



## Squatting Statistics 2015

The link between rising homelessness and the criminalisation of squatting

Policy Brief – May 2016

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### Executive Summary

In 2011, Squatters Action for Secure Homes (SQUASH) and other housing campaigners warned that criminalising squatting during a housing crisis was irresponsible and would lead to increased suffering for the homeless. SQUASH has been tracking implementation of section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act (s144 LASPOA)<sup>1</sup> since it came into effect in September 2012. Section 144 criminalises squatting in empty residential properties, gives the police new powers, and guilt is determined by a lay magistrate, rather than a trained judge.

Since 2012, there have been **at least 738 arrests, 326 prosecutions, 260 convictions and 11 people imprisoned** for the offence. The latest statistics, three and a half years on, show that arrests are continuing, and prosecutions rising. The publically-funded protection provided to residential landlords through section 144, is causing an explosion in rough sleeping and youth homelessness. In 2011, the Crisis report *Squatting: a homelessness issue* found “squatting is often —a prominent feature of peoples' homelessness career...”. The homeless, prevented from accessing the traditional buffer of squatting as an interim solution to dire housing need, face arrest and imprisonment if they do.

Once on the street, the life expectancy of the young and homeless diminishes rapidly, as stated in Crisis' *Homelessness Kills* report (2012): “At the ages of 16-24, homeless people are at least twice as likely to die as their housed contemporaries; for 25-34 year olds the ratio increases to four to five times, and at ages 35-44, to five to six times.” At least 194 people living on the streets died in London in 2015, but the mortality rate of rough sleepers across the country is still unknown.

In England, the majority of known arrests under section 144 have taken place in London and the South East (134/148 in 2015), where average house prices increased by 42% between 2010 and 2015, more than double the national average of 17%. London is at the centre of the largest rise in house prices (43% since September 2012), and the largest number of people arrested for squatting under section 144 (545 since September 2012). Some London boroughs are engaged in anti-rough sleeper enforcement, such as Operation Encompass, demonstrative of government legislation helping to drive up house prices, for the benefit of a wealthy few, by criminalising the most vulnerable.

Criminalising squatting and rough sleeping, while more than 83,000 young people are currently homeless and 610,000 residential properties in England stand empty, is unnecessary, unjust and just plain criminal. Section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act must be repealed.

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<sup>1</sup> Referred to as “section 144” in this report, and commonly cited as the criminal offence “Knowingly as a trespasser intending to live”, Home Office offence code 125/86.

# Key Findings

## Arrests & Disposals

- **Arrests:** There were at least **148 arrests** under s144 LASPOA in 2015. This brings the total confirmed arrests to date to **736 people since 2012**;
- **Charged:** The percentage of those **charged** with the offence was **64% of arrested** in 2015 (94), and half of those charged were remanded in custody before their court hearing;
- **Arrest Targets:** Arrests for section 144 have been **averaging around 160 arrests per year**. This suggests an annual arrest target for this offence.

## Prosecutions & Convictions

- **Displaced Residents:** When asked, **no** police force was able to cite a single case of a **displaced residential occupier** for a squatting arrest;
- **Backup Offences:** Squatters are arrested for a number of alternative offences (eg Criminal Damage, Burglary), and section 144 is often used as a secondary offence when the more serious offences can't be successfully prosecuted;
- **Prosecutions:** Prosecutions of section 144 offences has been rising year on year since 2012, and is currently averaging around **13 prosecutions a month**, up from 10 in 2014-15. This brings the total number of section 144 prosecutions brought for a first hearing at a Magistrates court since 2012 to **326**;
- **Convictions:** there were **69 convictions** in 2015, with the most popular sentences being Fines (51%), Conditional Discharges (20%) and Community Sentences (10%). However **3 people were imprisoned** for section 144 in 2015, and the figure since 2012 is estimated to be 11 sent to prison.

## Evictions

- **Fast-track evictions**, using Interim Possession Orders and High Court Bailiffs, are increasing and becoming more common;
- **Illegal evictions** by landlords, the police and security firms continue, as it is widely believed that section 144 criminalises all squatting, and that squatters are *de facto* "criminals";
- **Length of Occupation:** Squats now last little more than 3 weeks in general, three months at most. This is in sharp contrast to pre-2012 lengths of occupation, of between 6 months to a year.

## Criminalising the Homeless & Market Effects

- **Rising Homelessness:** more 18-34 year olds are being made homeless through private and social housing evictions, and it is estimated there were 83,000 young homeless in 2015;
- **Rising Rough Sleeping:** rough sleeping number have risen dramatically since 2010/11, due in part to the implementation of section 144, and at least 194 rough sleepers died in London in 2015;
- **Underreporting and Criminalisation:** the government's response to rising homelessness has been to underreport and criminalise those sleeping rough, eg Operation Encompass, as well as repress the outward signs of destitution, such as begging;
- **Rising House Prices:** links between aggressive enforcement of homeless criminalisation and rising house prices can be seen in statistics for London and other parts of England;
- **Legislative Subsidy:** laws like section 144, among others, acts as a public subsidy for private landlords and speculators, enabling them are to leave homes empty and fast-track evictions.

***SQUASH and Streets Kitchen believe section 144 is Undemocratic, Unjust, & Unnecessary***

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