



The Case Against Section 144

March 2013

A Six-Month Impact Analysis of the Criminalisation of Squatting in Residential Properties, Under Section 144 of the Legal Aid, Sentencing and Punishment of Offenders Bill

Contents

1. Foreword
2. Executive Summary
3. Undemocratic: How Squatting Was Criminalised
4. Unjust: Squatting and Homelessness
5. Unnecessary: Previous Law Was Adequate
6. Unaffordable: New Law Set to Cost Tens of Millions
7. Conclusion: Campaign to Repeal S144
8. Appendix
9. Endorsements
10. About SQUASH
11. Endnotes

1. Foreword

Section 144 (S144) of the Legal Aid, Sentencing and Punishment of Offenders Bill (LASPO) came into force on September 1st 2012. **Squatters' Action for Secure Homes (SQUASH)**, concerned about the lack of an impact analysis of the law's effect, has decided to investigate, analyse and evaluate the direct and indirect consequences of S144. Our findings, as well as highlighting the necessity of a broader impact assessment, depict a dramatic reality and indicate that any further extension to the scope of the law would have disastrous consequences. The report was launched on Monday 4th March 2013 in the House of Commons.

2. Executive Summary

SQUASH has collected and analysed information to produce a six-month impact analysis of the criminalisation of squatting in residential properties. Relevant literature and reports on the current housing crisis, empty properties, homelessness and squatting in England and Wales have been used to provide a context for a wider analysis of the after-effects of S144.

The report's findings suggest the major concerns with criminalisation that arose during the government's consultation process have manifested, with **homeless and vulnerable people disproportionately affected. No arrests so far have involved squatters displacing someone from their home**, which suggests that the Criminal Law Act 1977 was sufficient for dealing with squatters, as noted by many legal experts – and that the change in law was a response to media misreporting.

Based on Freedom of Information (FOI) requests made to the Police, media reports and figures from other squatters groups, our research shows that **108 people have been displaced/made homeless** after incidents involving the police attending properties to investigate offences under S144. Of these **the number of people arrested for s144 offences currently stands at 33**, with the number of convictions secured against those arrested at 10.

SQUASH research has shown that **91% of Local Authorities keep no record of whether those presenting as homeless have previously lived in squatted buildings**¹. Many Police forces across the country are treating the offence as non-notifiable/not recordable. Given that there are an estimated 20,000 people squatting in the UK, the 108 people displaced by the new law can only be a fraction of the total being impacted. The lack of data being kept by councils and Police forces is deeply troubling, and suggests many of these people have been forced into even more precarious forms of hidden homelessness.

Given the magnitude of the housing crisis and the huge rise in homelessness we are currently facing, this law has critically narrowed the options for many, and is sending homeless people to prison for seeking shelter in empty buildings.

The report is divided into four main sections that analyse different aspects of S144.

- 1 The **Undemocratic** section takes into consideration the process that led to this new criminal law. Our research highlights the unusually short parliamentary process, which gave very little time for scrutiny, and the government's consultation process, which saw 96% of the respondents ignored.
- 2 The **Unjust** section, by exposing the irrefutable link between squatting and homelessness, shows who the law is most harshly affecting. Case studies of people arrested and prosecuted in the past six months are presented in order to give concrete examples of enforcement of the new law.
- 3 The **Unnecessary** section outlines the prior adequacy of the Criminal Law Act 1977 for dealing with squatting, and raises some concerns about the enforcement of the new offence and the lack of data being collected.
- 4 Finally, the **Unaffordable** section analyses the financial effects associated with S144. By taking into account direct (e.g. evictions, arrests and prosecutions) and indirect (e.g. rehabilitation and housing benefits) enforcement costs the analysis provides some up-to-date figures on the financial implications of the law.

As a result of these findings, SQUASH are launching a campaign calling for a repeal of S144 LASPO. At the very least, the clear lack of Government data reinforces calls for a full independent impact assessment before further criminalisation is even discussed. The situation at the moment is dire, and with substantial cuts to welfare provision taking effect from April 1st, things can only get worse.

3. Undemocratic: How Squatting Was Criminalised

"...This is not about sending a message to squatters; this is about sending a message to the right-wing press, which has conducted a misleading and pernicious campaign on this matter, demonising homeless people in the process"

- Baroness Lister of Burtersett (Labour)

SQUASH have repeatedly raised concerns about the legislative process that criminalised squatting in residential properties in England and Wales². The Ministry of Justice's consultation period appears to have been more a **box-ticking exercise** than a genuine consultation with affected parties and civil society groups. S144 was rushed through parliament, leaving very little time for scrutiny by MPs. The resultant legislation is ambiguous and ill thought-out, to the extreme detriment of vulnerable people.

The speed of the criminalisation, combined with lack of transparency within decision making, meant ministers and government spokespeople were able to routinely make misleading public statements about the nature of squatting, and of the proposed new offence, without sufficient challenge or a well-informed public debate. A letter from 160 legal experts and lawyers published in The Guardian iterates this point-

*"By making misleading statements and failing to challenge inaccurate reporting, ministers have furthered the myths being peddled around squatting."*³

Consultation

The Ministry of Justice consultation 'Options for Dealing with Squatting' appears to have been a mere formality rather than a genuine attempt to uncover the realities of squatting. Criminalisation of squatting was pursued despite **96 percent of consultation respondents stating their opposition**. Of a total of 2217 responses, 2126 were from members of the public concerned about the impact of criminalising squatting, whilst **only 25 were from members of the public concerned about harm potentially caused by squatting**.⁴

Responding to the consultation, many homelessness charities and organisations highlighted the problem of criminalising a highly vulnerable group, as is discussed further in section 4 of this report. **The Criminal Bar Association** and the **Law Society** were opposed to the creation of a new criminal offence, arguing it was unnecessary due to existing legislation, as outlined further in section 5 of this report.

