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**SENT VIA EMAIL:**

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Dear Mayor Hancock, Denver City Council, and other City officials:

The ACLU of Colorado is deeply disappointed in the policing-first approach to homelessness that is currently being practiced by the City of Denver. We are especially disturbed by the City's inexcusable use of a fund that contained private donations intended to provide aid and services to the homeless to instead subject unhoused persons to sweeps, harassment, and seizure of their personal possessions, as [reported on July 1 by CBS4 Denver](#). It is time for Denver to rethink its approach to homelessness by listening to unhoused persons and their advocates, ending policies that effectively criminalize poverty and homelessness, and practicing greater transparency and accountability in its use of funds for homeless services.

The use of funds from the Homeless Services Donation Fund for sweeps and confiscation of property was not a mere accounting error, as the City has publicly claimed. Records obtained by the ACLU of Colorado show that emails recommending and eventually approving this misuse of funds were circulated among several high-ranking city officials including Deputy Chief of Staff Evan Dreyer and Chief Financial Officer Brendan Hanlon, without a single objection. In fact, the City decided to change course only after it was clear that the misuse of funds was about to be made public. In addition to the unethical and potentially unlawful misuse of funds contributed by private donors, this incident illustrates a pervasive callousness toward the lives of persons experiencing homelessness that appears to have eclipsed the promises found on the [Denver's Road Home website](#), many of which appear to be outdated or false.

The strategy of using law enforcement as the primary response to homelessness in Denver is obviously ineffective, doing nothing to address underlying causes. Sweeps that keep people who are homeless constantly on the move often disconnect them from services, and confiscation of property, citations and arrests, fines and fees, and prohibitions on peaceful sleep and personal shelter only make underlying problems for unhoused persons worse.

Public shelters are an important element of services to address homelessness, but an overreliance on shelters as the only acceptable alternative to jail for people who are unhoused is part of the problem. Because shelters are often crowded, counting floor mats as beds, lacking in privacy, unable to accommodate the possessions of many unhoused persons, prohibited to some individuals and inappropriate for others, shelters cannot be the only place for people without a home to legally sleep. It is not inherently criminal to sleep outdoors, but it is a constant complaint of people experiencing homelessness in Denver that they are repeatedly told to “move along” but never told where else they can go. And even on nights when not all beds are full, it remains the case that there is not enough room in Denver shelters for all of Denver’s homeless population.

Denver clearly has a need for more affordable housing, but promises of affordable housing in the future do not address immediate needs, and much of what is called affordable housing is still unaffordable for most people who are homeless. There must be more accessible alternatives both now and in the future.

Rather than relying primarily on policing, overcrowded jails and shelters, and promises of affordable housing someday as Denver’s approach to homelessness, the ACLU would suggest the following:

- Repeal or scale back the camping ban and other ordinances that make it illegal to do nearly everything a person experiencing homelessness must do to survive, including sleep.
- Improve accountability and transparency of city use of funds for homeless services. The CBS4 report raises questions about whether the city can be trusted to ensure that donations intended for homeless services are actually used for those services. The city must do better to demonstrate that its promises and commitments to homeless services are real.
- Reduce the use of policing as a primary response to homelessness, recognizing that even people without a home have basic human rights and civil liberties, including the right to own personal possessions. Denver jails are full enough already, and even when arrests are not made, overly-broad ordinances lead to extensive harassment of people who are homeless. According to [data collected by Westword](#), police invoked the camping ban 1,972 times in the first four months of 2016 alone to move people along with no place to go. Policing should be focused on actual threats to public safety, not basic human acts like lying, sitting, or leaning.
- Develop more effective services by listening to unhoused persons themselves and to their advocates and direct service providers. Denver’s Commission on Homelessness has too often been marginalized when considering solutions to end homelessness. Homeless advocates have proposed a range of strategies from tiny home villages or legal camping locations to storage and laundry options, 24-hour restrooms, day-use facilities, mental health services, housing first, and other ideas that have been met with reluctance in Denver despite having success in other cities. Denver should give well-researched, vetted ideas serious consideration before wasting public funds on ineffective solutions like “sweeps” to move unhoused persons out of sight and out of mind.

People experiencing homelessness are not things to be discarded or swept away. They are families, children, veterans, people laid off from jobs, people with minimum wage income who

can't afford a place to live, people facing health or family crises, and people struggling in countless other ways that do not make them less than human. A desire not to see or be bothered by people who are homeless is not sufficient to justify denial of basic rights and dignity, and a policing-first model is ineffective, inhumane, and a threat to civil liberties. The ACLU of Colorado affirms the rights and civil liberties of all persons, including people who are impacted by homelessness and poverty, and it is time for the City of Denver to do so as well.

Sincerely,



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