



Exhibit A

# Town of Lake Park Homelessness

PBSO DISTRICT 10 COMMUNITY POLICING

# Who is classified as “Homeless?”



- ▶ There are 4 Categories:
  - ▶ Literally Homeless
  - ▶ Imminent Risk of Homelessness
  - ▶ Homeless Under Other Federal Statutes
  - ▶ Fleeing/Attempting to Flee Domestic Violence

# Category 1: Literally Homeless



- ▶ Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - ▶ Has a primary nighttime residence that is a public or private place not meant for human habitation; **or**
  - ▶ Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); **or**
  - ▶ Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

# Analysis



- ▶ Homelessness is a very complex problem. There is seldom a single reason why a person, or a family, becomes homeless. A variety of problems increase a person's risk for homelessness including unemployment, poor physical health, mental illness, disability, substance abuse, domestic violence or lack of affordable housing. Similar to causes for homelessness, the needs of persons experiencing homelessness also vary.
- ▶ Homelessness due to it's complexity is almost impossible to solve, however, we can take steps to reduce the number.

# Field Interview Reports



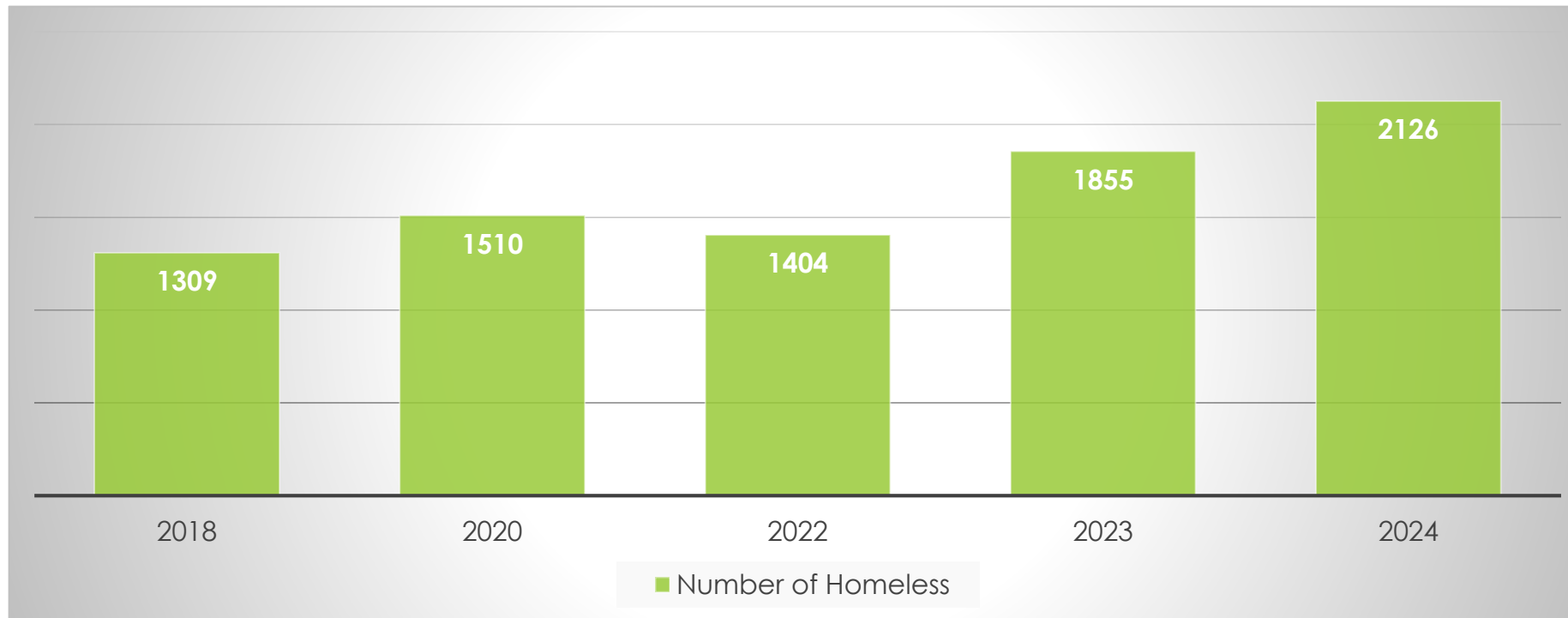
- ▶ In 2017 there were no less than 221 field interview reports (FIR) completed by PBSO on a total of 120 homeless subjects who frequent or reside in the Town of Lake Park.
- ▶ In 2024 there were only 82 records of FIRs completed by PBSO on a total of 70 individuals who were listed as “at large” during a PBSO contact. These contacts ranged from consensual encounters, trespassing, County/Town ordinance violations, suspicious persons calls, investigations and arrests.