Perhaps surprisingly, even the **Metropolitan Police** (answering on behalf of the Association of Chief Police Officers) stated that: “It is the view of the MPS that the current law provides an appropriate framework of offences for dealing with incidents of squatting.” **The Magistrates Association** were “reluctant” to see an offence created **without proper scrutiny** of why existing legislation was not functioning properly, and advised caution in proceeding too quickly.

Parliamentary Process

Clause 26 (which became S144) was **introduced as an amendment into the LASPO bill only three days before its third and final reading** in the House of Commons - there was **no Committee stage examination**. The clause, formulated by the Ministry of Justice, was debated by MPs for the first time at report stage, leaving no time for proper scrutiny of the clause. This highly unusual practice was noted as such numerous times by MPs:

“We do not have the opportunity to scrutinise the legislation properly... It is wholly inappropriate to introduce major changes to criminal law on Report”

Andy Slaughter (MP for Hammersmith)

Organisations and individuals with a stake in or affected by criminalisation, such as homelessness charities, squatters, and local community groups, were given no time to respond to the clause or to give a mandate to their representatives in the House of Commons.

“You know something stinks when it’s only debated at midnight” (SQUASH)

The situation was aggravated by the fact that all debates in the Commons and in the House of Lords were held very late at night - resulting in low attendance. **Minimal time for scrutiny and debate** enabled government spokespeople to make obfuscatory, misleading, and inaccurate statements about both the nature of squatting, and the extent of existing legislation without sufficient challenge.

For example, Crispin Blunt, The Justice Minister at the time, repeatedly claimed that “It [criminalisation] will protect those who are likely to suffer most from squatting—those whose homes are taken over by squatters.” This claim was made repeatedly despite the new legislation being intended to cover empty properties – not lived in ‘homes’⁵, and the repeated assurance from legal authorities of the sufficiency of existing criminal legislation. **The Law Society** directly commented on this point:

“The current law is comprehensive and effective ... the proposals in this consultation are based on misunderstandings by the media of the scale of the problem and a misunderstanding of the current law.”

Moreover, the wording and content of S144 was left vague and poorly defined. The lack of a clear definition of 'residential' is the most obvious case in point⁶.

SQUASH are particularly concerned that some MPs appear to be moving towards a call for criminalisation to be extended to commercial properties. Rather than laying the groundwork for such an extension, the rushed, cursory and democratically deficient manner in which S144 was introduced demands a full reassessment of it's legitimacy.

4. Unjust: Squatting and the Housing Crisis

With England facing a severe housing crisis, SQUASH, alongside a number of homelessness charities including **Crisis**, **Shelter**, Homeless Link and The Simon Community, warned that the criminalisation of squatting would lead to the criminalisation of the most vulnerable in our society⁷. Furthermore, the new law directly discourages owners from bringing properties back into use, further exacerbating the housing crisis.

Rise in Homelessness

Since 2008 **a sharp increase in all forms of homelessness has been recorded**. The number of households accepted as statutorily homeless in England increased by 34% to reach 50,290 in 2012. Of these, families are the worst affected⁸. As of November 2011, approximately **1.84 million households** were reported to be on waiting lists for social housing, and the National Housing Federation reports 4.5 million people to be in housing need⁹. As a consequence, the number of families with children living in temporary accommodation has increased by 160% in the past two years¹⁰.

Rough Sleeping

Rough sleeping has also seen a rapid increase. Government figures record a **30% increase in rough sleeping since 2010**¹¹. In addition to this, hostels across the country have seen a 28% increase in demand¹². With demand already stretched, it will be impossible for the government to deliver on its pledge¹³ to work with local authorities to ensure S144 doesn't cause an increase in rough sleeping.

Worryingly, research published in January 2013¹⁴ shows that private companies are beginning to make money out of the street homeless with two unnamed "private providers" awarded contracts that could be worth as much as £5 million to tackle rough sleeping. Given the intractability of street homelessness and the difficulty of dealing with homeless people with multiple vulnerabilities, questions ought to be asked over the proper use of this money.

Research by homeless charity Crisis has shown that squatting is a common response to homelessness. Their report, "Squatting: a Homelessness Issue,"¹⁵ shows that **40% of single homeless people squat**. Furthermore, squatting is often "**a prominent feature of peoples' homelessness career...** It is likely that a **significant proportion** of the squatting population is constituted by people squatting as a **direct response to homelessness**". Meanwhile so-called "lifestyle" squatting is reported to constitute a very small fraction of the broader phenomenon of squatting: "there is no evidence of people choosing to squat despite having access to adequate alternative accommodation".

SQUASH research has shown that 91% of Local Authorities (see endnote 1) keep no record of whether those presenting as homeless have previously lived in squatted buildings. Consequently neither they nor the government has any way of judging the impacts of the new law on homeless and vulnerably housed people.

The Housing Crisis

Nearly **one million buildings**¹⁶ currently stand empty across the UK, of which **290,000**¹⁷ are **long-term empty**. Yet, since their introduction in 2004, only 43 Empty Dwelling Management Orders (EDMOs) have been awarded to councils seeking to bring such properties back into use. New restrictions on EDMOs introduced in Autumn 2012 mean they will become even more difficult to enact¹⁸.

