

# City and County of San Francisco

Board of Supervisors

Budget and Legislative Analyst

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## Policy Analysis Report

To: Supervisor Mar  
From: Budget and Legislative Analyst's Office  
Re: Homelessness and the Cost of Quality of Life Laws  
Date: June 1, 2016



### Summary of Requested Action

Your office requested that the Budget and Legislative Analyst prepare a report estimating the cost incurred by the City for enforcing quality of life law violations committed by the adult homeless population. To the extent possible, your office also requested that the Budget and Legislative Analyst analyze the nature of any changes observed and possible drivers of cost.

*For further information about this report, contact Severin Campbell at the Budget and Legislative Analyst's Office.*

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### Executive Summary

#### **Homeless Population Adversely Impacted by Quality of Life Laws**

Quality of life laws are intended to protect the well-being of residents and preserve the quality of public spaces but they adversely impact the homeless. The San Francisco Police Department identified 36 quality of life laws enforced in San Francisco, varying from sitting on public sidewalks to building illegal encampments. The Budget and Legislative Analyst defines quality of life laws using this list.

The status of being homeless indicates that an individual does not have a private home and therefore, may have no choice but to inhabit public spaces. Because quality of life laws restrict how public spaces can be used, the homeless are vulnerable to violating at least some quality of life laws. In 2015, there were approximately 6,686 homeless persons in San Francisco, a 3.9 percent increase from 2013.

#### **Current Enforcement Measures are Too Expensive**

The City incurred approximately \$20.6 million in 2015 for sanctioning homeless individuals for violating quality of life laws. This cost estimate includes resources used by six of the nine City departments involved in the enforcement process. Data was unavailable for the remaining three City departments.

The Police Department accounts for approximately 90 percent of these costs, with 60,491 quality of life incidents involving the homeless from January 2015 to

November 2015, according to data provided by the Department of Emergency Management. Of the 60,491 incidents, 0.2 percent (125) resulted in arrests and at least 8.3 percent (4,711) in citations directly attributable to the homeless population. Each case could include citations to one or more homeless individuals. Police Officers were unable to locate alleged violators in approximately 26.5 percent (15,164) of these cases. The Budget and Legislative Analyst, the Police Department, and the Department of Emergency Management agree that the number of citations issued for these violations are likely higher than 4,711. However, this report does not provide an alternative estimate due to unavailable data.

### **Two Primary Cost Drivers**

There are two main factors driving these costs. First, there has been a 34.8 percent increase in the number of incidents involving the homeless violating quality of life laws from 2014 to 2015 even though the homeless count only increased by 3.9 percent from 2013 to 2015. These incidents are initiated by resident calls to report violations and police and park patrol officers addressing violations as observed while on duty. The increase in calls and incidents could be attributed to a number of factors, such as a higher visibility of the homeless population, shift in the level of tolerance for the homeless, a higher prevalence of substance abuse among the homeless, which could lead to more aggressive interactions with the general public, among many other possibilities.

Second, police officers are required by law to respond to each call if the incident remains unresolved. Therefore, any increases in resident calls could lead to increased costs for the City. Police officers are currently the only City staff dispatched to respond to these incidents even though police officers are not trained to evaluate the complex needs of a homeless individual or to directly connect them with the social services provided by the City.

### **Limited Results from Enforcing Quality of Life Laws against the Homeless**

One of the main goals of quality of life laws was to preserve public spaces in the City. However, the number of homeless individuals considered to be unsheltered has increased from 3,016 in 2011 to 3,505 in 2015, an increase of 16 percent, limiting the effectiveness of quality of life laws. Because police officers are dispatched to incidents related to quality of life laws at an annual cost of \$18.5 million, the Board of Supervisors should consider implementing a new strategy to address these issues that shifts response to quality of life incidents from the Police Department to other City agencies, including the proposed Department of Homelessness and Supportive Housing.

*Project Staff: Latoya McDonald, Julian Metcalf, and Severin Campbell*

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## Quality of Life Laws and Homelessness in San Francisco

San Francisco has a set of quality of life laws intended to protect the well-being of residents and preserve the quality of public spaces in the City. The Police Department identified 36 quality of life laws enforced in San Francisco, varying from sitting on public sidewalks and sleeping in parks, to building illegal encampments. The Budget and Legislative Analyst defines quality of life laws using the Police Department’s list, which is detailed in Exhibit 1 below.

Quality of life laws are not unique to San Francisco, and are enacted in 186 other cities in the United States as of 2014, such as Seattle, Baltimore, and Washington, DC.<sup>1</sup> In fact, there has been an increase in the regulation of public spaces nationally, particularly with bans on loitering, panhandling, and camping in public spaces, according to a 2014 study completed by the National Law Center on Homeless and Poverty.

