

EQUITY (/EQUITY)**In Seattle, 1 in 5 people booked into jail are homeless**

The arrests by police are mostly for nonviolent crime.

by David Kroman (/author/david-kroman) / February 19, 2019

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Cindy Baker with her case manager Steve Curry at REACH - Evergreen Treatment Services in Belltown. Baker has struggled with homelessness and has been arrested multiple times. Seattle police arrest data show one in five bookings in 2018 was a homeless person. Feb. 1, 2019. (Photo by Matt M. McKnight/Crosscut)

Rosalind Tymony doesn't know how many times she's been arrested, but she's sure it's more than 30 — at least once a year since she became homeless.

Tymony often spends her time in Belltown, where she knows the police and the police know her. It was an addiction to heroin that first got her arrested, but these days, she's more often picked up for what she didn't do than what she did

— and that is: failing to appear in court. As an addict, getting to her court date at the downtown courthouse means walking through a gauntlet of people happy to provide her heroin.

"If I got to pass all of this dope area on the way and I'm dope-sick, which is going to come first, me fixing my addiction or me going to court?" she said. "I'm going to fix my addiction."

The result, though, is a "failure to appear," or FTA, and a warrant. So if an officer happens to screen her name, they'll arrest her. "I could be clean for two years, but they're not looking at the two years clean, they're looking at all those FTAs," she said.

As Seattle grapples with a homeless crisis, the number of homeless people continue to make up a disproportionate number of arrest-bookings by police. According to its own data, the Seattle Police Department (SPD) in 2018 booked just over 1,000 homeless people into jail a combined 3,211 times. That means one out of every five bookings last year was of someone struggling with homelessness, despite the homeless making up about 1 percent of the city's population. Homeless service providers and advocates contend it's probably even higher, especially if the department also considered people who were handcuffed or cited, but not booked into jail.

The vast majority of the arrests are for nonviolent crimes; in fact, housed people who were arrested were more likely to have committed assault than homeless people who were arrested. Theft, trespassing, drugs and outstanding warrants like Tymony's made up the bulk of the offenses. Many are of people who were arrested multiple times in 2018, according to the data.





Seattle Police officials say the arrests of people without homes are for crimes that would land anyone in jail and are done as a last resort. "We've said all along that being homeless is not a crime," Sgt. Sean Whitcomb said.

Regardless, the data give a snapshot of how, even in a liberal place like Seattle — which has launched a first-in-the-nation prearrest diversion program — jail-time continues to have an outsized effect on the city's collective efforts to solve homelessness.

If case managers and their homeless clients are playing a game of chutes and ladders toward housing, an arrest is the ultimate chute, setting off a cascade of negative effects.

Last year, King County's annual Count Us In survey found 12,112 people living on the streets or in shelters, the highest since the survey began.

For a person like Tymony, who's been homeless for decades, the path to finding a home rarely ever begins with an arrest and jail time. Beyond the barriers to housing and jobs that come with having a criminal record, there's the isolation, the loss of contact with case managers, the occasional loss of belongings, even the loss of a spot in a shelter.

"When these arrests happen, if someone doesn't have a huge support system and really engaged case management, often they're just set back to square one," said Patrick Seick, shelter client services manager with the Downtown Emergency Service Center (DESC).

Seick has worked with DESC since 2008. In that time, he's come to know well the pattern of what happens when a client goes to jail.

First, they lose their bed, he said. If they've left clothes or other belongings behind, the shelter will bag them and toss them after a week if employees don't know why the person didn't return, as is often the case in an arrest.

"Occasionally that means someone's important documentation and their Social Security card, birth certificate and stuff," he said. "They've got to start from square one."

At the same time, case managers with DESC are supposed to help only clients staying in a DESC facility. If the client is gone long enough — sitting in jail, for example — and then returns, "they have to do another intake and meet another person and get to know another psychology graduate that's 26 that wants to fix them," said Seick. "It has to start all over and you have to build up that trust."