The criminalisation of squatting, in combination with the impacts of the Land Registration Act 2002 threatens to exacerbate this situation, discouraging owners from bringing buildings back into use. Many empty properties are now at risk of becoming “forgotten”, leading to economic and physical stagnation, with negative impacts on local communities and the national housing market¹⁹.

According to the National Housing Federation, since 2009, spiralling rental costs in the private sector have resulted in an **86% increase of working people relying on housing benefit**²⁰. This is directly linked to the inefficiencies of a housing market that allows large numbers of properties to remain empty. Property speculation and foreign investment are fuelling the upward trend in rental and purchase prices²¹. Criminalising squatting encourages these practises by transferring the costs of securing empty buildings from property owners onto the state.

Case Studies

Since S144 came into force several people have been convicted under the new law, with **33 arrests so far**. Of these people, 3 have been given custodial sentences. The Governments original Impact Assessment assumed that zero custodial sentences would be handed out.

Alex Haigh, aged 21 from Plymouth, was the **first person to be prosecuted under S144**²². He had come to London to pursue an internship as a bricklayer and resorted to squatting after finding himself homeless and looking for a safe place to live. Alex was arrested for living in an empty house in Pimlico that belongs to a housing association, and was sentenced to **12 weeks in jail**. He had no previous convictions. On hearing the

news his father commented: “They have made an example of him. To put him in that prison environment, I don’t understand it.”

Cameron Makepeace at just 18 years old is the youngest person to have been convicted of squatting so far²³. After losing his apprenticeship and his home, Cameron was having problems getting job seekers’ allowance and housing benefit. Facing homelessness, Cameron

used an empty building for three weeks last November. He was handed an 18 week suspended sentence despite having no previous convictions.

Michael Minorczyk, aged 27, was arrested in Blackburn on the 31st of January²⁴. Michael - homeless, unemployed and with drinking problems - was taking shelter for the night in an empty house and received a 15 week sentence.

These cases highlight the profoundly damaging effects of this new law on vulnerable people. In all three cases squatting was a last resort, the **alternative being rough sleeping**. In all three cases those prosecuted were living in properties that lay empty and unoccupied. **They did not “steal” anyone else's home**. At the time of their arrest the people mentioned were young, unemployed and, in one case, had substance abuse problems.

These cases are a far cry from the depictions offered by those who called for the criminalisation of squatting. As expected, a law that was introduced to “protect homeowners” is ultimately, putting homeless people in jail simply for trying to avoid rough sleeping. In this context any expansion of the scope of the law would have dramatic repercussions on sections of society who are most in need.

5. Unnecessary: Previous Law Was Adequate

“...We have no reason to believe that the existing law does not deal adequately with squatting. The civil remedies available appear to us to be adequate and there is a sufficiency of criminal offences already available as remedies. From the information provided, we feel what may be required is for existing remedies to be more vigorously enforced rather than any changes to the criminal law.”

- Criminal Bar Association

Many of the arguments put forward by politicians and the media for the criminalisation of squatting rested on the need to protect homeowners from squatters. They were based on misinformation and myth, and spoke of people who leave their homes for a few days only to return to find it occupied by squatters with police powerless to intervene.

The existing Criminal Law Act 1977 sets out the definitions of two categories of occupants who may be displaced by trespassers: Displaced Residential Occupiers and Protected Intended Occupiers. A Displaced Residential Occupier (DRO) is someone who was a resident in the property when the trespassers entered but has been excluded by the trespassers. A Protected Intended Occupier (PIO) is someone who intends to occupy a property as a residence, has a signed certificate to that effect, and is prevented from moving in by trespassers.

If the trespassers fail to leave when required to do so by a DRO or PIO, or someone acting on their behalf, they are committing an offence carrying a maximum sentence of 6 months imprisonment or a level 5 fine or both, and a constable in uniform may arrest someone who has, or whom they reasonably suspect to have committed one of these offences. An offence under s7 of the Criminal Law Act 1977 carries the same sentence as the new offence under S144 LASPO.

Policing and Enforcement of S144

In their consultation response, the Metropolitan Police, responding on behalf of the Association of Chief Police Officers, considered that the “law was broadly in the right place” and suggested that an adequate response to the “problem” of squatting would be better awareness of and better enforcement of existing criminal laws.

SQUASH and several other groups have attempted to track the enforcement of s144 in the 6 months since its introduction. Through FOI requests to all police forces in England and Wales we

have learned that the **number of people arrested for s144 offences currently stands at 33**, with the number of convictions secured against those arrested at 10.

No government department or Local Authority keeps figures on the total number of squatters in England and Wales, but the figure most widely used is around 20,000. As such, the relatively low number of arrests and convictions suggest that squatting as defined by politicians and media outlets in favour of criminalisation, is not a 'problem' on the scale that they suggested prior to LASPO's introduction. **To our knowledge, no one arrested for S144 offences was displacing a resident or homeowner – all were occupying empty properties and vacant spaces.**

Twenty nine police forces did not hold any data on S144 offences. Several of those police forces, in their responses, stated that the offence is non-notifiable/not recordable, or could not locate the relevant Home Office offence code (125/86). Staffordshire Police Force is one such example. It does not hold any data on S144 offences and in reply stated that "It is highly likely that someone would have been charged with another offence i.e. burglary/trespass".