**Exhibit 1. Quality of Life Laws in San Francisco**

Penal Code	Description of Violation	Infraction or Misdemeanor
120.2(d)(1) MPC	Aggressively soliciting of the public	Infraction or Misdemeanor (must warn)
120.2(d)(2) MPC	20 feet away from the ATM/Check cash	Infraction or Misdemeanor (must warn)
120.2(d)(3) MPC	Median/motor vehicle	Infraction or Misdemeanor (must warn)
120.2(d)(4) MPC	Muni or parking lot	Infraction or Misdemeanor (must warn)
122 (a)MPC	Aggressive pursuit	Misdemeanor
153(a) PC	Urinate or defecate in public	Infraction
168(b) MPC	Sit/Lie during 7:00 a.m. -11:00 p.m.	Infraction or Misdemeanor
168(d) MPC	Sit/Lie during 7:00 a.m. -11:00 p.m.	Warning
21 MPC	Drinking in Public	Infraction
22(a) MPC	Obstruct street or sidewalk	Infraction
23(a) MPC	22(a) within 24 hours	Misdemeanor
22520.5 CVC	Solicit near freeway ramp	Infraction
25(a) MPC	Trespass posted sign	Infraction
25620(a) BP	Possession of open container	Infraction
26(a) MPC	25(a) within 24 hours	Misdemeanor
290.011 (a) PC	Transient 290 to register (30 days)	Misdemeanor
3.02 Park Code	Signs to be obeyed	Infraction or Misdemeanor
3.10 Park Code	Peddling without a permit	Infraction or Misdemeanor

<sup>1</sup> No Safe Place: The Criminalization of Homelessness in U.S. Cities, prepared in 2014 by the National Law Center on Homelessness and Poverty.

Penal Code	Description of Violation	Infraction or Misdemeanor
3.12 Park Code	Camping in park	Infraction or Misdemeanor
3.13 Park Code	Sleeping in park during 8:00 p.m. -8:00 a.m.	Infraction
3.21 Park Code	Hours of Operation	Infraction or Misdemeanor
33 MPC	Litter	Infraction
372 PC	Public Nuisance	Misdemeanor
374.3(a) PC	Unlawful dumping of waste	Infraction
4.10(a) Park Code	Consume alcohol in the park	Infraction or Misdemeanor
40a/b HC	Animal Nuisance	Infraction or Misdemeanor
41.15 HC	Dog License	Infraction or Misdemeanor
41.12a HC	Leash Law	Infraction or Misdemeanor
602(m) PC	Trespass	Misdemeanor
640(d)(3) PC	Urinate/defecate (transit)	Infraction
647(c) PC	Willful and malicious 22(a)	Misdemeanor
647(e) PC	Illegal Lodging	Misdemeanor
869 MPC	Peddling without a permit	Misdemeanor
647(f) PC	Drunk in Public	Misdemeanor
97(a) & (b) MPC	Vehicles for Human Habitation	Misdemeanor
1009.81 HC	Prohibiting Smoking in City Park and Recreational Areas	Infraction

Source: San Francisco Police Department.

### Homeless Population Adversely Impacted by Quality of Life Laws

In 2015, there were approximately 6,686 homeless persons in San Francisco, a 3.9 percent increase from 2013.<sup>2</sup> Of the general homeless population, 3,505 or 52 percent were considered to be unsheltered in 2015.<sup>3</sup> The status of being homeless indicates that an individual does not have a private home and therefore, may have no choice but to inhabit public spaces. Because quality of life laws restrict how public spaces can be used, the homeless are vulnerable to violating at least some quality of life laws, such as sitting or loitering on a public sidewalk.

### Purpose of the Report

The purpose of this report is to estimate the costs incurred by the City for sanctioning quality of life law violations committed by the homeless. This report also identifies the major cost drivers of enforcement to the extent possible with the data available.

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<sup>2</sup> [San Francisco Homeless Point-in-Time Count & Survey: Comprehensive Report 2015](#). This report was completed by the non-profit organization, Applied Survey Research (ASR).

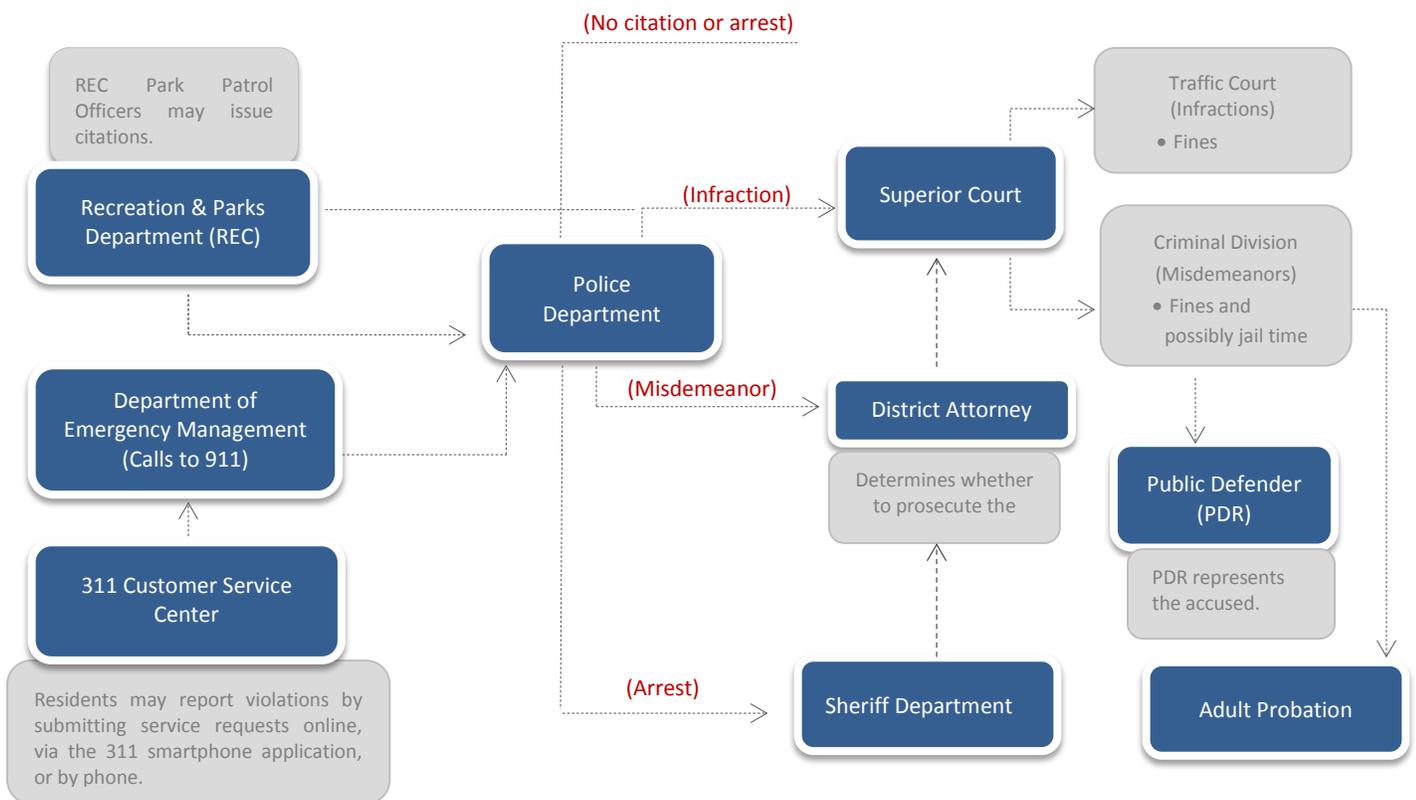
<sup>3</sup> The San Francisco Point-in-Time Count and Survey used the U.S. Department on Housing and Urban Development's definition for *sheltered*, which includes persons who are living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements.

