During the requested five year period, Pasco issued 93 citations. Of those, Pasco police issued most of the

¹¹⁹ AMC 9.78.010.

¹²⁰ AMC 9.08.010.

¹²¹ AMC 9.50.020.

¹²² AMC 9.100.500 and 2.22.210.

¹²³ AMC 9.08.010, 9.50.020, 9.62.900, 9.78.010, and 9.100.500.

¹²⁴ AMC 9.78.010 and 9.100.500.

¹²⁵ AMC 8.08.100 and 8.16.031.

¹²⁶ *History and Highlights of Pasco*, CITY OF PASCO, <http://www.pasco-wa.gov/428/History-and-Highlights-of-Pasco> (last visited Mar. 31, 2014).

citations for urination or defecation in public (54 or 59%). After that, Pascoe reported citations only for loitering in particular public places (32 or 34%), begging in particular public places (6 or 6%), and sitting/lying in particular public places (1 or 1%).¹²⁷

ii. Case Dispositions and Sentencing

Unfortunately, Pascoe did not provide any additional information responsive to HRAP researchers' requests.¹²⁸

iii. Overlapping Ordinance Concerns

Pascoe has three behaviors criminalized by overlapping ordinances: begging in public,¹²⁹ scavenging,¹³⁰ and obstruction of sidewalks/public places.¹³¹ Both ordinances for begging in public punished the behavior as a misdemeanor. The two scavenging ordinances contained different penalties, but were associated with different circumstances: it is a misdemeanor to scavenge solid waste from containers in general, yet scavenging at a bus station is merely a civil infraction.¹³² Pascoe did not report any citations under either scavenging ordinance in the past five years.

Pascoe's two obstruction ordinances also provided for different penalties.¹³³ Under the direct obstruction ordinance, sitting or lying down on the sidewalk is punishable as a misdemeanor. Under the nuisance ordinance, the same behavior is punishable as a civil infraction. Pascoe reported one citation issued under the sit/lie ordinance, and no citations under the nuisance ordinance. Although the data did not reveal discriminatory enforcement, the ordinances as written still allow for the possibility.



134

¹²⁷ The single citation for sitting/lying in public places stems from a compound ordinance that prohibits another type of conduct: sleeping in particular public places. It is unclear which category this particular citation belongs under.

¹²⁸ Pascoe Municipal Court could not provide additional information outside of its Judicial Information System (JIS) database available for public use in the King County District Court. The system was not user-friendly.

¹²⁹ PMC 9.14.020 and 9.44.060.

¹³⁰ PMC 6.04.270 and 9.64.120.

¹³¹ PMC 9.44.010 and 9.60.020.

¹³² Pascoe Municipal Codes 9.64.120 and 6.04.270.

¹³³ 9.60.20 Nuisances Defined and 9.44.010 Unlawful Street or Sidewalk Interference.

¹³⁴ Comic based on Josh Farley, *Bremerton Council Passes Panhandling Ordinance*, KITSAP SUN (Nov. 6, 2014), http://www.kitsapsun.com/news/local-news/panhandling_vote_110714_21089784.

CONCLUSIONS & RECOMMENDATIONS

Across Washington, cities are embracing criminalization as a solution to the problem of homelessness and visible poverty. The best predictor of ordinance enactment is time. Since 2000, criminalization ordinances have been enacted at a rapidly growing rate without any indication of slowing down. Additionally, income disparity levels predict aggressive enforcement of a city's criminalization ordinances. As the income disparity gap widens, visible poverty increases. The presence of visible poverty may trigger policy efforts to "clean up the streets." Because cities are no likely to abandon enactment efforts and income disparity continues to rise across Washington,¹³⁵ the criminalization of homelessness is almost certain to get worse.

This brief does not purport to solve the complex problem of homelessness. Instead, the specific focus of this brief is to examine the scope and extent of the criminalization of homelessness throughout the state of Washington based on available data. This report shows: (1) Washington cities are increasingly criminalizing homelessness; (2) these laws frequently target necessary life-sustaining activities, even though people without shelter have no reasonable alternative but to conduct these activities in public; (3) the enforcement of these laws raises legal and policy concerns, such as inconsistent or selective citation and sentencing practices; (4) the enactment of overlapping and compound ordinances raises constitutional equal protection and due process concerns; (5) the link between income disparity and enforcement of these ordinances should prompt lawmakers to re-consider the societal impact of homeless criminalization; and (6) the limited and inconsistent access to data impedes researchers from demonstrating the full extent of homeless criminalization.

The most obvious way to address the problem of anti-homeless regulations is to repeal laws that criminalize life-sustaining activities or disproportionately target homeless or visibly poor individuals. To paraphrase Chief Justice John Roberts, the way to stop discrimination on the basis of homelessness is to stop discriminating on the basis of homelessness.¹³⁶ Cities rely on criminalization to resolve the problems associated with visible poverty. However, criminalization is a broken system that fails to protect the rights and dignities of homeless individuals. Without reliance on criminalization, cities will be compelled to address homelessness directly through systemic social policy changes that respect the inherent humanity of the homeless population.

For the short term, however, there are a number of ways cities can provide both fairer treatment of homeless people and greater transparency for researchers. Local jurisdictions should take care when drafting ordinances to ensure the laws are clear and targeted at truly criminal conduct. To that point, jurisdictions should also avoid writing compound ordinances or

¹³⁵ Jennifer Romich, *Poverty, Income Inequality Increase in Washington State*, UWTODAY (Sept. 18, 2014), <http://www.washington.edu/news/2014/09/18/poverty-income-inequality-increase-in-washington-state/>.

¹³⁶ Paraphrased from Chief Justice Roberts's famous line, "[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race." *Parents Involved In Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007).

allowing the passage of unnecessary overlapping ordinances. Jurisdictions should also consider whether the conduct is already criminalized through other facially neutral laws. Additionally, cities should endeavor to make their municipal codes easier to navigate and search. And finally, municipal courts in every jurisdiction should be provided with modern technology and software so that basic enforcement and demographic data is easily accessible to the public.

While it may seem a matter of common sense, municipalities should take great care in drafting their ordinances. Some ordinances have ambiguous terms that lead to discriminatory enforcement when left open to interpretation. Additionally, municipalities should include a statement of purpose exempting acts of genuine necessity and survival so that the ordinances are used to punish criminally unlawful conduct. These recommendations would help address the problem of ordinances criminalizing life-sustaining activities while remaining facially neutral. Cities would thus provide much-needed clarity to their municipal codes in ways that better serve their entire populations.

Furthermore, both overlapping and compound ordinances create hurdles for the city and researchers alike. As suggested by the enactment data above, overlapping ordinances allow for officers to apply different punishment schemes to different individuals being cited for the same conduct. This phenomenon opens the door to potential constitutional violations, such as due process and equal protection. Compound ordinances should also be eliminated, though for different reasons. These convoluted ordinances require researchers to effectively guess at the actual conduct an individual was cited for when the case was filed under a single ordinance with several applicable conducts. Without being able to distinguish what conduct led to a citation, it is very difficult for any interested parties to pinpoint what behavior is truly at issue.¹³⁷

Finally, while some municipalities used online municipal code databases very effectively, several others had broken search functions or simply linked to PDF files. Despite the limited resources of municipal governments, maintaining an open and accessible municipal code is crucial. Legal practitioners, pro se defendants, police officers, and city advisors will all benefit from a city code that is easier to navigate. And for interested parties looking into the state of the law, a user-friendly system will lead to better data, and thus more reliable results.¹³⁸

All these recommendations are vital to better understanding and addressing the moral, legal, and economic consequences of persecuting one of the most vulnerable segments of society. Even the most modest improvements suggested in this brief can help illuminate the extent of criminalization throughout Washington. To get at the heart of the problem, however, cities must stop relying on the criminalization of visible poverty as a solution to homelessness.

¹³⁷ For instance, if an ordinance criminalizes both begging at intersections and aggressive begging, the citation number will suggest a citation issued for both forms of conduct. This makes it functionally impossible to bolster programs intended to target the at issue conduct, whichever it may be.

¹³⁸ For individuals interested in performing similar research in your own state, a discussion of the research process is provided in Appendix V.

APPENDIX

I-A. Phase I Request Letter

[Month] [Day], [Year]

[Served Entity]

Attn: [Recipient name]

[Title]

[Address 1]

[Address 2]

Via [mail or Email]: [email address if applicable]

RE: Public Records Act Request – Citation Information for [City] Municipal Codes

To Whom It May Concern:

I am requesting that the records described below be made available for inspection, pursuant to the Washington Public Records Act (RCW §42.56 et seq.). In accordance with RCW 42.56.520, you must, within five business days of receipt of this request, respond and let me know the status of the request and how soon you will be able to produce all discoverable records.

I am requesting certain information (see specific questions below) pertaining to citations issued due to violations of the following [City] Municipal Codes:

[Code section 1]

[Code section 2]

[Code section 3]

[Repeat as necessary]

Specifically, I am requesting all relevant records related to the following questions for the time period between January 1, 2009, and December 31, 2013:

- 1) How many total citations were issued under the city codes specified above?
- 2) How many citations were issued per each separate city code specified above?
- 3) How many of the citations were issued to people who are homeless/transient?
- 4) Of the citations issued to homeless/transient individuals, how many citations were issued per each separate city code specific above?
- 5) How many of these citations were resolved, or how many are still outstanding?
- 6) What are the consequent fines that result from any citation issued pursuant to violations of the city codes specified above?
- 7) How many people spent time in custody as a result of these citations and how much time did they spend in custody?

- 8) How many cases led to the issuance of a warrant? How many were brought to the station and/or sent to jail?
- 9) What are the consequent fines/additional charges that are a result of a failure to appear for these citations?

At this time, please refrain from making copies of any responsive documents. Instead, please contact me to schedule a time for me or my representatives to inspect the documents requested above, at which time we will select those documents we would like copied. You may send any written responses to this request to:

[Supervisor]
[Institution]
[Address 1]
[Address 2]

If any documents are withheld in whole or in part, please specify the reason for withholding such document or any portion thereof. For any document withheld in its entirety, please state the name and date of the document as well as the number of pages within the document. To the extent that portions of the request are specifically exempted from disclosure, please provide all non-exempt portions as allowed for under the Washington Public Records Act. To the extent that any portion of the requested records contain classified information, please redact such information and furnish the requested records.

We very much appreciate your attention to this request. If you would like to contact me with questions or concerns about the requested information please feel free to do so as I am more than happy to clarify in any way I can. Please contact me with any questions at [Supervisor mail] or at [Supervisor phone].

I look forward to hearing from you within five business days. Thank you for your assistance!

Very truly yours,

[Name]
[Title]
[Institution]
[Address 1]
[Address 2]

I-B. Phase II Request Letter

[Month] [Day], [Year]

[Served Entity]

Attn: [Recipient name]

[Title]

[Address 1]

[Address 2]

Via [mail or Email]: [email address if applicable]

RE: Public Records Act Request – Citation Information for [City] Municipal Codes

To Whom It May Concern:

Thank you for the excellent information you have provided pursuant to our public records request. After reviewing the responsive data, we would like to request additional information pursuant to the Washington Public Records Act (RCW §42.56 et seq.) regarding the [City] Municipal Code citations issued between January 1, 2009, through December 31, 2013, under the following ordinances:

[Code section 1]

[Code section 2]

[Code section 3]

[Repeat as necessary]

Specifically, we are requesting all relevant records related to the following questions:

- 1) What is the cost per day (on average) to keep an individual in police custody?
- 2) What is the average "booking cost" associated with the violation of ordinances listed above?

In addition, for the citations of each ordinance listed above:

- 3) What was the age of each defendant?
- 4) How many defendants were male and how many were female?
- 5) What was the ethnicity of each defendant?
- 6) How many defendants had a physical disability?
- 7) How many defendants had a mental health disability?
- 8) How many defendants identified as homosexual, bisexual, or transgender?
- 9) How many defendants were U.S. citizens?
- 10) How many defendants were legal immigrants?
- 11) How many defendants were illegal immigrants?

- 12) How many defendants identified as veterans?
- 13) How many defendants were identified as having substance abuse issues?
- 14) For the citations involving a disability or substance abuse, how was this determined? (For example, did the officer determine this at arrest, did the defendant identify as having a disability, etc.?)
- 15) How many defendants were receiving mental health services at the time of the citation?
- 16) How many defendants retained an attorney?
- 17) How many defendants retained a public defender?

Please note that this data does not need to be separated by ordinance – total numbers will suffice. If the City of [City] does not track the data related to any of the requests above, please let us know.

At this time, please refrain from making copies of any responsive documents. Instead, please contact me to schedule a time for me or my representatives to inspect the documents requested above, at which time we will select those documents we would like copied. You may send any written responses to this request to:

[Supervisor]
[Institution]
[Address 1]
[Address 2]

If any documents are withheld in whole or in part, please specify the reason for withholding such document or any portion thereof. For any document withheld in its entirety, please state the name and date of the document as well as the number of pages within the document. To the extent that portions of the request are specifically exempted from disclosure, please provide all non-exempt portions as allowed for under the Washington Public Records Act. To the extent that any portion of the requested records contain classified information, please redact such information and furnish the requested records.

We very much appreciate your attention to this request. If you would like to contact me with questions or concerns about the requested information please feel free to do so as I am more than happy to clarify in any way I can. Please contact me with any questions at [Supervisor email] or at [Supervisor phone].

I look forward to hearing from you within five business days. Thank you for your assistance!

Very truly yours,

[Name]
[Title]
[Institution]
[Address 1]
[Address 2]

II. Examples of Homeless Criminalization Ordinances (By Category of Behavior)

A. Sleeping in public city-wide

A. "Camping" means the use of park land or other publicly owned property for living accommodation purposes including but not limited to any of the following:

1. Sleeping activities;
2. Making preparations to sleep;
3. Laying down of bedding for the purpose of sleeping;
4. Storing personal belongings;
5. Erecting any tent, tarpaulin, shelter, or other structure that would permit one to sleep overnight;
6. Using a motor vehicle for the purposes of sleeping.

Issaquah Municipal Code 9.26.010 Camping, defined.

It is unlawful for any person to engage in camping in any park or playfield owned by the City, or on any sidewalk, street, alley, lane, public right-of-way, or under any bridge or viaduct, or in any other public place to which the general public has access. (Ord. 2261 § 1, 2000).

Issaquah Municipal Code 9.26.030 Camping prohibited.

B. Sleeping in particular public places

It shall be unlawful within the area of the City of Pasco bordered by the railroad tracks on the east, 14th Avenue on the west, Bonneville street on the north and "A" Street on the south, for any person to sit, lay, or sleep on any public right-of-way except for medical emergency, in the furtherance of work or repair to the public right-of-way or of any property or building immediately adjacent thereto or in furtherance of a special permit issued by the City under some other chapter of this code. A violation of this section is a misdemeanor. (Ord. 3491 Sec. 2, 2001; Ord. 2561 Sec. 1, 1985)

Pasco Municipal Code 9.44.030 Sitting, Laying, or Sleeping on Right-of-Way Prohibited

C. Camping in public city-wide

A. It shall be unlawful for any person to camp, occupy camp facilities for purposes of habitation, or use camp paraphernalia in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section 8.22.070 of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

....

Vancouver Municipal Code 8.22.040 Unlawful camping.

D. Camping in particular public places

No person shall camp in any park area including any park parking lot. [Ord. 475 § 2, 2007]

Burien Municipal Code 7.30.110 Camping.

E. Sitting/lying in particular public places

(1) Prohibition. No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool or other object placed upon a public sidewalk, within the city of Marysville during the hours between 6:00 a.m. and 12:00 midnight.

(2) Exceptions. The prohibition in subsection (1) of this section shall not apply to any person:

- (a) Sitting or lying down on a public sidewalk due to a medical emergency;
- (b) Who, as a result of a disability, utilizes a wheelchair, walker or similar device to move about the public sidewalk;
- (c) Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;
- (d) Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;

(e) Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by Chapter 6.37 MMC, Pedestrian Interference.

(3) No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section. (Ord. 2157 § 1, 1997).

Marysville Municipal Code 12.22.010 Sitting or lying down on public sidewalks in downtown commercial zones.

F. Lodging, living, or sleeping in vehicles

....
B. It shall be unlawful for any person to occupy a vehicle for the purpose of camping while that vehicle is parked in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section 8.22.070 of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

Vancouver Municipal Code 8.22.040 Unlawful camping.

G. Loitering/loafing/ vagrancy city-wide

A. It is unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner so as to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevent the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in subsection A of this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders is guilty of a violation of this chapter. (Ord. 5682 § 1, 2002.)

Auburn Municipal Code 9.50.020 Order to disperse.

H. Loitering/loafing in particular public places

A. It is unlawful to camp in a park except at places set aside for such purpose by the city and so designated by signs.

B. It is unlawful to remain, stay or loiter in a park between the hours of 9:00 p.m. and 6:00 a.m. (Ord. 13-05 § 4, 2013; 1967 code § 8.40.090)

East Wenatchee Municipal Code Section 12.12.090 Camping regulations.

