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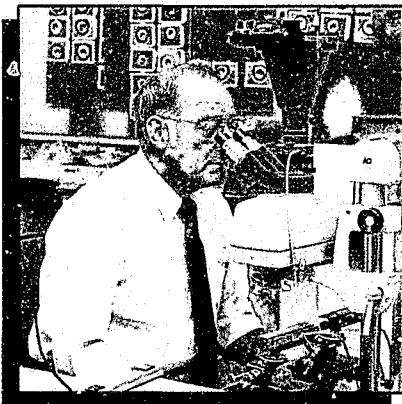
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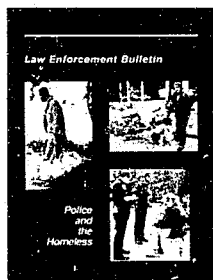
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The Cover: As the number of homeless in this country continues to grow, public policy must address the problems they present to law enforcement. Cover photos courtesy of Victor Alferos, Santa Monica, California, Police Department.

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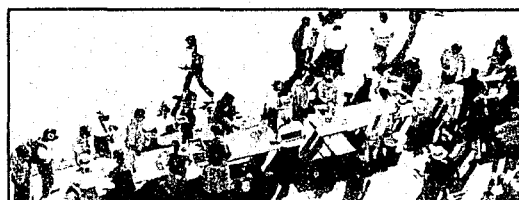
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Police and the Homeless

By
BARNEY MELEKIAN



All across the country, from small towns to big cities, communities face both practical and ethical problems associated with the increasing number of homeless people. Police departments, especially, have found dealing with the homeless to be a significant law enforcement challenge. These departments are learning that an effective approach to policing the homeless is not easily formulated, nor is there a single solution. One fact does remain, however—police

departments must address the problems and focus their efforts toward a solution.

TWO PHILOSOPHIES EMERGE

Much has been written on the causes of homelessness, and the debate continues, both in Santa Monica and across the Nation, as to the appropriate social policy to adopt. Citizens and law enforcement officers are caught between legal and ethical means of con-

fronting this sensitive issue. Nevertheless, as is usually the case, the responsibility of dealing with the homeless on a day-to-day level ultimately falls on the police department.

The City of Santa Monica has become a prime area for a growing homeless population. Located within Los Angeles County, the city has attracted homeless by its location and the several homeless outreach programs begun there. The impact of the recent homeless influx

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to Santa Monica strained the existing resources of the department and focused public debate onto what the role of the police department should be concerning the homeless. Two distinct political philosophies emerged from this debate, and the police department found itself caught in the middle, looking for a workable solution.

Social Problem

One philosophy holds that the issue of the homeless is a social problem that could not and should not be pushed onto other jurisdictions. This point of view came from the city attorney's office. In an interview given on May 3, 1990, the city attorney articulated a position that the homeless issue stems from a failure of the national and State governments to deal with the issues of affordable housing and to provide a workable public mental health policy.

The city attorney's office views the homeless issue as a fun-

damentally moral one because of the larger-scale national failures that caused the problem. It also holds that local government, including the police department, must provide a solution, albeit temporary and incomplete, until effective long-range national and State public policies are put into effect.

As an extension of these beliefs, several changes in prosecutorial policies were instituted. These changes reflected no prosecutions for public intoxication and no prosecutions for "economic" offenses, such as sleeping in public parks, possession of shopping carts, and other misdemeanors and infractions which are, for the homeless, oftentimes necessary to their survival. The city attorney's office also believed alcoholism to be a disease and that jail was not a suitable alternative to a detoxification center. There is a further belief that many of the applicable infractions spelled out in the Santa Monica Municipal Code

are economically based and should not be used against a class of persons who have few, if any, financial options.