## Local Enforcement Process

Nine City departments are involved in the enforcement of quality of life law violations as shown in Exhibit 2 below, which provides a simplified version of how City Departments coordinate to enforce quality of life laws. The Budget and Legislative Analyst consulted each of the nine Departments to better understand the roles played at each stage of the enforcement process.

Enforcement can be initiated in two ways. First, police officers and park patrol officers could observe quality of life law violations during their daily patrols and address them at that time. Alternatively, San Francisco residents could initiate the enforcement process through calls to the 311 Customer Service Center or to 911 to report violations. These violations could then be resolved over the phone or escalated, depending on the nature of the incident. The section below details the specific roles played by each of the nine City departments in the enforcement process.<sup>4</sup>

**Exhibit 2. Enforcement Process for Quality of Life Law Violations\***



Source: Budget and Legislative Analyst's Office.

\*Though it occurs infrequently, offenders can be sentenced by the Superior Court to formal probation managed by the Adult Probation Department.

<sup>4</sup> The Collaborative Courts were not included in this report as they mainly address more serious misdemeanors and felonies.

## KEY TERMS

**CITATIONS:** Police officers and park patrol officers may issue a citation, which is an official order to pay a fine and/or appear in court to address a violation(s) of a specific law(s) or regulation(s).

Officers may cite individuals with an infraction or a misdemeanor. Many laws specify whether the violator should receive an infraction, or a misdemeanor for a particular offense. However, in some cases, officers may decide how to cite violators.

**INFRACTIONS:** Infractions are considered to be a minor offense and typically include a fine but might also require an appearance in court. Infractions do not require jail or prison time.

**MISDEMEANORS:** A misdemeanor is more serious than an infraction and is considered to be a criminal offense. Misdemeanor offenders are required to pay fines and could possibly serve jail time.

## City Department Roles in the Enforcement Process

**311 Customer Service Center.** The 311 Customer Service Center was created to divert non-emergency calls from 911. The Center provides San Francisco residents, visitors, and businesses with access to information about government services.

Residents can report quality of life law violations, or any other violations, by submitting service requests using the 311 Customer Service Center website, smartphone application, or by calling the customer service number directly. If needed, calls are forwarded to the Department of Emergency Management to be resolved.

In 2015, the 311 Customer Service Center reported:

- 2,997 of the 861,156 calls received by the 311 Customer Service Center from January 2015 through December 2015, or 0.35 percent were homeless-related. A review of the call data showed that the complaints were primarily driven by quality of life law violations.
- Estimated costs of \$43,946 to respond to requests related to the homeless. The \$43,946 costs include staff time as well as maintenance of the 311 website and the smartphone application.

**Department of Emergency Management.** Most resident complaints about quality of life violations committed by the homeless are reported by calling 911, which is the emergency call center managed by the Department of Emergency Management. The Department of Emergency Management either resolves issues over the phone or escalates incidents by dispatching police, fire, or medical personnel.

The Department of Emergency Management does not track every call, but does track the incidents created as a result of a call. Incidents refer to cases where staff had to resolve an issue on the phone and in some cases, request that police officers travel to the location of the incident.

In 2015, the Department of Emergency Management reported:

- 60,491 incidents recorded as quality of life violations involving homeless individuals for the 11-month period from January 2015 to November 2015;<sup>5</sup> and
- Estimated costs of \$1,833,098 to respond to calls regarding quality of life law violations committed by the homeless.

**Recreation and Park Department.** Park patrol officers may cite individuals who violate quality of life laws in any of the City's parks and recreational spaces. If an offender is uncooperative, park patrol officers may request

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<sup>5</sup> According to the Department of Emergency Management, these 60,491 incidents represent 6.5 percent of an estimated 930,631 incidents reported to the Department.

that the Police Department intervene.

In Fiscal Year (FY) 2014-15, the Recreation and Park Department reported:

- 1,811 citations issued by park patrol officers for sleeping and prohibited camping in parks. .
- Estimated costs of \$188,777 for two park patrol officers dedicated to homeless outreach in Golden Gate Park. The Department incurs additional unquantified costs for other park patrol officers' responses to quality of life incidents.