I. Obstruction of sidewalks/public places

A. The following definitions apply in this section:

....

4. "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to the Street Use Ordinance, Chapters 15.02 through 15.50 of the Seattle Municipal Code, shall not constitute obstruction of pedestrian or vehicular traffic.

5. "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

B. A person is guilty of pedestrian interference if, in a public place, he or she intentionally:

1. Obstructs pedestrian or vehicular traffic; or
2. Aggressively begs.

C. Pedestrian interference is a misdemeanor.

Seattle Municipal Code 12A.12.015 Pedestrian interference.

J. Closure of particular public places

No Washington Ordinances could be located for this category.

K. Other restrictions on "vagrants"

A. Any person who wanders or prowls in a place, at a time, or in a manner, and under circumstances which manifest an unlawful purpose or which warrant alarm for the safety of persons or property in the vicinity is declared to be a vagrant and is guilty of a misdemeanor.

B. Among the circumstances which may be considered as manifesting an unlawful purpose or warranting alarm for the safety of persons or property, for the purposes of this section, include but are not limited to the following:

1. Flight by a person upon the appearance of a police officer;
2. Refusal of a person to identify himself to a police officer;
3. Attempt by a person to conceal himself or any object from a police officer.

C. No arrest shall be made under this section, nor shall any person be convicted of an offense under this section, unless the police officer first advises such person of his Fifth Amendment constitutional rights and then affords an opportunity for a person suspected of violating this section to dispel any alarm which would otherwise be warranted by requesting such person to identify himself and explain his presence and conduct, unless flight by the suspected violator or other circumstances make it impractical for the police officer to afford such an opportunity.

D. No person shall be convicted of an offense under this section if it appears at trial that the explanation given by the suspected violator was true and, if believed by the police officer at the time, would have dispelled the alarm or suspicion of unlawful purpose.
(Ord. 628, 1976)

Monroe Municipal Code 9.08.080 Wandering or prowling under circumstances manifesting unlawful purpose.

L. Explicit provisions allowing for trespass warning to be given (e.g., St. Petersburg, FL)

A. Immediate Expulsion: Any person violating a rule or provision of this Chapter or any federal, state or local law may be ordered by a commissioned peace officer to leave the Transit Center immediately.

B. Second Expulsion: Any person violating a rule or provision of this Chapter or any federal, state or local law and who has been the subject of a prior expulsion within the immediately preceding three (3) days may be ordered by a commissioned peace officer to leave the Transit Center immediately and will be subject to expulsion for up to seven (7) calendar days.

C. Expulsion Up To One (1) Year: Any person violating a rule or provision of this Chapter or any federal, state or local law and (1) who has been the subject of two prior expulsions within the immediately preceding thirty (30) days, or (2) who has been expelled from the Transit Center three (3) or more times in any 90-day period may be ordered by a commissioned peace officer to leave the Transit Center immediately AND will be subject to expulsion for up to one (1) year.

D. Failure to comply with any expulsion order shall be grounds for prosecution for criminal trespass. (Ord. 5587, 12-13-10; Ord. 5598, 4-25-11)

Renton Municipal Code 6-31-3 Expulsion

M. Enforcement of criminal trespass provisions in public places (e.g., Portland, ME)

A. It is unlawful for any person to:

1. Enter or remain in any park during the period covered by an expulsion notice pursuant to RMC 6-30-2; or
2. Enter, remain in, or be present within the premises of a park during hours that the park is not open to the public.

B. It is not a defense to the crime of trespass in parks:

1. That the underlying expulsion issued pursuant to this chapter is on appeal when the expelled person was apprehended, charged, or tried under this section; nor
2. That the expelled person entered or remained in the park pursuant to a permit that was issued either before or after the date of the expulsion notice.

C. Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and may be punished by a fine in any sum not to exceed one thousand dollars (\$1,000) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment. (Ord. 5533, 3-15-10)

Renton Municipal Code 6-30-5 Trespass in Parks - Definition - Penalties

N. Storing personal property in public places

Except as permitted by permit pursuant to KCC 8.09.050 or as otherwise provided by ordinance, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in any park or other public place.

(Ord. No. 3516, § 1, 7-5-00)

Kent Municipal Code 8.09.020 Unlawful storage of personal property in public places.

O. Bathing in particular public waters

It is unlawful for any person to boat, fish, wade, swim, scuba dive, snorkel, or bathe in any park except in the places and at times designated by the director. (Ord. 6465 § 1, 2013.)

Auburn Municipal Code 2.22.150 Prohibitions as to boating, fishing, and swimming.

P. Urination/defecation in public

A. A person is guilty of urinating in public if he or she intentionally urinates or defecates in a public place, other than a washroom or toilet room, under circumstances where such act could be observed by any member of the public.

B. "Public place" as used in this Section 12A.10.100 has the meaning defined in Section 12A.10.010 A3.

C. Except as provided in subsection D, any person who violates this Section 12A.10.100 shall be guilty of a violation as defined in Section 12A.02.080

D. Any person who violates this section and previously has either violated this section or has failed to appear as directed when served with a citation and notice to appear for a violation of this section is guilty of a misdemeanor.

Ord. 116896 § 1, 1993: Ord. 109674 § 10, 1981: Ord. 108867 § 1, 1980: Ord. 108814 § 9, 1980: Ord. 102843 § 12A.12.140, 1973.

Seattle Municipal Code 12A.10.100 Urinating in public.

Q. Creating body odor or restricting access to those with body odor

....
(4) Behavior that is "unreasonably disruptive to other users" is behavior that is not constitutionally protected and that unreasonably interferes with others' use and

enjoyment of publicly owned property. Behavior that is unreasonably disruptive to others includes, but is not limited to, any of the following:

- (a) Use of unreasonably hostile or aggressive language or gestures; or
- (b) Unreasonably loud vocal expression or unreasonably boisterous physical behavior; or
- (c) Using electronic or other communication devices in a manner that is unreasonably disruptive to others; or
- (d) Wearing insufficient clothing for the location's use (e.g., no top, no bottom, no shoes); or
- (e) Bodily hygiene or scent that is unreasonably offensive to others; or
- (f) Unreasonably interfering with the free passage of staff or patrons in or on public property; or
- (g) Behavior that is unreasonably inconsistent with the normal use for which the publicly owned property was designed and intended to be used (e.g., bathing, shaving, or washing clothes in a public bathroom or skateboarding in a public parking area or plaza).

(5) Any constitutionally protected action or speech is excluded from the prohibited behavior listed in this section. [Ord. 606 § 1, 2014]

Burien Municipal Code 9.125.015 Definitions [Modified January, 2015]

(1) Officers of the Burien police department shall be empowered to issue a trespass warning to any individual who violates any city ordinance, state statute, or government rule or regulation relating to conduct that is dangerous, unsafe, illegal, or unreasonably disruptive to other users of public property as defined in BMC 9.125.015, while such individual is on or within any city or other publicly owned facility, building, or outdoor area that is open to the general public, as more specifically set forth in BMC 9.125.010(3).

9.125.020 Trespass warnings on city and other property generally open to the public

R. Rummaging/scavenging/dumpster diving

It is unlawful for any person, firm or corporation, other than the city, the city's recycling contractor, or a private disposal company franchised by the city, to scavenge, remove or collect any garbage or refuse after it has been set out by a customer for collection at the curbside or other approved location. (Ord. 2540 § 1, 2004; Ord. 1822 § 7, 1991).

Marysville Municipal Code 7.08.055 Scavenging prohibited.

S. Begging in public places city-wide

A. Soliciting for Private Needs – Prohibited. No person shall solicit contributions for himself in or upon any public street or public place in the City of Maple Valley.

....

Maple Valley Municipal Code 5.05.080 Charitable solicitations.

T. Begging in particular public places

A. Solicitation Near Designated Locations and Facilities.

1. It is unlawful for any person to solicit another person within fifteen feet of:

- a. An automated teller machine;
- b. A self-service fuel pump;
- c. A public transportation stop; or
- d. Any parked vehicle as occupants of such vehicle enter or exit such vehicle.

2. It is unlawful for a person to solicit another person in any public transportation facility or vehicle.

....

Centralia Municipal Code 10.37.050 Place of solicitation.

U. Aggressive" panhandling

A. The following definitions apply in this section:

1. "Aggressively beg" means to beg with the intent to intimidate another person into giving money or goods.

2. "Intimidate" means to engage in conduct which would make a reasonable person fearful or feel compelled.

3. "Beg" means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.

....

B. A person is guilty of pedestrian interference if, in a public place, he or she intentionally:

1. Obstructs pedestrian or vehicular traffic; or
2. Aggressively begs.

C. Pedestrian interference is a misdemeanor.

Ord. 117104 § 1, 1994: Ord. 116897 § 1, 1993: Ord. 113697 § 1, 1987.

Seattle Municipal Code 12A.12.015 Pedestrian interference.

V. Other begging/panhandling restrictions (i.e. street performers, washing cars/windshields, etc.)

No person shall engage in any solicitation within the limits of the city without having first registered with the city clerk, by name, residence and business address, residence and business telephone number, the purpose of any proposed solicitation, and the name of any other person on behalf of whom any solicitation is to be made, for the purpose of aiding the city officials in referring and resolving complaints, if any. (Ord. 302 § 4, 1977)

Mukilteo Municipal Code 9.54.030 Registration –Required.

W. Food Sharing city-wide or in particular public places (i.e. bans)

No Washington ordinances could be located for this category.

X. Restrictions on food sharing (i.e. permit requirements, etc.)

No Washington ordinances could be located for this category.

Y. Other/miscellaneous restrictions

(1) It is unlawful for any person to do any of the following acts, if a shopping cart has a permanently affixed sign as provided in subsection (2) of this section:

- (A) To remove a shopping cart from the parking area of a retail establishment with the intent to deprive the owner of the shopping cart the use of the cart; or
- (B) To be in possession of any shopping cart that has been removed from the parking area of a retail establishment with the intent to deprive the owner of the shopping cart the use of the cart.

(2) This section shall apply only when a shopping cart:

- (A) Has a sign permanently affixed to it that identifies the owner of the cart or the retailer, or both;
- (B) Notifies the public of the procedure to be utilized for authorized removal of the cart from the premises;

- (C) Notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart, is unlawful; and
 - (D) Lists a telephone number or address for returning carts removed from the premises or parking area to the owner or retailer.
- (3) Any person who violates any provision of this section is guilty of a misdemeanor. (Ord. 4153, 2014.)

Pasco Municipal Code 9.34.065 Shopping Cart Theft.

III. Washington Ordinance Chart Methodology

HRAP researchers catalogued every municipal jurisdiction surveyed in the 2010 Census—a total of 72 cities. The total surveyed population represents 53% of Washington State's total population.¹³⁹ Two additional cities were included solely for their regional locations in order to capture a geographical representation of the entire state.¹⁴⁰ The resulting chart allowed researchers to spot trends in the enactment of these ordinances.

All catalogued municipalities keep an online database of their municipal codes, but only some of these online databases had an integrated search function. To account for this, HRAP researchers created two separate surveying methods. First, for those databases with search functions, researchers searched for the following keywords: *sleeping, sleep, camping, camp, sitting, lying, lodge, vehicle, loiter, loitering, loafing, vagrancy, obstruction, trespass, storage, bathing, urination, urinate, defecation, defecate, scavenging, begging, aggressive, panhandling, solicitation, and food.*¹⁴¹ The effectiveness of database search functions varied considerably.¹⁴² In some instances, the database did not have a search function, so HRAP researchers resorted to browsing through the code manually.¹⁴³ To ensure the reliability of both methods, researchers chose four municipalities with search functions and separately used both the search and browse methods, which ultimately generated the same results.

Upon finding a criminalization ordinance, researchers placed it into a category on the live-links chart. The live-links chart is divided by city and behavioral category, with every cited

¹³⁹ 2010 Census data available at <http://data.spokesman.com/census/2010/washington/cities/>. The Census included only those cities with a population exceeding 10,000. Census Population Districts were not covered by researchers as they are creations of the census bureau and do not function in any way as a municipality.

¹⁴⁰ Omak to cover north-central Washington and Colville to cover the northeast region of Washington.

¹⁴¹ These terms represent the kinds of conduct most likely targeted in homeless criminalization ordinances.

¹⁴² Unsophisticated search functions would pull codes utilizing only the exact wording searched (for instance, a search for "urinating" would not reveal results for urination, urinate, or urinates). More sophisticated search functions pulled results by identifying the root word and pulling up any iterations of that root in the code. Identifying the sophistication of a given search function required searching for the root word, and then searching for common iterations of that search word, and noting the differences in the results. For those unsophisticated functions, researchers were forced to search both root words and all their possible iterations to ensure proper coverage.

¹⁴³ While admittedly more time consuming than using a search function, researchers found it helpful to pay close attention to code sections that commonly harbored criminalizing ordinances. For instance, chapters entitled "Health and Safety" or "Public Peace, Morals, and Welfare" frequently contained ordinances criminalizing obstruction, begging, and other behaviors. The "Park Code" also had anti-camping ordinances in nearly all jurisdictions.

ordinance hyperlinked directly to the ordinance at issue.¹⁴⁴ In addition to hyperlinking, each ordinance is indexed with at least the chapter and section titles to provide context for readers. Researchers identified the broad category of behavior a certain ordinance prohibited and then placed the ordinance into the chart under the specified category.¹⁴⁵ In several instances, municipalities enacted two or more separate ordinances prohibiting the same category of conduct. In these situations, researchers placed the additional ordinances in subsequent rows under the same column. Similarly, municipalities would occasionally criminalize multiple categories of behavior in a single ordinance. In these cases, the offending ordinance was indexed under each category of prohibited behavior. Researchers included an “other” category to note ordinances that criminalized some behavior that appeared to disproportionality target the homeless population, but that did not fit neatly into a defined category.¹⁴⁶ Before finalizing the live-links chart, researchers jointly reviewed all inputs and approved or denied their inclusion to further ensure reliability.

Scope of Methodology

While the researchers' methodology was effective, it is not without limitations. Primarily, there is no way to ensure 100% coverage of all criminalization ordinances. Any further analysis of the results should note that cities may well have additional ordinances lurking in their codes. Several factors contribute to this fact: (1) database lag time; (2) limited HRAP resources; (3) the potential for cities to creatively manipulate ordinance language to effectuate criminalization without explicitly claiming to do so—or at the least claiming to do so using traditional terminology; and finally (4) the presence of overlapping or compound ordinances.

There is a very real risk that ordinances may have been enacted or amended but not included in online databases. In one instance, researchers became aware of that exact scenario as Arlington passed an ordinance that was not reflected in the online database. Unfortunately, there is little researchers can do to protect against this issue. Occasionally, as was the case in Arlington, an ordinance may become popular due to local media attention; thus, it is worthwhile to stay connected in the local community and to run news searches for potential stories as the catalogue is filled in.

Another issue that presented a limitation was the resources of HRAP researchers. If there were additional researchers on this particular project, the live-links chart likely would have reflected all 275 municipalities. However, researchers observed the beginnings of diminishing returns on their investment as smaller cities tended to have far fewer ordinances than larger cities.

¹⁴⁴ Where direct hyperlinking to the ordinance was unavailable, researchers were forced to link to the municipality's general code page. In very few instances, a municipality elected only to publish the code in PDF format, in which cases the PDF is hyperlinked.

¹⁴⁵ In the event an ordinance used ambiguous language to effectuate a common criminalization, researchers conferred and, based upon the surrounding ordinances and perceived enacting intent, jointly decided whether to include the ordinance. An example would be ordinances criminalizing “offends the senses” which would be included depending on the ordinance's context. If the ordinance targeted businesses or owners of land, then it was excluded. If the ordinance was embedded among other personal conduct regulations, it was generally included.

¹⁴⁶ For instance, several jurisdictions outlawed possession of a shopping cart outside of a shopping center, which is a behavior not explicitly covered by any category in the chart but that researchers still felt was necessary to include.

In those jurisdictions that allowed researchers to utilize a search function instead of the browsing method, there is a chance that some new and innovative ordinances criminalizing homeless conduct were missed.¹⁴⁷ This concern is partially assuaged by the uniformity of results achieved when researchers independently browsed and searched four municipalities, demonstrating that this issue did not arise once in those four cities. The conclusion is that the problem, while certainly present, appears in relatively rare instances.

IV. Enforcement Data Methodology

On August 6, 2014, HRAP researchers submitted the first round of public records requests to the cities of Auburn, Bellingham, Burien, Pasco, Seattle, Spokane, and Vancouver pursuant to the Washington Public Records Act (RCW §42.56 et seq.).¹⁴⁸ These cities were chosen from the originally surveyed 25 cities¹⁴⁹ because they appeared to criminalize the broadest range of behaviors. Seattle did not fall within this category, but instead was included due to being the largest city in the state. Burien was included a month later primarily because of the passage of Chapter 9.125 of the municipal code: a “trespassing ordinance” that allowed individuals to be banished from public spaces on account of body odor.¹⁵⁰

HRAP researchers requested the following information from each city regarding the specific criminalization ordinances for that municipality:

- 1) The **total number of citations** issued under each ordinance for a five year period (January 1, 2009, through December 31, 2013);
- 2) The total number of citations that were issued to people who are **homeless/transient**, broken down by ordinance;
- 3) How many of the citations were **resolved** and how many were **outstanding**;
- 4) The consequent **fines** that result from any citation issued pursuant to the ordinances;
- 5) The total number of people who spent time in **custody** as a result of the citations;
- 6) The **duration of time** people spent in custody as a result of the citations;
- 7) The number of citations that led to the issuance of a **warrant**, and how many people were brought to the station and/or sent to jail pursuant to the warrant;

¹⁴⁷ For instance, researchers found a statute employing the term “protractedly lounge” to effectively criminalize lying down or sleeping. This term was not in our original methodology, but was found because it was embedded in an ordinance that also criminalized camping in public parks.

