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**POTTINGER  
WE WILL NOT ARREST OUR WAY OUT OF HOMELESS ISSUES IN  
AMERICA!**

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**JUNE 30**

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The outcome from MICHAEL POTTINGER, PETER CARTER, BERRY YOUNG, et al., Plaintiffs,  
v.

CITY OF MIAMI, Defendant

## The need for a local homeless dashboard

- **Individuals can not be punished for being homeless based on an involuntary homeless status on public land.**
- **Law Enforcement officials can not use their legitimate arrest powers for the unlawful purpose of "sanitizing" public areas by removing unsightly homeless individuals on public land.**
- **Arrests of homeless individuals on public land are pretextual and amount to unreasonable searches and seizures violating the United States Constitution.**
- **Law Enforcement officials' seizure of individuals' property on public land lack probable cause, is unreasonable and violates the United States Constitution.**
- **Law Enforcement officials can not arrest homeless individuals for essential, life-sustaining activities on public land based on the United States Constitution.**
- **According to the United States Constitution, homeless persons have a right to publicly engage in essential life-sustaining activities such as sleeping, eating, bathing, and assembling on public land.**

**WHAT CAN LAW ENFORCEMENT OFFICIALS DO FOR A homeless person for "life-sustaining conduct"? Suppose there is a shelter bed within the area. In that case, the law enforcement officials can inform the unhoused individuals of the open shelter bed and what shelters will accept their stay and provide transportation.**

**Community Partnerships: We can work with county services and local groups to identify resources/services needed and available.**

**Educate: Inform community members attempting to utilize ordinances/statutes to address homelessness of the current state of the law.**

**“Regardless of location, Law Enforcement Agencies understand two nearly universal factors are driving homelessness in our communities: mental illness issues and substance abuse”. [Law Enforcement Response to Homelessness: Identifying High-Priority Needs to Improve Law Enforcement Strategies for Addressing Homelessness | National Institute of Justice \(ojp.gov\)](#)**