



Written Testimony in Opposition to the Use of UAS to Search for Homeless Encampments
Worcester City Council Public Safety Committee
April 20, 2022

I. Introduction

Good evening, Committee members. My name is Eric Tars, and I am the Legal Director at the National Homelessness Law Center. I appreciate this opportunity to share our concerns about Worcester’s proposed Unmanned Aircraft System, or drone program, and better approaches we have collected from across the country on how to constructively address homeless encampments, through housing, not handcuffs. More details on all of this are on our website at homelesslaw.org, and cited in my written testimony.

II. Discussion

A. *The Application of the UAS Program to Search for and Track Encampments is Ineffective Policy*

We can all agree that no Worcester residents should be living in encampments on the streets or in other public areas. And if we agree on that, we should also agree that we should use the best, evidence-based approaches to ending those encampments. Chief Sargent’s proposal states that “An UAS would be of assistance to the City’s Quality of Life Team when searching for homeless encampments,” but he cites no evidence to support that it would actually help end them. Drone surveillance leading to engagement by law-enforcement in the criminal legal system is not evidence-based, and indeed, evidence shows that taking a law enforcement approach actually costs two- to three-times as much, and produces worse outcomes.¹

Research shows that the most effective – and most cost-effective – way to end encampments is through sustained, in-person outreach, done by trained, trauma-informed advocates, who are able to connect people experiencing homelessness to low-barrier housing and services. Communities that have succeeded in addressing encampments have focused on long-term relationship building – over weeks or months, not just a few days – understanding people’s needs, and addressing those needs – primarily safe, decent, affordable housing. Sweep an encampment without addressing the need for housing, and it will only pop up again elsewhere, and the cycle repeats, because people can’t survive without housing. The only way to permanently end encampments is to address *the*

¹ The Law Center’s “[Tent City USA](#)” Report is one of many evidence-based publications finding that the cost of encampment sweeps and related criminalization costs more than the provision of housing in the long-term. We found that, for example, in Honolulu, HI, the government spent \$15,000 per week (\$750 million per year) sweeping people living in encampments, many of whom returned to the cleared sites days later. Washington, D.C. spent more than \$172,000 in just three months on encampment sweeps. Research included in the report shows that the provision of housing is both the most effective approach to ending homelessness and the most cost-effective, with a larger return on investment than sweeps and criminalization.

need for encampments. In 2021, the average studio apartment in Worcester rented for \$1,063/month, which would require an hourly wage of more than \$20 per hour to afford, but the average renter only made \$14.49 per hour. Addressing that gap is the main way to end encampments.

If encampments are hidden, rather than spending \$25,000 on a new drone system, the city should be asking itself why these encampments are hidden in the first place? If the city is truly offering the services and housing that people need, then they would be lining up around the block for them. If people aren't aware of the resources that exist, then outreach teams should be going out and sharing those person-to-person. But sending out a drone with a camera and a blinking red light that people know will lead to a law-enforcement based team being sent out will only cause people to become more distrustful and reluctant to engage with city workers, quite possibly leading them to camp in more isolated and dangerous areas, diminishing, rather than enhancing, public safety. To me, hidden encampments indicates not a need for a drone, but need for the city to reassess its offerings and how it makes them.

B. The Application of the UAS Program to Search for and Track Encampments May Be Unconstitutional

As the City knows well, policies and practices that prioritize law enforcement responses to homelessness are also, often, unconstitutional. Just a few years ago, Worcester's panhandling ordinance was struck down by a federal judge. *Thayer v. City of Worcester*, Civil Action No. 13-40057-TSH (D. Mass. 2015). Recently, the Ninth Circuit held in our *Martin v. Boise* case that punishing a person experiencing homelessness for undertaking basic, life-sustaining activities like sleeping or sheltering themselves on public property in the absence of adequate alternatives constitutes cruel and unusual punishment under the Eighth Amendment. *Martin v. City of Boise*, No. 15-35845, Opinion (2018); *see also Blake v. City of Grants Pass*, Case No. 1:18-cv-01823-CL, Opinion and Order (2020) (holding that "it is not enough under the Eighth Amendment to simply allow sleeping in public spaces; the Eighth Amendment also prohibits a City from punishing homeless people for taking necessary minimal measures to keep themselves warm and dry while sleeping when there are no alternative forms of shelter available."). Courts have also found encampment eviction without adequate notice and storage for belongings violates homeless people's property and due process rights. *See e.g. Jeremiah v. Sutter Cty.*, Case No. 2:18-cv-00522, 2018 WL 1367541, at *4; 2018 U.S. Dist. LEXIS 43663, at *12 (E.D. Cal. Mar. 16, 2018); *Lavan v. City of Los Angeles*, 797 F.Supp. 2d 1005, 1016 (C.D. Cal. 2011); *See v. City of Fort Wayne*, Case No. 1:16-cv-00105-JVBSLC, 2016 U.S. Dist. LEXIS 185598 (N.D. Ind. June 16, 2016); *United States v. James Daniel Good Real Property*, 510 U.S. 43, 53 (1993) (pre-deprivation hearing and notice is required except in the "extraordinary situations where some valid governmental interest is at stake that justifies postponing the hearing until after the event").

C. The Application of the UAS Program to Search and Track Encampments Contradicts Federal Policy

If public health is the concern, COVID-19 CDC guidelines [state](#) that encampments should be allowed to remain in place and provided with adequate sanitation and other services unless

individual housing units can be provided and that “encampment disbursement [sic] should only be conducted as part of a plan to rehouse people living in encampments, developed in coordination with local homeless service providers and public health partners.” To support this guidance, FEMA is offering 100% reimbursement to local, state, and tribal governments for non-congregate shelter stays for people experiencing homelessness. This FEMA funding was recently [extended](#), and is available through July 1, 2022. Rather than spending its budget on drones to chase homeless campers, the city could be housing all of its residents experiencing homelessness in hotels, entirely on the federal dime.

Together with the [historic investments provided through the American Rescue Plan](#) and more than [\\$100 million in federal grants](#) provided to the state of Massachusetts specifically for the purpose of combatting homelessness, these funding streams give Worcester an opportunity to devote significant resources toward adequate and permanent housing, and away from policies and practices that unnecessarily surveil, criminalize, displace, and jeopardize the safety, rights, and dignity of people experiencing homelessness.

III. Conclusion

The UAS program’s application to searching for and tracking homeless encampments and the program’s potential to invite law enforcement responses to homelessness is likely to erode community trust in government, exacerbate and prolong homelessness in Worcester by displacing and criminalizing encampment residents rather than connecting them to trauma-informed services and providing adequate housing, and violate the constitutional and human rights of people experiencing homelessness.

The National Homelessness Law Center has researched and published [best practices](#) pertaining to preventing and ending homelessness and eradicating the need for encampments, based on interviews with law enforcement, government officials, service providers, and people with lived experiences. We are happy and eager to work with Worcester on implementing policies and practices that meaningfully, sustainably, humanely, and constitutionally address the injustice of homelessness in your community.