¹⁴⁸ Occasionally, the cities would refer researchers to the local municipal court or county jail for the data responsive to our requests. New requests were forwarded accordingly.

¹⁴⁹ Researchers initially conducted their study on the top 25 most populous cities in Washington and then subsequently expanded the study to 73. The public records requests were sent after cataloging 25 cities but before expanding to 73.

¹⁵⁰ The ordinance garnered widespread criticism for being both too harsh and too arbitrary. A more thorough discussion of the history surrounding this ordinance may be found in Part III.B.5.

- 8) Whether there are consequent fines or additional charges resulting from a **failure to appear** for these citations.

As the data came in, researchers categorized the numbers of citations by the type of prohibited conduct. Doing so allowed researchers to view the data in a way allowing for comparison analysis despite differences in ordinance language between cities. This method functioned well with the exception of Spokane due to the overwhelming number of overlapping ordinances in that jurisdiction.

After receiving the initial data on citations from a particular city, HRAP researchers next sent an additional request seeking a broad range of demographic data.¹⁵¹ Researchers requested information regarding the cost per day to keep individuals in police custody, as well as the average “booking cost” for citations issued under an identified ordinance. Additionally, researchers asked for data relating to 15 demographic points including ethnicity, gender, and disability.¹⁵²

One crucial piece of data was particularly difficult to obtain: the number of homeless individuals in each municipality. Although the One Night Count provides homeless populations for both Seattle and Auburn, no data could be found for other cities.¹⁵³ The One Night Count is useful for advocates to educate the public and raise awareness regarding unsheltered homelessness. In addition, lawmakers can use the count as a comparison from one year to the next. Due to the practical constraints, however, the numbers underrepresent the actual number of homeless individuals in those cities.¹⁵⁴ Notably, the most recent One Night Count did find an increase in the Seattle homeless population by 22% and an increase in Auburn’s homeless population by 36%.¹⁵⁵

V. Researching Your Jurisdiction

While this research is the most expansive to date, the methods used to obtain the data and perform the analysis are not unique to Washington State. This section encourages the replication

¹⁵¹ See *infra* Appendix I-B.

¹⁵² Complete list of demographic questions include: age, gender, ethnicity, disability (physical or mental health), citizenship, immigration status, veteran status, substance abuse, and identity as homosexual/bisexual/transgender. Researchers also inquired as to whether the defendants were receiving mental health services, had retained an attorney, or had retained a public defender.

¹⁵³ The One Night Count sends volunteers out to perform a point-in-time count of homeless individuals in shelters, with transitional housing providers, and on the street. The 2014 findings revealed 2,303 homeless individuals in Seattle and 97 homeless individuals in Auburn. Seattle/King County Coalition on Homelessness, *2014 Street Count Results*, http://www.homelessinfo.org/what_we_do/one_night_count/2014_results.php (last visited Dec. 4, 2014).

¹⁵⁴ For instance, in California, early proponents of the One Night Count faced backlash even from homeless advocacy groups that feared the artificially low numbers would stifle funding and hinder policy advocacy efforts. Faye Fiore, *Down for the Count: Critics of First Census of Homeless Say the Tally Destined to Be Low*, L.A. TIMES (Mar. 18, 1990), available at http://articles.latimes.com/1990-03-18/news/hl-768_1_homeless-person. A spokesman for the Sacramento Homeless Organizing Committee estimated that the count was likely to find only 15-20% of the homeless. Frank Clifford, *Census Begins With the Nation's Homeless Count: 15,000 Fan Out For Monumental Overnight Task. Many Meet Difficulties. Incomplete Tally is Expected.*, L.A. TIMES (Mar. 21, 1990), available at http://articles.latimes.com/1990-03-21/news/mn-728_1_census-taker.

¹⁵⁵ Konopasek, *supra* note 52.

of the same or similar studies in jurisdictions across the country. The section is split into two parts: first, a summary of the fundamental methodologies expressed throughout the article and combining them into a single easy to read guide; and second, a guide to expanding research beyond this study.

A. Replicating Research in Your Jurisdiction

Ideally, any research would be done by two or more researchers who can provide constant peer review toward the others' work. The first step in beginning a similar study is to cultivate a catalogue of offending ordinances by city and category.¹⁵⁶ Second, choose which cities you would like to survey.

City selection can be based on population counts, which are then supplemented by other cities to provide geographical representation. The benefit of surveying populous cities is that they have census data. This data can be very useful in assessing trends and can also suggest areas for future research.

Third, having chosen the cities, new researchers should find the municipal code online and employ either the search or browse method to identify offending ordinances depending on the sophistication of the database. Researchers should review the identified ordinances together so that they may agree whether the ordinance disproportionately criminalizes conduct of necessary, life-sustaining activities.¹⁵⁷ As researchers continue to go through the ordinance combing process, they should continually reevaluate the effectiveness of their search terms and vary them accordingly.¹⁵⁸ Cultivating a live-links chart was helpful for quick reference throughout the project and is highly encouraged for other jurisdictions. The final step in the ordinance-gathering process is to make note of overlapping or compound ordinances, which researchers here have identified as problematic.

After identifying offending ordinances, the next step is to gain access to the enforcement data for those ordinances in key jurisdictions.¹⁵⁹ Drawing from the public records request included here in the appendix, researchers should identify the public records officer for each jurisdiction. From this point on, the methods will have to be fluidly changed depending on the jurisdiction. Some jurisdictions will be helpful, while others will throw up cost prohibitive measures that deter the ultimate disclosure of the enforcement data. Researchers should expect to serve requests upon both the cities themselves as well as the municipal courts within the jurisdiction. The exact city agency will vary by municipality, but common agencies were city records offices and offices of the city attorney. Upon receiving, reviewing, and indexing the material germane to the core research questions of the project, analyze the data and draw whatever conclusions stand out.

¹⁵⁶ For a full discussion of the methodology used to cultivate the ordinance chart, please see Appendix part III.

¹⁵⁷ This peer review process was invaluable. While many ordinances clearly targeted conduct by the visibly poor, several ordinances were more vague or "on the line." While no method will ever be infallible, peer review and consensus allowed researchers to confidently retain only those that truly criminalized homelessness.

¹⁵⁸ It could very well be that the words and phrases employed in a different jurisdiction's criminalization ordinances are completely different from those employed in Washington jurisdictions.

¹⁵⁹ What those key jurisdictions is entirely up to the discretion of researchers who, at this point, are far more knowledgeable about the criminalization patterns in their jurisdiction than any other entity.

B. Expanding Research in Your Jurisdiction

HRAP researchers were aware of resources available in other jurisdictions that were not available in Washington State, listed below. New researchers should check to see if the following resources do exist and, if they do, utilize them to their fullest. This is not meant to be an exhaustive list, so researchers must think outside the box when generating leads on knowledgeable individuals.

Several jurisdictions have homeless courts, which may provide a wealth of expertise and additional information not available to HRAP researchers. Non-governmental agencies, watchdog, and advocacy groups are generally willing to lend a helping hand to. If new researchers are administering surveys to homeless individuals, these groups become especially useful in connecting researchers to homeless communities. In a different vein, it may be worthwhile to consider qualitative data collection techniques such as interviewing enforcement personnel to get a more complete sense of how municipal ordinances may translate into enforcement. Ultimately, researchers should look to gain any additional information to help them understand the scope, purpose, and prevalence of criminalization ordinances, the assumptions behind them, and the enforcement strategies that follow in their wake.

VI. Bibliography

About Auburn, CITY OF AUBURN, <http://www.auburnwa.gov/about.htm> (last visited Dec. 4, 2014).

KATHERINE BECKETT & STEVE HERBERT, *BANISHED: THE NEW SOCIAL CONTROL IN URBAN AMERICA* (2009).

About Bellingham, CITY OF BELLINGHAM, <http://www.cob.org/visiting/about.aspx> (last visited Dec. 4, 2014).

Statement from the Burien City Manager Regarding its Trespass Ordinance, CITY OF BURIEN, <http://burienwa.gov/DocumentCenter/View/5174> (last visited Apr. 1, 2015).

Frank Clifford, *Census Begins With the Nation's Homeless Count: 15,000 Fan Out For Monumental Overnight Task. Many Meet Difficulties. Incomplete Tally is Expected.*, L.A. TIMES (Mar. 21, 1990), available at http://articles.latimes.com/1990-03-21/news/mn-728_1_census-taker.

Seattle/King County Coalition on Homelessness, *2014 Street Count Results*, http://www.homelessinfo.org/what_we_do/one_night_count/2014_results.php (last visited Dec. 4, 2014).

Josh Farley, *Bremerton Council Passes Panhandling Ordinance*, KITSAP SUN (Nov. 6, 2014), http://www.kitsapsun.com/news/local-news/panhandling_vote_110714_21089784.

Faye Fiore, *Down for the Count: Critics of First Census of Homeless Say the Tally Destined to Be Low*, L.A. TIMES (Mar. 18, 1990), available at http://articles.latimes.com/1990-03-18/news/hl-768_1_homeless-person.

Spokane, WA Metropolitan Statistical Area, FORBES, <http://www.forbes.com/places/wa/spokane/> (last visited Mar. 31, 2015).

Deborah Horne, *New Ordinance Allows Police to Ban Smelly People from City Buildings*, KIRO 7 (Sept. 15, 2014), <http://www.kirotv.com/news/news/new-ordinance-allows-police-ban-smelly-people-city/nhNK8/>.

Josh Howard & David Tran, Seattle University Homeless Rights Advocacy Project, *AT WHAT COST: THE MINIMUM COST OF CRIMINALIZING HOMELESSNESS IN SEATTLE & SPOKANE* (Sara Rankin ed., 2015).

King County 2010–2014 Consolidated Housing & Development Program, *2009 Needs Assessment* 11 (2009), available at www.kingcounty.gov/~media/socialServices/housing/documents/2010_12_Consol_Plan_Append_A.ashx?la=en.

KIRO 7 Eyewitness News, *Burien's Trespass Ordinance to Address Disturbances in Public Spaces*, KIROTV.COM (Aug. 23, 2014), <http://www.kirotv.com/news/news/buriens-trespass-ordinance-address-disturbances-pu/ng74s/>.

Michael Konopasek, *King Co. Homeless Population up by More Than 20 Percent*, KING 5 NEWS (Feb. 4, 2015), <http://www.king5.com/story/news/local/seattle/2015/01/23/king-county-homeless-count/22210763/>.

Spokane Police Clarify Sit and Lie Ordinance, 590 KQNT, <http://www.590kqnt.com/articles/northwest-news-119088/spokane-police-clarify-sit-and-lie-12810881/> (last visited Mar. 11, 2015).

Ian Lovett, *When Home Has No Place to Park*, THE NEW YORK TIMES (Oct. 3, 2010), available at http://www.nytimes.com/2010/10/04/us/04rv.html?_r=1.

Kaya Lurie & Breanne Schuster, Seattle University Homeless Rights Advocacy Project, *DISCRIMINATION AT THE MARGINS: THE INTERSECTIONALITY OF HOMELESSNESS AND OTHER MARGINALIZED GROUPS* (Sara Rankin ed., 2015).

Scott MacDonald & Justin Olson, Seattle University Homeless Rights Advocacy Project, *WASHINGTON CRIMINALIZATION ORDINANCE DATA* (Sara Rankin ed., 2015).

THE NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY, *FROM WRONGS TO RIGHTS: THE CASE FOR HOMELESS BILL OF RIGHTS LEGISLATION* (2014), available at http://nlchp.org/documents/Wrongs_to_Rights_HBOR.

Javier Ortiz & Matthew Dick, Seattle University Homeless Rights Advocacy Project, *THE WRONG SIDE OF HISTORY: A COMPARISON OF MODERN & HISTORICAL CRIMINALIZATION LAWS* (Sara Rankin ed., 2015).

History and Highlights of Pasco, CITY OF PASCO, <http://www.pasco-wa.gov/428/History-and-Highlights-of-Pasco> (last visited Mar. 31, 2014).

Levi Pulkkinen, *Income Inequality: Which Washington City is Worst?*, SEATTLE POST-INTELLIGENCER, (Nov. 7, 2012), <http://www.seattlepi.com/local/article/Income-inequality-Which-Washington-city-is-worst-4004464.php#photo-3682135>.

Sara K. Rankin, *A Homeless Bill of Rights (Revolution)*, 45 SETON HALL L. REV. 383 (2015), available at <http://ssrn.com/abstract=2376488>.

Kipp Robertson, *Advocates Still Raising Stink Over Burien Law, Say it Targets Homeless*, MYNORTHWEST.COM (Feb. 24, 2015), <http://mynorthwest.com/11/2715929/Advocates-still-raising-stink-over-Burien-law-say-it-targets-homeless>.

Jennifer Romich, *Poverty, Income Inequality Increase in Washington State*, UW TODAY (Sept. 18, 2014), <http://www.washington.edu/news/2014/09/18/poverty-income-inequality-increase-in-washington-state/>.

John Ryan, *After 10-Year Plan, Why Does Seattle Have More Homeless Than Ever?*, KUOW.ORG (Mar. 3, 2015), <http://kuow.org/post/after-10-year-plan-why-does-seattle-have-more-homeless-ever>.

City of Seattle, *Full Council of 3/30/15*, SEATTLECHANNEL.ORG (Mar. 30, 2015), <http://www.seattlechannel.org/mayor-and-council/city-council/full-council?videoid=x53504>.

Letter from Jennifer Shaw to Lucy Krakowiak and the Burien City Council (Oct. 6, 2014), available at <https://aclu-wa.org/news/aclu-urges-burien-repeal-unconstitutional-law-targeting-homeless>.

U.C. Berkeley School of Law Policy Advocacy Clinic, *California's New Vagrancy Laws: The Growing Enactment and Enforcement of Anti-Homeless Laws in the Golden State* (2015).

U.S. Department of Commerce, *State & County QuickFacts*, UNITED STATES CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/53000.html> (last visited Mar. 11, 2015).

Financial & Management Services, *Comprehensive Annual Financial Report at 186*, CITY OF VANCOUVER, available at http://www.cityofvancouver.us/sites/default/files/fileattachments/financial_and_management_services/page/1060/cityofvancouver2012cafr.pdf.

Community & Economic Development, *Destination Downtown*, CITY OF VANCOUVER, <http://www.cityofvancouver.us/ced/page/destination-downtown> (last visited Mar. 31, 2015).

National Civil Rights Outreach Fact Sheet, W. REG'L ADVOCACY PROJECT (April 5, 2013), available at <http://wraphome.org/images/stories/pdf/NationalCivilRightsFactSheetMarch2013.pdf>.

MYTHS AND FACTS OF HOMELESSNESS IN WASHINGTON STATE

BUILDING A NEW PUBLIC NARRATIVE TO COMBAT CRIMINALIZATION AND ADVANCE REAL SOLUTIONS

How is homelessness criminalized? The criminalization of homelessness occurs when governments choose to remove visibly homeless people from shared public spaces instead of offering services. It treats life-sustaining activities like sitting, sleeping, and eating as illegal. When community leaders or others talk about ridding the streets of homeless individuals, often they are referring to those who are experiencing chronic homelessness, as they are typically the people who look most visibly poor.

Why is criminalization an ineffective response to chronic homelessness?

Criminalization feeds directly into the cycle of chronic homelessness. Individuals are arrested for minor infractions and may spend time in jail, which exacerbates behavioral health issues and results in criminal records, making securing a home and/or a job much harder. Additionally, criminalizing behaviors like sitting or lying effectively create zones of exclusion from public areas. This creates an impossibility of existence, where simply living and being may be criminalized. These policies also perpetuate existing racial disparities and have disparate impacts on other already marginalized groups including LGBTQ people, people with disabilities, and veterans.

MYTH: People choose to be homeless.

FACT: A homeless life is not a comfortable one. Homelessness is dangerous, stressful, and humiliating. Some people who are homeless choose to sleep on the streets rather than in shelters because they are unsettled by shelter conditions and noise. Very few choose the streets over a residence they could call home. Certainly, children do not choose homelessness, nor do victims of domestic violence, which is the leading cause of homelessness among women.

Ex # 12 m/d/y 08/30/2024 Pg 1 of 4

Exam of Dr. Stephen Gaetz

Heegsma et al v City of Hamilton

Nimigan Mihailovich Reporting Inc.

