



Nathan Woodliff-Stanley, Executive Director
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December 9, 2016

SENT VIA EMAIL:

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Dear Mayor Hancock, Denver City Council, and other City officials:

The ACLU of Colorado is horrified by widely-circulating videos¹ showing Denver police confiscating blankets, sleeping bags, tents, and other survival gear owned by unhoused persons as winter weather and sub-freezing temperatures set in, potentially endangering their lives.

While Denver is home to many people of good will who value freedom, compassion, and care for all people, especially those in the most vulnerable circumstances, the City of Denver's record on the treatment of people experiencing homelessness is abominable. From the inappropriate use of a Homeless Services Donations Fund to forcibly move, harass, and take the property of unhoused persons to increasingly aggressive sweeps of people experiencing homelessness, ratcheting up arrests of people whose only crime is to have nowhere to live, and now the use of police resources to confiscate blankets and survival gear on bitter cold nights, the City of Denver is exhibiting a level of cruelty that should bring deep shame to Mayor Hancock and other city officials.

Rather than expending City funds to harass, jail, and endanger people who are forced to sleep outside in the dead of winter, the City's efforts and resources should be directed to housing and services that actually reduce homelessness.

In particular:

The Denver Urban Camping Ban – which in a cruel twist allows Denver residents to sleep outside on a night with sub-freezing temperatures *only* if the resident does so without a blanket

¹ See <https://vimeo.com/193964838> and <https://www.facebook.com/acluofcolorado/posts/1343632459003573>

or tent – should ultimately be repealed. The ACLU of Colorado applauds individuals and organizations providing assistance and services to unhoused persons, including organizations providing temporary shelter from the cold. However, these shelters are unavailable or inappropriate settings for many individuals and families, including some people with mental illness or a drug or alcohol addiction and many people with a mate, significant amounts of property, or a pet. Given these facts, enforcement of Denver’s urban camping ban is morally and legally suspect. Indeed, as the United States Department of Justice has recently affirmed, laws such as Denver’s camping ban that prohibit unhoused persons who are unable to stay in a shelter from sleeping safely outdoors, violate the Eighth Amendment.² The ban should be repealed.

At the very least, Denver must take immediate action to protect the lives of unhoused residents facing life-threatening cold weather by:

- 1. Immediately directing police officers to cease confiscation of blankets and other survival gear possessed by people experiencing homelessness,**
- 2. Suspending enforcement of the Denver Urban Camping Ban through the winter months, using that time to explore alternative approaches to homelessness that do not criminalize people for having nowhere they can afford to live, and**
- 3. Ending the coordinated sweeps of people experiencing homelessness, whether they are conducted through police, public works, private security, all of the above, or any other means.**

It is not an inherent crime to sleep outside, and many people right now have no other viable option. Denver’s shelters are simply unable to serve all people in the Denver area experiencing homelessness, even in the short term, much less as a long-term solution. Until real solutions become Denver’s priority, the city’s ongoing policing-first approach to homelessness is a cruel waste of funds, curtailing fundamental constitutional rights, causing deep human suffering, and endangering lives.

Sincerely,



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² See *Bell v. City of Boise*, Civil Action No 1:09-cv-REB, Doc. 276, Statement of Interest, at 12 (“If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homelessness” in violation of the Eighth Amendment.), available at <https://www.justice.gov/crt/file/761211/download>.

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