

Council Discussion on Homelessness

Enforcement and prosecution legal outlines

Legal Context



Kare11: St. Paul police offer rare look into growing homeless issue, December 4, 2017
<http://www.kare11.com/article/life/st-paul-police-offer-rare-look-into-growing-homeless-issue/89-494070896>

LIFE

St. Paul police offer rare look into growing homeless issue

Homelessness in St. Paul is growing, and shelter space is tight. Officers are working to address it in two ways.

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21st Century Policing Report

With a focus on the challenges of policing, the report of Minnesota's 21st Century Policing Task Force is a rare look at the challenges of policing in the 21st century. The report is a product of a task force that was created by the Minnesota Department of Corrections and the Minnesota Department of Public Safety. The report is a product of a task force that was created by the Minnesota Department of Corrections and the Minnesota Department of Public Safety. The report is a product of a task force that was created by the Minnesota Department of Corrections and the Minnesota Department of Public Safety.

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See How We're Doing

Legal Context

Our social contract

WE THE PEOPLE of the United States, in Order to form a more perfect Union, **establish Justice**, insure domestic Tranquility, provide for the common defense, **promote the general Welfare**, and **secure the Blessings of Liberty to ourselves and our Posterity**, do ordain and establish this CONSTITUTION for the United States of America.

Legal Context

- First Amendment
 - Speech
 - Association
- Eighth Amendment
 - Prohibition against cruel and unusual punishment
- Fourteenth Amendment
 - Due Process
 - Equal protection

Legal Context

Disclaimer: These are general principles. These concepts do not mean that individuals have a right to take or damage property, or to hurt others. A crime is still a crime. But some things are not ...

Legal Context

Not a crime

- to experience homelessness
- to ask for money
- to have unmanaged mental illness
- to talk to yourself
- to ask for money
- to talk to others
- to be unbathed
- to be undesirable
- to experience addiction
- to be outside

Legal Context

Not a crime

to exist

Legal Context



Extra rights

Legal Context

We cannot arrest our way to a solution to homelessness.

Some Specific Issues

- The Aggressive Solicitation ordinance is no longer constitutional
 - The U.S. Supreme Court has determined that laws like our Aggressive Solicitation ordinance violate First Amendment free speech rights
- Other crimes remain viable
 - Disorderly conduct
 - Obstructing traffic and public nuisance in a roadway
 - Drinking in Public
 - Trespass
 - Fare Evasion

Examples of SPCAO Efforts

- Treatment Courts – alternatives to prosecution that connect people with resources, provide ongoing support and accountability
 - Mental Health Court – for those with mental illness, work with mental health professionals and justice partners
 - Veterans Court - for vets, work with justice partners, Veterans Administration, other service providers
 - DWI Court - not as many defendants who are homeless, but some
 - Drug Court – specific to felonies so SPCAO does not participate, but it provides services, support, and accountability for certain defendants in drug cases

Examples of SPCAO Efforts

- Police-Homeless Outreach Project (PHOP) – interagency effort to respond to long-term homeless individuals who either have, or are likely to have, repeated interaction with law enforcement
- Community Justice Program – working with police and others to connect long-term homeless individuals with resources while implementing prosecution tools to prevent ongoing criminal activity (ex. stay away orders)
- Criminal Justice Reform – provide leadership internally and system-wide to address disparities and other issues in the criminal justice system (ex. lowering fines/fees, bail reform, using data to analyze our work and develop interventions where disparities might exist)
- Outside-In – participate in multidisciplinary effort to create emergency winter shelter
- Driving Diversion Program – work with defendants who have multiple offenses for driving after revocation or suspension of a license to obtain a valid drivers license

Limitations

- The criminal justice system is not set up well to address homelessness
- Although there are several ways in which we try to connect people with resources, many people fall through the gaps
- We have not yet found a solution for individuals who do not meet the requirements of incompetency, are not interested in seeking services, but continue to commit crimes in the community