MYTH: People who are homeless are violent, dangerous, and/or are lawbreakers.

FACT: While a larger number of people experiencing homelessness have substance abuse disorders than the general population, a person who is homeless is no more likely to be a criminal than a housed person, with one legal exception: camping ordinances. But of course people who are homeless break that law merely by being homeless. A person who is homeless is less likely to perpetuate a violent crime than a housed person, and is in fact more likely to be the *victim* of a violent crime, especially if they are a homeless woman, teen, or child.

MYTH: People who are homeless in a community usually came from someplace else, and providing services only encourages more people who are homeless to migrate there.

FACT: It is easy to assume that a rise in visible homelessness in a community means people who are homeless are moving to the area. The truth is conditions in our own communities create and sustain homelessness. Client records from All Home (which coordinates homeless services among King County cities, nonprofits and religious institutions) show that 85–90% of people accessing services in King County became homeless in King County. While some people experiencing homelessness move around to find jobs and housing, many are unable to move because of physical or behavioral health disabilities, because of financial hardships like foreclosure or job loss that may have led to homelessness, or because they simply do not want to leave a community where they have established meaningful roots. People experiencing homelessness who *do* move to new areas do so because they are searching for work, have family nearby or for other reasons not related to services—and are worthy of support regardless.

MYTH: There are plenty of shelters and housing. People become homeless and remain homeless because they refuse to work.

FACT: The National Law Center on Homelessness and Poverty’s *No Safe Place* report states: “There are fewer available shelter beds than homeless people in major cities across the nation. In some places, the gap between available space and human need is significant, leaving hundreds or, in some cases, thousands of people with no choice but to struggle for survival in outdoor, public places.” In addition, the wages of low-income households continue to decline as rents rise.

In Washington, a worker must now earn at least 2 times the minimum wage to afford a 2-bedroom apartment. Even when low-wage workers can afford to pay for rent, they often cannot save enough to pay move-in costs, which traps them in time-limited transitional housing, or in outright homelessness. Landlords often demand steep deposits and tenant screening reports, while negative credit histories and eviction records bar too many from renting at all. According to the Housing Development Consortium, 21% of Seattle renter households are severely cost-burdened (paying more than 50% of their income in housing costs), and are at significant risk of becoming homeless.

MYTH: It is a waste of public resources to provide homeless services to certain people who don't "deserve" them, such as addicts.

FACT: The construct of the deserving vs. undeserving poor is harmful, and often results in homelessness, drug use and addiction being seen as crimes rather than as conditions in need of treatment. People labeled "undeserving" are in fact usually the most vulnerable among those experiencing homelessness, and most in need of housing and services to escape chronic homelessness and recover. When people have access to housing, treatment services, healthcare, and other support services, they show fast progress establishing healthy, stable lives. It is also less expensive to house a person who is homeless than the taxpayer costs associated with criminalization and emergency service use while living on the street. A Seattle study published in the Journal of the American Medical Association found that the yearly cost to house 95 tenants in a local permanent supportive housing program was 53% less than the yearly cost of services when that same group was homeless. In addition, the group's emergency costs declined by 73% in the two years after the program's launch.

MYTH: Government policies to end homelessness are a waste of time.

FACT: Homelessness is a systemic failure. It is caused by economic and structural conditions like lack of affordable housing, high cost of living, low-wage jobs, lack of access to health care, and mental health treatment & chemical dependency treatment services. Public policy is the leading cause of homelessness. Building more affordable housing, raising the minimum wage, and providing access to health services are just a few of the remedies that require effective public policy and adequate funding.

MYTH: There will always be homelessness. The problem is too big and too complex to solve.

FACT: It is easy to become discouraged about solving homelessness when approaches like criminalization have failed again and again, but homelessness is solvable. We simply must invest fully and consistently in the right solutions. Housing-First is a proven approach to ending chronic homelessness. It prioritizes stable housing as a person's primary need, while also providing services to address behavioral health, addiction, or other issues people may be struggling with. In this model, housing is not a reward for good behavior, it is a necessity to accessing treatment and getting better. Permanent Supportive Housing was developed in Washington state by Downtown Emergency Service Center (DESC), and it's so successful that other states and countries have adopted it, including Utah where they have successfully decreased chronic homelessness by 91%. Advocates are currently working to do the same in Washington by establishing a federally-funded Permanent Supportive Housing Services Benefit through Medicaid to pay for the services delivered in this model of housing.

Homelessness, Mental Illness, and Criminal Activity: Examining Patterns Over Time

Sean N. Fischer · Marybeth Shinn ·
Patrick Shrout · Sam Tsemberis

Ex # 13 m/d/y 08/30/2024 Pg 1 of 16
Exam of Dr. Stephen Gaetz
Heegsma et al v City of Hamilton
Nimigan Mihailovich Reporting Inc.

Published online: 28 October 2008
© Springer Science+Business Media, LLC 2008

Abstract This study examined whether street homelessness, sheltered homelessness, and the severity of psychological symptoms predicted non-violent and violent crime among 207 mentally ill participants who were homeless at baseline. Participants were interviewed at 9 time points over 4 years. Hierarchical linear modeling (HLM) was used to examine whether changes in homelessness status and symptom severity predicted changes in criminal activity over time. Results indicated that homelessness both on the streets and in shelters and psychological symptom severity predicted increases in non-violent crime. Sheltered homelessness and symptom severity predicted increases in violent crime, although street homelessness did not. A separate mediational analysis with 181 participants showed that the relationship between diagnosis of a psychotic disorder and both non-violent and violent criminal activity was partially mediated through the severity of psychotic symptoms. Implications for research and intervention are discussed.

Keywords Homelessness · Shelter · Crime · Mental illness · Violence · Psychosis

Introduction

The current study examines the relationship between homelessness, mental illness, and two types of criminal offenses: non-violent and violent crimes. This study builds on the literature by examining how the likelihood of committing a crime changes as individuals cycle between episodes of homelessness and housing and as mental illness symptoms become more and less severe. By estimating effects of housing context and symptom severity on changes in criminal activity within persons across time, it holds constant other personal characteristics which may confound relationships between homelessness, mental illness, and crime in between-person studies.

Non-Violent Criminal Activity

Previous studies have found that homeless individuals are at risk for engaging in non-violent criminal activity (Martell et al. 1995); DeLisi (2000) found that homeless jail inmates were more likely to have been arrested for nuisance offenses (e.g., camping without a permit, indecent exposure) than domiciled inmates. Other researchers showed that homeless individuals are often arrested for crimes resulting from subsistence-related strategies, such as being charged with trespassing or sleeping on a park bench (Fischer 1988; Snow et al. 1989). Snow and Mulahy (2001) showed that homeless individuals may adopt new subsistence strategies, including illegal strategies such as theft, when previous strategies are blocked (e.g., a new city ordinance restricting panhandling).

S. N. Fischer (✉)
Psychology Department, New York University, 715 Broadway,
2nd Floor, New York, NY 10003, USA
e-mail: sean.fischer@nyu.edu

M. Shinn
Department of Human and Organizational Development,
Vanderbilt University, Peabody College #90, 230 Appleton
Place, Nashville, TN 37203-5721, USA

P. Shrout
Psychology Department, New York University, 6 Washington
Place, New York, NY 10003, USA

S. Tsemberis
Pathways to Housing, Inc., New York, USA

Interestingly, no research to the author's knowledge has focused on whether the association between homelessness and non-violent criminal activity is different when individuals are connected to institutional supports such as shelters and drop-in centers. The current study tests whether homeless individuals are less prone to non-violent criminal activity when spending their nights at these types of institutions (referred to as *sheltered homelessness*) than when they are spending their nights in public locations such as the streets or abandoned buildings (referred to as *street homelessness*). Homeless individuals may be less likely to engage in subsistence-driven, non-violent crime if their survival needs are fulfilled by institutional supports.

Surprisingly, little is known about the relationship between mental illness and non-violent crimes. Belcher has suggested that homeless individuals with chronic mental illnesses may be prone to criminal activity because they have difficulty functioning within "normative" reality" (Belcher 1989, p. 181), or because they lack a structured environment that hinders their use of services or prescribed medication (Belcher 1988). The situation of homelessness, therefore, may aggravate non-violent criminal activity among mentally ill individuals in ways that are different than if they were housed. Specifically, non-violent criminal activity may be similar between domiciled individuals with low and high severity of mental illness symptoms (referred to in this paper as *psychological symptom severity*). However, homeless individuals with high psychological symptom severity may be more likely to engage in non-violent crime than homeless individuals with low symptom severity. The literature provides little evidence for or against this type of interaction.

Violent Criminal Activity

Homeless individuals who have serious mental illnesses may be at risk for arrest for violent crimes (e.g., Richman et al. 1992). In fact, research suggests that people with mental illnesses have a modestly higher rate of committing violent crimes than the general population (for a review, see Mulvey 1994). For example, using data from three large surveys of adult households, Swanson and colleagues found that, controlling for substance abuse, the prevalence of violence among individuals diagnosed with major mental disorders, including schizophrenia and affective disorders, was higher than among individuals without disorders (Swanson et al. 1990). Mulvey (1994) stated that mental illness symptoms may be a better predictor of violence than diagnosis, suggesting that the tendency toward violence may change within individuals as their symptoms become more or less severe. The current study builds on the literature by examining whether the likelihood of committing a violent crime among individuals with

serious mental illnesses changes over time as psychological symptom severity changes.

Some researchers have found that the presence of psychotic symptoms in particular may predict violent behavior (for a review, see Bjorkly 2002a, b). For example, Link et al. (1992) found that mentally ill patients were more likely to engage in violent behavior than community controls and that psychotic symptoms accounted for nearly all differences in violent behavior between the two groups. Interestingly, no research to the authors' knowledge has examined the relative importance between the diagnosis of a psychotic disorder and active psychotic symptoms when predicting violent criminal activity. This study tests whether a relationship between diagnosis of a psychotic disorder and criminal activity exists, and if this relationship is fully mediated through the severity of psychotic symptoms. It seems likely that the propensity to commit a violent crime among individuals with a psychotic disorder will change over time as the severity of their symptoms also changes.

Previous research has not provided a clear understanding of the relationship between homelessness and violent criminal activity. Several studies using mentally ill samples suggest that homelessness is significantly associated with violent crime (Martell 1991; Martell et al. 1995). Richman et al. (1992) found that among mentally ill offenders, those individuals who had been homeless at the time of their arrest were more likely to have committed previous violent crimes. Swanson et al. (2002) found that after controlling for self-rated mental health status and history of psychiatric hospitalization, homelessness was independently associated with violent criminal activity. However, other researchers have not been able to replicate this relationship. Snow et al. (1989) found that homeless men were generally no different than the overall male population in committing violent crimes. Arrests were either not statistically different or lower for homeless participants for murder, rape, and aggravated assault, though homeless participants had slightly higher arrest rates for robbery. McNiel et al. (2005) found that homeless inmates were significantly less likely to have been arrested for a violent crime than housed individuals.

Research also has not examined whether interactions between homelessness and mental illness predict increases in violent crime. Belcher (1988) has suggested that some mentally ill individuals may be more prone to criminal behavior in unstructured environments such as homelessness. Although little research directly examines the consequences of an unstructured environment, Katz and Kirkland (1990) found that structure within psychiatric wards may help explain differences in patients' violent behavior. Specifically, patients in wards characterized by unpredictable events and staff-patient encounters exhibited more violent behavior than patients in wards characterized

by clear structure and predictable events. The current study tests whether violent criminal activity is higher among homeless adults than housed adults when symptom severity is high, but similar when symptom severity is low.

Between- Versus Within-Persons Research

Research that suggests positive relationships exist between homelessness, mental illness, and criminal activity has generally used cross-sectional, between-person methods that examine differences between homeless versus housed participants or individuals with static representations of mental illness. Such studies limit causal inference by leaving open the possibility that individuals who are prone to homelessness or severe mental illness symptoms are also prone to criminal activity, but that one does not necessarily encourage the other. Without a longitudinal, within-person design, it remains unclear if the propensity toward criminal activity changes when housing status changes (i.e., individuals move from homelessness into housing or vice versa) or the severity of mental illness symptoms changes.

One example of a study that examined within-person change in a sample of homeless adolescents used retrospective, self-reported criminal activity before and after participants became homeless (McCarthy and Hagan 1991). Findings indicated that participants who were homeless for a year or more were more likely to report engaging in all forms of criminal activity measured in the study than before they became homeless. Although not directly related to criminal activity, other researchers found that among HIV-positive adults, risky behaviors associated with HIV transmission (e.g., needle use, unprotected sex) increased among participants whose housing status worsened between observation periods (e.g., moving from housing to homelessness) and decreased among participants whose housing status improved (Aidala et al. 2005). Unfortunately, comparable research on criminal activity among homeless adults and studies that use prospective designs with multiple time points is scant. In addition, no known study has examined changes in criminal activity as psychological symptom severity fluctuates.

The current study addresses these gaps in the literature. First, its longitudinal design tracks changes within individuals across observation periods to examine how patterns of deviant behavior change as participants experience changes in housing status and severity of psychological symptoms. Second, it examines the relationship between psychiatric diagnosis, psychotic symptoms, and criminal activity. Specifically, this study tests the following within-person hypotheses: (1) Individuals will be more likely to commit a non-violent crime when they are homeless, particularly for offenses that may be related to subsistence strategies (e.g., strategies aimed at meeting basic needs). In

addition, street homelessness will have a stronger association with this type of non-violent crime than sheltered homelessness; (2) Individuals will be more likely to commit violent offenses when they experience greater psychological symptom severity. In addition, this study will examine (3) the relationship between symptom severity and non-violent criminal activity, (4) the relationship between street and sheltered homelessness and violent criminal activity, and (5) interactions between symptom severity and both types of homelessness when predicting non-violent and violent criminal activity.

Cross-Level Hypotheses

Cross-level analysis tests relationships between variables at different levels of analysis (see Shinn and Rapkin 2000, for a review). The current study will test the cross-level hypothesis that (6) individuals with a diagnosis of a psychotic disorder will be more likely to commit violent offenses than those with other diagnoses, and this relationship will be mediated by psychotic symptom severity. Diagnosis of a psychotic disorder is represented as a stable, person-level characteristic, whereas psychotic symptom severity is represented as a characteristic that can change within individuals across observation periods. A similar relationship between diagnosis, psychotic symptoms, and non-violent crime (7) will be explored.

Method

Participants

A total of 225 adults participated in the study from which these data are drawn. However, seven participants were not included in any of the analyses in this paper due to incomplete data on the variables of interest. Of the remaining 218 participants, most of the sample ($n = 152$) was literally homeless at the time of recruitment. To be eligible, these participants were required to (1) have spent 15 of the 30 days prior to recruitment on the street or in other public places, (2) have shown a period of housing instability of at least 6 months, and (3) have an Axis I diagnosis of severe mental illness (American Psychiatric Association 2000), such as a psychotic disorder (e.g., schizophrenia) or mood disorder (e.g., major depressive disorder). Other Axis I disorders, such as substance-related disorders or sleep disorders, did not meet this criterion. These participants were recruited mostly through referrals from homeless outreach programs. The remaining participants ($n = 66$) were recruited from two state psychiatric hospitals and were required to meet the same three requirements immediately prior to hospitalization. Baseline

demographic information indicated that the participants were mostly male (78%), non-White (72%), unemployed (89%), and unmarried (88%). The age of participants ranged from 18 to 70 ($M = 41.5$, $SD = 11.9$). The average age for the first time homeless was 29.7 ($SD = 12.9$), the average lifetime homelessness was 6.5 years ($SD = 7.2$), and the average longest period homeless was 3.6 years ($SD = 5.0$), all of which highlight the chronic nature of the sample's homelessness.

Participants were recruited in New York City for a larger study comparing two models of housing services offered to homeless individuals. Specifically, participants were either assigned at the beginning of the study to an experimental "housing first" group in which they received immediate placement into permanent housing with a variety of mostly optional services, or a control group ("treatment as usual" housing) which included housing programs that required psychiatric and substance abuse treatment and sobriety before offering permanent housing (for more information, see: Gulcur et al. 2003; Padgett et al. 2006; Tsemberis et al. 2003, 2004). Group assignment is not relevant to the current study's goals, but it is included in the analyses to control for possible effects.

Procedure

Trained research assistants interviewed participants at the time of recruitment and every 6 months thereafter for 48 months. At each assessment period, data were collected on homelessness, mental illness symptoms, and criminal activity. In addition, because the psychiatric diagnoses required for study entry were assigned by a variety of health care professionals and not with a structured diagnostic instrument, participants were given the Structured Clinical Interview for DSM-IV Axis I Disorders (described later) after the 36-month interview to obtain diagnoses. Interviews generally lasted between 1 and 2 hours and were usually conducted at the research site, although some participants were interviewed at other locations that were more convenient for them. Interviewers read the informed consent statement aloud to participants before asking whether they would like to participate. Participants were paid between \$25 and \$40 per interview.

Materials

Demographics

Participants' demographic information assessed at baseline included gender, age, marital status, employment status, education, and lifetime history of homelessness. Information on race was also collected during baseline, but missing

and unclear responses were replaced with data gathered during the 30-month assessment.