Menace

The alternative philosophy holds that while the problems of the homeless are unfortunate, a city of 8.2 square miles cannot and should not attempt to deal with an issue of this magnitude. This point of view was espoused by both business groups and individual citizens who find themselves confronted by persons who are often intoxicated and/or mentally unstable. This group views the role of local government, and in particular the police department and the city attorney's office, as one of pressure and enforcement—even to the point of moving the problem across geographical lines into the City of Los Angeles.

PROBLEMS ASSOCIATED WITH THE HOMELESS

Predictably, the police department found itself squarely in the middle between these two opposing points of view. The demand for compassion often conflicted with the demand for enforcement. Additionally, because of the political sensitivity involved, there was little specific direction from the city government.

Three distinct problem areas emerged for the police department from this philosophical debate: 1) The conflict over the use of public facilities, 2) public demands for enforcement action against activities that are often only marginally criminal, and 3) the need to provide



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Lieutenant Melekian serves with the Santa Monica, California, Police Department.

police service to an economically disenfranchised class of people. All three of these problem areas needed to be addressed against a backdrop of preserving constitutional liberties for all citizens.

Use of Public Facilities

The first problem area, that of the conflict over use of public facilities, is nowhere more clearly illustrated than in Palisades Park. The park is a narrow strip of land, 1½ miles long, located along the bluffs that overlook the Pacific Coast Highway and the Pacific Ocean. At the extreme south end of the park is the entrance to Santa Monica Pier. The pier, and the park area adjacent to it, is a major tourist attraction. In addition, a senior citizens center located there serves as a major recreational area for Santa Monica's senior community.

The park is also one of the major gathering places for the city's homeless population. For nearly 5 years, it was the site of the city's feeding programs. Additionally, it is in close proximity to several low-cost bars, liquor stores, and motels. During daylight hours, it is not uncommon to see literally dozens of homeless people sleeping on the ground adjacent to senior citizens attempting to use the outdoor shuffleboard court. The combination of senior citizens, tourists, and homeless people produced demands that something be done about getting rid of the homeless problem.

A traditional law enforcement response in times past would have been simply to advise the homeless

people to leave the area. Indeed, the concept of law enforcement officers moving "undesirables" along is not new. However, from both a moral and a legal standpoint, it is no longer an acceptable or practical method. Officers might be able to move the

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”

transients out of the park temporarily, but the fact that the city's feeding programs were operated there specifically for the homeless guaranteed that they would return. Additionally, when homeless people believed that they were the victims of police harassment, they often brought their complaints to the attention of the police department's Internal Affairs Unit.

Frustrated officers found that arrests and citations for drinking in the park, sleeping after midnight in the park, and panhandling were not being consistently prosecuted. The response was predictable. Officers began to issue warnings or simply ignore the situation when possible. Thus, in spite of great public pressure, the homeless remained in the park and the problem remained unsolved.

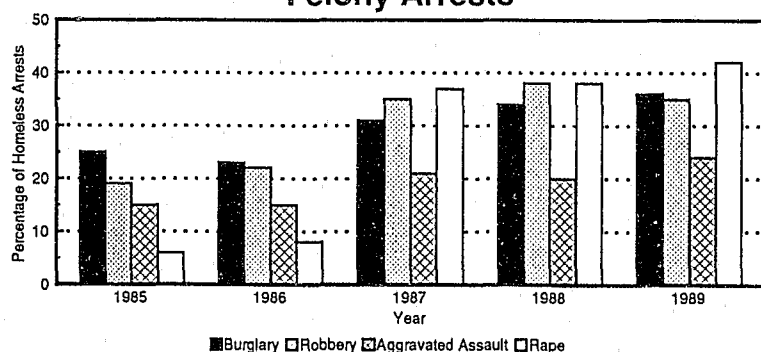
Panhandling

The second problem area, the demand for enforcement action for marginal criminal activities, is best illustrated by the problem of panhandling. There is a local law that makes it a misdemeanor to solicit money.¹ This law, together with a similarly worded municipal code ordinance, has been used to deal with those homeless people who ask for "spare change." This activity is the one in which citizens experience their most direct contact with the homeless. It can be a frightening encounter and the one for which they are most likely to call the police for assistance. Accordingly, the traditional police response has been to issue citations or make arrests.

