Homeless in Key West.

The focus of this case study is to apply the ten principles of developing an effective conflict management program as presented by Carpenter and Kennedy to the facilitation process which Tom Taylor began in the Keys homeless dispute. It must be understood that the ten principles of effective conflict management are generally applied to an entire process rather than a single stage within a process. However, it is the aim of this case study to illustrate that within each stage many of the principles are addressed to insure a successful process. The aim of the whole process is reflected in each of its parts.

The genesis of the ongoing homeless dispute in the Keys stems from the passing of a local ordinance that prohibits the homeless from sleeping on public grounds while a state ordinance prohibits the homeless from sleeping in the mangroves. The mangroves are wetlands that are protected by Chapter 403 of the Florida statutes. Consequently, the park police began removing the homeless camps from the mangroves. This act made the homeless population visible to local citizens and businesses. The increased visibility of the homeless population is of great concern to the business community as Key West’s economy is heavily based on tourism. The 1996 USDA Report on Rural Homelessness attributes many of the homeless problems to rapid economic growth, tourism, and the fact that the Florida Keys are a second home vacation area. In the past few years Monroe county has experienced a 67 percent increase in jobs, thus resulting in a highly competitive housing market. However, these jobs are in the service industry where the average weekly wages are $477 (Florida Research and Economic Database, 2000). It
must be understood that homeless persons in the Keys are not homeless due to a lack of economic opportunity but rather they are homeless due to a lack of affordable housing. The cost of living in Monroe county is the highest in the state of Florida. According to the Florida Abstract 2002 data this cost is 16 percent above the state average. The primary indicator within this cost of living is the cost of housing which is 24.6 percent above the state average. These economic factors along with numerous building regulations are the catalyst of the homeless issues in the Keys.

Furthermore, the jurisdictional conflict in this case sets the foundation for the public dispute. The local ordinance would not allow the homeless to sleep in the parks. Any homeless person found sleeping on public grounds would be arrested. However, a federal law stemming from a Miami case, Pottinger v. Miami stated that the homeless cannot be arrested for performing life sustaining activities in public places when there is not an alternative location in place. Additionally, this case ensured that the property of homeless persons are protected during seizure by police personnel. There are three different tiers of government having conflicting regulations in this single area. This is a major jurisdictional issue.

Listed below are the ten principles of effective conflict management.

1. Conflicts are a mix of procedures, relationships and substance.
2. To find a good solution you have to understand the problem.
3. Take time to develop a strategy and follow it through.
4. Progress demands positive working relationships.
5. Negotiation begins with a constructive definition of the problem.
6. Parties should help design the process and the process solution.
7. Lasting Solutions Are Based on Interests, not Positions.

8. The process must be flexible.

9. Think through what might go wrong.

10. Do No Harm.

With this particular case there are a variety of human issues that emerged as is unique to public disputes. The issue of homelessness rises concern of not in my back yard (NIMBY). Citizens want to solve the homeless problem however, they do not want homeless shelters near their homes. Some people will say that it is an issue of property value, while others will say that it is an issue of security. It is for these reasons that siting a homeless shelter is among the most contentious stages in the process of addressing the issue of homelessness. People have both real and imaginary concerns. During an interview with Tom Pierce, of the Department of Children and Families (DCF) the question of how the human side of this dispute was addressed was asked. Mr. Pierce spoke of the compact that Tom Taylor introduced. This compact was introduced by Mr. Taylor as a means of educating the stakeholders in this case about each other. This formal compact differs from the informal compact in that in takes a more human view of the homeless. The informal compact did not treat the homeless as “normal” people. Mr. Pierce spoke of a homeless gentlemen that asked whether the homeless would be penalized for having a drink prior to entering the safe zone. The homeless man asked the people how many of them stopped and had a drink after work. This question cuts to the core of a misunderstanding that exist about the homeless. Many people have a drink after a hard day at the office, however this does not prevent them from entering their homes. Why should a homeless person who has a drink after work be prevented from entering a
shelter? Furthermore, the informal compact states that a homeless person can come to Key West, however they must find a job to support themselves. This element of the compact fails to take into consideration the economic realities of the Keys. Mr. Pierce mentioned that it is not atypical for members of the homeless community to be employed. According, to his account, a homeless representative stated that in his three month stay in the Keys he has had five jobs. Tom Taylor’s introduction of the formal compact really assisted in educating the parties to the interest that lay at the heart of this dispute. Without a full understanding of the problem as mentioned in principle two there can not be a basis for bring forth solutions. This compact set the stage for a creative working environment. In this manner Tom Taylor had an excellent idea. He stated that he did not create the idea of the compact but knew of other cases where compacts existed and choose to employ a compact in this dispute.

Furthermore, Taylor’s creation of different work groups facilitated the idea of working together. Building relationships is a key component in fostering creative solutions. By creating an us verse the problem environment early on in this homeless dispute Taylor lessens the likelihood for inter-group communication break downs. Thus fulfilling principle one of an effective conflict management program. This also addresses the tenet of the sixth principle, which is people should be apart of the solution design process. Taylor mentioned that it was very important to give the idea that handling this dispute was a continuous effort. He said that a facilitator should not give the idea of having a solution, but rather give the idea of continuous cooperative efforts. In this dispute the pressure for a quick fix is present. The safe zone that has been established for the homeless near the police stations served as a quick fix. However, it has to be
understood that there is not a quick remedy to homelessness as it is a very complex issue. The idea of having both a quick fix and a long term commitment was given by Mr. Taylor. The quick fix eases current political and social tension while the long term approach takes a more holistic view of the case.

Taylor’s ideal of not giving the parties in this case the idea that there is a solution addresses the tenth principle of doing no harm. Giving groups a false vision of success can lead to backlash as the dispute lingers. In this particular case it is critical not to alienate any of the groups. Mr. Taylor mentioned that his first meeting was not an open meeting and that the neighborhood groups have not been very active in this dispute thus far. This lack of activity may foster a problem later on. However in a dispute of this caliber being flexible and expecting new interest and parties to emerge is a good idea. Flexibility is addressed by the eighth principle. One of the best means of achieving flexibility is to have a well organized plan that is based on interest rather than position. In this homeless case Mr. Taylor brought the basic plan of having stakeholders come to the table and work together to have their interest meant. However, much homework was done prior to this meeting. Tom Pierce attributes the success of Mr. Taylor’s efforts in this case to having done his research. A well organized plan can not be achieved without thorough research. These points are covered in principle three.

Many of the ten principles of effective conflict management were covered in Tom Taylor’s facilitation process. Each step within a conflict management process will contain these principle as it is means of insuring success. In this particular case it is apparent that these principle governed Taylor’s plan in bring the parties together and have them work on a collective definition of the process and collectively begin the
resolution process. Carpenter and Kennedy’s principle serve as a platform in this case and will continue to emerge as this case progresses.