**Police Department.** Police officers are required by law to respond to all unresolved complaints related to quality of life law violations. Police officers who are dispatched to quality of life incidents may issue warnings, abate unlawful activity, issue citations, and carry out arrests.

The Police Department has a set of Outreach Officers, with the sole responsibility of responding to homelessness-related incidents in the City. The Outreach Officers are divided into ten community-specific teams that patrol designated areas and a smaller unit at Field Operations Bureau based out of the Police Headquarters.<sup>6</sup> The Outreach Officers do not connect the homeless with social services but does accompany the Department of Public Works street cleaning team and the Department of Public's Health's Homeless Outreach team on a daily basis.<sup>7</sup>

In 2015, the Department of Emergency Management reported:

- 60,491 quality of life incidents involving homeless individuals for the 11-month period from January 2015 to December 2015, of which police officers were dispatched to 57,249 or 94.6 percent.
- A small proportion of incidents to which police officers were dispatched resulted in arrests or citations. Of the 57,249 dispatches, police officers issued citations in 4,711 of these cases that were directly attributable to the homeless (8.2 percent of dispatches) and carried out arrests in 125 of these cases (0.2 percent of dispatches). Each case could include citations to one or more homeless individuals.<sup>8</sup>
- Of the 57,249 dispatches, police officers could not locate individuals for 15,164 dispatches, or 26.5 percent.

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<sup>6</sup> The ten community areas include Bayview, the Mission, Ingleside, Northern San Francisco, Southern San Francisco, Central San Francisco, Park, Richmond, Taraval, and the Tenderloin.

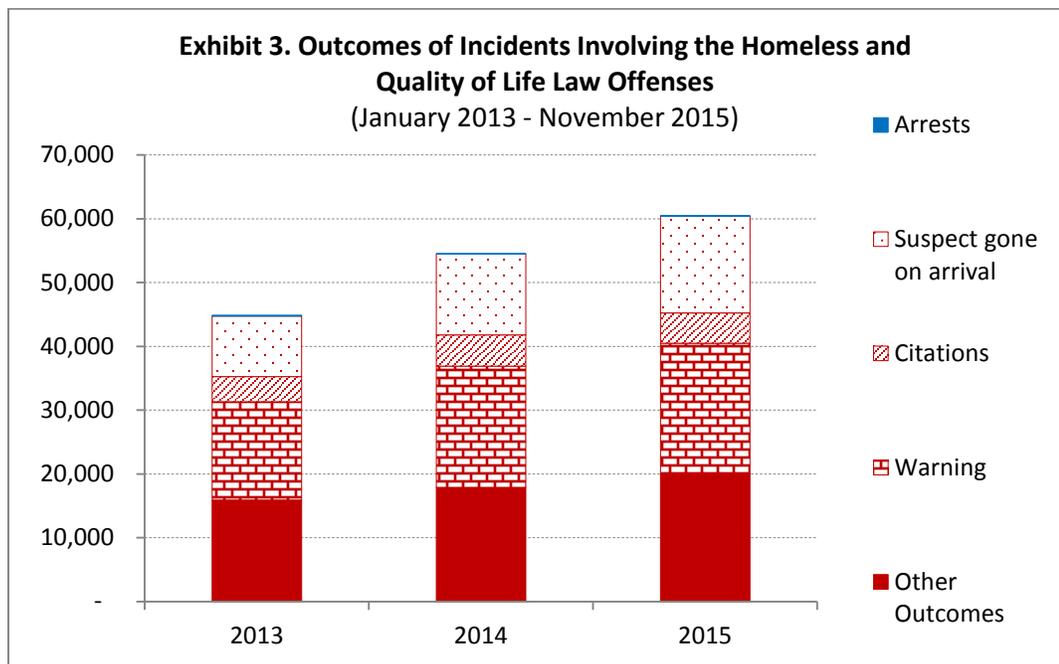
<sup>7</sup> The Police Department's Outreach Officers comprises 28 full-time staff for a total cost of approximately \$4.8 million in FY 2014-15. In 2015, the Outreach Officers responded to 14.7 percent of reports to 911 about quality of life law violations committed by the homeless, which represents an 11.7 increase from 2013.

<sup>8</sup> As noted below, from January 2015 to September 2015 (a nine month period), the Police Department issued 20,796 citations for the 36 quality of life laws identified in Exhibit 1. The five most common violations included drinking in public, obstructing the sidewalk, loitering, and camping and sleeping in prohibited areas. However, the Police Department does not record the housing status of the individual who is cited, and therefore, there is no rigorous method available at this time to determine the proportion of violators who were homeless.

In 2015, the Police Department reported:

- Estimated costs of \$18,541,324 to respond to incidents involving the homeless with quality of life violations.

The low citation and arrest rates of the homeless violating quality of life laws could indicate that police response to these offenses may not be necessary. If this is the case, the Board of Supervisors should consider whether the local quality of life laws are still needed in their current form, or if they should be revised. Exhibit 3 summarizes the outcomes of incidents involving homeless persons who violate quality of life laws. Other outcomes include police officers requesting that the homeless relocate, police officers convincing the homeless to abate unlawful activity, or police officers concluding that there was no merit in the reported violation.<sup>9</sup>



Source: Department of Emergency Management.