However, in 1984 the city attorney's office changed prosecutorial standards for panhandling to include force or assaultive behavior. This new definition of panhandling is close to that of robbery, as defined in penal code section 211, "...the taking of the personal property of another by means of force or fear."² Also, homeless people who were arrested under the new panhandling statute often would file harassment complaints against officers.

In the panhandling problem area, there was obvious miscommunication that was preventing an effective resolution. The city council or the city manager's office did not direct the police department to cease making panhandling arrests. Neither did they advise that panhandling be redefined, nor did they alter prosecutorial policies. A situation

TABLE 1
Felony Arrests



developed in which the two enforcement arms of local government (the city prosecutor and the police department) were working at cross-purposes and little change was being made to bolster public confidence that the homeless problem was being resolved.

The panhandling and public facilities issues are serious concerns that reshaped the police department's understanding of how the public perceived safety. What the homeless problem produced was the presence of a large number of individuals whose lifestyle is completely outside of the average working citizen's frame of reference. Consequently, contacts with these individuals often became cause for public anxiety. However idealistic, the public expected the police department to make the homeless people disappear. While carrying out this wish might have provided a short-term solution, the mandate to preserve constitutional liberties remained paramount.

Demands for Public Service

The third problem area was the increased demand for police service created by the homeless population. These demands take two forms. The first, increased calls for service, includes calls both from the homeless themselves concerning assault, rape, robbery, and homicide, as well as calls about the homeless by an increasingly apprehensive and fearful public. The second factor is the involvement of homeless people in serious felony crimes.

In January 1990, the department began a program to track the

Year	Total Felony Arrests	Homeless Arrests	Homeless Percentage
Burglary			
1985	394	98	25%
1986	389	89	23%
1987	307	94	31%
1988	336	113	34%
1989	420	153	36%
1/90-5/90	123	65	53%
Robbery			
1985	207	39	19%
1986	219	49	22%
1987	198	70	35%
1988	259	98	38%
1989	236	83	35%
1/90-5/90	94	46	49%
Aggravated Assault			
1985	204	31	15%
1986	284	44	15%
1987	251	52	21%
1988	315	63	20%
1989	289	69	24%
1/90-5/90	98	36	37%
Rape			
1985	33	2	6%
1986	38	3	8%
1987	38	14	37%
1988	37	14	38%
1989	26	11	42%
1/90-5/90	13	6	46%

homeless-related calls for service. Officers were directed to highlight every call on their daily service logs that involved homeless persons as either victims, suspects, or other significantly involved parties.

During the first 5 months of 1990, the following calls-for-service patterns emerged:

	Total Calls	Homeless Calls	% of Calls
Day Watch	19,295	6,071	31.5%
Night Watch	14,008	3,569	25.5%
Morning Watch	10,570	2,141	20.3%
Total	43,873	11,781	26.9%

In addition, 3,483 persons were booked into Santa Monica Jail during the same period. Of these, 1,234 were homeless, for a total of 35.4% of all bookings. Thus, with over one-third of police patrol services being generated by and for less than 2% of the resident population, the impact of the homeless on the police department's functions has been striking.

The second impact area is that of serious felony crimes produced by the homeless population. Table 1 illustrates the number of homeless suspects arrested for serious felonies. The increase from 1985 to May 1990, shows dramatic growth, both in the percentage of homeless suspects arrested and the involvement of the homeless as a large part of the overall increase.

During the same timeframe, the number of transient suspects arrested increased from 39 to 98, for

a 151% increase in transient involvement. Reference to Table 1 will also bear out this pattern in the areas of burglary, rape, and aggravated assault.

