

GHJP Testimony for Homeless Person's Bill of Rights

Tuesday, Feb. 5th Hearing at City Hall

My name is Taiga Christie, I work with the Global Health Justice Partnership at Yale and we strongly support the Homeless Bill of Rights and the Resolution to Decriminalize Homelessness.

The Global Health Justice Partnership is a collaboration between the law school and the public health schools of Yale University. In this testimony, we speak for the Global Health Justice Partnership, and are not representing the viewpoints of either school nor the University as a whole. Our comments today are drawn primarily from our work here in New Haven with SWAN—the Sex Workers and Allies Network— in projects that seek to improve the health and protect the rights of sex workers, many of whom experience homelessness. We also draw on three years of prior work on so-called 'diversion programs' aimed at people in street level sex trade, as well as our knowledge of the work in health on housing and policing.

My testimony today addresses why we support the Homeless Bill of Rights with three points: First, a clear statement from the city stating fundamental rights, key principles and guiding policy for day to day interventions such as found in this Bill are needed to improve the health of homeless people. Second, this Bill could give clear direction for an effective and rights-based reform of New Haven's struggling Law Enforcement Assisted Diversion program, also known as LEAD. Third, passing this bill will increase New Haven's chances of getting federal funds.

First, on the importance of this proposed bill for health. Our research and experience have revealed that there are negative health outcomes correlated with policies that effectively criminalize homelessness and contribute to the stigma against homeless people. For one, the American Public Health Association recently stated that the criminalization of activities associated with homelessness carries risks to public health, in part because criminalization justifies law enforcement contact and intervention, which carries potential for physiological and psychological harm.¹ Several rights articulated in the proposed Bill could function to reduce potentially health-harming encounters between law enforcement and homeless members of the community. Moreover, in our work helping SWAN implement a survey of the health and other resource needs of the population it serves, we have heard of people who were seriously ill and needed medical attention but had had such traumatizing visits to hospitals that they did not want to go back. The part of the draft Bill of rights that affirms that homeless people have a *right to access medical care* is a crucial first step in changing the policies and social culture that puts up barriers to homeless people accessing medical care.

Second, this draft Bill will help New Haven improve current policing practices which are at odds with the rights of the homeless and which in turn have harmful effects on their health. According to the principles of harm reduction that theoretically underlie LEAD, the program has been developed in New Haven to reduce over-use of the criminal law, particularly arrests, in regard to people with substance use, mental health and other underlying conditions. Yet, New Haven's current project under the name of LEAD is currently not helpful to the marginalized people living in the streets. If the City adopts this Bill, it will be obliged to repeal the ordinances listed in the bill that allow criminalization of homelessness; however, the content of this Bill could guide the City in moving quickly to take the proactive step of creating a new, more effective and beneficial practice: under the principles articulated in this Bill, the City could work with appropriate actors to suspend policing under City statutes. Officers

¹ <https://www.endingpoliceviolence.com/>

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could in practice stop enforcing statutes against the homeless and those with substance abuse disorders.

This move to actually reduce arrests would be a key reform to LEAD. LEAD is supposed to refer individuals to social services in lieu of arrest, but as of the most recent information released by the City on the LEAD pilot,² of the 49 LEAD participants to date supposedly referred to services, only 3 people in the program come from occasions in which the police faced conduct that was arrestable, but declined to arrest. The other participants –entering through what is called social contact --are just people who were offered services without facing arrest. Thus, this proposed Bill could be part of reforming LEAD. It would require officers to report when they make arrests of homeless people: that data will allow the public to ask and demand answers for why officers made arrests instead of diverting people to LEAD. Ultimately, the LEAD program is useless until it is actually reducing the number of people who are arrested and enter into the criminal legal system for these kinds of offenses.

Moreover, this bill affirms a right to housing which should also underlie LEAD policy. Los Angeles has used its LEAD funding to create dozens of units of transitional and permanent housing. New Haven should adopt the right to housing described in this bill, and then make that right meaningful by directing LEAD funds toward housing.

[Read this paragraph if time, otherwise just say “I’m running low on time but will follow up with the alders describing how this bill will increase the city’s competitiveness for the Continuum of Care grant from the Department of Housing and Urban Development] *Third, the Homeless Bill of Rights will increase New Haven’s competitiveness for the Continuum of Care grants administered by the Department of Housing and Urban Development. Many New Haven agencies like Columbus House and New Reach are supported by this money. Question 1-C6 on the application asks specifically about whether the community has “strategies” to “prevent the criminalization of homelessness.” Points are scored on each question and these points matter: in the past, New York City lost 2 points on its application and this led to \$14 million less in funding.³*

In sum, this proposed Bill not only provides key guidance for the City as a whole, but could also form an effective guiding background for other troubled City practices toward the homeless.

Thank you for your time. We would be happy to answer any questions you might have, here or in writing.

² <https://veoci.com/veoci/p/dashboard/h2567kvepg>

³ NATIONAL LAW CENTER ON HOMELESSNESS AND POVERTY, SCORING POINTS: HOW ENDING THE CRIMINALIZATION OF HOMELESSNESS CAN INCREASE HUD FUNDING TO YOUR COMMUNITY (July 2018)