

## **Being Homeless is Not a Crime**

### **Stop the Criminalization of Homelessness in Austin**

#### **The Criminal Justice System is not an effective way to connect homeless people with services**

Some City of Austin officials argue that issuing citations to homeless people who violate the City's camping, sitting/lying, and panhandling ordinances helps to connect them to services through the Downtown Community Court's Case Management System. However, there is little evidence that this is an effective or efficient way to connect people to services, and only a small percentage of people cited actually receive services through the court system.<sup>i</sup>

- In about 90 percent of cases, people who receive citations fail to appear in court,<sup>ii</sup> often due to confusion, disability, or fear of arrest.
- People who do appear in court and request services are often denied. The Downtown Community Court maintains a waiting list for services, and only people with multiple citations are eligible.<sup>iii</sup> People who are refused services are often discouraged and may be less likely to seek help in the future.
- Furthermore, citations for ordinance violations are criminal in nature and necessitate time, money, and resources for criminal matters unrelated to direct services. If a defendant chooses to go to trial, a jury must be impaneled, police officers must come to court to testify as witnesses, and city prosecutors must prepare and argue the cases.

#### **Criminal citations create barriers to housing and employment**

Criminal citations are not only ineffective at combating homelessness, they also make the problem worse and drive people deeper into poverty. Each year, the City of Austin issues thousands of warrants for failure to appear and failure to pay citations.<sup>iv</sup> The City also contracts with a company called Omnibase Services of Texas to put holds on drivers licenses until delinquent fines and fees are satisfied.

- People with warrants are often afraid to go to court to take care of their citations, which causes fines and fees to accumulate rapidly. People with active warrants also sometimes avoid voting due to fear of being arrested at the polls.
- Finding housing and gainful employment is difficult for people who have active warrants, which show up in background checks. Furthermore, people without an identification card, which is necessary for many job and housing applications, cannot go to the Department of Public Safety to get one due to the imminent risk of arrest.
- These problems are exacerbated by the fact that people with warrants are more likely to lose their jobs. They cannot drive to work without running the risk of being arrested, and many low-income people do not live within reasonable public-transit-commute distance from local employers.
- People who experience homelessness are naturally vulnerable targets of crime and violence, and people with warrants may hesitate to call the police during an emergency due to fear of arrest.
- Warrants are especially problematic for undocumented Austinites, who may fear calling the police due to fears of deportation. If an undocumented people are arrested on warrants for unpaid citations, they can end up with ICE holds.

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<sup>i</sup> Audit Report, Homelessness Assistance Audit Series: City Policies Related to Homelessness (Nov. 2017)

<sup>ii</sup> *Id.*

<sup>iii</sup> *Id.*

<sup>iv</sup> The Downtown Austin Community Court issues over 9,000 warrants each year. The Austin Municipal Court issues over 60,000 additional warrants each year, though many of those are for traffic citations. See Texas Office of Court Administration, Data Reports, <http://card.txcourts.gov/ReportSelection.aspx>.