

**Policy Solutions
For the Criminalization of Homelessness
& Homeless Encampments**

Samantha Olson
School of Social Work
University of Michigan
SW 647 Policy Brief Final

March 24, 2015

Executive Summary

Every city across the country encounters the issue of homelessness, whether it is working on the frontlines to help people experiencing homelessness, working to create programs and policies to address, prevent and end homelessness, or whether it is to hide and ignore the homeless population. Sometimes homelessness doesn't become an issue until it is made visible to the general public through panhandling, sleeping in public, or living in tent cities. Due to health and safety concerns, city officials work to ban certain activities in which target solely people who are experiencing homelessness and are living on the streets. In this policy brief, the posing question of how should cities respond to homelessness when it comes to the criminalization of homeless encampments in particular.

This policy brief covers the extent of national, statewide, and citywide homelessness, stating that 578,424 people are experiencing homelessness in the United States¹, 92,341 people in Michigan, and 16,201 people in Detroit are experiencing homelessness². Even though there is an extensive effort to assist the homeless population, issues such as the lack of available beds, poor shelter conditions, unaccommodating operating hours at shelters, and the lack of security and sense of safety create barriers for people seeking help.

As a result, people find a place to live, whether on the streets, in their car, in vacant buildings or within a tent city. Statistics show that one third of the nation's homeless population are unsheltered³ and sleep in places that are not intended for human habitation. Consequently, law enforcement efforts lead to criminalizing homelessness by restricting sitting, sleeping, and camping in certain public places.

74% of the homeless population do not know how to find a place where it is safe and legal for them to sleep. 81% reported being harassed by police for sleeping in public; 66% say they were harassed for sitting or lying down in public. –From the Law Center on Homelessness & Poverty Report, No Safe Place: The Criminalization of Homelessness in U.S. Cities

This brief will explore these efforts as well as city ordinances and their repercussions to those most affected, people experiencing homelessness. In response to the criminalization of homelessness, this brief discusses other pre-existing policies and analyses different policy options when addressing and solving homelessness. These policy options include improving current shelter conditions, reforming the status quo, and implementing the Housing First Model. With tools such as the Cost Benefit Analysis and the Decision Matrix, this policy brief concludes with a recommendation, addressing the City of Detroit as they make decisions in how the city responds to homelessness and tent cities.

Problem Statement

In recent months, the Detroit local news covered a story of a tent city, also known as ‘Tinsel Town’ by its residents, in the last few months. In December 2014, news reporters stated that 11 people with 7 tents were living in Tinsel Town, located off of East Jefferson Avenue, a few blocks east of the Renaissance Center downtown Detroit. Individuals have been living in Tinsel Town for months, but due news coverage and freezing temperatures in early January 2015, Mayor Mike Duggan insisted that the tent city must be removed, stating, “One way or another, we are going to get them moved,”⁴ and that, sooner than later, the city would have to enforce the laws. Duggan mentioned in a news report that people cannot stay in parks past hours, sleep in parks, and have open fires.

Community agencies started to collaborate and provided temporary shelter via motel rooms for the individuals, working with each person to find permanent housing. During the relocation process, news broadcasters mentioned different motives or reasons to put an end to Tinsel, ranging from health concerns in the frigid temperatures, to genuinely wanting to improve the lives of the residents, to improving the image of Detroit as the Auto Show approached. The overall response to address and assist the residents of Tinsel Town was proactive, however, this is not the case for other tent cities around the county. Homeless encampments are often viewed in negative light by the general public as it usually disrupts city ordinances and makes homelessness visible and difficult to ignore.

Background on the Problem

Facts of Homelessness

The National Alliance to End Homelessness published a report in 2014, stating that 578,424 people are experiencing homelessness in the United States, 216,197 are families and 362,163 are individuals. Of those who are experiencing homelessness, 15% (84,291 individuals) are chronically homeless, which HUD defines as “an individual or family with a disabling condition and has been continuously homeless for a year or more or has had at least four episodes of homelessness in the past three years”⁵, and 9% (49,933 individuals) are veterans⁶. One third of the nation’s homeless population are unsheltered⁷ and sleep in places that are not intended for human habitation, i.e. parks, abandoned buildings, and sidewalks.