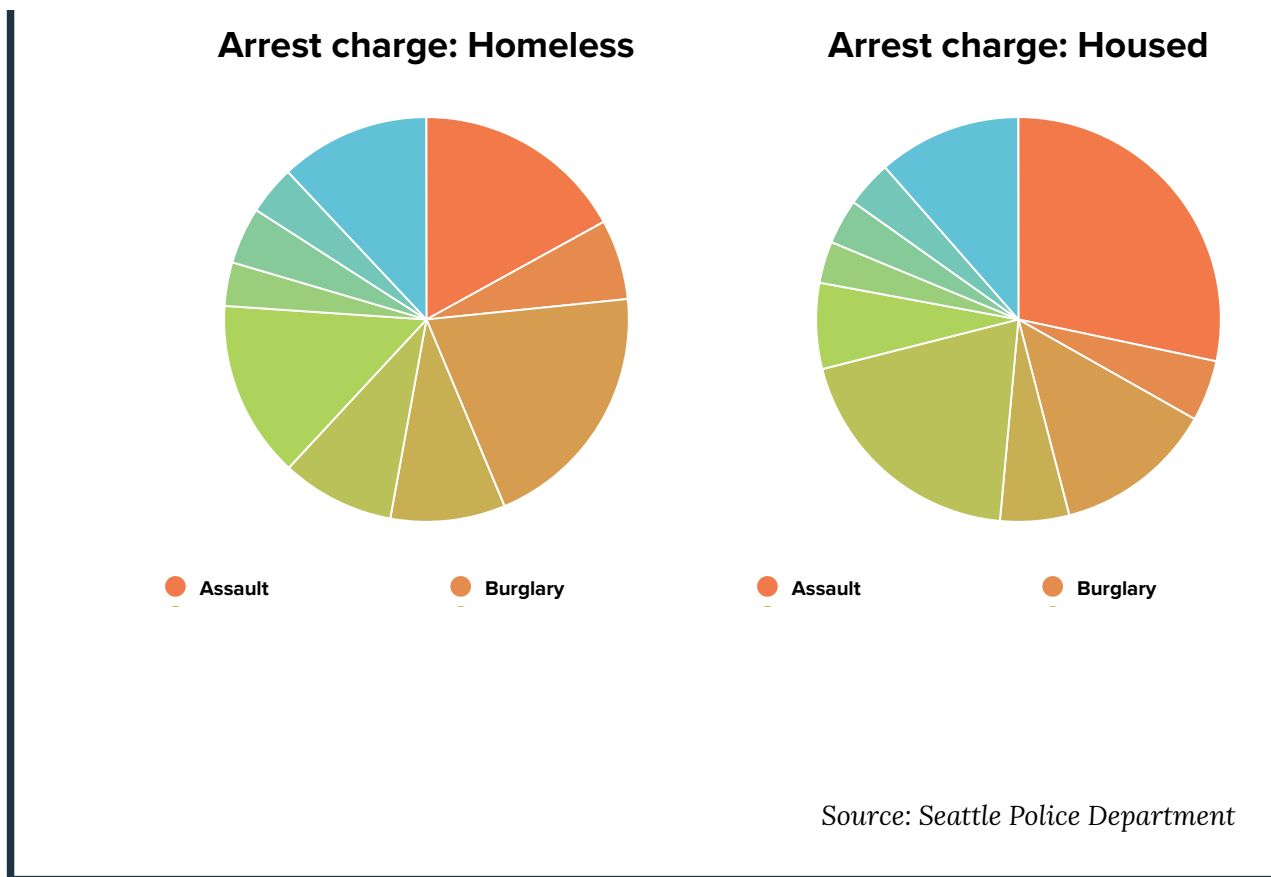
If a person is arrested and spends more than 90 days in jail, he or she will sometimes lose the "chronically homeless" tag — because the time spent in jail is time off the street. The side effect, said Seick, is they no longer qualify for some federal housing.

Jail can also upend personal routines: Seick said he often hears of clients who don't get their medication on time.

"It's really, I would say, traumatic, but also it's just frustrating for staff," said Seick.

At the request of Crosscut, SPD provided data for analysis of homeless arrests. The data relied heavily on one address to determine how often people considered homeless are booked into jail: 77 Washington St. in downtown Seattle. That's the address of Compass Housing, a facility under the Alaskan Way Viaduct that provides post office boxes used heavily by its clients and others who are homeless. Even when a person does not have a mailbox there, Seattle police often will note that address on the arrest form if the detainee doesn't have a fixed home.





SPD also provided data on people living in sanctioned encampments and others whom they determined to be homeless because they lived in an RV, for example.

Between 2016 to 2018, the data show the raw number of homeless bookings rose from 1,926 to 3,211. But the overall number of bookings also rose in that same period, so the proportion of bookings of homeless people rose only slightly, from about 17 percent in 2016 to 19 percent in 2018.

The bookings were made up of 1,014 unique individuals, meaning each person was booked on average three times in the year.

These numbers track closely to arrest numbers elsewhere. In 2016, the Los Angeles Times found (<https://www.latimes.com/local/politics/la-me-homeless-arrests-20180204-story.html>) that one in six arrest-bookings were of homeless people. In 2013, the National Health Care for the Homeless Council concluded 15 percent of the incarcerated population had a history of homelessness (https://www.nhchc.org/wp-content/uploads/2011/09/infocus_incarceration_nov2013.pdf).

And in a grim chicken-or-egg problem, a 2018 national study from the Prison Policy Initiative (<https://www.prisonpolicy.org/reports/housing.html>) showed formerly incarcerated people are 10 times more likely to become homeless.

The Oregonian found that 50 percent of Portland police arrests (https://www.oregonlive.com/portland/2018/06/portland_homeless_accounted_fo.html) were of homeless people. That calculation included arrest-bookings as well as those instances where someone was arrested or cited but not booked into jail.

In Seattle, theft accounted for 20 percent of all arrest-bookings of homeless people. According to Whitcomb, SPD likely made those arrests based on history. "If we stop someone and they've been shoplifting and they've got a history of shoplifting, they're likely to get booked into jail," he said. "If we stopped someone and they've never shoplifted before, they're not likely to get booked into jail."

