

## CRIMINALIZED SLEEP

Economics and a failure of state and local safety nets have increased the number of unhoused people on Eugene streets and potential conflicts with police. The records don't indicate where the violations took place, but Eugene police's data suggest a lot of the citations and arrests occur in downtown.

It's here that Eugene police say they have increased their efforts to work with people in need rather than turn to their ticket books or handcuffs.

Officer Bo Rankin is assigned to the downtown team, where he patrols an area that includes the Eugene Library, the Eugene Station LTD bus stop and Kesey Square. In 2016, municipal court records show, Rankin had cited homeless people for violations and misdemeanors in at least 50 percent of his cases.

Rankin says that police officers stationed downtown get to know and care about the people who reside there, but they also have a duty to respond to complaints about trespassing or threats. He says often the only option police have is to issue citations or make arrests.

"Stacking 20 citations on a person may not correct their behavior," Rankin says. "But on the other hand, the 100th time you contact that person, they may decide to change their life."

"It's not necessarily that the police are bad guys, it's that the laws are bad," says Ken Neubeck, chair of Eugene's Human Rights Commission, who has been a frequent critic of the city's failure to do more to address homelessness in Eugene. "If you're going to penalize somebody with a citation or arrest for sleeping outside or in a doorway, but you're not going to provide them with an alternative place to go, this is called criminalization of homelessness."

Others have seen police actions that they find worrisome.

"Without a house, basically everything you do is illegal, like sleeping," said Sue Sierralupe of Occupy Medical, a free health care clinic frequented by homeless. "Jail is not the housing we are looking for [to help] the unhoused. It's fiscally irresponsible, inhumane and immoral."

Sierralupe says her staff has seen police write tickets to people sleeping on the sidewalk. When Occupy Medical was stationed in the Park Blocks, she says, it was a common practice for police to sweep the area to write tickets to homeless people.

Sierralupe says continually citing homeless people just forces them to move elsewhere and doesn't actually help fix the problem. She says it causes unhoused people not to report crimes because they've accumulated so many violations they haven't paid. She also says it makes it near impossible for homeless people to get jobs or pay rent, because their credit is so terrible. The effect, she says, is "crippling."

## DECISIONS WITHOUT INFORMATION

"This is no surprise to us or to our downtown team," Eugene police spokeswoman Melinda McLaughlin wrote in an email to *EW* when apprised of the data. She added that downtown officers "are actively engaged in carrying

out the Community Outreach Resource Team (CORT) program. Muni Court, social services, judges and Eugene police and others also are engaged with helping this population through Community Court."

Eugene police established the CORT program to identify the people who most frequently end up with citations or arrests and connect them with services that address their needs. Community Court allows an alternative to the typical justice system for dealing with low-level crimes by providing offenders access to social services and sentencing community service instead of jail time.

City Hall continues to make decisions — or delay decisions — about how to deal with the homeless in Eugene without any concrete numbers about how often police bring charges against people who lack a place to live.

For example, the Eugene City Council in March upped police enforcement downtown by banning dogs — a new ordinance that directly affects the homeless or other people who frequent areas around the library, Eugene Station, Kesey Square and other downtown gathering places. The city has more recently proposed banning alcohol in all city parks.

"The goal is not to impose penalties on people but to have a two-way conversation about what people need," Vinis says. "[The police] know the folks that are really living in our downtown and have that conversation about can they can help. The city is really working to help people instead of penalize people."

The city's refusal to provide data or offer any kind of public analysis of enforcement against people without permanent addresses, however, has generated criticism in the community. Walker believes police do track the data, and says they don't divulge it because it is "damning."

"There's no accountability whatsoever in EPD," Walker says. "They don't get down there and understand it; they just want to judge it from afar." Walker says the City Council is perpetuating the problem.

Sielicki called for Eugene police to "provide real analysis" on what it's costing citizens of Eugene to prioritize policing of the homeless population.

"If you're spending that much of your police force on how it is, and it's continuing not to work, you should weigh what it costs to provide actual services instead of just continued enforcement."

Councilor Semple was not surprised that people without housing are more likely to be issued tickets, and said the city should prioritize giving people housing choices before pushing enforcement.