In Michigan, it is estimated that 92,341 people are experiencing homelessness. 69% of home are in emergency shelters, transitional housing, or safe havens whereas 31% are unsheltered⁸, which mirrors the national statistics of unsheltered people. In the 2013 State of Homelessness Annual Report for the Detroit Continuum of Care, Homeless Action Network of Detroit (HAND) estimated that 16,201 people are experiencing homelessness in Detroit⁹.

In a report published by the National Law Center on Homelessness & Poverty and the Allard K. Lowenstein International Human Rights Clinic at Yale Law School, it reveals that from 2008 to 2013, there were over 100 tent communities developed in 46 of 50 states and the District of Columbia¹⁰. Homeless encampments, also known as tent cities, often develop due to the lack of available beds and troublesome rules of emergency shelters, including the “inability to accommodate couples; requiring

families to separate; safety concerns; restrictions on storing belongings; and opening and closing times that conflict with work schedules.”¹¹ As reflected in the recent news coverage of Tinsel Town, tent cities make homelessness visible, which often leads to public concern.

Criminalization of Homelessness

Many cities around the country are either implementing or intending to implement the reform of the criminal justice system “to minimize the visibility of people experiencing homelessness” as a result of frustration and resistance from business owners, community residents and city official who have felt “that street homelessness infringes on the safety, attractiveness and livability of their cities.”¹² In response to the general public’s frustration and resistance, law enforcement often criminalizes homelessness instead of addressing the causes of homelessness and implementing solutions. Communities have enforced such laws by banning eating, sitting, sleeping in public places, prohibiting begging or panhandling, and eliminating food distribution and sharing in public spaces¹³.

The premises of these laws expresses the idea that “criminalization is a necessary solution to homelessness because it makes it less likely that homeless persons ‘choose’ to live on the streets.”¹⁴ In addition, by removing homelessness from the streets, it is believed as the best way to improve the economy in the community’s commercial and tourist areas. In other words, “The real motivation of these laws is to make the homeless less visible in downtown areas. They hope such laws will force homeless people to seek help, which never works.”¹⁵ The priority of economic growth and success in businesses portrays the ‘not in my own backyard’ mentality, leaving limited or no place for people on the streets.

People experiencing homelessness and who are unsheltered and living on the streets are burdened and consistently worried about their personal safety. The conditions of the emergency shelters, if available, does not grant a sense of safety or a peace of mind. Often times beds are not available in the shelters or the conditions of the shelters are not worth the stay. For example, residents of Tinsel Town stated that they opted out of the shelters in Detroit because they got bed bugs, the hours were not accommodating to their work schedule, or they felt unsafe during their previous stays at the shelter.

In a report done by the National Law Center, “74% of the homeless population do not know how to find a place where it is safe and legal for them to sleep. 81% reported being harassed by police for sleeping in public; 66% say they were harassed for sitting or lying down in public.”¹⁶ This puts into perspective why someone might choose to live in a tent city when there is limited resources, a lack of available beds at shelters and the danger of staying on the streets alone.

Why should we address the criminalization of tent cities?

As the approach to criminalize homelessness strengthens, it becomes difficult to raise awareness about the advantages of tent cities. Even though individuals are still dealing with feeling exposed and vulnerable to the public and the weather, being included in a tent city has its benefits. First, the group comes together with common backgrounds: homeless, not hopeless. Tent cities become home to those who are without housing and to those who are seeking to change their lives. Second, tent cities create a

sense of belonging and community for its residents. People begin to know each other, look out for one another, and people begin to feel safer in their tent community than if they were on the streets or in the shelters. The sense of independence (no challenging shelter hours to abide to), security, and community are the main reasons why individuals form a tent city and how tent cities grow. Homeless encampments become a community-focused, inclusive, self-sufficient place for those who feel they have derailed in life to build their lives up again.¹⁷

In addition to realizing that tent cities are people's home and sense of security, The United States Interagency Council on Homelessness (USICH) hones on the importance of human rights. The USICH gives three solid reasons why it is essential to "address criminalization from a human rights perspective:

- 1) Housing is a human right and keeps stakeholders focused on helping people who experience homelessness achieve permanent housing, rather than on services that - may be well-intended, but- do not ultimately help people exit homelessness into housing stability
- 2) Human rights put people first
- 3) Homelessness has a human cost. Ending homelessness is cost-effective for the taxpayer, but dollars are not the only cost of homelessness; humans experience homelessness at a horrific expense to the health and well-being of themselves and their communities"¹⁸