Residential Follow-Back Calendar

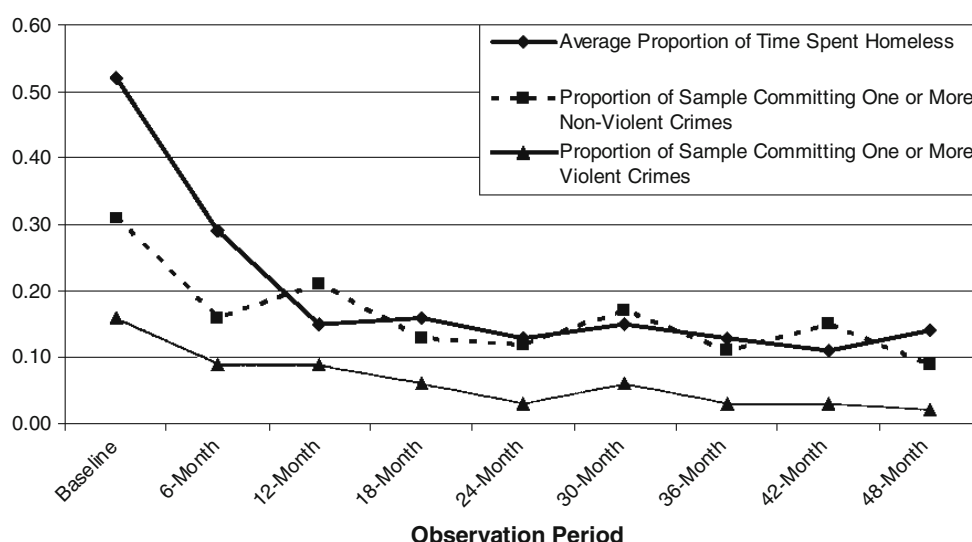
This measure assessed the residential history of participants between time points (New Hampshire Dartmouth Psychiatric Research Center 1995). Interviewers began by asking participants where they stayed the night before, how long they had stayed there, where and how long they stayed immediately before that, and so on until they reached the point of the previous interview. Places named by the participants were classified into 34 categories (e.g., street, drop-in center, hospital, own apartment). Of these categories, seven were considered to be literally homeless. These locations were further divided into street homelessness or sheltered homelessness. Locations that were considered street homelessness were: (1) All night theater, subway station, or other indoor public place; (2) subway or bus; (3) abandoned building; (4) car or other private vehicle; (5) on the street or in another outdoor place. Locations that were considered sheltered homelessness were: (1) emergency shelter; (2) drop-in center. Figure 1 shows the sample's mean proportions of time spent homeless at each interview.¹ The residential follow-back calendar has been shown to be a reliable and valid instrument (Tsemberis et al. 2007). Other studies document the method's reliability and validity in other research areas, particularly with substance use (Brown et al. 1998; Ehrman and Robbins 1994; Sobell and Sobell 1992).

Colorado Symptom Index

A modified version of the Colorado Symptom Index (CSI; Ciarolo et al. 1981; Conrad et al. 2001) was used to assess psychological symptom severity at each assessment. The purpose of the CSI is to provide researchers with a short self-report measure of psychological symptoms appropriate for a mentally ill sample, and it includes 15 items that range in severity and type of symptom (e.g., "In the past month, how often have you felt depressed?", "In the past month, how often did you hear voices, or hear or see things that other people didn't think were there?"). Responses range on a five-point scale ranging from zero ("Not at all") to four ("At least every day"). Missing data were replaced with individual participants' average item score within a given observation period. Scores across the 15 items were summed to create a total score. Mean scores ranged from

¹ Certain variables only appear in analyses where a subset of participants was included. For these variables, we report figures and descriptive statistics that include only the relevant subset of participants.

Fig. 1 Average proportion of time spent homeless and the proportions of the sample committing at least one non-violent crime and one violent crime at each time point



14.8 ($SD = 11.2$) to 21.1 ($SD = 14.8$) across the observation periods. Internal consistency reliability was strong, with alphas ranging between .81 and .92. The CSI has also demonstrated acceptable validity in a national sample of homeless individuals of which the current sample is a subset (Conrad et al. 2001). Conrad and colleagues also found strong test-retest reliability within a short 15-day interval, although long-term stability was not tested and may not be as strong. The current study took this possibility into account and modeled the variability across observations.

Structured Clinical Interview for DSM-IV Axis I Disorders, Research Version, Non-Patient Edition (SCID-I/NP)

This instrument assessed the presence of Axis I disorders using the criteria outlined in the American Psychiatric Association's (1994) Diagnostic and Statistical Manual of Mental Disorders, 4th ed. (First et al. 1998). The SCID-I/NP is divided into diagnostic modules that allow the researcher to stop inquiring about a disorder that is clearly not present. The measure consists mostly of closed-ended questions, although open-ended follow-up questions are provided, and interviewers are encouraged to insert their own questions to help make more accurate diagnoses. In addition to assessing all Axis I disorders, the SCID-I/NP also allows the interviewer to assign a principle diagnosis. The instrument has demonstrated good psychometric properties for assessing severe mental illness (Basco et al. 2000; Fennig et al. 1994; Williams et al. 1992).

Criminal Activity Questionnaire

The dependent variables for the analyses were constructed from this measure. Participants were asked 15 questions

about their criminal activity in the previous 6 months. The items inquired about a variety of illegal activities (e.g., "During the last six months, have you robbed someone?", "During the last six months, have you hit someone so hard you hurt them?"). After each item, participants were asked to respond, in a yes/no format, whether they had committed the crime(s) mentioned, and then asked whether they were charged for the crime(s). This study focuses only on crimes committed, regardless of whether an arrest was made.

We created two categories of items. The first category consisted of non-violent offenses that we believed could be related to subsistence strategies (i.e., strategies employed by a person to meet basic needs). As noted earlier, homeless individuals employ a variety of subsistence strategies to meet their basic needs, and some of these strategies may be illegal. Non-violent offenses which we did not expect to be related to subsistence strategies, regardless of housing status (e.g., driving a car recklessly or without a license) or which were difficult to classify because of the wording of a particular item ("have you bought, sold, or used illegal drugs?") were excluded from this category. The criminal activities that composed this category included the following, with percentages reflecting the proportion of instances reported for a specific activity out of all criminal instances analyzed in this paper: public disturbances (29.7%; e.g., urinating in a public place, public intoxication), trading sex for money, drugs, goods, or services (12.1%), shoplifting/vandalism (8.6%), burglary/breaking and entering a home or store (5.1%), and writing someone else's name on a check to buy something (1.8%). Various other offenses (15.6%) included in this category were offered by participants in response to the last question, which inquired whether participants committed additional offenses not listed in the previous items. For this question, participants listed offenses such as trespassing, aggressive

panhandling, and turnstile jumping to access the city subway system (the subway system is sometimes used as an alternative form of shelter by homeless individuals in addition to typical transportation needs). Readers should note that shoplifting and vandalism were included in the same item, such that a “Yes” on this particular item could refer to either type of crime. Vandalism would most likely not be related to subsistence strategies, but the item’s wording did not allow us to separate participants’ responses between these two types of crime. We decided to include this item despite its limitations because we believe that shoplifting could potentially be an important subsistence strategy, as suggested by prior research (e.g., Snow et al. 1989).

The second category consisted of violent crimes and included the following actions: hitting someone so hard that it hurt them (18.3%), robbery (4.6%), rape (0.4%, two instances), and murder, on purpose or accidental (0.4%; two instances). Additional offenses (3.3%) named in the last question included other forms of assault.

For each category, we created a binary variable (non-violent and violent crime, respectively) such that participants received a score of zero if they did not commit a non-violent/violent crime and a score of one if they committed at least one non-violent/violent crime in the previous 6 months. Figure 1 shows the proportions of the sample that committed at least one crime in each category at each time point.

Data Analytic Strategy

Between-person approaches can provide evidence of a relationship between time spent homeless and the probability of committing a crime, but they cannot distinguish the variance that is present between individuals (variance that is accounted for by stable characteristics such as gender) and the variance that is present within individuals (accounted for by time-varying phenomena such as time spent homeless within each observation period). In other words, the relationship between homelessness and criminal activity could be primarily due to a type of person who is simply prone to both (a between-person phenomenon), though the two variables could be causally independent of one another. In this case, the probability of committing a crime would remain unchanged if a particular person moved from homelessness to housing. However, homelessness and criminal activity may share a causal link, such that the probability of committing a crime would change if a particular person moved from homelessness to housing (a within-person phenomenon). Between-persons studies are unable to distinguish between these possibilities. Similar limitations exist when trying to understand the relationship between criminal activity and the severity of psychological symptoms.

To overcome the limitations of a traditional between-person approach, this study employs hierarchical linear modeling (HLM), also known as multilevel modeling (see Raudenbush and Bryk 2002). HLM is specifically geared toward handling nested data and can partition the variance between and within individual participants. We used HLM software, version 6.03 (Raudenbush et al. 2004) for our analyses.

In HLM, a regression equation (known as the level-1 equation) is generated for each participant. For the current study, the level-1 equation estimates the probability that a particular individual committed a crime during a particular 6-month observation period from street homelessness, sheltered homelessness, and CSI score specific to both the person and the observation period. These predictors, which vary from one observation period to the next, are called *time-varying*. The coefficients of the level-1 model (an intercept and slope associated with each level-1 predictor) are in turn predicted in respective level-2 (between-persons) equations using personal characteristics such as gender and age at baseline that are *time-invariant* (i.e., constant across time). In addition to these time-invariant predictors, the level-2 equations also include a person-level random effect component. When the random effect is significantly different across participants, there is strong variation between participants’ uniquely generated level-1 intercept or slope coefficients. A nonsignificant result would indicate that the level-1 coefficients are not strongly varying, but there may be subtle variation that could still be explained by including level-2 predictors.

Results

This section examines the extent to which street and sheltered homelessness, psychological symptom severity, and relevant controls predict criminal activity, first for non-violent and then for violent crime. We then test whether psychotic symptoms mediate the relationship between the diagnosis of a psychotic disorder and non-violent and violent criminal activity.

Homelessness, Mental Illness, and Non-Violent Crime

Preliminary Analyses

Due to inadequate data for some participants, 207 participants were included in these analyses. We controlled for several level-2 (person-level) variables. In addition to gender and baseline age, we included lifetime homelessness (defined as years homeless prior to baseline) to account for the possibility that chronically homeless participants may have developed more illegal subsistence-

oriented strategies. We also controlled for recruitment site (psychiatric hospital versus agencies that referred currently homeless individuals) and experimental group assignment.

Due to high positive skew and nonlinear associations with the outcome variables, we dichotomized *street homelessness* and *sheltered homelessness* (1 = street homeless/in shelters at least once during the observation period, 0 = no time street homeless/in shelters). Other dummy coded control variables were *female* (1 = female, 0 = male), *psychiatric hospital* (1 = recruited from a psychiatric hospital upon discharge, 0 = literally homeless at recruitment), and *experimental group* (1 = housing first intervention, 0 = treatment as usual housing). We centered CSI scores, lifetime homelessness, and baseline age at their grand means so that the intercepts represent a person with the average level on these variables. All continuous variables remained unstandardized and retained their original units of variance.

Primary Analyses

To examine the relationship of non-violent crime to homelessness and symptom severity, we began by specifying a within-person (level-1) model without level-2 covariates in which non-violent crime at each time point was predicted from time-varying levels of homelessness and symptom severity (Eq. 1a).

$$\begin{aligned} \text{Non-violent crime} = & B_0 + B_1 (\text{Street homelessness}) \\ & + B_2 (\text{Sheltered homelessness}) \\ & + B_3 (\text{CSI}) + r \end{aligned} \quad (1a)$$

To determine whether there was significant variation in the coefficients for the intercept, we added a random effect term (U_0) in the level-2 equation for the intercept (Eq. 1b), but did not add random effects at this step to the equations for the slopes.

$$B_0 = G_{00} + U_0 \quad (1b)$$

$$B_1 = G_{10} \quad (1c)$$

$$B_2 = G_{20} \quad (1d)$$

$$B_3 = G_{30} \quad (1e)$$

Results summarized in Table 1 showed significant positive associations between non-violent crime and street homelessness, sheltered homelessness, and CSI scores. In addition, we tested U_0 and found significant variation in the level-1 intercepts ($\chi^2(206, n = 207) = 396.66, p < .001$), indicating that participants' intercept coefficients differed significantly from one another.

Next, we added random effect terms to the original level-2 equations for the slope coefficients (Eqs. 1c, 1d,

and 1e). None of the slopes were found to be significantly varying, so these terms were not included in subsequent analyses, leaving only the random effect term predicting the intercept coefficient. Next, we tested level-1 multiplicative interactions between CSI score and street homelessness and sheltered homelessness. Neither the CSI by street homelessness interaction ($B_4 = -0.01, OR = 0.99, SE = 0.01, p = .47$) nor the CSI by sheltered homelessness interaction ($B_5 = -0.01, OR = 0.99, SE = 0.01, p = .49$) were significant, so we excluded both from subsequent analyses.

Although these findings indicate main effect relationships for street and sheltered homelessness and symptom severity, subsequent analyses tested whether these relationships held after including relevant controls. We entered between-person control variables into the level-2 equations predicting the level-1 intercept (Eq. 2, building on Eq. 1b) and slopes (not shown, but building on Eqs. 1c, 1d, and 1e in a similar manner).

$$\begin{aligned} B_0 = & G_{00} + G_{01} (\text{Age}) + G_{02} (\text{Female}) \\ & + G_{03} (\text{Psychiatric hospital}) \\ & + G_{04} (\text{Lifetime homelessness}) \\ & + G_{05} (\text{Experimental group}) + U_0 \end{aligned} \quad (2)$$

Note that level-2 predictors of the level-1 intercepts act as main effects, and level-2 predictors of the level-1 slopes are essentially level-1 by level-2 interaction terms. These interaction terms test whether the relationship between level-1 variables and non-violent crime depends on personal characteristics such as gender or lifetime homelessness.

We removed predictors of the level-1 slopes (e.g., interaction terms) with significance values above .10 to obtain a final model predicting non-violent crime. After accounting for relevant level-2 variables, the positive main effects for street homelessness, sheltered homelessness, and CSI score were still significant (Table 2). However, the full model differed from the previous one in that the relationship between sheltered homelessness and non-violent crime was stronger for individuals with higher levels of lifetime homelessness. In addition, we found a significant level-2 negative effect for baseline age and a significant level-2 positive effect for psychiatric hospitalization. This model had significant variation in the level-1 intercept ($\chi^2(201, n = 207) = 372.56, p < .001$), suggesting that a substantial amount of person-level variance for non-violent criminal activity remained unexplained. Figure 2 depicts the probabilities of committing a non-violent crime within a 6-month period by different levels of symptom severity and whether participants experienced only street homelessness, only sheltered homelessness, both types of homelessness, or no homelessness.