Neubeck says it's "unfortunate" that neither the mayor, chief of police nor City Council knew the rate at which homeless people were being cited.

"This whole thing comes from the law enforcement approach to homelessness that's taken by the city of Eugene," Neubeck said. "You're constantly faced with people who are doing things out on the streets that are often against the law because they have no other place to do them, and that cycle of adding onto people's records is just going to continue so long as you don't take an alternative approach."

Kaylee Tornay, Francisca Benitez, Victoria Ganahl and Thomas Rivers contributed additional reporting. Data for this story were originally obtained with the help of the investigative reporting program at the University of Oregon School of Journalism and Communication.

## GETTING THE NUMBERS

For our story on arrests and citations of homeless people for minor crimes, we used a database from the Eugene Municipal Court. The Municipal Court handles violations and misdemeanors within the city of Eugene. More serious charges are filed in Lane County Circuit Court.

The Municipal Court released data under the Oregon public records law. From it, we identified 1,834 individuals who were charged with committing non-driving violations or misdemeanors by Eugene police in 2016.

Court records list a mailing address for each defendant — the most current address known to court staff for the defendant. We focused on 2016 cases and the most recent charge against each defendant.

*EW* identified 170 people in the court database as homeless or lacking a permanent address. To reach this number, we counted people in the court database listed as transient; people whose mailing address was a motel or other temporary housing; and those whose mail went to social service agency or homeless shelter.

We identified another 346 people for whom the court listed "general delivery" as an address. With general delivery, any mailings from the courts would go to a post office, where the recipient can claim it. U.S. Postal Service regulations say general delivery is specifically "for transients and customers not permanently located."

Municipal Court staff objected to our automatically characterizing defendants listed under "general delivery" in the court database as transient or those lacking a permanent address.

The court staff said the "general delivery" designation did not necessarily reflect the information a defendant gave to police, and that the designation doesn't automatically mean the defendant is transient. Yet the court officials could not provide an estimate as to how often they used the "general delivery" designation when they knew the defendant was not a transient.

Therefore we were faced with determining how many people in the court database as "general delivery" were homeless or lacked a permanent address.

We chose at random 100 defendants who had been charged by the Eugene Police Department in 2016 and who had "general delivery" listed in the court database. We examined the file documents in the most recent case for each defendant. The court charged us \$97.94 to let us look at the files.

Our sample found that, in 85 percent of the cases, the defendant fit our definition of transient. In these cases, legal documents or the police officer writing the ticket indicated that the defendant was transient, lacked an address, or listed a social service agency or homeless shelter in 2016.

In our sample, we didn't count cases in which the defendants, police or other court records provided no address information. In doing so, we are underestimating the actual rate. Nonetheless, we applied this conservative rate to calculate the number of defendants with a "general delivery" listing who are transient.

By our conservative estimate, at least 471 out of 1,834 people cited or arrested for minor crimes were homeless in 2016 — around 25.3 percent. The actual rate falls between 24.2 and 26.4 percent based on our sampling method and a 95 percent confidence level.

We wanted to also use information pulled directly from EPD reports and tickets. And we tried to do so.

In April, we filed a request under the Oregon public records law, asking the Eugene police for computer data collected from all tickets issued by their officers from 2014 through 2016.

In May, the Eugene police declined to provide the computer data as we had requested. Instead, the police told us we would need to examine the actual paper tickets and case files — more than 37,000 of them. We would be allowed to examine the files if the police pulled each file by hand, one by one, and only if we paid the police department's costs for providing the documents.

The bill for this service? \$139,132.50.

And that's after the police gave us the 25 percent discount they routinely offer to all members of the news media.

We declined to pay, and we are working to have the Eugene police release data we originally sought in our public records request. — *Kenny Jacoby*

# 25%

(471 OUT OF 1,834)

OF ALL PEOPLE EPD TICKETED FOR  
MINOR NON-DRIVING CRIMES IN 2016  
WERE HOMELESS OR LACKED  
A PERMANENT ADDRESS.

# 35%

(1,103 OUT OF 3,110)

OF ALL EPD'S MINOR  
NON-DRIVING CASES IN 2016  
INVOLVED PEOPLE WHO WERE  
HOMELESS AT SOME POINT  
IN THE PAST THREE YEARS.