Statement of Organization Interest in the Issue

The lead organization of interest is the Corporation for Supportive Housing (CSH). With locations nationwide, including Detroit, their mission is to "advance solutions that use housing as a platform for services to improve the lives of the most vulnerable people, maximize public resources, and build healthy communities."¹⁹ By promoting and implementing supportive housing solutions in various communities nationwide, CSH collaborates with community agencies to advocate for safe and affordable housing. By implementing and using the Vulnerability Index and Service Prioritization Decision Assistance Tool (VI-SPDAT) as a guide to assess the best method of intervention, CSH and other service providers can work with individuals and families with a more concrete understanding of their needs.

In the interest to put an end to the criminalization of homelessness and a beginning to real solutions in Detroit, the following list consists of collaborators and key stakeholders that CSH finds most helpful within Michigan and the Detroit area:

- Neighborhood Services Organization (NSO)
- Cass Community Social Services
- Southwest Solutions
- Detroit Housing Commission (DHC)
- Homeless Action Network of Detroit (HAND)
- Michigan State Housing Development Authority (MSHDA)

CSH and its partners will use the information distributed by national organizations such as the National Alliance to End Homelessness, US Interagency Council on Homelessness (USICH), and the National Law Center on Homelessness & Poverty (NLCHP).

Pre-Existing Policy Research

Policies against Camping

As mentioned previously, criminalizing homelessness comes in many forms, but the most common form is to prohibit “camping” in public. The No Safe Place Report by the NLCHP gives the example of Minneapolis, Minnesota, where “it is illegal for a homeless person to use a camp car, house trailer, automobile, tent or other temporary structure as temporary housing anywhere in the city.”²⁰ The report also mentions how other laws go even further by “defining camping to include the simple act of sleeping out-of-doors.”²¹ Additionally, the report reveals that 34% of surveyed cities have city-wide bans on camping, which represents a 60% increase in such laws since 2011. 57% of cities ban camping in particular public places, a 16% increase. In some cases, these laws take another step further in enforcing no camping on private property with consent from the property owners.

In Detroit, city ordinances enforce laws that prohibit loitering²² or staying in parks²³, playfields, playgrounds or other public places after hours, as well as building and kindling fire in parks, public places and boulevards, except for places designated by the recreation department.²⁴ Although these ordinances follow zoning regulations to maintain public safety and improve “quality of life” conditions, they are limiting for people who are on the streets, who need a safe place to stay and sleep at night, and to keep warm during the winter months. The NLCHP Report states, “These bans transform entire communities into 'no homeless zones' where homeless people are left with the choice of facing constant threat of arrest or leaving town.”²⁵

Policies against Criminalizing Homelessness

By following the example of the USICH proposed perspective of advocating for housing as a human right, agencies nationwide and in Detroit can hone in on human right acts to fight against the criminalization of homelessness. First and foremost, events of criminalizing homelessness break multiple constitutional Amendments, including the 1st Amendment, 4th Amendment, 5th Amendment, 8th Amendment, and 14th Amendment. These Amendments provide individuals with the right of personal property, protection from unreasonable searches of individuals and their property, and prohibits cruel and unusual punishment.²⁶

Under the 1st Amendment and the Fair Housing Act, tent cities hosted by religious organizations, landlords, or tenants are protected. In fact, the Fair Housing Act displays three theories in which disputes of “governments’ actions against encampment hosts: 1.) those actions intentionally discriminate against homeless individuals because of the protected status of members of their group. 2.) Actions have a “disparate impact” on members of a protected status group. 3.) Actions breach the governments' duty to make “reasonable accommodations” for individuals with disabilities”²⁷

Additionally, advocates nationwide are pushing decision makers to pass the Homeless Bill of Rights, which protects people experiencing homelessness against criminalization. The Homeless Bill of Rights also protects homeless individuals against segregation, provides privacy and property protections, sanctions for safety in their community, and offers broad access to services.²⁸

Policy Options

Option A: Improve Shelter Conditions

By increasing staff at emergency shelters and service providing agencies, it is assumed that facilities will have more capacity to shelter and serve individuals experiencing homelessness. Conditions may improve as well with increased staffing by providing more case management opportunities and expanding operation hours for individuals who find the current hours (6pm-7am) difficult and challenging to abide by.

