TOO HIGH A PRICE
WHAT CRIMINALIZING HOMELESSNESS COSTS COLORADO:
COLORADO SPRINGS CITY SPOTLIGHT
Colorado Springs is the second most populous city in Colorado. It is located just 60 miles south of Denver and abuts the east side of the Rocky Mountains. It has a stable economy that is heavily influenced by both tourism and a strong military presence. James Dobson’s national Christian organization, Focus on the Family, is also located in the city and contributes to its overall Christian-conservative reputation.

Colorado Springs also has one of the more inconsistent relationships with its homeless population. Although it has an active police outreach program that is trained to assist its homeless residents, just days before this Report printed, its City Council expanded one of its ordinances to make sitting and lying in the downtown and Old Colorado Springs areas a crime. As one homeless citizen observed to the local paper, “That means wherever you go, you will be ticketed.”

Each year, the Colorado Springs/El Paso County Continuum of Care conducts a point in time count of homeless individuals in the area. The last count indicates that there are 1,219 homeless residents living in El Paso County, and 254 of those individuals were children under the age of eighteen. Another 150 of them were veterans. The same count also indicates that 269 of these individuals were unsheltered and had to sleep somewhere outdoors, and that 166 of the unsheltered are chronically homeless.

Colorado Springs has ten municipal ordinances that criminalize fourteen categories of behaviors associated with homelessness.

From 2010 to 2014, a total of 1,004 citations were issued to individuals under nine of these municipal ordinances. The majority of citations were issued under Section 4.2.102, which prohibits entering or remaining in public parks, outside the daytime hours 5:00 a.m. and 9:00 p.m. (in winter months) and 11:00 p.m. (in summer months). Violations of this ordinance may result in up to a $50 fine, and $100 bond fee.
Despite numerous attempts, we were unable to obtain enough data from the Colorado Springs Police Department (‘CSPD’) to determine how many of citations were issued to homeless persons. But due to the nature of the activities they prohibit, and given other cities’ citation history, it is likely that most of the charted citations were issued to homeless individuals.

The number of citations issued under the nine municipal ordinances identified as anti-homeless has doubled since 2010. In 2010, 152 total citations were issued to individuals, compared with 294 citations that were issued in 2014. The number of citations issued specifically for camping or violating park hours has noticeably grown. Camping citations grew from four in 2010 to thirty-one in 2014, while citations for violating park hours grew from eighty-eight in 2010 to 192 in 2014. These trends are troubling because the overall number of citations issued under all city municipal ordinances has dropped in the same time period.\textsuperscript{15}
Alterative Enforcement

In contrast to the increasing enforcement and criminalization of homelessness, Colorado Springs has also attempted to positively impact homelessness directly. First, the CSPD developed a Homeless Outreach Team (“HOT”) in 2009 to coordinate efforts among service providers and to reduce the number of homeless persons camping on public lands. In 2010, the city’s HOT team was recognized with the International Herman Goldstein Award for Excellence in Problem Oriented Policing, and it trains other outreach teams across the United States—including in Grand Junction. An outreach team member recently stated that in working with the homeless population, they would not enforce the city’s no-camping ordinance if a shelter bed was not available. However, this does not help individuals who cannot go to a shelter for various reasons (e.g. they have a pet, mental illness, or do not meet shelter policy). Further, as the data above show, other anti-homeless enforcement exists beyond the camping ban, such as the loitering and park hours ordinances. Even without enforcing the camping ban, CSPD officers have tools to penalize individuals for resting or sleeping in public places.
In January 2014, Colorado Springs Mayor Steve Bach announced a two-year initiative to address homelessness in the city. Under this plan, the city would set aside five million dollars – largely in federal grants – to vastly increase the city's day services, emergency shelter beds and access to affordable housing, especially for homeless veterans. Most agree that these services will have a positive impact on the local homeless community; however, part of the Mayor's plan includes an increase in ‘police patrols, lighting and security in areas where the homeless often gather.’ Thus, Colorado Springs will continue to target and criminalize homeless individuals differently than the rest of the population.

**A Debtor’s Prison**

Despite the city’s benevolent efforts, unfair and disproportionate enforcement still persists. In October 2015, the ACLU accused the city of running a “debtor’s prison.” An ACLU investigation found that since January 2014, Colorado Springs courts had fined an individual for violating a city ordinance at least 800 times, and then converted that fine into a “pay or serve” sentence when the individual did not pay. The ACLU found that “in 75% of the pay-or-serve sentences, defendants were jailed even though city code indicates they are fine-only offenses.” Fine-only offenses include violations for park curfews and solicitation. The cost of processing and jailing these individuals undoubtedly exceeds any revenue or social benefit the city would receive from a park curfew fine.

This practice is nothing new. In 2011, a Colorado Springs’ outreach team members noted the following about the enforcement of the city’s ordinances:

> Strict enforcement of the local ordinances would inevitably lead to the issuance of citations, which the majority of time went unpaid. The result was: jail time for the homeless individual, which was paid for by the city; a disruption of any social benefit for the homeless person, if any was being received; a drain on city services; and growing distrust between the homeless and the police.

Despite awareness of these issues, Colorado Springs City Council continues to pass punitive ordinances that target homeless residents. As noted above, on February 9, 2016, the Colorado Springs City Council revised one of its anti-homeless ordinances to expand the prohibition of sitting and lying on sidewalks, curbs, alleys or streets to all areas of the downtown and Old Colorado City business districts. Violators face a one-time written warning prior to being issued a $500 fine for any subsequent offenses, as well as 90 days in jail.

Many proponents of the sit/lie ordinance are downtown business owners who have economic motivations. In an interview, one business owner stated that her and her husband “are compassionate to the plight of the population,” but “when [they start] affecting our bottom line, our customers, our business, then we’ve got to do something.” Opposing this view, a majority of people at a recent public hearing pushed back. Although their voices were not enough to stop the new anti-homeless ordinance from passing, they were enough to cause the City Council to reduce the fine to a maximum of $500. However, as the ACLU case illustrates, unpaid fines can still lead to a debtor’s prison.

In sum, Colorado Springs spends significant resources ticketing and incarcerating persons for engaging in necessary life-sustaining activities, such as sleeping, panhandling, and sitting in public areas. At the same time, city officials seem well aware of the issues associated with these practices. The city has admirably attempted to start increasing services and outreach for homeless individuals. Despite these efforts, the number of people ticketed and jailed every year continues to grow.
ENDNOTES


3 QuickFacts, supra note 1.

4 The last count was taken on January 26, 2014.


7 Id.

8 Id.


10 Id.

11 Id.

12 For a list of anti-homeless ordinances in Fort Collins and across the state, see http://www.law.du.edu/documents/homeless-advocacy-policy-project/chart/Ordinance-Count.html.

13 CSPD only responded to three of the five questions that we submitted, providing no data on homeless individuals cited under all ordinances or homeless individuals cited under these nine specific ordinances. Additionally the CSPD also failed to provide any data for citations issued under Section 9.6.105, which prohibits urination or defecation in public. Follow up questions received no response from CSPD.


15 In 2010, 40,453 total citations were issued. In 2014, only 39,891 citations were issued.


17 Id.


19 Id.


21 Id.

22 Id.


25 Id.


Rodgers, supra note 6.

Id.


Id.

Id.

Id.

Id.

Id.


Id.