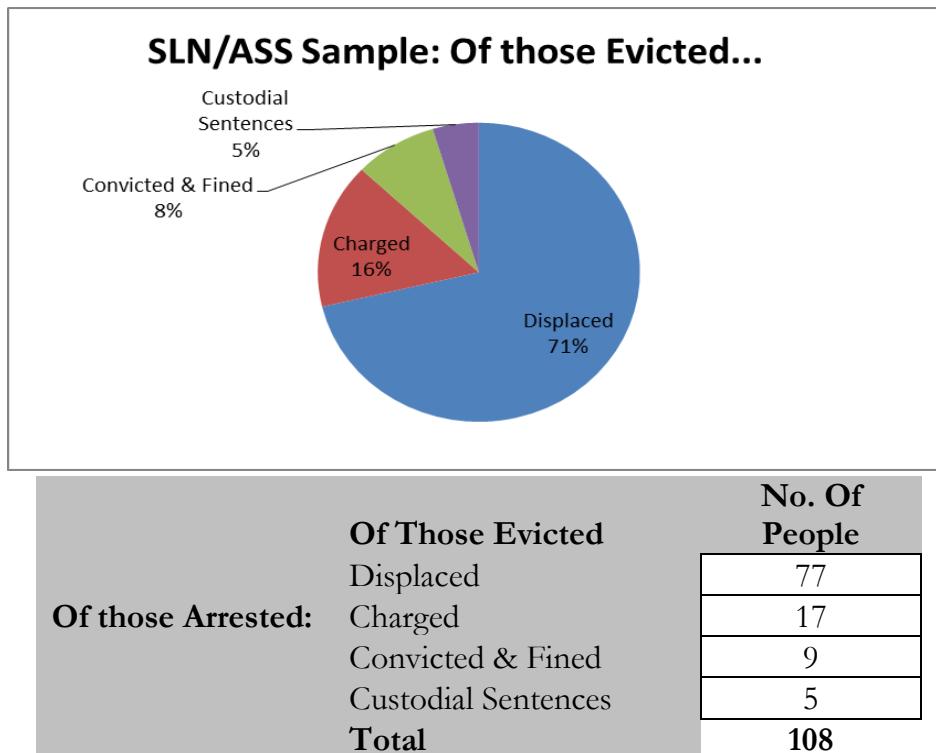
This confirms what the Advisory Service for Squatters (ASS) has known for some time – that police officers often force entry to a squatted premises to facilitate its unlawful eviction under the pretence of making arrests for offences such as the abstraction of electricity, criminal damage or burglary. Often no arrests are made and rarely do they result in charges being made. It is possible that this use of the law breaches Article 8 of the European Convention on Human Rights.

This raises a number of concerns about the recording and enforcement of this new offence. If it is being treated as a non-notifiable offence, there is the danger that its enforcement, and the consequences of that enforcement, will proceed entirely unnoticed. This is a problem when the law affects vulnerable and homeless people, and when the offence in question carries a maximum sentence of 6 months imprisonment and heavy fines.

ASS and the Squatters Legal Network (SLN) have been offering legal advice to people affected by S144 and have been compiling their own data on the enforcement of the new law. They have recorded numerous incidents where S144 has been used to threaten the occupants of a squatted residential property to get them to leave, or used to force entry to properties with no intention of making arrests. In effect, the new offence has been used to summarily evict squats, many of which had licenses or Orders by Consent in place, with numerous properties remaining empty after the eviction.

Based on media reports and ASS and SLN figures we estimate that **108 people have been displaced/made homeless** (see below) after recorded incidents involving the police attending properties to investigate offences under S144. However, due to the limited information available and

the widely used estimate of 20,000 squatters across the UK, we believe that to be a fraction of the total number in England and Wales. We would suggest however, that in reality the law impacts a substantial number of people who have joined the countless thousands who now fall into the category of 'the hidden homeless'²⁵.



The role of the Police in enforcing housing law in this instance has presented us with several issues. Firstly that there are no accurate records of evictions taking place under the new law. Secondly, that it has strengthened the hand of the police in evicting where there is no third-party complainant, and, most importantly, that the police are not trained or resourced to adequately tackle the multiple vulnerabilities often presented by homeless squatters, and criminalisation makes it increasingly difficult for homelessness organisations or charities to reach those groups. At its worst, this can lead to a pattern of spiralling and unresolved recidivism.

Potential to Undermine Existing Housing Law

The enforcement of this new offence takes what was a civil process, with procedural rules, to the doorstep of the premises in question. As a result, the task of determining the nature of the occupation is left to police staff with limited or no legal training, rather than legal professionals who are bound by due process and possess the requisite knowledge and experience required for cases involving trespass and possession claims.

There is also ample scope for S144 to undermine the existing rights of tenants. ASS recently gave advice to a household in the Spitalfields area of London. They were unlawful sub-tenants who had limited knowledge of English. Their landlord claimed that they were committing a crime under S144, and threatened to call the police, stating that they would be arrested if they didn't leave.

A spokesperson for ASS commented “Under slightly different circumstances it is easy to envisage the sub-tenants being intimidated out of their home, especially without access to legal advice, and with limited English language skills. In such a situation there is the possibility that the landlord would actually be committing an offence under s6 of Criminal Law Act 1977. These are problems which we are more frequently being called to give advice on.”

Existing criminal law adequately protects homeowners, as stated by numerous legal professionals and academics in their consultation responses. No one arrested for an S144 offence was displacing residents from their home – all were occupying empty properties. The new legislation is poorly written, circumventing procedural requirements in ascertaining possession and title, and presents many opportunities to undermine existing housing law.