The Budget and Legislative Analyst, the Police Department, and the Department of Emergency Management agree that the number of citations issued to the homeless for these violations is likely higher than the 4,711 cases captured in the data provided by the Department of Emergency Management. The Police Department tracks the number of citations issued but not the housing status of the individuals cited. From January 2015 to September 2015 (a nine month period), the Police Department issued 20,796 citations for the 36 quality of life laws identified in Exhibit 1. The five most common violations included drinking in public, obstructing the sidewalk, loitering, and camping and sleeping in prohibited

<sup>9</sup> There was an additional outcome recorded by police officers as “handled”. “Handled” could refer to a variety of outcomes, whether a citations, the reported individual vacating the scene prior to police arrival, or abating the unlawful activity. There was no data available to provide further details on those incidents recorded as “handled”.

areas. However, there is no rigorous method available at this time to determine the proportion of violators who were homeless.

**Superior Court.** The Superior Court processes citations for all quality of life law violations. Within the Superior Court, infractions are managed by the Traffic Court, while misdemeanor cases are handled by the Criminal Division. Those who receive an infraction are required to pay a fine and may be summoned to appear in Traffic Court, if a payment is not received. Those charged with a misdemeanor are fined and may face jail time.

In the past, a bench warrant for arrest was issued for those with infractions who did not attend Traffic Court. However, as of Fall 2015, those who fail to appear in Traffic Court are simply fined. The Superior Court forwards the cases of violators who do not pay issued fines to its contracted collections vendor for collections.

The Traffic Division is unable to access the housing status or information about cited individuals. The Criminal Division of the Superior Court was also unable to provide the number of homeless persons with misdemeanors for quality of life law violations. For this reason, the Budget and Legislative Analyst was not able to estimate the cost incurred by the Superior Court for processing citations issued to the homeless for quality of life law violations.

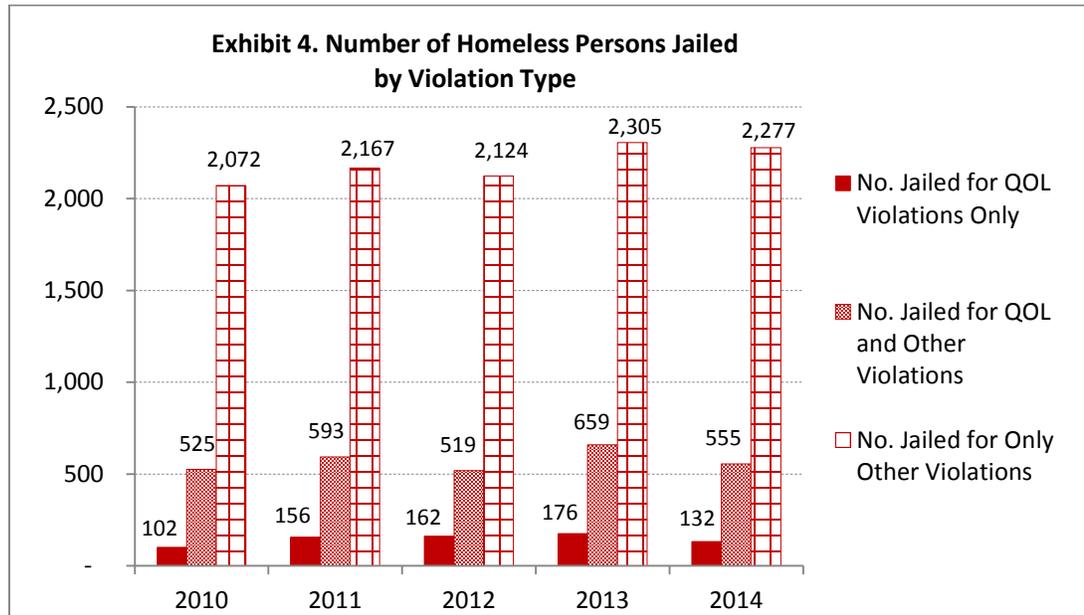
**Sheriff Department.** Some quality of life violation cases result in arrest, depending on the response deemed appropriate by the police officers. In these cases, the violators are transported by police officers to the county jail under the jurisdiction of the Sheriff's Department. The Sheriff's Department also has an emergency call line exclusively dedicated to San Francisco General Hospital and City Hall, which receives some calls related to quality of life law violations by the homeless.

In 2015, the Sheriff's Department reported:

- 62 homeless individuals, charged with quality of life violations only, serving a total of 78 days for the six-month period from January 2015 to June 2015. This is comparable to 2014 data, in which 132 homeless individuals, charged with quality of life violations only, served a total of 189 days for the 12-month period from January 2014 to December 2014.
- Estimated costs of \$14,430 for jail time for the six-month period from January 2015 to June 2015. This is comparable to 2014 data, which showed estimated costs of \$34,965 for jail time for the 12-month period from January 2014 to December 2014. This estimate includes any costs related to staff time, administrative and resource expenses, and any jail health services that this group of homeless individuals might have received.

The Budget and Legislative Analyst also used booking data from the Sheriff's Department to examine booking trends, given the limitations of the Department of Emergency Management incident data concerning arrests. The booking data includes cases where police officers arrested an individual and took them to jail

for a particular offense.<sup>10</sup> While there were over 2,000 homeless individuals jailed annually for quality of law offenses from 2011 to 2014, most were jailed for other violations, which typically included felonies. From 2010 to 2014 on average only 5.0 percent of all jailed homeless individuals were only booked on quality of life law (QOL) violations from 2010 to 2014. Exhibit 4 below shows the types of violations for which homeless individuals were jailed.



Source: Sheriff's Department.