# Point in Time Count



- ▶ The Point-In-Time (PIT) Count is a count of sheltered and unsheltered people experiencing homelessness on a single night in January.
- ▶ Unsheltered individuals are recorded homeless if they were surveyed during the 24 hour PIT count timeframe.
- ▶ Two types of surveys were used for the PIT Count: Observed and Interviewed.
  - ▶ Observed : Any individual who declined an interviewed survey, and was determined by the surveyor to be “definitely” homeless.
  - ▶ Interviewed : Individuals who agreed to answer an array of questions about their current homeless situation.

# Number of Homeless Individuals in PBC



# Sheltered Count



- ▶ 546 Persons Sheltered
  - ▶ 411 persons in Emergency Shelter
  - ▶ 135 persons in Transitional Housing



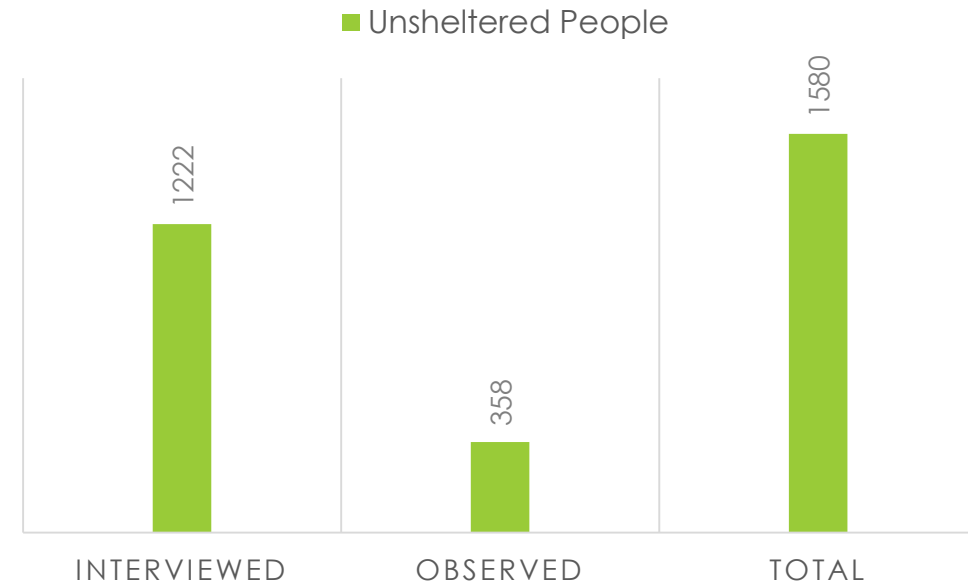
# Unsheltered Count



- ▶ 1,580 unsheltered individuals and families experiencing homelessness were counted during the 2024 PIT Count.

- ▶ 1222 Homeless interview surveys conducted.
- ▶ 358 Observation surveys were conducted.