Table 1 Hierarchical linear model with level-1 variables predicting non-violent crime ($n = 207$ participants assessed across nine observations periods)

Level-1 main effects (time-varying level)	b (SE)	Odds Ratio (95% CI)
Intercept (average log odds; B_0)	−2.39 (0.13)****	0.09 (0.07–0.12)
Street homelessness (B_1)	1.38 (0.19)****	3.96 (2.73–5.73)
Sheltered homelessness (B_2)	0.53 (0.19)**	1.71 (1.18–2.47)
CSI (B_3)	0.02 (0.01)***	1.02 (1.01–1.04)

** $p < .01$, *** $p < .005$, **** $p < .001$

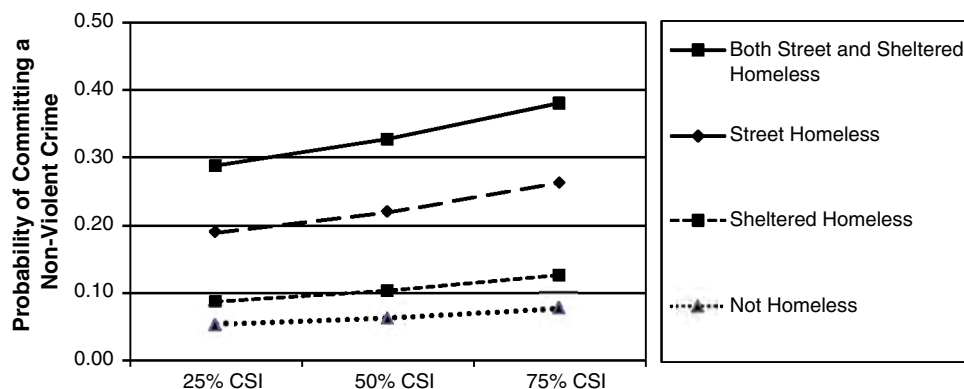
Colorado Symptom Index (CSI) score is grand-mean centered. Street and sheltered homelessness are binary (1 = at least one night spent in street/sheltered homelessness in a 6-month observation period, 0 = No days spent street/sheltered homeless). All coefficients are unstandardized

Table 2 Hierarchical linear model predicting non-violent crime with level-2 by level-1 interactions ($n = 207$ participants assessed across nine observations periods)

	b (SE)	Odds Ratio (95% CI)
Level-1 main effects (time-varying level)		
Intercept (average log odds; B_0)	−2.69 (0.19)****	0.07 (0.05–0.10)
Street homelessness (B_1)	1.46 (0.20)****	4.30 (2.92–6.33)
Sheltered homelessness (B_2)	0.54 (0.19)**	1.72 (1.19–2.50)
CSI (B_3)	0.02 (0.01)***	1.02 (1.01–1.04)
Level-2 main effects (person level)		
Baseline age (G_{01})	−0.02 (0.01)*	0.98 (0.96–1.00)
Female (G_{02})	0.30 (0.29)	1.34 (0.76–2.39)
Psychiatric hospitalization (G_{03})	0.54 (0.25)*	1.71 (1.05–2.78)
Lifetime homelessness (G_{04})	−0.03 (0.02)	0.97 (0.94–1.01)
Experimental group assignment (G_{05})	0.06 (0.22)	1.06 (0.69–1.65)
Level-2 × Level-1 interaction		
Sheltered homelessness × Lifetime homelessness (G_{21})	0.07 (0.03)**	1.07 (1.02–1.13)

* $p < .05$, ** $p < .01$, *** $p < .005$, **** $p < .001$

Baseline age, lifetime homelessness, and Colorado Symptom Index (CSI) score are grand-mean centered. Binary variables include street and sheltered homelessness (1 = at least one night spent in street/sheltered homelessness in a 6-month observation period, 0 = No days spent street/sheltered homeless), female (1 = female, 0 = male) psychiatric hospitalization (1 = recruited from psychiatric hospital, 0 = recruited from street), experimental group assignment (1 = housing first group, 0 = treatment as usual group). All coefficients are unstandardized

**Fig. 2** Probability of committing a non-violent crime within a 6-month period by participants' CSI percentile scores and whether they experienced street homelessness, sheltered homelessness, both types

of homelessness, or no homelessness. Corresponding CSI scores are 7.0 (25%), 15.0 (50%), and 25.0 (75%). Values of other variables represent the average participant in the analyses

Violent Crime

Preliminary Analyses

The same participants who were included in the non-violent crime analyses were also present in the violent crime analyses ($n = 207$). These analyses closely parallel the non-violent crime analyses already described. However, because of a nonlinear relationship between CSI scores and violent crime, we divided CSI scores into three distinct categories: “low symptom severity” (CSI scores 0–10), “moderate symptom severity” (over 10–40), and “high symptom severity” (over 40–60). Of all the individual observations, 36.3% were low severity, 58.6% were moderate severity, and 5.1% were high severity. However, of all participants, 69.6% reported low symptom severity, 90.8% reported moderate symptom severity, and 23.2% reported high symptom severity during at least one observation period. Thus, we represented psychological symptom severity in subsequent analyses predicting violent crime as “moderate symptom severity” and “high symptom severity” dummy codes, with “low symptom severity” serving as the reference variable.

Primary Analyses

The initial level-1 model predicting violent crime without level-2 covariates can be seen in Eq. 3.

$$\begin{aligned} \text{Violent crime} = & B_0 + B_1 (\text{Street homelessness}) \\ & + B_2 (\text{Sheltered homelessness}) \\ & + B_3 (\text{Moderate symptom severity}) \\ & + B_4 (\text{High symptom severity}) + r \quad (3) \end{aligned}$$

We added a random effect to test for variation in the intercept coefficients, making the level-2 equations identical to Eqs. 1b–1d, plus two additional equations for moderate symptom severity (B_3) and high symptom severity (B_4) that replaced Eq. 1e. As shown in Table 3, we found a significant, positive effect for high symptom

severity and a marginally significant, positive effect for moderate symptom severity on violent crime when compared to low symptom severity. For homelessness, we found significant, positive effects for both street and sheltered homelessness. We also found significant variation in the level-1 intercepts ($\chi^2(206, n = 207) = 280.60, p < .005$).

Next, random effects were added for the slope coefficients. We did not find significant variation in the slopes, so the effects were removed leaving only the random effect for the intercept coefficient. Next, we tested multiplicative interactions between moderate and high CSI scores and street and sheltered homelessness, creating four interaction terms: moderate symptom severity by street homelessness ($B_5 = -0.11, OR = 0.90, SE = 0.53, p = .84$), high symptom severity by street homelessness ($B_6 = 0.30, OR = 1.35, SE = 0.70, p = .67$), moderate symptom severity by sheltered homelessness ($B_7 = 0.21, OR = 1.24, SE = 0.61, p = .73$), and high symptom severity by sheltered homelessness ($B_8 = -0.26, OR = 0.77, SE = 0.82, p = .75$). As the findings indicate, all four interaction terms were nonsignificant and were removed from the equation prior to subsequent analyses.

Next, we tested whether the positive relationships between violent crime and street homelessness, sheltered homelessness, and symptom severity held after including relevant controls. Predictors were entered into equations predicting the level-2 intercept and slopes. Predictors of the slopes with significance values above .10 were then removed from the analyses to create a final model predicting violent crime (see Table 4). After accounting for relevant level-2 variables, the full model had positive, significant effects for both sheltered homelessness and high symptom severity. However, this model differed from the previous one in that street homelessness no longer significantly predicted violent crime after accounting for the marginally significant moderation of experimental group assignment, such that participants in the experimental group who nonetheless experienced street homelessness

Table 3 Hierarchical linear model with level-1 variables predicting violent crime ($n = 207$ participants assessed across nine observations periods)

Level-1 main effects (time-varying level)	<i>b</i> (SE)	Odds Ratio (95% CI)
Intercept (average log odds; B_0)	−3.65 (0.26)****	0.03 (0.02–0.04)
Street homelessness (B_1)	0.48 (0.25)*	1.62 (1.00–2.62)
Sheltered homelessness (B_2)	0.66 (0.25)**	1.93 (1.19–3.12)
Moderate CSI (B_3)	0.52 (0.27) ⁺	1.68 (0.99–2.84)
High CSI (B_4)	2.06 (0.40)****	7.84 (3.57–17.24)

⁺ $p < .10$, * $p < .05$, ** $p < .01$, **** $p < .001$

All variables are binary: Street and sheltered homelessness (1 = at least one night spent in street/sheltered homelessness in a 6-month observation period, 0 = No days spent street/sheltered homeless); dummy-coded Colorado Symptom Index (CSI) categories: Moderate (score = 10+ to 40) and High (score = 40+ to 60), reference variable is Low CSI (score = 0–10)

Table 4 Hierarchical linear model predicting violent crime with level-2 by level-1 interactions ($n = 207$ participants assessed across nine observations periods)

	<i>b</i> (SE)	Odds Ratio (95% CI)
Level-1 main effects (time-varying level)		
Intercept (average log odds; B_0)	−3.90 (0.31)****	0.02 (0.01–0.04)
Street homelessness (B_1)	0.23 (0.34)	1.27 (0.67–2.40)
Sheltered homelessness (B_2)	0.73 (0.27)**	2.09 (1.23–3.55)
Moderate CSI (B_3)	0.55 (0.25)*	1.74 (1.06–2.85)
High CSI (B_4)	1.68 (0.55)***	4.92 (1.66–14.58)
Level-2 main effects (person level)		
Baseline age (G_{01})	−0.04 (0.01)*	0.97 (0.94–0.99)
Female (G_{02})	−0.48 (0.36)	0.62 (0.31–1.25)
Psychiatric hospitalization (G_{03})	0.79 (0.28)**	2.19 (1.28–3.78)
Lifetime homelessness (G_{04})	−0.03 (0.03)	0.97 (0.92–1.02)
Experimental group assignment (G_{05})	−0.06 (0.30)	0.95 (0.53–1.69)
Level-2 × Level-1 interactions		
Street homelessness × Experimental group assignment (G_{11})	0.82 (0.50) ⁺	2.28 (0.86–6.06)
High CSI × Baseline age (G_{41})	−0.11 (0.04)***	0.90 (0.83–0.97)
High CSI × Psychiatric hospitalization (G_{42})	−1.51 (0.71)*	0.22 (0.06–0.88)

⁺ $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .005$, **** $p < .001$

Baseline age and lifetime homelessness are grand-mean centered. Binary variables include street and sheltered homelessness (1 = at least one night spent in street/sheltered homelessness in a 6-month observation period, 0 = No days spent street/sheltered homeless), female (1 = female, 0 = male), psychiatric hospitalization (1 = recruited from psychiatric hospital, 0 = recruited from street), experimental group assignment (1 = housing first group, 0 = treatment as usual group), and dummy-coded Colorado Symptom Index (CSI) categories: Moderate (score = 10+ to 40) and High (score = 40+ to 60), reference variable is Low CSI (score = 0–10). All coefficients are unstandardized

were more likely to commit a violent crime. In addition, the effect for moderate symptom severity increased slightly and reached significance. Baseline age and psychiatric hospitalization moderated the relationship between high symptom severity and violent crime. Specifically, participants with high symptom severity were more likely to commit a violent crime if they were younger or were literally homeless at the time of recruitment. We also found a significant level-2 negative main effect for baseline age and a significant level-2 positive main effect for psychiatric hospitalization. The intercepts no longer showed significant variation in this model ($\chi^2(201, n = 207) = 224.58$, $p = .12$). Figure 3 depicts the probabilities of committing a violent crime within a 6-month period by the three levels of symptom severity and whether or not participants experienced sheltered homelessness.

Mediational Analysis: Psychiatric Diagnosis, Psychotic Symptoms, and Criminal Activity

Preliminary Analyses

We wanted to determine whether a diagnosis of a psychotic disorder predicted violent crime, and if so, whether psychotic symptoms mediated this relationship. To obtain an index of psychotic symptoms, we created a variable

ranging from 0 (no psychotic symptoms) to 16 (severe psychotic symptoms) by summing four items from the CSI that explicitly measured psychotic symptoms. These items were: “In the past month, how often: (1) have others told you that you acted ‘paranoid’ or ‘suspicious’?” (2) did you hear voices, or hear or see things that other people didn’t think were there?” (3) did your [voices]/[things you see/hear] interfere with your doing things?” (4) did you feel suspicious or paranoid?” Although the CSI is generally not treated as multidimensional, Conrad et al. (2001) conducted a psychometric analysis of the instrument using data from a large sample (of which the participants in this study comprised a subset) and found evidence for a secondary factor in addition to a central factor. Our index of psychotic symptoms included the three highest item loadings on this factor and an additional item (#3 above) that was not examined by Conrad et al. because of inconsistent use across sites, but which loaded similarly on the secondary factor in our data.

Except for the 30-month assessment, the index measuring psychotic symptoms had adequate internal consistency, with alphas ranging from .69 to .82. The 30-month assessment was lower, with an alpha of .55. One possible reason for this score was that a significant portion of the sample (38%) completed their 30-month assessment shortly after September 11, 2001 (as noted in Greenwood

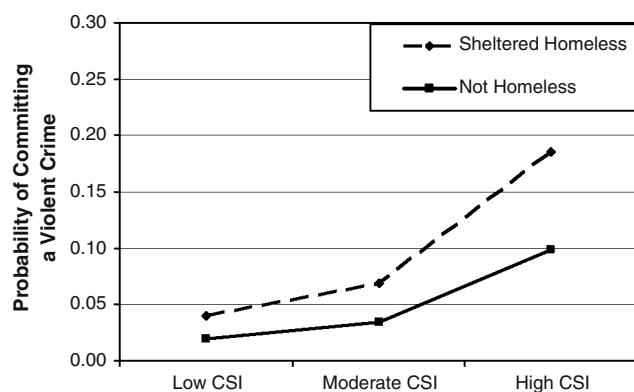


Fig. 3 Probability of committing a violent crime within a 6-month period by participants' CSI score categories and whether they experienced sheltered homelessness or no homelessness. Corresponding scores are 0–10 (Low CSI), above 10–40 (Moderate CSI), and above 40–60 (High CSI). Values of other variables represent the average participant in the analyses except for street homelessness, which is assumed to be zero

et al. 2005). Participants may have had feelings of paranoia or suspiciousness that were not necessarily linked with psychotic symptoms.

Because the SCID was not administered to all participants, 181 participants were included in this analysis. Analyses comparing excluded and non-excluded participants on the level-2 variables indicated the excluded participants were significantly older ($M = 46.2$) than non-excluded participants ($M = 40.5$), $t(216) = 2.66$, $p < .01$. Using HLM to test differences among the level-1 variables, findings indicated that excluded participants were less likely to report non-violent criminal activity (7% vs. 18%; $G_{01} = 1.10$, $t = 2.70$, $SE = 0.41$, $p < .01$).

Primary Analyses

To conduct a mediational analysis within an HLM framework, researchers can follow, with slight adjustment, the three-step plan Baron and Kenny (1986) describe for use with multiple regression. We allowed intercepts to randomly vary in all three steps. In the first step, diagnosis of a psychotic disorder, a level-2, time-invariant variable, marginally predicted violent crime ($G_{01} = 0.63$, $t = 1.77$, $SE = 0.36$, $p < .10$). In the second step, diagnosis significantly predicted psychotic symptoms, a time-varying variable ($G_{01} = 0.77$, $t = 2.14$, $SE = 0.36$, $p < .05$). For the third step, as shown in level-1 equation 4a and level-2 equations 4b and 4c,

$$\text{Violent crime} = B_0 + B_1 (\text{Psychotic symptoms}) + r \quad (4a)$$

$$B_0 = G_{00} + G_{01} (\text{Diagnosis of a psychotic disorder}) + U_0 \quad (4b)$$

$$B_1 = G_{10} \quad (4c)$$

psychotic symptoms significantly predicted violent crime ($B_1 = 0.12$, $t = 3.98$, $SE = 0.03$, $p < .001$), but diagnosis was no longer related to the outcome ($G_{01} = 0.57$, $t = 1.61$, $SE = 0.35$, $p = .11$). We estimated the indirect effect by multiplying the coefficient for diagnosis in the second step by the coefficient for psychotic symptoms in the third step. We estimated the standard error for the indirect effect using the formula from Goodman (1960) as recommended by Krull and Mackinnon (1999) for multilevel mediation with at least 100 level-2 groups. The indirect effect was marginally significant ($B = 0.09$, $z = 1.93$, $SE = 0.05$, $p < .10$). The results suggest that psychotic symptoms partially mediated the relationship between the diagnosis of a psychotic disorder and violent crime.

We conducted a similar analysis to see whether the diagnosis of a psychotic disorder predicted non-violent crime, and if psychotic symptoms mediated this relationship. In the first step, diagnosis of a psychotic disorder significantly predicted non-violent crime ($G_{01} = 0.48$, $t = 1.99$, $SE = 0.24$, $p < .05$). For the second step, diagnosis significantly predicted psychotic symptoms ($G_{01} = 0.75$, $t = 2.08$, $SE = 0.36$, $p < .05$).² For the third step, psychotic symptoms significantly predicted non-violent crime ($B_1 = 0.12$, $t = 5.16$, $SE = 0.02$, $p < .001$), but diagnosis no longer significantly predicted non-violent crime ($G_{01} = 0.40$, $t = 1.62$, $SE = 0.25$, $p = .11$). The indirect effect was significant ($B = 0.09$, $z = 1.96$, $SE = 0.04$, $p < .05$). The results suggest that psychotic symptoms partially mediated the relationship between the diagnosis of a psychotic disorder and non-violent crime.

Discussion

The current study examined the relationships between homelessness, psychological symptoms, and criminal activity in a sample of homeless individuals with severe mental illnesses using a within-person design. Findings suggest that the likelihood of an individual committing a crime increased as homelessness and severity of mental illness symptoms increased across observation periods. Certain stable factors such as baseline age and recruitment site also mattered. Separate analyses indicated that psychotic symptoms partially mediated a positive relationship between the diagnosis of a psychotic disorder and non-violent and violent criminal activity.

² Although the same participants were included in the mediational analyses for both non-violent and violent crime, the analyses for non-violent crime included slightly fewer observation points (i.e., data specific to a particular person and time point) due to missing data. Therefore, we conducted the second step separately for both outcomes.

Findings supported our hypothesis that both street homelessness and sheltered homelessness would be associated with higher likelihoods of committing non-violent crimes that may be related to subsistence strategies, but that this relationship would be weaker for sheltered homelessness since institutional supports may lower the need for subsistence-driven crimes (e.g., breaking into buildings to find shelter). Since results indicated that the likelihood of committing a non-violent crime increases as homelessness increases, a strong argument can be made that homelessness encourages non-violent crime. Rather than thinking of homeless individuals as criminals, it may be more accurate to think of them as people struggling to get by whose engagement in non-violent illegal activities is driven by survival needs. In addition, we found an interaction between sheltered homelessness and lifetime homelessness such that during periods when participants experienced sheltered homelessness, their likelihood of committing a non-violent crime increased with each year of cumulative lifetime homelessness. A possible explanation for this finding is that individuals with little experience of homelessness use shelters in lieu of illegal subsistence strategies, whereas individuals with longer lifetime experiences of homelessness employ a much broader range of survival strategies that are both legal, such as shelter use, as well as illegal.