In the Cost Benefit Analysis below, salary figures were found and estimated through careerbuilder.com. Shelter expenses were reflected on the Detroit Rescue Mission Ministries' 2011 Financial Statement.²⁹ It is estimated that with a 10% growth in staff and program and services expenses, shelter facilities would be able to serve their clients at a larger capacity.

Option A: Improve Shelter Conditions Cost Benefit Analysis

	Calculations	Actual Costs
BENEFITS		
Well-staffed programs and services	10 X \$44,918 (estimated salary per case manager)	\$449,180.00
Additional Programs and Services	10% increase of shelter expenses (\$14,395,522)	\$15,835,074.20
	10% increase of shelter operating expenses (\$45,443)	\$49,987.30
	5% increase of food/kitchen expenses (\$25,863)	\$27,156.15
Benefits Total		\$16,361,397.65
COSTS		
Shelter services available to those experiencing homelessness	\$28 for shelter per person, per day/ \$10,220 for shelter per person, per year X 16,201	\$165,574,220
Well-staffed programs and services	10 X \$44,918 (estimated salary per case manager)	\$449,180.00
Additional Programs and Services	10% increase of shelter expenses (\$14,395,522)	\$15,835,074.20
	10% increase of shelter operating expenses (\$45,443)	\$49,987.30
	5% increase of food/kitchen expenses (\$25,863)	\$27,156.15
Costs Total		\$181,935,618
Net Benefit = (Benefits - Cost)	\$16,361,397.65 - \$181,935,618 =	-165,574,220.35

Option B: Reform the Status Quo

As seen in many cities nationwide, a type of criminalization of homelessness is by removing encampments in certain areas, sweeping and displacing individuals and their possessions from their (temporary) home. The City of Detroit responded to Tinsel Town in a subtle and understanding manner,

unlike other cities who clean sweep encampments with little or no notice. The second policy option takes Detroit's response to Tinsel Town into consideration to reform the status quo by allowing encampments in the city limits and increasing community outreach efforts.

The culturally sensitive training noted below in the Cost Benefit Analysis is adopted from the Continuing Education for Law Enforcement Officers in the State of Missouri. The Culturally Diversity Competency and Racial Profiling for Peace Officers course is a requirement for Police Officers, Sheriffs, Deputy Sheriffs, any private or public Law Enforcement Officers, and other leaders within the community.³⁰ Calculations for the cultural sensitive training is based off of the number of police officers and civilian employees in law enforcement in Detroit in 2012.³¹

As for health costs, the National Alliance to End Homelessness states that people experiencing homelessness spent an average of 4 days longer per hospital stay, costing approximately \$2,414 per hospital stay.³² As treatment costs for substance abuse, the average cost to cure an alcohol-related illness is \$10,660. Additionally, the average cost to hospitals treating a substance abuser in treatment is \$8,360 and \$14,740 for those who are not in treatment.³³

Option B: Reform Status Quo Cost Benefit Analysis

	Calculations	Actual Costs
BENEFITS		
Cultural Sensitivity Training for Law Enforcement Professionals	\$60 X 2,570 police officers	\$154,200
	\$60 X 313 Civilian Employees	\$18,780
	Total	\$172,980
Well-Staffed Community Outreach Efforts	10 staff members X \$42,451 (Estimated Average)	\$424,510
Benefits Total		\$597,490
COSTS		
Hospital Stays	\$2,414 X 16,201 (people experiencing homelessness in Detroit)	\$39,109,214
Treatment for Substance Abuse	\$10,660 (average cost to cure an alcohol-related illness) X 7,290 (16,201 X .45; 45% of people experiencing homelessness suffer from drug and alcohol abuse. ³⁴)	\$172,702,660
	\$14,740 X 7,290 (16,201 X .45)	\$77,711,400
Incarceration Rates	\$87 (estimated amount spent for a day in jail ³⁵) X 16,201	\$1,409,487
Community Outreach		
Salary	10 staff members X \$42,451 (Estimated Average)	\$424,510
Program and Services Expenses		\$63,892.00
Cultural Sensitivity Training	\$60 X 2,570 police officers	\$154,200
	\$60 X 313 Civilian Employees	\$18,780
	Total	\$172,980
Costs Total		\$291,767,123
Net Benefit = (Benefits - Cost)	\$597,490 - \$291,767,123 =	-\$291,169,633

Option C: Implement the Housing First Model

The Housing First Model is a headstrong approach to end homelessness by reducing perpetuation of the vicious cycle and revolving door in which people experiencing homelessness face on a daily basis.