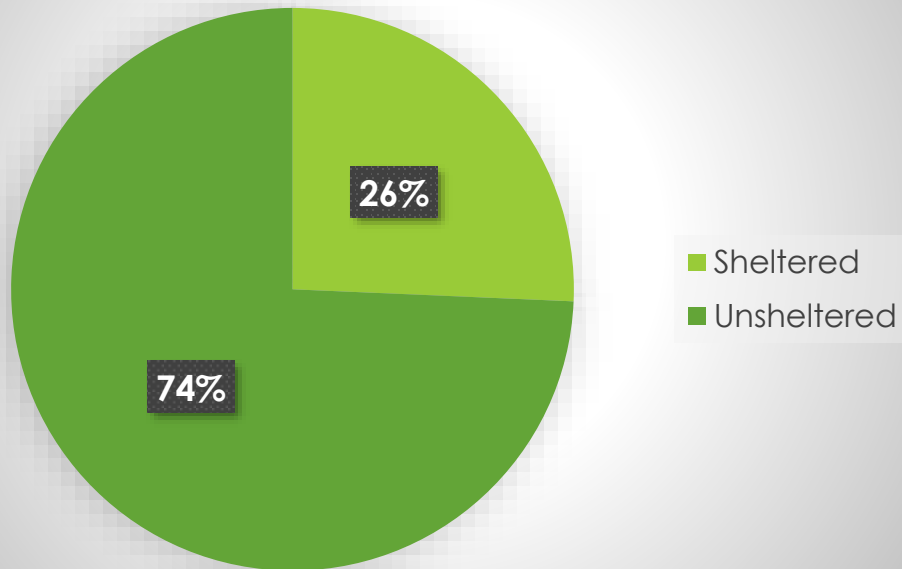
## UNSHELTERED PEOPLE



# 2024 PIT Count



## 2024 PIT COUNT



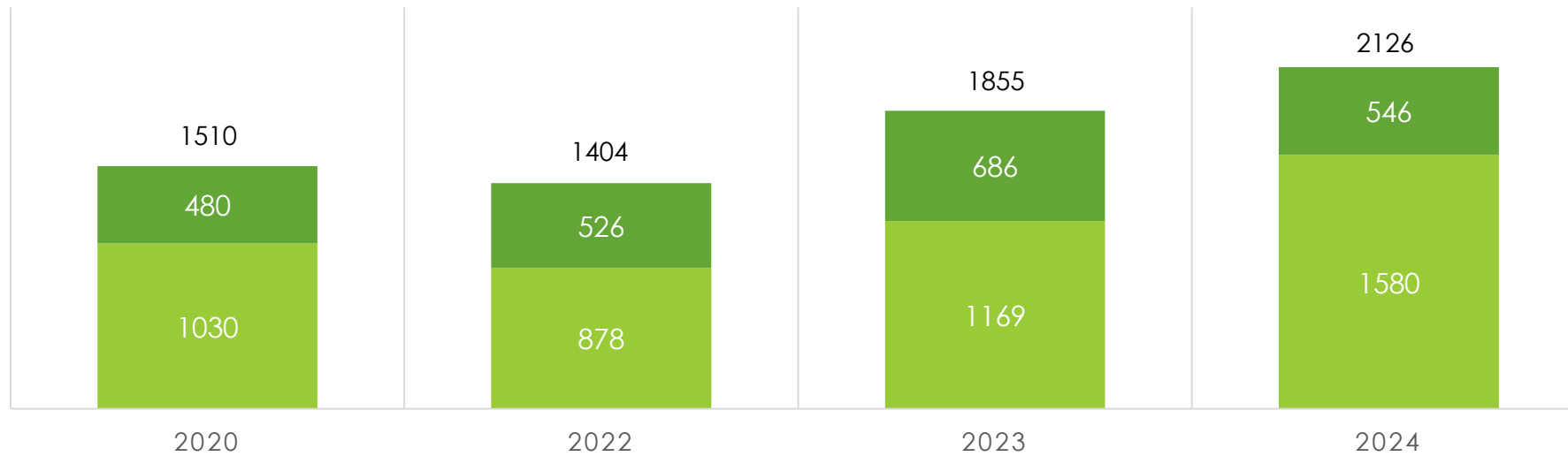
- ▶ Sheltered – Individuals and families that reside in Emergency Shelter, Transitional Housing programs, or Safe Havens.
- ▶ Unsheltered – Individuals and families that reside in a place not meant for habitation (i.e., abandoned building, vehicle, camp-site).
- ▶ Total = 2,126

