# LISTSERV

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## Homelessness Hits Main Street

Those of us on the ListServ work for cities of varying sizes. In many respects, however, we face similar issues. Police protection… Provision of utilities…. Planning and Zoning…. Sanitation… Parks… Personnel… and the list goes on… However, one issue that seems more pressing on our larger members is homelessness. Please understand that I realize homelessness exits virtually everywhere, and in larger cities it can become an overwhelming problem. But I know that smaller municipalities can have homeless issues too, as you will see in my story later.

According to an article titled "The U.S. Cities with the Most Homeless People" by lawyer and journalist Niall McCarthy in the infographic publisher Statista.com earlier this year, "over half a million Americans are facing the prospect of being homeless this holiday season." According to McCarthy, 17 out of every 10,000 people in the U.S. experienced homelessness on a single night in 2018, and as of September 2019, the number of homeless in the U.S. stood at roughly 553,000. Only two-thirds of that total live in sheltered accommodation.

Exactly where are these homeless people located? According to McCarthy's article, "half of all homeless people are in one of five states – California (129,972), New York (91,897), Florida (31,030), Texas (25,310), and Washington (22,304). It is primarily an urban issue, and more than half of the homeless population are scattered across the country's 59 biggest cities. Nearly a quarter of them live in just two cities – New York and Los Angeles." (Oddly, McCarthy points out that in New York 65% of homeless are given sheltered accommodation, while in Los Angeles more than 75% of the homeless stay on the street. Weather, maybe?)

The U.S. Cities with the highest homeless population, following New York and Los Angeles are: Seattle/King County, San Diego City/County, San Jose/Santa Clara City/County, District of Columbia, San Francisco, Phoenix/Maricopa County, Boston and Las Vegas/Clark County. (All data taken from McCarthy's article on Statista.com).

For most of my life, I have lived in what, according to IMLA standards, is a "small town. "Homelessness has never been as high on the radar for those cities as it has been for some other jurisdictions. When I did briefly live in a larger city, my experience with the homeless was limited to the guy who visited our tailgate party asking for money to buy food but refused when we offered food, the guy who jumped on my car hood and washed my windshield at a stop light, and the guy who was throwing up in the bushes outside when I visited City Hall. All true stories, mind you, but certainly not representative of the bigger picture.

During the IMLA Mid-Year Seminar many years ago in DC, my family took the trip along with me. My daughter was about seven years old at the time, and had lived in Lexington, SC, her whole life. While walking near the White House, she spied the first homeless person she had ever encountered. She asked, "Daddy, why is that man sleeping on the bench? Why doesn't he go home and sleep?" My reply was "I don't think he has a home, darling." You could see the wheels churning in her little mind processing the issue. She inquired further: "Does he have a mommy and daddy?" "I don't know. Maybe somewhere," I replied. She had never encountered this issue during her few years, and it puzzled her.

Now, as said before, I understand that the issue can exist in small towns too. When I was working in a restaurant the summer after graduating from high school, we used to slip food out back to a hungry little old man who came by each evening. He did so all summer, but I'm not sure what happened to him after we left for college.

Not nearly as long ago as the restaurant and the aforementioned DC trip, a man wandered into our church one cold rainy morning asking if he could stay inside for a while. We obliged and gave him some coffee and a snack. He sat in the back attending the service. He left after the proceedings without speaking but returned again the following Sunday and again attended services carrying his duffle bag, which contained virtually everything he owned.

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We were able to spend a little time talking to him on the second visit. I will call him "Rob." We were to learn that Rob had been homeless for about 25 years--he wasn't sure exactly, as time had come to have little meaning for him. He had just gotten into town after (I kid you not) *walking* all the way from a small town in Oklahoma. He had pitched a tent and made a camp in a hidden spot in the woods across the street from the church. Rob appeared weathered and unshaven and was wearing torn and tattered clothes. His long hair hid that fact that he was probably approaching 60 years in age. He also appeared somewhat malnourished.

I retrieved a hamburger from a nearby restaurant and gave it to him. He appreciatively took it and disappeared into the woods. For weeks after that, I slipped food to Rob at a meeting place behind a local pharmacy. He continued to attend our church and was given more clothes and food. He started to gain a little weight and had improved his appearance. The pastor and his wife bought him groceries from time to time and took them into the woods to leave them for him. He was beginning to trust us to a good extent.