6. Unaffordable: New Law Set to Cost Tens of Millions

"This report (Can We Afford to Criminalise Squatting, SQUASH) demonstrates how easy it is for government to propose ideologically driven changes to the law without a good idea of how much the huge cost would be. This is not just the cost in raising aggregate human misery, but also in direct extra financial penalties to the exchequer. If considered carefully, spending so much government money to help what are mostly very affluent organisations keep buildings empty is not justifiable."

-Professor Danny Dorling, University of Sheffield²⁶

The Ministry of Justice (MoJ) calculated that the implementation of S144 would cost £25 million over the first five years, in order to evict all squatters from residential premises and prosecute over 10,000 people²⁷. SQUASH, however, estimated that **these costs would be much higher**, at around £790 million²⁸ once medium-term consequences were also taken into account, such as rough sleeping, rehabilitation and new housing benefit claims.

SQUASH criticised the MoJ estimates because their assumptions were flawed and they failed to consider costs beyond eviction, arrest and prosecution. Both SQUASH and Crisis called for a **Full Impact Assessment** before the law was implemented, so that the MoJ's estimated savings of £350 million from the LASPO Act²⁹ could be verified and the full effects on homelessness, lack of alternative housing provision and criminalisation quantified. This did not take place.

As mentioned in section 5, to assess the impact of S144 LASPO, SQUASH filed Freedom of Information (FOI) requests with all police forces across the country, requesting the number of investigations, cautions, evictions, arrests and prosecutions they have taken under the new law. However, most police forces are treating S144 offences as non-notifiable and many held no data. We have therefore used sample data from the ASS and SLN to measure the financial impact six months into implementation.

These figures are limited: most squatters do not know about the services provided by ASS or SLN, and without direct contact (or occasional media reports) there is no way of recording other S144 evictions. The numbers presented by these two sources must therefore be taken as a small proportion of the whole. The lack of governmental figures in this area should underscore how intractable and difficult a problem homelessness is for an unwilling government to understand and deal with, and how reckless the implementation of S144 is in the absence of such data.

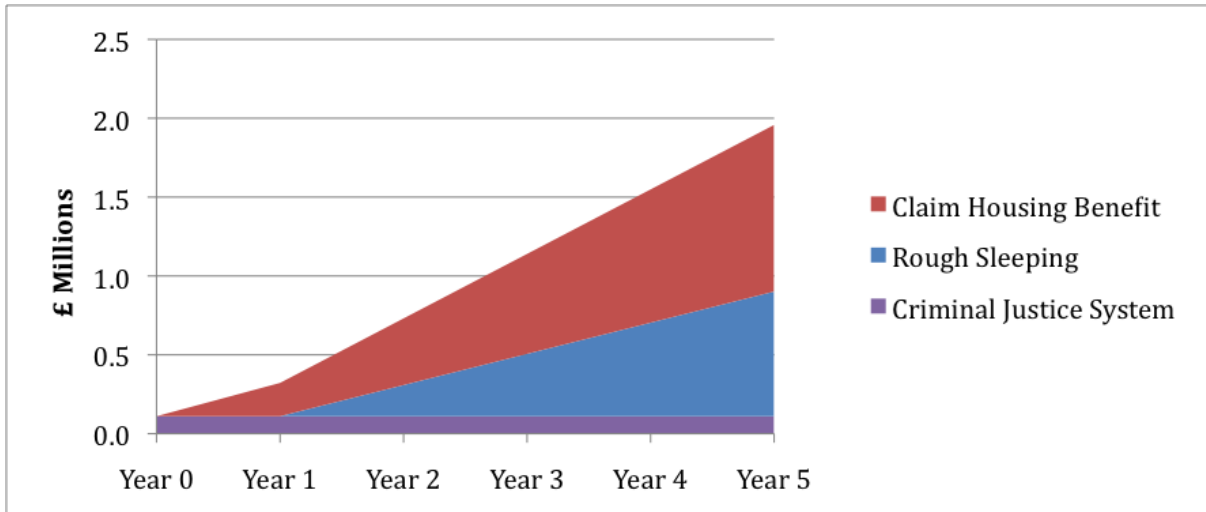
As the ASS/SLN figures are the closest we have to concrete figures, we have used it to model costs for the current trends in the application of S144:

- First, dealing solely with the population recorded in the ASS/SLN figures, we estimate the **new law has already cost between £107,355 - £114,750³⁰**. These are just the direct eviction, arrest and prosecution costs; we calculate an additional £1.8 million³¹ will need to be spent on this population over the next five years, including the costs rehabilitating rough sleepers and housing benefit claims.
- However, while MoJ consultations hope for a “deterrent effect” from S144, i.e. that low-level harassment, fear of arrest and criminalisation will force squatters out of their homes, displacing them back into the formal housing market or onto the streets. Nowhere factors in the consequences of this displacement. We have used a conservative estimate of 10% of a low squatting population (20,000 people) deterred from squatting under the new legislation (i.e., 2,000 individuals), bringing the **total five-year cost to almost £30 million³²**, a figure unaccounted for in MoJ estimates.
- Re-running the SQUASH model based on the proportion of prosecutions from the limited ASS/SLN sample, suggests that five-year costs using the **“Most Probable Scenario” come to between £7.9 million - £23 million³³**. Recorded detection and prosecution rates remain low; however, SQUASH stands by their original £790 million five-year estimated cost of the new law should the government continue to push ahead at the rate it anticipates (2,100 prosecutions annually).