Research shows that the state of homelessness is an expensive issue as homeless individuals are more likely to visit the emergency room, have contact with police officers as well as being more vulnerable to harassment and arrests from police.

This Cost Benefit Analysis below uses the results from a study in Portland, Maine which shows the impact of the Housing First Model within the first year of implementation.³⁶ The reductions in the Portland study were used to project potential cost reductions with the implementation of the Housing First Model in Detroit. The analysis also puts into consideration the impact that permanent supportive housing has on recipients in securing employment. Costs for the Housing First Model projected in this analysis reflects the cost for 400 permanent supportive housing units in Detroit.³⁷

Option C: Implement the Housing First Model Cost Benefit Analysis

	Calculations	Actual Costs
BENEFITS		
Hospital Stays	62% decrease in health care related and hospital costs	\$14,861,501.40
Treatment for Substance Abuse	62% decrease in health care related and hospital costs	
	Alcohol-related illness	\$65,427,011
	Treating substance abusers who are not in treatment	\$40,832,748
Incarceration Rates	62% decrease in incarceration costs	\$535,605
Emergency Shelter Expenses	98% decrease in shelter visits	\$327,254.70
Employment Security	\$8.15 (minimum wage in Michigan) X 40 hours/week X 48 weeks = \$15,648 X 8,000 (half the estimated homeless population in Detroit) =	\$125,184,000
Benefits Total		\$369,152,240
COSTS		
Hospital Stays	62% decrease in health care related and hospital costs	\$14,861,501.40
Treatment for Substance Abuse	62% decrease in health care related and hospital costs	
	Alcohol-related illness	\$65,427,011
	Treating substance abusers who are not in treatment	\$40,832,748
Incarceration Rates	62% decrease in incarceration costs	\$535,605
Emergency Shelter Expenses	98% decrease in shelter visits	\$327,254.70
Housing Costs		
Operating Costs	\$3,290,550 for 400 households	\$3,290,550.00
Service Expenses	\$1,199,359 for 400 households	\$1,199,359.00
Development Expenses	\$62,009,986 for 400 households	\$62,009,986
Costs Total		\$188,484,015.16
Net Benefit = (Benefits - Cost)	\$368,152,240 - \$188,484,015.16 =	\$180,668,225.00

Comparing Policy Options

There are two approaches when comparing the given policy options. The first approach is to look at the net benefit from each Cost Benefit Analysis to indicate cost effectiveness. As shown below, Option A and B are the least cost effective whereas Option C is the most cost effective with the net benefit of \$180,668,225.

	Option A: Improve Shelter Conditions	Option B: Reform the Status Quo	Option C: Implement the Housing First Model
Net Benefit = (Benefits - Cost)	-165,574,220.35	-\$291,169,633	\$180,668,225.00

The second approach in comparing these policy options is through a Decision Matrix. The figure below shows each policy option weighed by a decision factor. This Decision Matrix takes into account the following factors: number of people served, the quality of life for the population served, stability, political viability (the community's investment), cost, and community safety. According to this matrix, Option C achieves the highest weighted score, resulting as the best policy option.

Decision Matrix: Comparison of Policy Options

Decision Factors		Option A: Improve Shelter Conditions	Option B: Reform the Status Quo	Option C: Implement the Housing First Model
Criteria	Wt.*	1	2	3
Number of People Served	1	1	2	3
Quality of Life for Population Served	3	3	6	9
Stability	2	2	4	6
Political Viability	1	1	2	3
Cost	3	3	6	9
Community Safety	1	1	2	3
Weighted Scores		11	22	33

*Weight: 1 = low, 2 = moderate, 3 = high

CRITERIA	DEFINITION
Number of People Served	How many individuals experiencing homelessness are served
Quality of Life for Population Served	Quality of Life Indicators such as employment, health (i.e. reduced emergency room visits) and incarceration rates
Stability	How stable, or permanent, each option is for individuals (i.e. housing stability)
Political Viability	How much the community is invested and informed
Cost	How cost effective is it for each individual to receive services through each option
Community Safety	How high community members rate their sense of safety with implementation of each option

Advantages and Disadvantages of Each Policy Option

Advantages and Disadvantages of Option A: Improve Shelter Conditions

The major strength of this policy option is that it is current and, in theory, possible to implement as there are many organizations in Detroit who are already working to prevent and end homelessness. With programs already existing, an increase in staffing and an expansion in operating hours seems realistic to implement compared to beginning a new organization, program, or process of implementation, for example, Option C: *Implement the Housing First Model*.

