

## Michigan Itinerant Shelter System—Interdependent Out of Necessity

### **Board Statement Against the Prosecution of Caleb Poirier and the Criminalization of Homelessness in Washtenaw County**

#### INTRODUCTION

1. Michigan Itinerant Shelter System—Interdependent Out of Necessity (“MISSION”) is a partnership between homeless and “homeful” Washtenaw residents to support Michigan tent communities during the current housing and employment crises. MISSION is a non-profit Board that recognizes tent cities as a persistent reality in our communities. Outdoor itinerant shelter, such as tent cities, have existed throughout American history, largely as collaborative grassroots solutions to socio-economic hardship. Locally, such tent cities have continuously existed in recent history.

2. Tent cities are growing as a direct result of the housing crisis, and they will not go away through efforts to marginalize or even prosecute their residents. In recognition of this reality, MISSION was formed to encourage and support the efforts of self-governing tent communities to provide a positive environment through safer and more sanitary conditions. In Ann Arbor, MISSION supports the efforts of Camp Take Notice (“CTN”) to build and strengthen a community through self-governance and accountability. Self-governing tent communities such as CTN give a voice to the homeless, allow them to live with a sense of dignity and self-sufficiency despite the lack of permanent housing, and they make the community safer and better able to connect with support services.

3. Unfortunately, tent communities are often forced onto public land, with no adequate alternative on private land, and no reasonable prospect of more permanent housing. This is the case for CTN and its residents, and for other camps in and around Ann Arbor. For months, MISSION has been working as an agency to secure suitable private property for a self-governing camp such as Camp Take Notice to establish a positive and dignified environment for its members. While MISSION continues to be optimistic that a private land for a camp can be secured, the social stigma surrounding homelessness and the potential disapproval from neighbors and community interests have made this task difficult, even among the most supportive agencies and charitable groups.

4. CTN resident Caleb Poirier was arrested for trespassing on September 2, 2009. At the time of his arrest, MISSION was actively seeking to locate suitable alternatives to public land for campers such as Poirier and other residents of Camp Take Notice. Also at the same time, public and private emergency shelter organizations were overwhelmed by the demand for emergency shelter. MISSION believes that subjecting Poirier and other similarly situated campers to arrest for trespass when there are no adequate alternatives criminalizes people for their status as involuntary homeless.

5. Since September, Ann Arbor City and County officials have acknowledged the unmet demand and acted to expand emergency shelter funding and to create additional emergency shelter beds in the system. Though they provide a critical life-saving service for the season, temporary warming

stations and transitional shelter programs do not provide an alternative for those seeking to live independently but without the means to afford permanent housing. Even if they did, traditional emergency shelter programs such as the Delonis Shelter, were undeniably beyond capacity and unable to meet the emergency shelter demands at the time of Mr. Poirier's arrest.

6. A system that allows prosecution of the involuntary homeless for trespass in these circumstances is inherently cruel in that it punishes the individual for having the audacity to attempt to live independently in the most adverse of circumstances. Moreover, the regular threats of arrest serve to discourage or effectively prohibit civic participation of campers.

7. Tent communities have existed for decades. They have sheltered the invisible members of society. With the constant threat of arrest if they are seen or if a "real citizen" complains, a tacit message is sent that they will be allowed to exist so long as they are quiet and go unnoticed in polite society. This system makes it more difficult to provide support to the homeless and attacks their dignity, as well as hiding the magnitude of the problem as it exists in our community.

**I. MISSION has been Continuously and Diligently Seeking Private Land Hosts Where Local Homeless Encampments May Exist Without Threat of Arrest or Reprisal for Exposing Their Plight**

8. Caleb Poirier and other involuntary homeless should be free from arrest and prosecution until an adequate alternative can be identified, or until state and local government solves the problem of homelessness in Washtenaw County. MISSION's goal has always been to seek land sponsorship so that a self-governing tent community can exist legitimately, openly, without fear of arrest or reprisal from police or landowners. MISSION reaches out to engage with church organizations or other civic organizations that have been so supportive of the plight of the involuntary homeless. Many local church congregations already provide invaluable support that must be recognized, from meal programs to rotating shelter beds. Many have also shown their support for CTN as well, although MISSION has so far been unable to find a private landowner host.