Many of these figures rely on conservative estimates and extrapolation from limited data. There has been no move within government to more accurately survey and retain data on homelessness and eviction, or on the impact of S144. However, even low-balled figures suggest that there are dimensions to the problem that were unexpected in the incomplete impact assessment and not broached in the hurried debate in parliament.

All the existing literature agrees that people do not squat lightly, and generally do so because they have few or no other housing options. By displacing this population into the formal housing sector, which is already overstretched, or onto the streets, which is precarious and dangerous. The law is decreasing the ability of vulnerable people to sustain themselves, decreasing their access to state support, and increasing the risk of returning to street homelessness.

Graph 1: Five-Year Cumulative Cost of s144 LASPO for the SLN/ASS Sample with regards to Criminal Justice System (CJS) and move-on Accommodation Costs.



Source: Average of SQUASH estimates for CJS and Scenario 1 of Methodology 2)

The implementation of S144 has already cost between £107,000 - £114,000 in the first six months in direct eviction and prosecution costs. A conservative estimate of medium-term costs based on the sample data and a degree of “deterrent” will mean that the total cost of s144 LASPO over the next five-years will come to around £30 million, well over MoJ estimates.

7. Conclusion: Campaign to Repeal S144

SQUASH believes that the evidence in this report clearly indicates the need to repeal S144. At the very least it warrants a full independent impact assessment to be undertaken regarding the consequences of the clause on the squatting population. The law was brought in as a response to a media campaign suggesting that there was an epidemic of squatters displacing families from their homes. Despite this offence being **adequately covered in existing law**, broad criminalisation of squatting in residential properties was supposed to tackle both this offence as well as homeless people squatting in disused properties – without any provision for their rehabilitation, nor estimation of its costs.

From the data SQUASH has surveyed, it is clear that **no cases of displaced occupiers have come to light**. However, the law has criminalised people with multiple vulnerabilities seeking refuge from rough sleeping (see case studies in section 4 of this report). It is clear from the academic literature on squatting that the vast number of people who squat are homeless, with **multiple vulnerabilities**, seeking shelter from rough sleeping.

Criminalisation has made it harder for such individuals to seek shelter from dangerous sleeping, harder for third sector organisations to contact people currently squatting, and placed arrested squatters into the criminal justice system, where adequate rehabilitation is difficult to achieve. Neither police nor local authorities are tracking the consequences of S144 adequately, with populations moving out of squatting joining the huge population of **'hidden homeless'** described by Crisis.

There is no adequate police response to squatting. Besides the failure to record implementation of the new law, the police are necessarily constrained by taking a criminal approach to squatting. There is no additional or specialist training to deal with the complex problems and multiple vulnerabilities suffered by much of the homeless squatting population. The two remedies available to the police are either displacement on to the street, or criminal process post-arrest – neither of which deals with the fundamental problem leading people to squat in the first place. **There is no possible adequate police-based response to this issue.**

SQUASH, like Crisis and Shelter, suggest that squatting is less a function of criminality than it is a **consequence of a housing and homelessness crisis**. We believe that S144 does little to solve that crisis, and the record of its implementation over the past six months suggests that it is only serving to worsen the conditions of those who seek refuge in squatted buildings. Any solution to squatting must be part of a coherent housing strategy, rather than removing a largely innocuous solution to a housing market that cannot cope with the number of people needing housing. On that basis, we press for a repeal of the law, and **the adoption of a housing strategy that seeks to solve the housing crisis rather than defer or displace it.**

8. Appendix

Methodology 1

Current Costs of Evictions and Prosecutions: Direct Financial Impact – 6 Months

We have attempted to estimate the direct costs already expended in the implementation of S144 over the first six months from September 2012 to February 2013, in the eviction, arrest and imprisonment of those squatting in empty residential premises. SQUASH have applied two cost estimates, one from the Ministry of Justice³⁴ and the other using research conducted by Claire Smith³⁵, to the sample data provided by the Squatters Legal Network (SLN) and Advisory Service for Squatters (ASS), two groups monitoring cases involving the new law. Using this data, SQUASH estimates that to date the new law has cost between £107,000 - £114,750 in the form of police time for evictions and arrests, court time and costs for prosecutions and convictions, and prison and probationary costs for sentences.

It should be noted that the SLN/ASS Data Sample is only a snapshot of current cases, namely those that have reached the mainstream media or where defendants have contacted these two groups directly; since many squatters are not aware of SLN or ASS, and few cases reach the mainstream media, this sample should only be seen as indicative rather than complete. Since the Ministry of Justice, the police, local authorities and the courts have not been collecting specific information regarding the application of the new law, this sample provides the closest concrete data SQUASH is able to access to make a conservative estimate of the impact of the new law.

Table A: Squatters Legal Network (SLN) and Advisory Service for Squatters (ASS) Sample Data

	Group	ASS/ SLN Sample	No. Of People		
		Properties Evicted	21		
Of which:	A	People Evicted	108	5.1	evicted per property
		Arrests	31	1.5	arrests per eviction
Of which:	B	Charged	17	55%	charges per arrest
	C	Convicted	9	29%	convicted per arrest
	C	Custodial Sentences	5	16%	sentences per arrest

Cases have been grouped into three Groups, A, B and C. Group A are those who have been evicted from empty properties with a caution, and will need to find alternative accommodation; Group B are those who have been arrested and charged; Group C are those who have been arrested, prosecuted and convicted, some receiving a fine while others a custodial sentence. These Groupings are used to assess the most probable medium-term outcomes in accessing alternative accommodation for each Group.