**District Attorney.** The District Attorney's Office prosecutes misdemeanor and felony cases. In 2015, the District Attorney had 13 cases that only involved quality of life offenses. The Neighborhood Courts, housed within the District Attorney, had two such cases in 2015. However, the District Attorney does not track the housing status of the individuals that it prosecutes. Therefore, the Budget and Legislative Analyst was not able to estimate the cost of serving these individuals.

**Public Defender.** The Public Defender represents indigent clients charged with misdemeanor and felony offenses. The Public Defender does not represent individuals who are charged only with infractions. The Public Defender maintains paper-based files for misdemeanor and felony cases and does not have data readily available on the number of clients organized by violation. While information about housing is obtained during initial client interviews, clients' housing status is not formally tracked. For these reasons, the Budget and Legislative Analyst was unable to identify the number of relevant cases and estimate the costs incurred by the Public Defender for homeless clients.

<sup>10</sup> There are cases where police officers initially arrest an individual but subsequently release them to hospital for a variety of reasons that lead them to conclude that an arrest would not be the appropriate action. An example could be rerouting an individual to the hospital for mental health services. These instances are not included in the data as these individuals were not taken to jail.

**Adult Probation.** The Adult Probation Department is responsible for community supervision of individuals charged with misdemeanors and felonies and sentenced by the Superior Court to probation. To successfully exit the criminal justice system, Adult Probation Department clients must fulfill all probation requirements, which may require regular check-ins, abatement of all criminal activities, among other demands. The Department also offers a number of social services such as educational services, employment readiness training, and housing services.

Homeless persons who only have misdemeanors for quality of life law violations are not typically served by the Adult Probation Department. While the Department had 837 clients who reported being homeless or who were in supportive housing as of December 2015, only one client had only violated a quality of life law. Each client at the Adult Probation Departments costs approximately \$6,400 on average, including staff time, supplies, general administration and other related costs.

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## Annual Cost of Enforcing Quality of Life Violations Against the Homeless

The City incurred approximately \$20,648,510 in 2015 for sanctioning homeless individuals for violating quality of life laws, as shown in Exhibit 5 below.<sup>11</sup> This cost estimate consists of the costs incurred by the nine City departments noted above.

### Exhibit 5. Summary of Enforcement Costs by Department

	City Department	Annual Estimated Enforcement Costs
1	311 Customer Service Center	\$43,946
2	Adult Probation	\$6,400
3	Department of Emergency Management	\$1,833,098
4	District Attorney	Unavailable
5	Police Department	\$18,541,324
6	Public Defender	Unavailable
7	Recreation and Parks Department	\$188,777
8	Sheriff Department	\$34,965
9	Superior Court	Unavailable
	<b>Total</b>	<b>\$20,648,510</b>

Source: Data and information from 311 Customer Service Center, Recreation and Parks Department, Department of Emergency Management, the Police Department, the Superior Court, the Sheriff, the Public Defender, the District Attorney, and the Adult Probation Department.

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<sup>11</sup> A detailed explanation of the Budget and Legislative Analyst's methodology is provided in Appendix I.

## **Data Considerations and Limitations**

### **Incident Data**

The Budget and Legislative Analyst used incident data from the Department of Emergency Management to estimate the costs incurred by the Department of Emergency Management and the Police Department. The Department of Emergency Management only tracks the incidents created as a result of calls and estimates that there are approximately 40 percent more calls than incidents. Despite this limitation, the Department of Emergency Management advises that the incident data does provide a reasonable estimate as calls not resulting in incidents tend to be shorter in duration, and police officers are not dispatched for calls not resulting in incidents. Furthermore, there are many incidents that create a high number of simultaneous or sequential calls to report the same incident such as fires, shootings, or homeless-related incidents. The Budget and Legislative Analyst excluded duplicative incidents from the data.

### **Selection of Incident Codes**

Each call to the Department of Emergency Management or the 311 Customer Service Center is categorized with a specific code. The Budget and Legislative Analyst consulted with the Police Department and the Department of Emergency Management to identify incident codes for quality of life law offenses committed by the homeless. Consistent with the advice of these two Departments, the Budget and Legislative Analyst chose to only include aggressive panhandling (920), sit/lie violations (919), and an all-encompassing code specific to the homeless (915) viewed primarily as quality of life law offenses. These were the only incident codes viewed as solely related to the homeless involved in quality of life law violations.

Other suggested codes included trespassing, or reporting individuals who were suspicious or who may be mentally disturbed. While the Budget and Legislative Analyst agrees that a portion of those incidents may include the homeless, there is no method to determine what proportion of those cases is specific to homeless individuals. Similarly, there is no data marker to indicate whether medical calls involve a homeless individual or not. For this reason, medical calls were not included in the analysis. Further details on the methodology are provided in Appendix I.

### **Citation and Arrest Statistics**

The Department of Emergency Management advised that the incident data may not capture all citations and arrests as police officers may not routinely record the outcome of every incident. However, the Budget and Legislative Analyst also analyzed booking statistics from the Sheriff's Department, which are in line with the incident data from the Department of Emergency Management. For citations, there may be a gap due to unavailable data. The Budget and Legislative Analyst anticipates that the number of citations issued to the homeless for these violations is likely higher than the cases captured in the data provided by the Department of Emergency Management. While the Superior Court was able to

provide the number of citations issued for each violation from January 2013 through October 2015, the Superior Court was unable to identify cases specifically related to the homeless.<sup>12</sup> The Police Department tracks the number of citations issued but not the housing status of the individuals cited. There is no rigorous method available at this time to determine how many of these individuals were homeless. However, these statistics do provide some insight into the outcomes of police involvement in these incidents.