9. MISSION is modeled on SHARE, a Seattle based homeless advocacy group. SHARE has successfully partnered their homeless community with church support organizations for over 10 years, representing and supporting several Seattle based tent cities of up to 100 people. Church congregations take turns hosting the tent cities for up to 3 months, rotating on a schedule from one church property to the next, allowing the sponsoring organizations to take breaks. Relocation rejuvenates the camp community each time they rebuild the new tent city from scratch.

10. Since this summer, MISSION has been engaging community leaders and potential hosts alike in an effort to educate the community about the model of a self-governing tent community and to address the many reasonable questions about governance, safety, and even appearance. Many groups have been supportive, but as of yet unwilling to lend their land. This reluctance is understandable, in light of the extreme stigma attached to homeless and tent encampments found in some sectors of the community. Criminalization and prosecution of campers only furthers the stigmatization, isolation, and disenfranchisement – it wastes taxpayer resources and worsens the problem, rather than encouraging creative solutions.

## **II. Existing Temporary Emergency Shelters are Not Intended to Provide an Adequate Alternative for Residents of Tent Communities and They are Not Capable of Doing So**

11. The temporary emergency shelter programs operated by the Delonis Shelter and other charitable groups and non-profits provide an essential and vital function for many of the local homeless community, especially on the coldest of nights. Moreover, many residents of CTN and other tent communities regularly benefit from services provided by the Delonis or the Shelter Association of Washtenaw County (SAWC). However, Delonis and other emergency night shelters are *not* an alternative place to live for most campers.

12. Ellen Schulmeister, Executive Director of the Shelter Association of Washtenaw County, reports that, despite the array of services provided, the system is not capable of meeting the needs for shelter beds and services. Moreover, that there is a portion of the homeless population that cannot or will not access the services offered. For many in this population, outdoor camps provide the only alternative. Recognizing this reality MISSION and CTN seek to provide and encourage a safe structured housing environment for the population.

13. Self-governing tent communities such as CTN re-engage people who have struggled with loneliness, depression, anxiety, and drug addiction. They create an environment where personal autonomy is respected, and personal responsibility pays dividends. For instance, campers at Camp Take Notice are given the tools to take control of their own lives. As they regain their dignity, they are able to give acceptance and support to new members. They are empowered and engaged as citizens and they are encouraged to take responsibility for their living arrangements by voting for their leaders representatives and the rules they will live by. Drugs and alcohol and all forms of disrespectful behavior are prohibited.

14. The open tent community encourages civic participation and allows campers to develop a sense of pride. It is open to all who need it. An alcoholic camper reports he can stay sober at the Camp where it is difficult or impossible on the street. A transgendered camper reports that it provides privacy and protection.

15. In contrast, transitional shelter programs do not and are not intended to provide an alternative place to live. They are temporary and/or “transitional” by nature. They do not offer an equivalent level of comfort, privacy, or accessibility. As a practical matter, they do not have the capacity to house Washtenaw County’s tent communities. In September of 2009, the Delonis Center had only 50 shelter bed spaces and 25 warming center chair spaces for sleeping. Most people had to sleep on a chair for four to six weeks before being assigned a bed. (Since that time, it has been reported that the Delonis warming program has done away with chairs in favor of horizontal cushions – a welcome change). Moreover, even for those that endure the wait and get a bed, Delonis and other emergency shelters ask that homeless clients store their belongings or take them with them when they leave each day.

16. This daily-nomadic model fails to provide a home and fails to provide an alternative to an encampment. It can also be counterproductive for those attempting to rebuild self-esteem and downright difficult for those seeking employment while carrying their belonging on their shoulder. The men at the Delonis Center do not have privacy in the sleeping areas. The lack of privacy makes it difficult for many to carry on dignified lives free from harassment from other consumers. The presence of street drugs can be destructive for those battling substance abuse issues.

17. Even if Delonis Center had capacity and provided an adequate alternative, many

residents of the area's homeless encampments are simply unable to take advantage of the Delonis Shelter Program.