Table B: Estimated costs at each stage of the Eviction, Judicial and Probationary process with respects s144 LASPO, with respected researcher Clare Smith's (CS) per person estimation in her paper A Cost-Benefit Analysis of the Proposed Introduction of an Intentional Trespass Law in Regards to Squatting. The per person cost is applied to the SLN/ASS Sample to get a Total Cost.

	ASS/ SLN Sample No. of People	CS Research per person	CS Research Total Cost
Properties Evicted	21		
People Evicted	108	£833	£89,968
Arrests	31		
Charged	17	£633	£10,767
Convicted	9		
Custodial Sentences	5	£1,324	£6,620
TOTAL		£2,790	£107,355

Table C: The Sample of 21 squatting cases is applied to the Ministry of Justice's (MoJ) adjusted "Average Cost per Squatting Case" estimates ("MoJ Adj"). The original MoJ estimates assumed that there would be 4 squatters per case; however the SLN/ASS sample shows that there were 5.1 people per squatting case. Therefore the "MoJ Adj" figure takes this into consideration by dividing the "MoJ" figures by 4 and multiplying by 5.1. These adjusted figures are then multiplied by the 21 known cases for a Criminal Justice System (CJS) total.

Criminal Justice System Agency	MoJ per case	MoJ Adj. per case	For 21 Cases:
Police	£1,714	£2,186	£45,900
Crown Prosecution Service	£286	£364	£7,650
HM Courts & Tribunal Service	£1,333	£1,700	£35,700
Legal Services Commission	£714	£911	£19,125
Prison and Probation Services	£238	£304	£6,375
TOTAL	£4,286	£5,464	£114,750

Methodology 2

Post Eviction 5-Year Cost Scenario for the SLN/ASS Sample, with and without Deterrent (set at 10% of Low Squatting Population) using Rogue Sleeping, Hidden Homeless and Housing Benefit Claims.

Indirect Impacts:

The displacement of squatters from occupation of empty buildings into alternative accommodation has been costed for the next 5-years, taking into account the rehabilitation of those sleeping rough/ on the streets, those entering the formal housing sector (with all claiming housing benefit), and those who become hidden homeless, for which there is no methodology to measure monetary impact. Scenario 1 only takes into account the SLN/ASS Sample and their subsequent choices after eviction, while Scenario 2 takes those already evicted and adds a "deterrent effect" from low-level harassment, police warnings, fear of arrest, and uncertainty created by the new law, which drives an additional 10% of the Low Squatting Population (20,000 individuals) into seeking alternative accommodation in one of the three available options.

Table D: Five-Year Cost for Scenario 1 and Scenario 2 based on Group and likelihood of taking up Alternative Accommodation (Rough Sleeping, Hidden Homeless and Claiming Housing Benefit)

	%	Scenario 1		Scenario 2		
		No.	5-Year Cost	No.	5-Year Cost	
Option for Group A	Subtotal	77		77		
Rough Sleeping	20%	15	384,230	15	384,230	
Hidden Homeless	30%	23	0	23	0	
Claim Housing Benefit	50%	39	870,662	39	870,662	
Options for Group B	Subtotal	17	0	17	0	
Rough Sleeping	50%	5	127,245	5	127,245	
Hidden Homeless	20%	5	0	5	0	
Claim Housing Benefit	30%	7	153,779	7	153,779	
Options for Group C	Subtotal	14	0	14	0	
Rough Sleeping	80%	11	279,440	11	279,440	
Hidden Homeless	10%	1	0	1	0	
Claim Housing Benefit	10%	1	31,660	1	31,660	
Options for Group D	Subtotal	0	0	2,000	0	
Rough Sleeping	20%	0	0	400	9,980,000	
Hidden Homeless	40%	0	0	800	0	
Claim Housing Benefit	40%	0	0	800	18,091,680	
	TOTAL COST		1,847,017		29,918,697	
Total Additional		No.	%	No.	%	Cost pp
Rough Sleeping		35	33%	435	20%	£24,950
Hidden Homeless		28	26%	828	39%	£0
Claim Housing Benefit		45	42%	845	40%	£4,523
Total Number of People		108		2,108		

1] Rough Sleeping: This is the option of sleeping on the streets (doorways, alleyways, car parks, etc), becoming street homeless. Those who sleep rough are prone to all manner of physical and mental problems³⁶, and usually receive various kinds of rehabilitation before they can assimilate back into civilian life. In the calculation above, those who become rough sleepers will receive rehabilitation (at a cost of £24,950 per person [4]) at some point between eviction (Year 0) and Year 5, treated as a one-off cost per person, with numbers receiving treatment smoothed out over Years 2 to 5 as a best estimate.

2] Hidden Homeless: Hidden homeless refers to a variety of alternative accommodation measures, ranging from squatting in commercial premises, sofa-surfing, living with parents or friends, emergency accommodation, and others. Since there is no established methodology for working out the monetary costs of this option, no cost estimate is possible. However hidden homelessness affects quality of life, and makes those who become so prone to many of the issues faced by homelessness in general, from deteriorating physical and mental health, and substance abuse [3], to increased vulnerability to domestic/ sexual abuse.

3] Claiming Housing Benefit: Those who are able to access formal accommodation, whether private, public or social housing, will more than likely start claiming housing benefit which they would not have had to do while squatting. People who squat do so because they cannot afford to rent, therefore on entering the rental sector, they will have to apply for housing benefit to support themselves. Those who have been evicted in the first 6 months and the those deterred by the new law (happening in Year 0), will start claiming housing benefit from Year 1 and continue to claim

through to Year 5; SQUASH have used the annual housing benefit figures used in the original SQUASH Report (see endnote 39).