We found a different relationship between homelessness and violent crime. There was no main effect of street homelessness, although there was a marginally significant moderation by experimental group assignment. Specifically, the low number of participants who continued to experience homelessness despite being assigned to the housing first program were more likely to commit a violent crime than homeless participants assigned to the treatment as usual group. To understand this finding, it is important to note that the housing first participants were far less likely than the treatment as usual participants to experience homelessness since the former group received immediate access to housing whereas participants in the latter group were required to demonstrate that they were “housing ready” first (Gulcur et al. 2003; Tsemberis et al. 2003, 2004). Those few individuals in the experimental group who nevertheless experienced homelessness may have been characterized by higher levels of social and behavioral instability, which may have been accompanied by a greater propensity toward violent behavior. The most important point, though, is that after taking group assignment into account, street homelessness was not independently related to violent criminal activity.

In contrast, however, we found that sheltered homelessness significantly predicted increases in violent crime. One explanation for this finding could be that temporary shelters increase contact among individuals who already

experience high levels of stress and increased violent tendencies from being homeless. Another possibility is that the atmospheres of these settings may unintentionally create stressful and confrontational living conditions that lead to violence, independent of the stress that accompanies homelessness. Again, it is worth noting that the likelihood of committing a violent crime increased within participants as they intermittently experienced sheltered homelessness. In other words, these findings suggest that homeless individuals are not inherently violent, but that some may become violent when exposed to temporary living situations such as shelters. Given these findings, perhaps the best way to prevent violence among homeless individuals is to move them quickly into housing rather than rely on temporary shelters.

We found that psychological symptom severity predicted increases in non-violent and violent criminal activity. For non-violent crime, one explanation is that the most frequently cited type of non-violent criminal offense was public disturbances. Although individuals who admitted to this type of offense could have engaged in a variety of public disturbances (e.g., drinking or urinating in public), participants who experienced higher levels of psychological symptom severity may have reported committing a public disturbance if they expressed these symptoms in a very noticeable way (e.g., talking loudly or experiencing a hallucination in public).

Consistent with prior research, findings suggest that greater symptom severity was associated with an increased likelihood of committing a violent crime. However, the strength of the relationship between high symptom severity and violent crime depended on the participants' age and recruitment location. Specifically, findings suggest that age becomes an even stronger predictor of violent crime among participants with severe psychological symptoms. In addition, participants recruited from the streets were more likely to report violent crime when they experienced high symptom severity. One possible explanation for this finding is the fact that participants recruited from psychiatric hospitals were more likely to stay in psychiatric hospitals during the study, possibly limiting their ability to commit violent crimes.

Interestingly, gender did not significantly predict the likelihood of violent criminal activity. Some researchers who have examined violent behavior between men and women with psychiatric problems have also found non-significant differences or smaller differences than in the general population (e.g., Stueve and Link 1998; Swanson et al. 1999, 2002), whereas other researchers have found that males are more likely to engage in violent behavior or commit a violent crime (Swanson et al. 1990). Hiday and colleagues found no differences between mentally ill men and women in person-directed violence after controlling

for substance abuse (Hiday et al. 1998). In contrast, Fazel and Grann (2006) found that mental illness was a stronger predictor of violence in women than men. Clearly, more research on the role of gender in predicting violent crime in mentally ill populations needs to be done.

We detected no significant interactions between symptom severity and type of homelessness for either outcome. Prior research has found that homeless mentally ill individuals are more likely to commit violent crimes than non-homeless mentally ill individuals. This study suggests that homelessness and mental illness have additive, as opposed to multiplicative, effects.

Certain stable characteristics also by themselves predicted criminal activity. Recruitment from psychiatric hospitals was positively associated with both non-violent and violent crime. Since this finding occurred even after accounting for psychological symptom severity, one possibility is that some participants who were recruited from psychiatric hospitals were initially sent there as a result of breaking the law. Following release from the hospitals, these individuals may have continued their patterns of criminal activity due to factors independent of psychological symptom severity. In addition, consistent with prior research, younger adults were more likely to admit to committing non-violent and violent crimes (e.g., Hirschi and Gottfredson 1983; Steffensmeier et al. 1989).

We found that the diagnosis of a psychotic disorder predicted an increase in the likelihood of non-violent crime and marginally predicted violent crime. We also found evidence that psychotic symptom severity partially mediates both of these relationships. Additional research needs to illuminate what other factors also mediate this relationship. In addition, it is worth noting that the mediational model assumes a causal relationship between diagnosis and symptoms, though symptoms simply could be a better representation of the disorder than diagnosis. However, the results, which separate the associations of within- and between-persons factors, show that even among individuals with a diagnosis of a psychotic disorder, the likelihood of committing a crime fluctuates from observation period to observation period depending on the severity of psychotic symptoms such as hallucinations and feelings of paranoia.

Several limitations to the study exist. One problem is the reliance on self-report data, especially for criminal activity. Underreporting seems likely. Also, although street homelessness was associated with non-violent crime, one cannot say definitively that these crimes were subsistence-driven without knowing their exact nature or the reasons people engaged in them. Based on findings from other research (e.g., Snow et al. 1989), it is likely that at least some of the non-violent crimes were subsistence-driven. However, non-violent criminal activity may also include public disturbances relating to psychological symptoms in this

mentally ill sample. Future research should focus on teasing apart these explanations.

In addition, although Conrad et al. (2001) and our own examination of the data found evidence for a secondary “psychotic” scale in the CSI, the four items used to measure psychotic symptoms do not comprise a completely psychometrically distinct subscale. Therefore, it would have been useful to have had a psychometrically strong measure that distinguished psychotic symptoms from other types of symptoms. While the cross-level, mediational analyses suggest that most criminal activity related to the diagnosis of a psychotic disorder is driven more by currently active psychotic symptoms rather than more stable factors associated with the diagnosis, future research must confirm this finding.

Two additional points concerning causal inference warrant consideration. First, although the analytic methods employed in this study lend greater support for a causal relationship than traditional approaches, they have not proven causality. To strengthen causal arguments, future research could gather data on the reasons behind certain types of criminal activity and examine whether they are linked to individuals’ environmental context. Researchers could also examine lagged rather than simultaneous relationships between variables in a growth curve framework. However, unless measurement periods correspond reasonably well to the lags in the underlying causal relationships, lagged analyses may not capture causal linkages very well. In the present study, we expect that both cause and effect are likely to occur within a single, 6-month measurement period, so the lags between homelessness and criminal activity should be measured in days or weeks. In addition, future research should examine the role of alcohol and substance abuse, which commonly occurs among individuals in this population (e.g., Fischer and Breakey 1991; North et al. 2004). Given its relationship to homelessness and mental illness, it is possible that substance and alcohol abuse is a “third variable” that might partially account for the relationships found in this study. For example, an individual might engage in criminal activity to obtain and use illegal substances, which also might contribute to an onset of greater symptom severity. It is also possible that substance and alcohol abuse is the first link in a chain that leads to homelessness, which in turn leads to criminal activity. This possibility is plausible among those participants who participated in restrictive housing programs, which often evict clients who do not stay sober.

Future research should build on the strengths of the study. One of the most important strengths, and one that has been largely absent in previous research, is the longitudinal, within-persons design. Understanding how patterns change allows researchers to more directly examine both individual and contextual influences. The study showed a clear association between time-varying, contextual factors

and changes in criminal activity. Therefore, interventions that address criminal activity among homeless individuals should target the context by moving people into permanent housing. In addition, if future research documents that stressful conditions within shelters and other temporary, congregate housing encourage violent criminal activity, then interventions should target these conditions. The relationship between the severity of mental illness symptoms and criminal activity should be addressed by facilitating easier access to adequate health care. This study adds reduction in crime to the many reasons for providing people who are homeless and mentally ill with permanent housing and mental health services.

References

- Aidala, A., Cross, J. E., Stall, R., Harre, D., & Sumartojo, E. (2005). Housing status and HIV risk behaviors: Implications for prevention and policy. *AIDS and Behavior*, 9, 251–265.
- American Psychiatric Association. (1994). *Diagnostic and statistical manual of mental disorders* (4th ed.). Washington, DC: Author.
- American Psychiatric Association. (2000). *Diagnostic and statistical manual of mental disorders* (4th ed., text revision). Washington, DC: Author.
- Baron, R. M., & Kenny, D. A. (1986). The moderator-mediator variable distinction in social psychological research: Conceptual, strategic, and statistical considerations. *Journal of Personality and Social Psychology*, 51, 1173–1182.
- Basco, M. R., Bostic, J. Q., Davies, D., Rush, A. J., Witte, B., Hendrickse, W., et al. (2000). Methods to improve diagnostic accuracy in a community mental health setting. *American Journal of Psychiatry*, 157, 1599–1605.
- Belcher, J. R. (1988). Are jails replacing the mental health system for the homeless mentally ill? *Community Mental Health Journal*, 24, 185–194.
- Belcher, J. R. (1989). On becoming homeless: A study of chronically mentally ill persons. *Journal of Community Psychology*, 17, 173–185.
- Bjorkly, S. (2002a). Psychotic symptoms and violence toward others—a literature review of some preliminary findings. Part 1. Delusions. *Aggression and Violent Behavior*, 7, 617–631.
- Bjorkly, S. (2002b). Psychotic symptoms and violence toward others—a literature review of some preliminary findings. Part 2. Hallucinations. *Aggression and Violent Behavior*, 7, 605–615.
- Brown, R. A., Burgess, E. S., Sales, S. D., Whiteley, J. A., Evans, D. M., & Miller, I. W. (1998). Reliability and validity of a smoking timeline follow-back calendar interview. *Psychology of Addictive Behavior*, 12, 101–112.
- Ciarolo, J. A., Edwards, D. W., Kiresuk, T. J., Newman, F. L., & Brown, T. R. (1981). *Colorado Symptom Index*. Washington, DC: National Institute of Mental Health.
- Conrad, K. J., Yagelka, J. R., Matters, M. D., Rich, A. R., Williams, V., & Buchanan, M. (2001). Reliability and validity of a modified Colorado Symptom Index in a national homeless sample. *Mental Health Services Research*, 3, 141–153.
- DeLisi, M. (2000). Who is more dangerous? Comparing the criminality of adult homeless and domiciled jailed inmates: A research note. *International Journal of Offender Therapy and Comparative Criminology*, 44, 59–69.
- Ehrman, R. N., & Robbins, S. J. (1994). Reliability and validity of 6-month timeline reports of cocaine and heroin use in a methadone population. *Journal of Consulting and Clinical Psychology*, 62, 843–850.
- Fazel, S., & Grann, M. (2006). The population impact of severe mental illness on violent crime. *American Journal of Psychiatry*, 163, 1397–1403.
- Fennig, S., Craig, T., Lavelle, J., Kovasznay, B., & Bromet, E. J. (1994). Best-estimate versus structured interview-based diagnosis in first-admission psychosis. *Comprehensive Psychiatry*, 35, 341–348.
- First, M. B., Spitzer, R. L., Gibbon, M., & Williams, J. B. W. (1998). *Structured Clinical Interview for DSM-IV Axis I Disorders, Research Version, Non-Patient edition (SCID-I/NP)*. New York: Biometrics Research Department, New York State Psychiatric Institute.
- Fischer, P. J. (1988). Criminal activity among the homeless: A study of arrests in Baltimore. *Hospital and Community Psychiatry*, 39, 47–51.
- Fischer, P. J., & Breakey, W. R. (1991). The epidemiology of alcohol, drug, and mental disorders among homeless persons. *American Psychologist*, 46, 1115–1128.
- Goodman, L. A. (1960). On the exact variance of products. *Journal of the American Statistical Association*, 55, 708–713.
- Greenwood, R. M., Schaefer-McDaniel, N. J., Winkel, G., & Tsemberis, S. J. (2005). Decreasing psychiatric symptoms by increasing choice in services for adults with histories of homelessness. *American Journal of Community Psychology*, 36, 223–238.
- Gulcur, L., Stefancic, A., Shinn, M., Tsemberis, S., & Fischer, S. N. (2003). Housing, hospitalization, and cost outcomes for homeless individuals with psychiatric disabilities participating in Continuum of Care and Housing First programmes. *Journal of Community and Applied Social Psychology*, 13, 171–186.
- Hiday, V. A., Swartz, M. S., Swanson, J. W., Borum, R., & Wagner, H. R. (1998). Male-female differences in the setting and construction of violence among people with severe mental illness. *Social Psychiatry and Psychiatric Epidemiology*, 33, S68–S74.
- Hirschi, T., & Gottfredson, M. (1983). Age and the explanation of crime. *American Journal of Sociology*, 89, 552–584.
- Katz, P., & Kirkland, F. R. (1990). Violence and social structure on mental hospital wards. *Psychiatry*, 53, 262–277.
- Krull, J. L., & Mackinnon, D. P. (1999). Multilevel mediation modeling in group-based intervention studies. *Evaluation Review*, 23, 418–444.
- Link, B. G., Andrews, H., & Cullen, F. T. (1992). The violent and illegal behavior of mental patients reconsidered. *American Sociological Review*, 57, 275–292.
- Martell, D. A. (1991). Homeless mentally ill offenders and violent crimes. *Law and Human Behavior*, 15, 333–347.
- Martell, D. A., Rosner, R., & Harmon, R. B. (1995). Base-rate estimates of criminal behavior by homeless mentally ill persons in New York City. *Psychiatric Services*, 46, 596–601.
- McCarthy, B., & Hagan, J. (1991). Homelessness: A criminogenic situation? *British Journal of Criminology*, 31, 393–410.
- McNiel, D. E., Binder, R. L., & Robinson, J. C. (2005). Incarceration associated with homelessness, mental disorder, and co-occurring substance abuse. *Psychiatric Services*, 56, 840–846.
- Mulvey, E. P. (1994). Assessing the evidence of a link between mental illness and violence. *Hospital and Community Psychiatry*, 45, 663–668.
- New Hampshire Dartmouth Psychiatric Research Center. (1995). *Residential Follow-Back Calendar* [Ver. June 1995]. Lebanon, NH: Dartmouth Medical School.

- North, C. S., Eyrych, K. M., Pollio, D. E., & Spitznagel, E. L. (2004). Are rates of psychiatric disorders in the homeless population changing? *American Journal of Public Health*, 94, 103–108.
- Padgett, D. K., Gulcur, L., & Tsemberis, S. (2006). Housing first services for people who are homeless with co-occurring serious mental illness and substance abuse. *Research on Social Work Practice*, 16, 74–83.
- Raudenbush, S. W., & Bryk, A. S. (2002). *Hierarchical linear models: Applications and data analysis methods* (2nd ed.). Thousand Oaks, CA: Sage.
- Raudenbush, S. W., Bryk, A. S., Cheong, Y. F., & Congdon, R. T. (2004). *HLM 6: Hierarchical linear and nonlinear modeling*. Lincolnwood, IL: Scientific Software International, Inc.
- Richman, B. J., Convit, A., & Martell, D. (1992). Homelessness and the mentally ill offender. *Journal of Forensic Sciences*, 37, 932–937.
- Shinn, M., & Rapkin, B. D. (2000). Cross-level research without cross-ups in community psychology. In J. Rappaport & E. Seidman (Eds.), *Handbook of community psychology* (pp. 669–695). New York, NY: Kluwer Academic/Plenum Publishers.
- Snow, D. A., Baker, S. G., & Anderson, L. (1989). Criminality and homeless men: An empirical assessment. *Social Problems*, 36, 532–549.
- Snow, D. A., & Mulcahy, M. (2001). Space, politics, and the survival strategies of the homeless. *American Behavioral Scientist*, 45, 149–169.
- Sobell, L. C., & Sobell, M. B. (1992). Timeline follow-back: A technique for assessing self-reported alcohol consumption. In R. Z. Litten & J. P. Allen (Eds.), *Measuring alcohol consumption: Psychosocial and biochemical methods* (pp. 41–72). Totowa, NJ: Humana Press.
- Steffensmeier, D. J., Allan, E. A., Harer, M. D., & Streifel, C. (1989). Age and the distribution of crime. *American Journal of Sociology*, 94, 803–831.
- Stueve, A., & Link, B. G. (1998). Gender differences in the relationship between mental illness and violence: Evidence from a community-based epidemiological study in Israel. *Social Psychiatry and Psychiatric Epidemiology*, 33, S61–S67.
- Swanson, J., Borum, R., Swartz, M., & Hiday, V. (1999). Violent behavior preceding hospitalization among persons with severe mental illness. *Law and Human Behavior*, 23, 185–204.
- Swanson, J. W., Holzer, C. E., III, Ganju, V. K., & Jono, R. T. (1990). Violence and psychiatric disorder in the community: Evidence from the Epidemiologic Catchment Area surveys. *Hospital and Community Psychiatry*, 41, 761–770.
- Swanson, J. W., Swartz, M. S., Essock, S. M., Osher, F. C., Wagner, R., Goodman, L. A., et al. (2002). The social-environmental context of violent behavior in persons treated for severe mental illness. *American Journal of Public Health*, 92, 1523–1531.
- Tsemberis, S., Gulcur, L., & Nakae, M. (2004). Housing first, consumer choice, and harm reduction for homeless individuals with a dual diagnosis. *American Journal of Public Health*, 94, 651–656.
- Tsemberis, S., McHugo, G., Williams, V., Hanrahan, P., & Stefancic, A. (2007). Measuring homelessness and residential stability: The residential time-line follow-back inventory. *Journal of Community Psychology*, 35, 29–42.
- Tsemberis, S. J., Moran, L., Shinn, M., Asmussen, S. M., & Shern, D. L. (2003). Consumer preference programs for individuals who are homeless and have psychiatric disabilities: A drop-in center and a supported housing program. *American Journal of Community Psychology*, 32, 305–317.
- Williams, J. B. W., Gibbon, M., First, M. B., Spitzer, R. L., Davies, M., Borus, J., et al. (1992). The Structured Clinical Interview for DSM-III-R (SCID): Multisite test-retest reliability. *Archives of General Psychiatry*, 49, 630–636.