**III. Existing Services Were Unable to Meet the Homeless Demand at the Time of Poirier's Arrest, Even if Temporary Shelter Beds Were Considered a Fungible Alternative to Tent Communities.**

WHEREAS, The local emergency shelter system is working to ensure access to needed shelter and support and maintains 189 beds for those experiencing homelessness, **but demand exceeds this capacity**

-Resolution of County Commissioners, Dec. 2, 2009

Despite the array of shelters and services, neither SAWC nor the shelter services of the WHA agencies can meet the need for shelter beds and services of our community's homeless population.

-Ellen Schulmeister, SAWC Executive Director, WHA Interim Director

18. The increasing rate of homelessness in Washtenaw County is reflective of the housing and economic crises that have contributed to rising unemployment and poverty throughout Michigan and nationwide. Since September, local officials have enacted some recent stop-gaps, but shelter bed space is still woefully inadequate. Around the time of Poirier's arrest, there were 1,400-1,500 homeless people and 189 shelter beds in Washtenaw County. Although emergency funding has modestly expanded the number of shelter beds since that time, it remains an undeniable fact that the need far outstrips available resources.

19. Shockingly, local government was on a course to dramatically cut funding until just recently. On September 16th, just days after Poirier's arrest, County Administrator Robert Guenzel put forth a proposal to the County Ways & Means Committee to cut funding for the Washtenaw County Shelter Association by 40%, from \$200,000 to \$120,000 in 2011. (The proposed cuts have since been scaled back, thankfully). In light of these economic realities, it is absolutely shocking that the County Prosecutor has chosen to use limited county funding for the prosecution and criminalization of homelessness.

20. The unemployment rate in Washtenaw County is currently at 9.3%, which is about 33% higher than the same period in 2008. An estimated 1,200 county residents were evicted last year, and foreclosures have doubled over the last two years. Over the last year, demand for services at Food Gatherers has increased 35%. State-wide, the number of homeless individuals was estimated at 86,189 for 2008. The regional numbers reported by the State in 2008 place Washtenaw county in a region that includes Lenawee, Hillsdale, Jackson, Ingham, Clinton, Livingston, and Clinton Counties, reflecting a 6.5% increase in homelessness from 2007. The U.S. HUD's 2009 numbers indicate 4,212 people experiencing homeless in Washtenaw County during 2008, including 1,592 children and youth.

21. Mary Jo Callan, Director of Office of Community Development, reported on the recent increase in homelessness at the October 19th Ann Arbor City Council meeting, and outlined a plan to increase shelter services during the winter months. She also noted the "dilemma" presented by "formal and informal homeless encampments throughout urban and rural areas..." On November 4th, two

months after Mr. Poirier's arrest, the Downtown Development Authority approved \$20,000 to cover the cost of 25 new cots and bedding materials for 25 rotating shelter spaces, partially funding an increase in the number of beds at Delonis from 50 to 75, the number of warming center spaces at Delonis from 50 to 80, and the number of rotating shelter spaces from 25 to 40 or 50.

22. The City Council voted on November 5th to approve a \$30,500 allocation for the Shelter Association and a \$129,000 contract with the Interfaith Hospitality Network to further fund an emergency plan. In doing so City Council-members explicitly acknowledged that these are stop-gap measures. Likewise, on December 2<sup>nd</sup>, the County similarly acknowledged the crisis levels passed the emergency allocation of \$250,000 previously earmarked in the 2009 budget for supportive housing, with \$175,000 going toward alleviating homelessness. By these resolutions, both the City and County have acknowledged that "demand exceeds ... capacity" in our local homeless support system.

### **Conclusion**

23. Even with the recent allocations from the County, City, and DDA, the current level of services in Washtenaw County is inadequate. Furthermore, many members of CTN have found that the shelter system is unresponsive to their needs. To force the involuntary homeless to live under threat of arrest and prosecution is cruel and it violates the core values of this community. The County would be better off spending its limited resources on solving the problem than prosecuting a \$250 trespass ticket.

- The Board of MISSION