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## Policy Considerations

### Current Enforcement Measures are Too Expensive

Enforcement of quality of life laws against the homeless costs the City an estimated \$20.6 million in 2015, as shown in Exhibit 5. The Police Department accounts for approximately 90 percent of those costs, with two main factors driving the expenditures.

#### Cost Driver 1: Significant Increase in Yearly Incidents Involving Quality of Life Law Violations by the Homeless

Overall, the number of incidents due to the homeless violating quality of life laws increased by 34.8 percent from 2013 to 2015, as shown in Exhibit 6 below.<sup>13</sup> Because police officers are required by law to respond to each call if the incident remains unresolved, any increases in resident calls will lead to increased costs for the City.

#### Exhibit 6. Volume of Quality of Life Law Incidents with the Homeless (January 2013 to November 2015)

	2013	2014	2015	Percentage Change from 2013-2015
All Encompassing Homelessness Code	36,194	44,740	51,222	41.5%
Sit/Lie	7,134	8,347	8,053	12.9%
Aggressive Panhandling	1,535	1,477	1,216	-20.8%
<b>Total</b>	<b>44,863</b>	<b>54,564</b>	<b>60,491</b>	<b>34.8%</b>

Source: Department of Emergency Management.

While the number of incidents related to homelessness increased by 34.8 percent between 2013 and 2015, the homeless count in San Francisco, only increased by 3.6 percent from 2011 to 2015.<sup>14</sup> The increase in incidents could be attributed to a

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<sup>12</sup> Using the quality of life laws listed in Exhibit 1, there were 17,082 citations issued in 2013, 24,153, in 2014, and 19,349 from January 2015 to October 2015. The Superior Court was unable to specify the proportion of these citations issued to the homeless.

<sup>13</sup> Incident data for 2015 only included information from January 2015 to November 2015. December 2015 was unavailable.

<sup>14</sup> Homeless Point-In-Time Count & Survey: Comprehensive Report 2015, produced by Applied Survey Research, a non-profit, social research firm.

number of factors, such as a higher visibility of the homeless population, shift in the level of tolerance for the homeless, and a higher prevalence of substance abuse among the homeless, which could lead to more aggressive interactions with the general public, among many other possibilities.

#### **Cost Driver 2: Almost all Incidents Result in Police Dispatches**

In 2015, police officers were dispatched to 57,249 or 94.6 percent of all incidents involving the homeless violating quality of life laws. Police officers are currently the only City staff dispatched to respond to these incidents even though police officers are not trained to evaluate the complex needs of a homeless individual or to directly connect them with the social services provided by the City. Because of the high cost of police resources, the current use of police resources to respond to quality of life incidents relating to the homeless will continue to generate high costs for the City.

#### **Limited Results from Enforcing Quality of Life Laws against the Homeless**

One of the main goals of quality of life laws was to preserve public spaces in the City. However, the number of homeless living on the streets has increased from 3,016 in 2011 to 3,505 in 2015, an increase of 16 percent, limiting the effectiveness of quality of life laws. Because police officers are dispatched to incidents related to quality of life laws at an annual cost of \$18.5 million, the Board of Supervisors should consider implementing a new strategy to address these issues that shifts response to quality of life incidents from the Police Department to other City agencies, including the proposed Department of Homelessness and Supportive Housing.

## Appendix I. Methodology

### A. Identifying the Homeless Population in the Criminal Justice System

Only the Adult Probation Department systematically tracks the housing status of their clients. Because of the lack of robust data on housing status, the Budget and Legislative Analyst created a methodology to identify and estimate the number of homeless individuals in the local criminal justice system.

To identify the homeless, the Budget and Legislative Analyst used a list of addresses for 77 shelters and supportive housing sites shared by the Department of Public Health as a proxy for “homeless”. While this method does provide a good overview of the number of homeless persons in the system, there are limitations. First, the Budget and Legislative Analyst chose to include individuals in supportive housing as homeless, even though this population is typically considered to be housed. However, the housing status of this population is often in flux, and therefore, the addresses of supportive housing sites and shelters are a good proxy for individuals who were at the very least, recently homeless.

Second, some homeless persons may have left the address field blank or inputted an inaccurate address. For this reason, the Budget and Legislative Analyst may not have captured the entire homeless population in the local criminal justice system. We did not include blank addresses as the Police Department and the Sheriff’s Department advised that there are instances where people are in shock or simply not in a state to fully disclose all of their information. Therefore, a blank address may not necessarily indicate that a person is homeless.

The Budget and Legislative Analyst requested that the Sheriff’s Department and Recreation and Parks Department use this list to identify those clients with matching addresses, as these two Departments maintained the home addresses of their clients. These two Departments also shared clients who described their address as “homeless” or “transient” or any other marker that might indicate that the client was homeless, as well as the offenses committed by each of the clients over a given time period.

### B. Identifying Quality of Life Laws

The Police Department provided the Budget and Legislative Analyst with a list of 36 common quality of life laws active in San Francisco, as shown in Exhibit 1 of this report. The Budget and Legislative Analyst used this list as a working definition of quality of life laws enforced in the City.

### C. Estimating City Departments Costs Using an Average Cost per Person (Sheriff Department and Adult Probation Department)

The Budget and Legislative Analyst used one of two methods to estimate the cost incurred by each participating City Department to enforce quality of life laws committed by the homeless.

When possible, the Budget and Legislative Analyst used the estimated average cost per person provided by City Departments to calculate the annual costs incurred. The Budget and Legislative Analyst views this method as the most comprehensive as it not only captures staff time, but also any administrative and miscellaneous costs for enforcement. The Budget and Legislative Analyst Office used this method for the Adult Probation Department and the Sheriff's Department. However, this estimate was not available for the remaining seven City Departments involved in the enforcement process.