Copyright of *American Journal of Community Psychology* is the property of Springer Science & Business Media B.V. and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.

Pandemic Planning in Homeless Shelters: A Pilot Study of a Coronavirus Disease 2019 (COVID-19) Testing and Support Program to Mitigate the Risk of COVID-19 Outbreaks in Congregate Settings

Timothy O'Shea,¹ Claire Bodkin,² Vaibhav Mokashi,³ Kerry Beal,⁴ Jill Wiwcharuk,⁵ Robin Lennox,⁵ Dale Guenter,⁵ Marek Smieja,⁶ David Bulir,^{6,7} and Sylvia Chong⁷

¹Department of Medicine, McMaster University, Hamilton Shelter Health Network, Hamilton, Canada, ²Department of Family Medicine, McMaster University, Hamilton, Canada, ³Department of Medicine, McMaster University, Hamilton, Canada, ⁴Hamilton Shelter Health Network, Faculty of Health Sciences, McMaster University, Hamilton, Canada, ⁵Department of Family Medicine, McMaster University, Hamilton Shelter Health Network, Hamilton, Canada, ⁶Department of Medicine, Pathology and Molecular Medicine, McMaster University, Hamilton, Canada, and ⁷Research Institute of St. Joe's Hamilton, Hamilton, Ontario, Canada

We tested 104 residents and 141 staff for coronavirus disease 2019 who failed daily symptom screening in homeless shelters in Hamilton, Canada. We detected 1 resident (1%), 7 staff (5%), and 1 case of secondary spread. Shelter restructuring to allow physical distancing, testing, and isolation can decrease outbreaks in shelters.

Keywords. coronavirus; homeless; shelter; surveillance; outbreak.

Severe acute respiratory syndrome coronavirus 2, the novel coronavirus responsible for causing coronavirus disease 2019 (COVID-19), has particularly affected those in congregate settings, such as nursing homes, prisons, and homeless shelters [1, 2]. In Canada, several outbreaks have been documented in homeless shelters [3, 4].

Preventing and minimizing outbreaks in shelter settings using limited resources protects residents and staff within shelters as well as those who they may interact with in the broader community. Furthermore, the higher prevalence of comorbidities among shelter residents places them at higher risk of severe COVID-19 [5]. Preventing transmission in this population may have a greater impact on reducing hospital admissions and burden on critical care resources.

Our objective was to describe our experience with shelter facility restructuring, daily symptom screening, and rapid testing to mitigate the risk of COVID-19 in the homeless shelter setting in Hamilton, Ontario, Canada.

METHODS

The homeless shelter system in the city of Hamilton is operated as a partnership between the municipality and social service agencies. Healthcare within the shelters is provided by the Hamilton Shelter Health Network, a group of physicians (family medicine, internal medicine, and psychiatry), nurse practitioners, nurses, and midwives who are funded through an alternate funding plan by the Ontario Provincial Government.

At the start of the pandemic, there were approximately 341 shelter beds across 8 shelters in Hamilton. Collaboration between the local public health unit, municipal government, shelter operators, and the Shelter Health Network began in March 2020. The collaboration allowed an increase from 341 to 395 shelter beds spread across the preexisting shelters, 3 additional hotel sites, and 1 additional temporary men's shelter. This enabled increased physical spacing between shelter beds and lower density within each shelter. Furthermore, a temporary isolation center (from a repurposed recreation center) was created for COVID-19–positive homeless individuals.

Through a partnership with the Hamilton Regional Laboratory Medicine Program, we were able to access COVID-19 testing with rapid turnaround time. This allowed us to use existing spaces within shelters for short-term isolation while awaiting COVID-19 testing results and to immediately arrange 2-week isolation for those who tested positive.

Between 17 March 2020 and 30 April 2020, COVID-19 testing was performed on all shelter residents and staff who failed daily screening for potential COVID-19–related symptoms as well as staff and residents identified as close contacts of positive cases. Symptom screening was conducted according to direction given by the local public health unit and was updated as new information regarding potential symptoms of COVID-19 were uncovered (eg, anosmia). Nasopharyngeal swabs (NPS) were taken by trained nurses, paramedics, and physicians. Between 19 March and 16 April, testing was done using a laboratory-developed BD MAX multiplex real-time polymerase chain reaction (RT-PCR) test for COVID-19 (using 5'-untranslated region, or 5'-UTR), influenza A, influenza B, respiratory syncytial virus, metapneumovirus, parainfluenza 1, adenovirus, and rhinovirus/enterovirus. After 17 April, testing exclusively for COVID-19 was undertaken in order to streamline result times, and tests were considered positive if RT-PCR was positive for COVID-19 5'-UTR or envelope genes.

Received 18 May 2020; editorial decision 2 June 2020; accepted 5 June 2020; published online June 8, 2020.

Correspondence: T. O'Shea, Department of Medicine, McMaster University, Hamilton Shelter Health Network, Juravinski Hospital & Cancer Centre, A3-66, 711 Concession Street, Hamilton, ON, Canada L8V 1C3 (osheat@mcmaster.ca).

Clinical Infectious Diseases® 2021;72(9):1639–41

© The Author(s) 2020. Published by Oxford University Press for the Infectious Diseases Society of America. All rights reserved. For permissions, e-mail: journals.permissions@oup.com. DOI: 10.1093/cid/ciaa743

Residents awaiting results were isolated within their shelter in single room areas. Residents who tested positive for COVID-19 and did not require hospitalization were transferred to our prepared isolation center for further monitoring. Transportation was organized by the city of Hamilton and involved the use of a dedicated transportation vehicle with enhanced infection control measures, including a barrier between patient and driver and surgical mask, face shield, gloves, and gown for the driver. Isolation continued for 14 days, with the ultimate decision to end isolation made in conjunction with our local public health unit. Nurses performing tests and shelter staff caring for isolated residents wore a disposable gown, surgical mask, face shield, and disposable gloves. Staff who tested positive were excluded from work and provided with information related to self-isolation and symptom monitoring. All positive results

were reported to the local public health unit for appropriate case management and contact tracing.

For context, the Ontario Provincial Government declared a state of emergency on 17 March, limiting public gatherings to 50 or fewer people, and subsequently closed nonessential businesses on 23 March. Gatherings were further limited to 5 people on 28 March. No specific limitations were imposed on shelter residents during the study period, although movement between shelters was discouraged. Universal masking within common areas in the shelter system was initiated on 18 April.

RESULTS

Between 19 March and 30 April, 245 NPS were obtained from 141 staff and 104 residents (Figure 1A and 1B). Of the 88 total tests (59 residents and 29 staff) completed on the

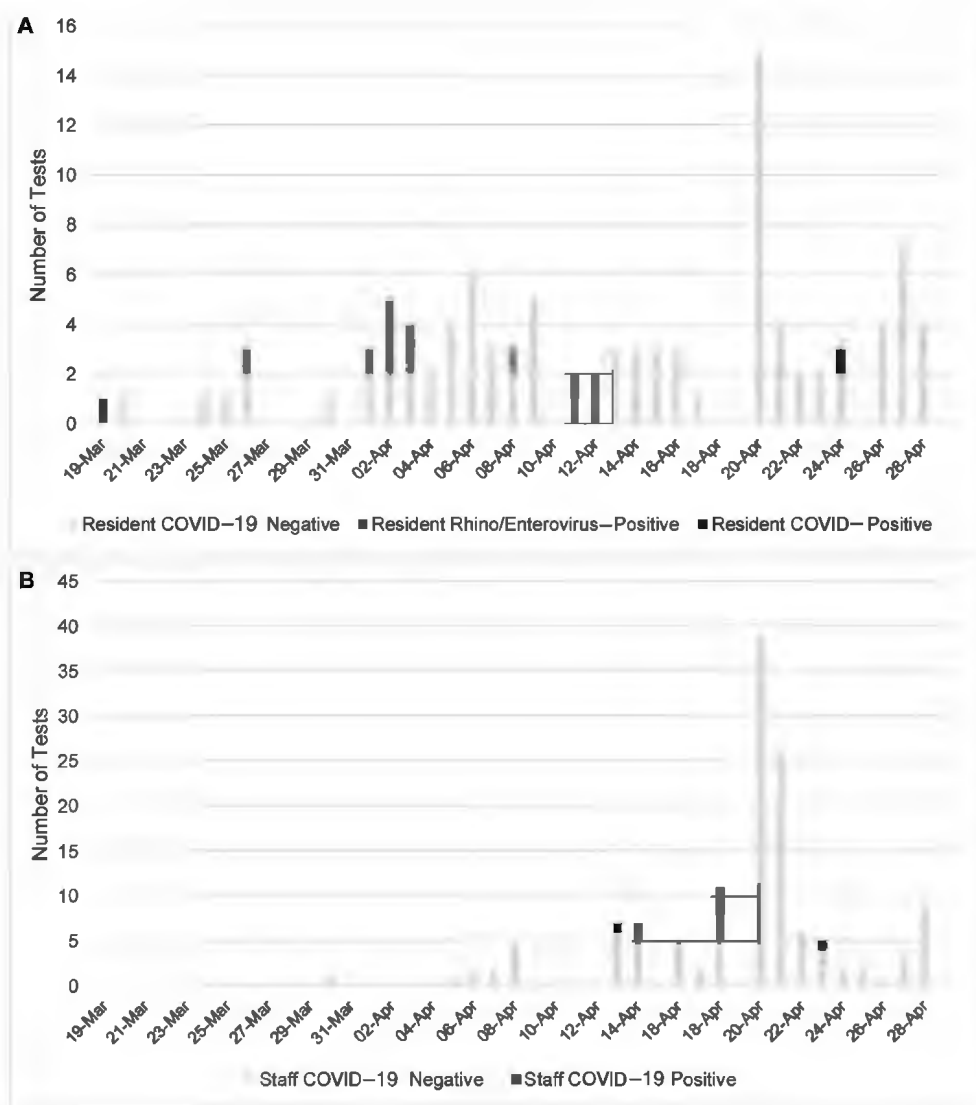


Figure 1. Number of daily tests and test results in residents (A) and staff (B). Abbreviation: COVID-19, coronavirus 2019.

multiplex PCR platform prior to 17 April, 12 (13.6%) were positive for a viral pathogen. Ten of 59 residents (16.9%) were diagnosed with rhinovirus/enterovirus infection and 2 of 29 staff (6.8%) were diagnosed with COVID-19. A total of 157 (44 residents and 113 staff) tests performed after 17 April were tested exclusively for COVID-19; of these, 1 resident (2.3%) and 5 staff (4.4%) tested positive. Overall, during our study period, 1 of 104 residents (1.0%) and 7 of 141 staff (5.0%) were diagnosed with COVID-19, and 17 tests (6.9%) identified a viral pathogen. All positive cases were detected only through the daily symptomatic screening protocol or contact tracing.

Follow-up contact tracing and testing revealed no secondary spread linked to the 1 positive shelter resident. Of the 7 staff diagnosed with COVID-19, 4 were part of a cluster that was cohabiting at the same location distant from the shelter and were presumed to be community acquired. The remaining 3 staff worked at 2 separate shelter sites. During the time period of our study, 1 additional shelter resident was diagnosed with COVID-19 after presentation to a local emergency room (outside of our surveillance protocol).

For comparison, during the study period, the city of Hamilton reported 422 patients with COVID-19 and a positivity rate of approximately 5%–7%. Approximately 10% of the cases were in congregate settings (mainly long-term care homes). In the province of Ontario, there were 15 973 reported COVID-19 cases and 1080 deaths during our study period.

Test turnaround time throughout our study period averaged 14 hours from the time of specimen arrival in the laboratory to the time of reported results, and 89% of results were reported within 24 hours.

DISCUSSION

We have thus far been successful in preventing large outbreaks of COVID-19 in the shelter setting despite identifying positive cases in both staff and residents. Our results emphasize the importance of taking a proactive, aggressive approach to outbreak mitigation in high-risk settings. While there has certainly been some random chance, we postulate that the following 4 factors have been particularly important in increasing our chances of success:

- increased capacity of shelter space by opening surge shelters and hotel rooms, allowing for more effective physical distancing in congregate shelters;
- access to rapid assessment and testing on site when symptomatic residents or staff are identified through active screening;
- restructuring of physical spaces to accommodate isolation of residents with confirmed COVID-19 and those awaiting test results; and

- rapid turnaround of test results through collaboration with our regional laboratory program, allowing triage of individuals into isolation spaces without exceeding available capacity.

There are several limitations that should be taken into account in interpreting our data. Our testing program provided evaluation of those staff and residents who were identified as symptomatic through active screening within the shelters. We are aware of instances where shelter residents and staff presented to other settings where testing was performed, and this is not captured in our data. Second, the test characteristics of an NPS can be influenced by testing technique; the sensitivity of our test in the real-world setting of a mobile testing unit has not been clearly established. However, the lack of large-scale outbreaks in area shelters suggests that we have not had a large number of false-negative tests thus far.

Efforts to mitigate the risk of outbreaks of COVID-19 in high-risk congregate settings, such as long-term care facilities, homeless shelters, and prisons, are essential to moving toward the broader goal of managing COVID-19 risk in the general community. Our group recently initiated a cluster, randomized, control trial to examine the effectiveness and acceptability of various surveillance testing strategies of asymptomatic individuals within our shelter system in an ongoing effort to enhance our ability to rapidly detect and isolate COVID-19-infected individuals. However, such efforts should be conceptualized as secondary prevention. There is also a pressing need to consider primary prevention, that is, upstream actions to end homelessness.

Our study demonstrates that accessible shelter housing that allows for rapid testing, isolation, and physical distance is imperative to outbreak prevention in the shelter setting. The strategy presented here should be considered as part of the COVID-19 pandemic response alongside other homelessness prevention and reduction interventions.

Notes

Acknowledgments. The authors thank the Hamilton Regional Laboratory Medicine Program, Hamilton Public Health, City of Hamilton, and staff working within the Hamilton Shelter Health Network.

Potential conflicts of interest. The authors: No reported conflicts of interest. All authors have submitted the ICMJE Form for Disclosure of Potential Conflicts of Interest.

References

1. McMichael TM, Currie DW, Clark S, et al. Epidemiology of Covid-19 in a long-term care facility in King County, Washington. *N Engl J Med* **2020**; 382:2005–11.
2. Tobolowsky FA, Gonzales E, Self JL, et al. COVID-19 outbreak among three affiliated homeless service sites—King County, Washington, 2020. *MMWR Morb Mortal W Rep* **2020**; 69:523–6.
3. Hudes S. Testing of asymptomatic homeless shelter clients underway after four cases confirmed in Calgary. *Calgary Herald* **2020**.
4. Casey L. COVID-19 outbreak spikes among homeless in Toronto with 135 cases. *CityTV News* **2020**.
5. Aldridge RW, Story A, Hwang SW, et al. Morbidity and mortality in homeless individuals, prisoners, sex workers, and individuals with substance use disorders in high-income countries: a systematic review and meta-analysis. *Lancet* **2018**; 391:241–50.

	<i>Ontario</i> Superior Court of Justice PROCEEDING COMMENCED AT HAMILTON APPLICATION RECORD VOLUME 6 TAB 89 COMMUNITY LEGAL CLINIC OF YORK REGION 21 Dunlop Street, Richmond Hill, ON L4C 2M6 Sharon Crowe (LSO# 47108R) sharon.crowe@yr.clcj.ca Michelle Sutherland (LSO# 70159T) michelle.sutherland@yr.clcj.ca Curtis Sell (LSO # 84128A) curtis.sell@yr.clcj.ca HÁKI CHAMBERS 319 Sunnyside Avenue, Toronto, ON M6R 2R3 Sujit Choudhry (LSO# 45011E) sujit.choudhry@hakichambers.com ROSS & MCBRIDE LLP 1 King Street West, 10th Floor, Hamilton, ON L8P 1A4 Wade Poziomka (LSO# 59696T) wpoziomka@rossmcbride.com Counsel to the Applicants