Groups:

The various groups of those evicted and deterred will have particular characteristics which define what they are more likely to do faced with the issue of having to find alternative accommodation.

Group A (People Evicted):

This group, evicted and cautioned, are likely to be less prone to rough sleeping (20%), and more likely to have other options such as sofa-surfing or living with parents (30%) and getting housing benefit (50%) since they will not have any criminal convictions.

Group B (People Arrested):

Those who have been arrested are much more prone to rough sleeping (50%) because they will have fewer housing alternatives, while the rest will enter the hidden homeless (20%) and start claiming housing benefit (30%).

Group C (People Sentenced):

Those who have been sentenced are the most prone to becoming rough sleepers (80%) since the relationship between homelessness and having a criminal record are fairly correlated³⁷. The remainder will become hidden homeless (10%) and claim housing benefit (10%).

Group D (People Deterred): Those who are deterred from squatting are more likely to have alternative accommodation options since they are leaving squatting voluntarily and would not leave otherwise. Thus, 40% are anticipated to start claiming housing benefit and 40% joining the hidden homeless, and only 20% becoming rough sleepers since they have no other option.

Methodology 3

Recalculating the SQUASH 5-Year forecast using the Methodology as per SQUASH's peer-reviewed study Can We Afford to Criminalise Squatting? Using the ASS/SLN Sample as a measure of future trend.

Changes to Methodology:

The cost calculation model developed for the SQUASH report *Can We Afford to Criminalise Squatting?*³⁸ has been rerun using the sample data provided by SLN/ASS has an indicator of future trend. Thus the following assumptions have been put through/ adapted in the model:

Table E: Since 108 people have been evicted in the first 6 months with regards S144 LASPO, the following Low and High Population (detected) figures have been used to estimate future trends. Full-year Low Population (detected) figures continue at around 100 prosecutions a year; High Population (detected) is assumed to be three times that figure, should evictions be stepped up. These figures are still well below the MoJ's estimated 2,100 prosecutions a year.

Population		Number of People Prosecuted	
		Annual	5-Year Total
Low	CJS	100	500
	HB	50	250
	REHAB	50	250
High	CJS	300	1,500
	HB	150	750
	REHAB	150	750

Prosecutions are all assumed to be residential, since this is the type of empty building covered by S144 LASPO. Thus we exclude the commercial premises aspect in the original model. The reconfigured Tables 10 and 11 from the SQUASH *Can We Afford to Criminalise Squatting?* appear as follows:

		Year 1	Year 2	Year 3	Year 4	Year 5	Total	
Table 10	Low							
		CJS	107,144	107,144	107,144	107,144	107,144	535,720
		HB	226,146	226,146	226,146	226,146	226,146	1,130,730
		REHAB	124,7500	1247500	1247500	1247500	1247500	6,237,500
	Total	1,580,790	1,580,790	1,580,790	1,580,790	1,580,790	7,903,950	
Table 11	High							
		CJS	321,432	321,432	321,432	321,432	321,432	1,607,160
		HB	678,438	678,438	678,438	678,438	678,438	3,392,190
		REHAB	3,742,500	3,742,500	3,742,500	3,742,500	3,742,500	18,712,500
	Total	4,742,370	4,742,370	4,742,370	4,742,370	4,742,370	23,711,850	

9. Endorsements

"Squatting is what people do when they get desperate, it is not criminal behaviour. Squatting rises when inequalities increase and housing is not treated as a necessity. This is a great report, every MP needs to read it".

Professor Danny Dorling, University of Sheffield

"This is a very important report, presenting vital evidence about the impact of Section 144 on homeless people. The conclusions suggest that many of the assumptions on which the recent law against squatting was based – for example that people squat as a lifestyle choice, and occupy other people's homes – were unfounded and that Section 144, as predicted by many, is having a detrimental impact on homeless and vulnerable people."

Dr Kesia Reeve

"Squatting has always been a necessary alternative for the most vulnerable members of our society. As this report so ably shows, the criminalisation of squatting will do little to solve a serious and deepening housing crisis. This is a must-read report that reminds us that housing is a necessity and that to punish the vulnerable is a poor substitute for a coherent housing strategy."

Dr. Alex Vasudevan, University of Nottingham

"This meticulously researched report confirms what we feared about the effect of the new laws criminalising squatting. People are being made unnecessarily homeless and very vulnerable people are suffering as a consequence. This legislation was based upon prejudice and has only made matters worse. This new evidence demonstrates so clearly the need to repeal this misguided law."

John McDonnell (Labour MP Hayes & Harlington)

"A few months after the Government brought in the disgraceful law criminalising the homeless for occupying an empty house, we can see that some of the most needy are indeed suffering in the way that we feared. This is a very useful report that should make people think hard."

Baroness Miller (Lib-Dem)

10. About Squash

SQUASH (Squatters Action for Secure Homes) is a campaigning organisation which, since the early 1990s, has worked to protect squatters and other vulnerably housed people. We are undertaking extensive research into the impacts of squatting criminalisation. As part of this we are gathering the views and experiences of squatters and others who are at risk of being impacted. We campaign to raise awareness of these impacts and give voice to squatters and others experiencing insecure housing. SQUASH are in a unique position as one of the only organisations researching squatting in the UK from within the diverse world of squatting itself. It has been recognised as such from the beginning, with SQUASH research quoted extensively within the Home Office Research Paper 94/1 in 1994. Our broader aim is to provide resources for the achievement of secure housing for all.

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11. Endnotes

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