# 2024 PIT Count (con't)



## CHART TITLE

■ Unsheltered ■ Sheltered



# 2024 PIT Count (con't)



- ▶ The highest number of unsheltered individuals and families were counted in District 7 with a count of 782. District 1 had an unsheltered count of 72. It should be noted, The Town of Lake Park is split between District 1 and 7 (Park Avenue and Watertower Road are the dividing lines)
- ▶ That doesn't necessarily mean the Town of Lake Park has a homeless problem.

# 2024 PIT Count (con't)



Zip Code	2023	2024	Difference
33403 - Lake Park	4	7	+3
33404 – Riviera Beach	141	236	+95
33407 – Mangonia Park/WPB	169	287	+118
33408 – North Palm Beach	0	1	+1
33410 – Palm Beach Gardens	3	2	-2

# Initial Approach



- ▶ Law Enforcement may approach a homeless person that has not engaged in any criminal violations and offer advice about services or any other assistance that is available to them through the Homeless Services Program of Palm Beach County.

This is strictly voluntary and consent based.

# Initial Approach



- ▶ If the person is holding a sign indicating that they are homeless and requesting assistance, they may not be in any violation of a county ordinance or state law.
- ▶ The courts have held that this is an expression of free speech and it is a protected right.

# Landmark Case - Pottinger v. Miami (1992)



- ▶ In 1988, the ACLU filed a suit against the City of Miami on behalf of all homeless persons living in the City. In 1992, after hearing extensive evidence, the federal district court found that “the City had a policy and practice of arresting homeless individuals for the purpose of driving them from public areas,” and that this policy and practice violated the rights of homeless people under the Constitution.

# Pottinger v. Miami (1992)



- The City appealed the ruling. After further proceedings, and while the case was on appeal, the City and the ACLU agreed to settle the case in 1998. The 1998 Settlement Agreement brought an end to the case by placing limits on the power of its police officers to arrest homeless individuals for committing certain “life-sustaining conduct” misdemeanors, and requiring police and other City officials to respect homeless people’s property rights.

# Pottinger v. Miami (1992)



- ▶ The Consent Decree was approved by the Federal District Court on October 1, 1998. It has the same binding legal effect as a judgment of the court. Essentially, it protects people who are homeless from being arrested for certain minor offenses that are very difficult if not impossible to avoid committing if you're homeless. It also prevents the City from seizing or destroying homeless people's possessions unless they are clearly abandoned or present a clear-cut safety hazard.

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# Current Terms of Pottinger Consent Decree



- ▶ **Shelter must be offered in lieu of arrest for certain minor violations:** Police officers who see a homeless person committing one of the following violations may not arrest that individual or threaten to arrest him or her unless they offer the individual shelter space for the night, and the individual refuses that offer. If there's no shelter space or if there is and the individual takes it, the police cannot arrest the individual for these offenses:
  - ▶ Being in a public park after closing hours
  - ▶ Camping in a public park (so long as no tent is used)
  - ▶ Trespassing on public property (owned by the government, not by a private individual or business)
  - ▶ Loitering in restrooms
  - ▶ Living in a vehicle
  - ▶ Partially blocking the sidewalk (leaving enough room so others needn't step out onto the street)
- ▶ Anyone so placed in a shelter doesn't have to stay at the shelter beyond one night and doesn't have to take part in any of its programs or services, though of course they may if they wish.

# Current Terms of Pottinger Consent Decree



- ▶ **Shelter does not have to be offered in lieu of arrest for certain other minor violations, but there must be a warning:** Police officers who see a homeless person committing one of the following violations may arrest or cite him or her even if there is no available shelter space for that person, but only if they first warn the individual and give him or her a chance to stop committing the violation:
  - ▶ Littering within 300 feet of a usable trash can
  - ▶ Fully blocking the sidewalk so that others have to walk out onto the street
  - ▶ Committing any minor offense (including those listed in a, above) in a way that poses an imminent threat of physical injury to the homeless person or others.