This policy option might seem the most probable, however, it is not a cost effective option. The Cost Benefit Analysis shows that sheltering individuals and providing temporary services is an expensive approach to addressing and ending homelessness, resulting in a net benefit of -\$165,574,220.35. In the Decision Matrix, this policy option weighted low in factors of community safety, number of people served, and stability. This connects to the reasons why people might choose to live on the streets or in encampments rather than stay at shelters, whether there is a lack of available beds, lack of safety and a sense of security, or limited operating hours.

Advantages and Disadvantages of Option B: Reform the Status Quo

As mentioned before, this policy option takes into consideration the recent response of the City of Detroit to the encampment, Tinsel Town. By allowing encampments, individuals have the choice to live in an encampment, feeling reassured of safety and a sense of security from being alone on the streets and/or from potential harassment by police officers.

This option also takes into consideration reforming the current approach of community outreach and police officer contact with people experiencing homelessness and who are unsheltered. Costing \$60 per participant, the Anti-Bias Training course recognizes that the “unique role of law enforcement officials in any community makes cross-cultural understanding imperative” and emphasizes that “law enforcement officials need understanding, respect, and a willingness to communicate with all segments of the population.”³⁸ Similar to Option a: *Improve Shelter Conditions*, this policy option looks to expand already existing efforts in community outreach for a more possible implementation than creating a new approach.

Likewise to Option A, this option perpetuates the revolving door of homelessness as it lacks the attention to address the cause of homelessness. As shown in the Cost Benefit Analysis, the cost ineffectiveness is due to the costs of hospital stays, treatment for substance abuse, and incarcerations. By allowing encampments and expanding outreach efforts, this option fails at addressing and solving homelessness in a cost effective manner with a net benefit of -\$291,169,633.

Advantages and Disadvantages of Option C: Implement the Housing First Model

The evident strength to this policy option is that it solves homelessness by providing permanent supportive housing. Through housing and continuous services, individuals and families are able to live independently and receive needed services to assist in reaching long-term goals, such as obtaining employment or sobriety.

As mentioned before, the Cost Benefit Analysis uses a study from Portland, Maine. The study shows across-the-board reductions in costs of emergency room visits, healthcare, ambulance transportation, police contact, incarcerations and shelter visits.³⁹ This policy option also scored the highest in the Decision Matrix, scoring the highest in the Quality of Life for Population Served, Cost, and Stability factors. Not only is it cost effective, but this policy option takes into consideration long-term effectiveness in improving the quality of life of its recipients, leading to healthy and stable lifestyles.

The disadvantage to this option is the implementation and funding for a somewhat new-to-Detroit project. Across the country, the Housing First Model is changing cities' approach in ending homelessness, however, it is a skillful process to introduce the new concept to the city, to its funders, and to the emergency shelters and service providers. For example, the idea of the Housing First Model is tainted by putting a drug addict into a house without around the clock supervision or assistance. The challenge of this policy approach is to assure the skeptics that this model is effective and reduces costs from the city and its taxpayers.

Recommendation

As a conclusion to this policy brief, the Cost Benefit Analysis and Decision Matrix supports my recommendation for the City of Detroit to implement the Housing First Model, beginning with the development of 400 household units. It is important to approach this implementation process with patience and understanding of other service providers and stakeholders who might be skeptical of the idea. Using tools such as the Cost Benefit Analysis and the Decision Matrix presents this option nicely as it shows the cost and overall effectiveness compared to the other options. Furthermore, not only does this program address the key themes mentioned throughout this brief, – the controversy of encampments, the issue of criminalizing homelessness, and the continuation of the revolving door – this policy option solves homelessness simply by providing permanent supportive housing to those who are homeless, which consequences in providing a lifelong opportunity and ability to better one's quality of life.

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Endnotes

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