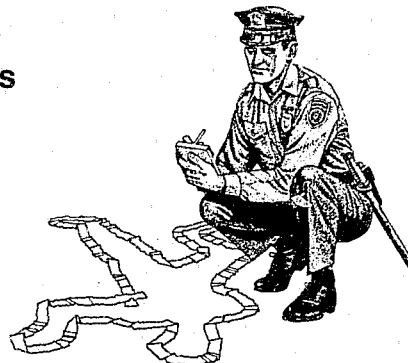
Table 2 deals solely with the change in homicide patterns over the same 4-year period. Nowhere is the crime impact of the homeless population more clearly demonstrated than in homicides. For example, in 1988 there were 10 homicides that included 7 homeless victims and 8 possible homeless suspects.

STEPS TOWARD A SOLUTION

During the last year, changes have been made in Santa Monica to employ cooperative methods in

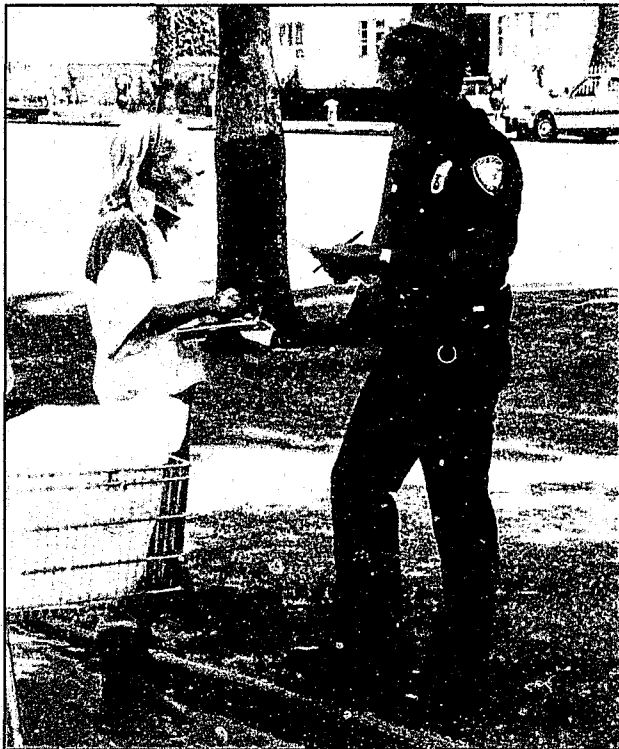
order to face the homeless problem head-on. One measure has been the city's decision to move the feeding program from Palisades Park to the front lawn of city hall. While this has not reduced the number of homeless in the park, it has reduced many gatherings of homeless people at meal times. This has had a positive impact on public perception, because citizens have seen a visible change in the community. Other programs are being implemented to get the city involved in providing solutions to a situation that cannot be ignored. The police department has also taken on an increased role in dealing with the homeless through HELP—Homeless Enforcement Liaison Program.

**TABLE 2
Homicides**



Year	Total Homicides	Homeless Suspects	Homeless Victims
1985	9	0	0
1986	12	4	4
1987	11	1	1
1988	10	8	7

Policing Panhandlers Across the Nation



Chicago: "As the number of people begging in public places grows, Chicago and other cities are going to view today's aggressive type of panhandler as dangerous and economically detrimental, not as sympathetic souls who tug at the heart."

—*Chicago Tribune*, May 13, 1990

New York: "For New York transit authorities, that need (panhandlers' need for money) interfered with the well-being of commuters. So police last month began evicting panhandlers from bus and train terminals."

—*USA Today*, June 1990

San Francisco, Seattle, Boston, San Diego and Atlanta: "These cities are also worried about the effect of panhandlers on their business districts and are considering steps to ease the problem, including flat-out bans on all begging downtown."