One day he asked for help in getting federal disability benefits. He had no ID, except for an extremely tattered Oklahoma Birth Certificate. Rob was slightly mentally challenged and had a problem with his memory. A bit of research discovered that he had a Social Security Number. We were able to get his SS Card and a State Identification Card. He had started the process previously but abandoned it in a previous location. We helped him complete it, and after quite a bit of time, the Feds mailed an approval. Rob began collecting his checks.

The pastor opened a bank account for Rob, and had the checks directly deposited. A cheap apartment was found, and we convinced Rob to move into it. He was off the street for the first time in over 25 years! Occasionally, he would still slip away and spend the night in the woods. We found he did this to hide the fact that he was buying cigarettes and alcohol with the money he was getting. Eventually, he stopped doing this, but we never could convince him to go to a doctor.

Rob disappeared several times, and we even thought he had left town at one point. However, the authorities advised me that he had been in jail for thirty days in another jurisdiction for public drunkenness. He showed back up at church, as the pastor had continued paying his rent. Rob improved slowly but surely, and still attends the church to this day. A larger place was found for him later, and he has continued to improve. We hope this trend continues.

I learned from Rob that homelessness can be chronic or short-lived. It can be a result of tragedy, a poor family situation, pure economics, mental health and/or addiction. There will not be the same remedy for every situation, just as there is not the same reason for homelessness in the first place. This is a fight we are all going to have to continue. We're all in it together, big cities and small.

Fast forward to 2019, and this year at Thanksgiving my daughter and I volunteered at two events designed to feed the homeless and/or provide for the less fortunate. We took groceries to an event here in Lexington and dined with homeless/low income folks from around the area. We also took several food donations to a gathering in nearby Columbia where the issue exits on a larger scale. There is nothing like attending such an event to make you appreciate what you have and to stop complaining about your own circumstances.

Now back to a theme I've touched on before. Recently, in Municipal Court, I have encountered two more examples of folks looking at jail time for the simple reason that they could not keep their mouths shut. The first was a gentleman who was originally arrested for public drunkenness and being a danger to himself. He was found walking in and out of traffic on a busy highway. He was determined to be a threat to his safety. When the police arrived at his location, he came belligerent and threw out a few expletives. He further physically fought with police, and it took four of them to subdue him and put him in a car. Under normal circumstances, he might have spent a single night in jail. Instead he was charged with resisting arrest in addition to public drunkenness.

When he was brought to court, it was likely the parties were willing to give him a break. However, he soon proved drunkenness was not the cause for his behavior. He behaved the same way in court, becoming belligerent with the Judge, and eventually calling him a derogatory name. The Judge held him in Direct Contempt of Court and said he would spend thirty more days in jail. "**** You," he said to the Judge... Thirty more days... "**** you" again... Thirty more days... The jail time total began to resemble a taxi cab meter as the man cursed the Judge three more times on the way out of court despite being restrained. Although the Clerk was keeping up, we lost count on the number of days to which he was sentenced. From one night in jail to all this!

The other example was a young mother who went berserk at a fast food drive thru because the workers mistakenly put pickles on her kid's sandwich. The enraged young woman parked her car, got out and went inside. She engaged in a verbal assault on the restaurant workers,

and the manager came out and asked her to leave, telling her the police had been called. She picked a fight with the workers who were only defending themselves, and it was taken outside where the young woman suffered the worst of it.

The police arrived and arrested her. A relative was summoned to retrieve the child. When the woman later came to court, she ended up in a verbal confrontation with the Judge after she repeatedly interrupted him and disrupted court. After he finally got her to stop, she requested a continuance to allow for time to hire an attorney. The Judge granted the continuance, and she headed toward the door. This would be the end of proceedings for most defendants. Not this young woman, however, as she exclaimed "I don't give a **** who you are" on the way out the door. As prosecutor, I heard this along with the court clerk who looked shock at the Judge. "What did she say?" the Judge asked. "She said she didn't give a **** who you are," exclaimed the clerk. I told the Judge I heard the same.

The Judge asked the bailiff to have her brought back into the courtroom. She was brought back before the Judge and told what the Clerk and I had just advised the Judge. "I did not say that," she emphatically exclaimed. The Judge then inquired whether anyone else in the court had heard what she said. Ninety percent of the room raised their hands. The Judge proceed to have about six people repeat what they heard, and it matched what we had relayed to the Judge verbatim in all six cases. The defendant claimed everyone in the room was lying. She was sentenced for Contempt of Court and taken out the door screaming the entire way… Thirty days in jail over a pickle on a sandwich, a situation which could have easily been cured. Even worse, we are all convinced she truly believes she did nothing wrong.

*The Prosecution rests, your honor.* ML


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