Assault was the second most common reason for arrest, at 17 percent, according to the SPD data. But that number is smaller than the general population: The percentage of nonhomeless bookings for assault is 28 percent.

The other most common types of arrests of homeless people are for outstanding warrants, loitering/trespassing and narcotics — each at a rate higher than what is encountered by the population of nonhomeless people who were arrested.

Whitcomb, the police department sergeant, said the numbers neither surprise nor concern him. "There's the question of homelessness, which we all agree is a massive problem and everyone is working together to solve it," he said. "Crime is a separate problem and that's exclusively ours to deal with. When crime happens, police get called. At that moment crime is happening, we need to address it."

"The question then becomes: are the people who are homeless being subjected to more rigorous enforcement than people who aren't?" Whitcomb added. "I think we can say with confidence that we address criminal behavior when we're called to it or when it happens in our presence. I would also say... if we can divert and refer people who we come across in those instances, we do."

Seattle University professor Sara Rankin sympathizes with the officers, who she says are first responders to a crisis – homelessness – they're not always trained to handle. "It's frustrating for police officers, too," she said. "They're in a position where they have to have those sort of interactions, but because there's no exit it has a certain sense of futility to it."

In general, Rankin said she thinks the homeless arrest numbers are likely higher and argues the picture is incomplete without more detailed information about how many interactions police are having with Seattle's homeless population. "One of the main things that comes from all of this when I look at Seattle is that it is absolutely apparent that we do not have good data on the impact of the intersection of law enforcement and homelessness," she said.

For Rankin, having that data could bear out what she believes would be a persuasive argument for spending more to address the homeless crisis.

"If you put a price tag on your 20 percent of bookings and a price tag on all those move along warnings and a price tag on all those fire department responses and a price tag on all those emergency room services ... tack all those expenses together, that's crazy amounts of money," she said.

Over the years, Cindy Baker said she's been to prison seven times for a string of arrests that began with her drug addiction. She has housing now – in downtown Seattle on Third Avenue and James Street. But her front door spills onto the street where drugs are often bought, sold and used, she said. She's trying to stay clean, but the environment makes relapse hard to avoid. And while she'd like to move, that's near impossible because of her record.

Like Tymony, her subsequent arrests are not new crimes, but extensions of the original: relapsing and violating probation.

"It's just always arrest, arrest, arrest, arrest, arrest, you know?" she said. "It's always a whole bunch of time for nothing. ... It's not good for a person's mental state or for a person to progress or even trying to think to get some help or to help myself."

"Because she has all these arrests on her record, it's harder to get housing and so we have to go for the supportive housing places where, like she said, it's a cesspool for drugs," said Brandie Flood, program manager with the Law Enforcement Assisted Diversion (LEAD) program, referring not to the housing itself but to the neighborhood it's located in. "We want to move her to a place where she could even have a better life, but the way the housing system is set up here in King County and the City of Seattle, you have to be homeless again to get the type of voucher to pull her out of that building. We don't want to make her homeless for a certain amount of time."

For its part, Seattle has made strides intended to reduce arrests for low-level crimes that often affect people experiencing homelessness. SPD has a Crisis Response Team made up of trained officers and mental health professionals to respond when someone is in a mental health crisis.

Mayor Jenny Durkan and City Attorney Pete Holmes announced late last year that they wanted to quash 200 misdemeanor warrants for low-level offenses, such as drug possession and prostitution.

But the scope is large: Seattle Municipal Court, which handles mainly misdemeanors, has 9,849 outstanding warrants, according to a spokesperson. It does not track warrants by housing status, but public defenders say a large percentage is for people struggling with homelessness.

In Olympia, one bill (<http://lawfilesextra.leg.wa.gov/biennium/2019-20/Pdf/Bills/House%20Bills/1591.pdf>) would indemnify homeless people against certain low-level offenses if there was no immediate alternative to living on the streets. Seattle University professor Rankin helped draft the legislation. It's sponsored by 11 legislators, including Nicole Macri, D-Seattle, who is also DESC's deputy director for strategy.

The most innovative program is the much-lauded LEAD program — a first-of-its-kind partnership between police officers and outreach workers to avoid arrest in the first place. When officers encounter someone using drugs or working as a sex worker, instead of arresting that person, they connect the person with a LEAD case manager, who helps find housing, treatment or other services. Since

its founding in 2011, the program has spread across the country, with over 90 cities (<https://www.leadbureau.org/>) either currently running or considering the program.

But LEAD remains limited in Seattle.

"The problem is that a lot of people who are going through the criminal justice system don't have that luxury of a LEAD case manager and a LEAD prosecutor taking their story into account," said Tracy Gillespie, LEAD project manager.

"Most people are just going in business as usual, getting off probation and getting stuck in this warrant cycle from very small crimes that are not violent."

Seick said DESC case managers sometimes go beyond their standard duties to ask the Department of Corrections for a day release for clients so they can reclaim their things or check in with their landlords — if they happen to have housing — so they're not evicted.

But in general, he said, the focus should be better communication between homeless advocates and public safety officials. "We're often treating the same problems with different approaches," he said, and that "collaboration really does work."

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