—*Chicago Tribune*, May 13, 1990

HELP Program

The Santa Monica Police Department developed HELP to focus attention on the law enforcement problems involving the homeless population. A team of two officers, assigned to work solely on transient-related crimes, were chosen for their past experiences with the homeless and their ability to handle transient situations effectively.

In May 1990, the first month of operation, the HELP team alone received 249 calls for service, 231 of which were homeless-related. These figures reflect one of the program's goals—to reduce the

homeless workload on the rest of the department. Of those calls for service, the HELP team made 84 arrests, gave out 73 misdemeanor citations, and filed 97 field interview cards after talking to suspects. This specially mandated team is beginning to have an impact on the homeless problem area and to effect changes that the community can see, while at the same time preserving constitutional liberties for all citizens, including the homeless.

Future Plans

The department has been prompted to plan future additions to the HELP program. One task, un-

dertaken with the approval of the city attorney, is to identify the most conspicuous criminal offenders within the homeless population and arrest them. The city has also just authorized seven more officers for the department who will work specifically with the homeless, thus expanding the number of officers who develop specific knowledge and experience. These programs and other developments should help boost the public's confidence that positive, cooperative, and concrete steps are being taken to solve this problem in their community. The real significance of this program is that the city attorney's office and the

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police department are both striving to work together to institute collaborative enforcement actions.

CONCLUSION

The law enforcement problems generated by the presence of a large homeless population present an unique public policy dilemma. Unlike drugs, there is no clearly defined public consensus as to whether a law enforcement problem truly exists concerning the homeless, and assuming that it might, what ought to be done about it. The idea of using the police to drive the homeless out of town is emotionally appealing for some segments of the resident population, but it ultimately presents grave moral and constitutional conflicts.

The dimensions of the problem are national in scope, but local in impact. Every jurisdiction in the Nation will have to deal with the homeless in some form during the remainder of this century. Until such time as public policy decisions have been made at the local, State and national levels with respect to mental health facilities and detoxification centers, the problem will continue to fall largely on the shoulders of local law enforcement. Cooperation between city authorities and the police department, as well as the implementation of programs such as HELP, are ways of confronting an issue that is affecting more and more of our Nation's cities and towns every day.

LEB

Footnotes

¹ Title 15, sec. 647(c), Santa Monica Penal Code.

² Title 8, sec. 211, Santa Monica Penal Code.

Electronic Bulletin Board

Those interested in receiving up-to-date criminal justice information can now access data from the National Criminal Justice Reference Service Electronic Bulletin Board. Users can access the electronic bulletin board by using a personal computer and modem set at 8-N-1 (rates 300 to 2400 baud) and calling 301-738-8895, 24 hours a day.

Once online, users will be able to review current press releases and the latest findings of

the Bureau of Justice Statistics (BJS) and its justice statistics clearinghouse. In addition to new publication listings and conference calendars, the BJS menu options include BJS conference activity, news from the Drugs & Crime Data Center & Clearinghouse, National Archive of Criminal Justice Data, and news from State statistical analysis centers.

For more information about the bulletin board, call 1-800-732-3277.

Juvenile Drug Use

The National Institute of Justice (NIJ) has issued a *Research in Brief* report on juvenile drug use. This report, entitled "*Urine Testing of Detained Juveniles To Identify High-Risk Youth*," summarizes an extensive 3-year project about the role of drug use in the lives of approximately 400 juvenile detainees.

The report covers the major findings of the study and addresses the limitations of followup findings. It also provides information

that compares the results of urine tests with the self-reports given by the juveniles. The study also underscores the urgent need to intervene early to help delinquent youth involved in drug use.

To obtain a copy of this NIJ publication, write to the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850, or call toll-free at 1-800-851-3420. In the metropolitan Washington, D.C., area, the number is 1-301-251-5500.

The Bulletin Reports, a collection of criminal justice studies, reports, and project findings, is written by Kathy Sulewski. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 7262, J. Edgar Hoover Building, 10th & Penn. Ave., NW, Washington, DC 20535.

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