To calculate the annual costs incurred by a City Department using this method, the Budget and Legislative Analyst multiplied the average cost per person by the total number of homeless individuals who only violated quality of life laws. The Budget and Legislative Analyst did not include clients who violated quality of life laws, and were also booked on other misdemeanors or felonies, as in these cases, the quality of life law violations were not the reason for arrest.

**Adult Probation Department**

(Average Cost Per Person x Number of Homeless Persons) = \$6,400 x 1  
\*As of December 2015

**Sheriff's Department**

(Cost per day in Jail x Number of Homeless Persons) = \$185 x 189 = \$34,965  
\*2014 data

**D. Estimating City Department Costs Using Staff Time and Workload**

(Department of Emergency Management, the Police Department Recreation and Parks Department & 311 Customer Service Center)

The Budget and Legislative Analyst estimated the associated costs using the proportion of staff time spent addressing these violations relative to other duties. There were two ways to compute these estimates.

For the Recreation and Parks Department, the Budget and Legislative Analyst used the salaries of the two full-time Park Patrol Officers dedicated to homeless outreach to estimate the costs incurred.

**Recreation and Parks Department**

Cost per Park Patrol Officer assigned to Homeless Outreach x Number of Park Patrol Officers assigned to Homeless Outreach = \$94,389 x 2 = \$188,777  
\*Using the annual salaries budget for FY 2014-2015

For the Police Department, the Department of Emergency Management, and 311 Customer Service Center, the Budget and Legislative Analyst used incident data to estimate the proportion of time spent by staff members to respond specifically to incidents involving the homeless violating quality of life laws, as a proportion of the overall program budget.

### **Department of Emergency Management (DEM)**

$((0.42 \times 0.065) + (0.58 \times 0.063)) \times$  DEM Emergency Communications Budget

The Department of Emergency Management estimated that the team spends approximating 42 percent of their time taking calls, and the remaining 58 percent on resolving incidents (dispatching).

6.5 percent of incidents were related to the homeless violating quality of life laws, and are used as an estimated for the percentage of calls related to these issued. 6.3 percent of dispatches were related to these cases.

### **Police Department**

(1) 2015 Patrol Budget  $\times$  6.5% (percent of all incidents related to the homeless and quality of life laws) = Result (A)

(2) Result (A)  $\times$  0.95 (Percent of 911 Incidents resulting in Police Dispatch)

Patrol Budget includes Outreach Officers, administrative costs, miscellaneous resource expenses, as well as other Patrol Officer time)

### **311 Customer Service Center**

% of calls related to the homeless (.35%)  $\times$  311 Annual Budget

The cost estimate for the 311 Customer Service Center might be above or below actual expenses incurred as staff complete a variety of functions because the 311 Customer Service Center does not track staff time used to respond to calls.

## **E. Data Considerations and Limitations**

### **Incident Data**

The Budget and Legislative Analyst used incident data from the Department of Emergency Management to estimate the costs incurred by the Department of Emergency Management and the Police Department. The Department of Emergency Management only tracks the incidents created as a result of calls and estimates that there are approximately 40 percent more calls than incidents. Despite this limitation, the Department of Emergency Management advises that the incident data does provide a reasonable estimate as calls not resulting in incidents tend to be shorter in duration, and police officers are not dispatched for calls not resulting in incidents. Furthermore, there are many incidents that create a high number of simultaneous or sequential calls to report the same incident such as fires, shootings, or homeless-related incidents. The Budget and Legislative Analyst excluded duplicative incidents from the data.

### **Selection of Incident Codes**

Each call to the Department of Emergency Management or the 311 Customer Service Center is categorized with a specific code. The Budget and Legislative Analyst consulted with the Police Department and the Department of Emergency Management to identify incident codes for quality of life law offenses committed by the homeless. Consistent with the advice of these two Departments, the Budget and Legislative Analyst chose to only include aggressive panhandling (920), sit/lie violations (919), and an all-encompassing code specific to the homeless (915) viewed primarily as quality of life law offenses. These were the only incident codes viewed as solely related to the homeless involved in quality of life law violations.

Other suggested codes included trespassing, or reporting individuals who were suspicious or who may be mentally disturbed. While the Budget and Legislative Analyst agrees that a portion of those incidents may include the homeless, there is no method to determine what proportion of those cases is specific to homeless individuals. Similarly, there is no data marker to indicate whether medical calls involve a homeless individual or not. For this reason, medical calls were not included in the analysis. Further details on the methodology are provided in Appendix I.

### **Citation and Arrest Statistics**

The Department of Emergency Management advised that the incident data may not capture all citations and arrests as police officers may not routinely record the outcome of every incident. However, the Budget and Legislative Analyst also analyzed booking statistics from the Sheriff's Department, which are in line with the incident data from the Department of Emergency Management. For citations, there may be a gap due to unavailable data. The Budget and Legislative Analyst anticipates that the number of citations issued to the homeless for these violations is likely higher than the cases captured in the data provided by the Department of Emergency Management. While the Superior Court was able to provide the number of citations issued for each violation from January 2013 through October 2015, the Superior Court was unable to identify cases specifically related to the homeless. The Police Department tracks the number of citations issued but not the housing status of the individuals cited. There is no rigorous method available at this time to determine how many of these individuals were homeless. However, these statistics do provide some insight into the outcomes of police involvement in these incidents.