# Current Terms of Pottinger Consent Decree



- ▶ **Shelter does not have to be offered in lieu of arrest for these violations, and no warning is required:** Police officers who see a homeless person committing one of the following violations may arrest him or her even if there is no available shelter space for that individual, without any warning:
  - ▶ building a fire in a public park or putting up a tent or temporary structure in a park
  - ▶ committing lewd conduct (violating public nudity laws intentionally in plain view of other people)
  - ▶ not using an open public restroom within a quarter mile. A "public" restroom means a restroom in a government-owned building. If there is no such restroom within 1/4 mile, or if it's closed, then the individual cannot be arrested for failing to use it unless he or she is offered shelter and refuse the offer.

# Results of Pottinger v. Miami



- The average cost of litigation settlements arising from Pottinger v. Miami to municipalities and governing bodies has been around **\$1.5 million dollars.** - (Multi-Agency Homeless Task Force)



# Lake Park Enforcement Options



- ▶ Sec. 6-3. - Consumption and possession of alcoholic beverages in unlicensed establishments, public parking lots, public places and ways prohibited.
- ▶ Sec. 16-3. - Unlawful to trespass or *lodge* on public lands.
- ▶ Sec. 22-143 – Panhandling Prohibited
- ▶ Sec. 24-8. - Littering on property owned by others prohibited.

# Homeless Referrals



- ▶ Palm Beach County does not offer homeless resources for non-residents of PBC.
- ▶ The Senator Philip D. Lewis Center is located in Mangonia Park, it is the central access point for homeless services in Palm Beach County. It is not a homeless shelter but does have 60 beds for individuals experiencing homelessness.
- ▶ The Homeless Resource Center 2 is located in unincorporated Lake Worth. HRC 2 is the partner facility for the Lewis center and only has a maximum of 74 beds at any given time.

# Homeless Referrals



- ▶ Both facilities offer 24-72 hours of temporary shelter (if available). The majority of beds are utilized for transitional housing which ranges from 30-90 days.
- ▶ Waitlist for Transitional Housing: 600+ individuals
- ▶ From these centrally located facilities, a universal intake and assessment process will be made available to Palm Beach County's homeless adults and families on a 24-hour basis, 365 days per year.
- ▶ Specific services to be provided to homeless guests at the Lewis Center (maximum of 96 on-site at any given time) include, but are not necessarily limited to: case management; counseling; meals; limited medical treatment; life skills training; job placement; interim housing; and permanent housing placement.

# House Bill 1365



- ▶ Effective October 1<sup>st</sup>, 2024:
- ▶ Homeless individuals are prohibited from camping on city streets, sidewalks, and parks (*This was already unlawful in most municipalities*) — and instead placed in temporary shelters monitored by law enforcement agencies.
- ▶ Homeless shelters will require occupants to not use drugs.
- ▶ These shelters will also include substance abuse and mental health treatments.
- ▶ When shelters are at max capacity it directs the Department of Children and Families to authorize temporary campsites that do the following:
  - ▶ Maintain sanitation, including access to clean and operable restrooms and running water.
  - ▶ Provide access to substance abuse and mental health treatment resources through coordination with the regional managing entity.
  - ▶ Prohibit illegal substance use and alcohol use on the property and enforce this prohibition.

# What does that mean for the Town?



- ▶ What the bill allows:
  - ▶ A county to designate property owned by the County or a municipality within the county's boundaries for the purposes of public camping or sleeping. A property designated as such must be certified by the Department of Children and Families and meet certain minimum standards.
- ▶ What the bill prohibits:
  - ▶ A County or Municipality from "authorizing or otherwise allowing" any person to regularly engage in public camping or sleeping on any public property, including (but not limited to):
    - ▶ Any public building or its grounds
    - ▶ Any public right-of-way under the jurisdiction of the county or municipality

# Florida Association of Counties (FAC)



► <https://www.fl-counties.com/publiccamping/>





# Questions?



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