



National Coalition for the Homeless

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Mayor Paul Soglin
Office of the Mayor
210 Martin Luther King Jr. #403
Madison, WI 53703

Dear Mr. Mayor:

We were contacted by a number of advocates from the Madison area asking for clarification on a discussion that you had with stakeholders in the community in which you referenced a conversation with the National Coalition for the Homeless. We need to make clear that it is never the position of the National Coalition for the Homeless to support any ordinance targeting homeless people. We have never supported law enforcement being used to prevent individuals from exercising their constitutional right to sit, lie, eat, or sleep in the public space. This is especially true when there is not universal access to shelter, treatment, bathrooms, and residential mental health care.

As the Justice Department filing in the *Bell vs. Boise* lawsuit stated, it is a violation of an individual's right against cruel and unusual punishment to ticket an individual while not offering a place for those individuals to live. Here is a link to the specific filing by the US Justice Department in August 2015 <http://www.neoch.org/justice-dpt-criminalization/>. Asking law enforcement to arrest or ticket people who have lost their housing is just cruel. NCH opposes using law enforcement in the place of social workers. The proposed legislation as described in media accounts in Madison will make it illegal for homeless people to eat, sit, or sleep in public; essentially making it illegal to be homeless in the city. Such legislation discriminates against the homeless population and potentially violates rights given to all citizens under the U.S. Constitution.

In a taped hearing provided, you stated that it was necessary to pass these laws as the result of an influx of homeless people coming from out of state in order to receive help from the homeless institutions in Madison. You said that the people were coming into Madison simply looking for food, clothing, and bikes, not housing, therefore draining money from the government. You stated that there are many instances of violence caused by the new homeless population including rape, knife fights, and public defecation. While some of these issues are serious crimes deserving of strong law enforcement, others are inconvenient truths after the destruction of the social safety net in the United States. We believe that punishing an entire population of mostly innocent people for the acts of a few is not the proper use of police resources. It is impossible to criticize or compare conduct carried out by homeless people to those who have private space to conduct daily human behavior. For example, sitting on a bench for more than one hour maybe unusual for an individual who has an apartment, but it is a daily occurrence for those waiting for the shelter or drop in center to open.

You indicated that the influx of homeless people from out of state is a result of Madison's excellent homeless services. We have to wonder if the shelters are so wonderful and generous why are there still so many people on the streets at night, or is a shelter the only response to poverty in Madison? Passing laws forcing people experiencing homelessness off of the streets has proven ineffective in San Francisco, Cincinnati and Atlanta. We have found adding outreach, shelter for all and Housing First is the best way to reduce homelessness. During an interview, you stated that you spoke with the National Coalition for the Homeless and was informed of two approaches to homelessness, the Western approach and the Boston approach. We are not sure of this East Coast vs. West Coast dichotomy, but we do know that very few cities are responding effectively to the growing homeless crisis without resorting to arrests and ticketing. Madison could take the lead in creating a "Madison Wisconsin approach" to serving those without housing instead of criminalizing their everyday survival.

Please consider the added time spent homeless for the veteran with PTSD after they are ticketed a couple of times for innocent behavior. Or think about the grandmother without family who lost her apartment to a fire and she begins losing trust in government because she keeps being harassed by the local police. A mentally ill person does not need a ticket for sitting on the sidewalk, they need to regularly engage with a social worker or counselor. We ask that you take the lead in caring for all those who are struggling with homelessness by finding solutions that increase access to housing and other safety net services.

Sincerely,



Megan Hustings
Interim Executive Director