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# Nowhere To Go: The Trend To Criminalize The Nation's Homeless

Jessica Anderson  
*Eastern Kentucky University*

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Nowhere to Go: The Trend to Criminalize the Nation's Homeless

By

Jessica Anderson

Thesis Approved:



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Chair, Advisory Committee



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Member, Advisory Committee



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Member, Advisory Committee



---

Dean, Graduate School

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Date 8/12/2013

NOWHERE TO GO: THE TREND TO  
CRIMINALIZE THE NATION'S HOMELESS

By

JESSICA MARIE ANDERSON

Bachelor of Science  
Eastern Kentucky University  
Richmond, Kentucky  
2004

Associate in Applied Science  
Dabney S. Lancaster Community College  
Clifton Forge, Virginia  
1998

Submitted to the Faculty of the Graduate School of  
Eastern Kentucky University  
in partial fulfillment of the requirements  
for the degree of  
MASTER OF SCIENCE  
December, 2013

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## ABSTRACT

The criminal justice system often uses much force in its response to the homeless population. The homeless are often targeted and have their basic human dignities trampled as law enforcement destroys their property and jails them for activity essential for human existence as those activities are criminalized. With the negative perception held by much of the criminal justice system, no homeless person can receive impartial treatment at the hands of the criminal justice system. This ethnographic study researches the trends in the criminalization of the homeless by interviewing seven respondents for their experiences and observations.

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# CHAPTER I

## INTRODUCTION

The criminal justice response to the social issue of homelessness is problematic. The homeless are targeted by nuisance laws. Further, law enforcement utilizes strong armed tactics on a vulnerable segment of society. Basic human activities such as sleeping, sitting, eating, and using the bathroom in public are criminalized just because the homeless do not have a home in which to do these activities in private. The criminal justice response to these activities leaves homeless individuals with criminal records, thus making it even harder for the homeless to obtain gainful employment and better their situation.

Some research suggests that the perceptions of the homeless are that they are mentally ill, substance abusers, drunks, and bums (Snow, Baker, Anderson, & Martin 1986). This perception is based upon preconceived prejudice from observing a minority of the homeless and not by examining a larger segment of the homeless population. This prejudice also sees the homeless as criminal. However, the crimes the homeless commit are mostly offenses such as sleeping in public (Snow, Baker, and Anderson 1989).

Building on the research that uses ethnographic methods to understand the experiences of the homeless, my study sought out feedback from those who either have been homeless or have encountered the homeless. This research is useful to help in shining a light on the negativity in which the homeless needlessly suffer at the hands of the criminal justice system. The homeless are being stereotyped in a negative and inaccurate way. Their needs are not being met due to this bias and when they try to meet their own needs the criminal justice system cracks down on them. There are entire



families that are homeless due to economic failure. The homeless are vulnerable to being victimized. Their constitutional rights are being ignored because the homeless have no homes.

The balance of this thesis is divided into four sections. The following section reviews relevant literature review in which previous research is analyzed for information and themes regarding the subject matter. Three identified themes are perception, survival, and legal issues. The next section presents the methodology. The methodology describes the research setting, how participants were selected, and how the data were analyzed. This is followed by the analysis which discusses the findings. The final section concludes by considering the importance of this research and the implications for the criminal justice system.

## CHAPTER II

### LITERATURE REVIEW

This section discusses the implications of how the homeless are perceived within the criminal justice system affect how the homeless are treated. Perception of the homeless plays a large role in how society treats the homeless. It also affects the type of assistance that the homeless receive.

#### Perception

Overall, the homeless are ostracized and shunned most of the time. The public perceives that the homeless as more prone to criminal activity. When people were randomly surveyed with various questions, they were more likely to express a desire to avoid a homeless person even when compared to a poor person who had a home (Dhanani, 2011: 53-59). According to Dhanani (2011: 53).

The public's perceptions of homeless individuals influence the way homeless people are treated and the aid they receive. Homeless people are typically viewed in one of two ways. The first view is that individuals are responsible for their homelessness and have chosen to live the way they do. The second view rejects the idea that homeless individuals are to blame and instead attributes homelessness to societal factors that operate at the macro-level. These structural factors (poverty, disabilities, and a lack of social service assistance) are outside of an individual's control. While people may want homeless individuals to receive necessary assistance, many also see them as more prone to criminal activity.

However, during the major holiday season people tend to try to be nicer to others, including the homeless. According to Bunis, Yancik, and Snow (1996: 387):

Sympathy towards the homeless varies seasonally in the United States, such that it expands during the Thanksgiving/Christmas holiday season and contracts immediately thereafter.

Bunis, et al. (1996) researched this trend and compared data over a fifteen year period. Consistently, media coverage concerning the homeless increased in November before Thanksgiving, peaked in December around Christmas, and declined in January once the holidays were over. The private donations from citizens, churches, businesses, and volunteer organizations also rose in November, peaked in December, and declined in January. Volunteerism also followed the same pattern. Bunis et al. (1996: 388-390) indicate:

Given the presumed functionality of such sentiments as sympathy, in conjunction with the observation that they can be regulated via ritual, it follows that the public display of sympathy with respect to groups such as the homeless might also be ritualistically patterned. Although sympathy is variously referred to as both emotion and sentiment, it probably can best be characterized as a sentiment, a socially constructed pattern of sensations, expressive gestures, and cultural meanings organized around a relationship to a social object. One way sentiments are structured at the societal level is through ritualization process.

One way the ritualization process is structured is how and where the homeless receive services. Communities often block shelters from being built in their communities. This attitude is often referred to as the “Not in My Back Yard” (NIMBY) phenomenon (Belcher and DeForge, 2012). True to the NIMBY attitude, local residents not only fight against homeless shelters, but also against homeless settlements such as tent cities. While the public perception of tent cities varies among the public from admiration for ingenuity and innovation, others view the tent cities as a blight and nuisance to surrounding communities. Opposition to tent cities by communities has been a pronounced obstacle. Sentiments against the homeless consist of that of an overall distrust. Residents express concerns regarding a possible increase in criminal activity against them by the homeless element. In addition to this concern of possible decline in

public safety, homeowners express concern over possible decrease in the value of their property. Also, people in communities have been concerned that the sight will discourage new businesses from opening in the community. Loftus-Farren (2011: 1059-1060) writes of examples of residents fighting tent cities from existing within their communities.

In Tampa, Florida, for example, the City Council faced tremendous opposition from local residents when it considered officially sanctioning a tent city. Neighbors questioned the suitability of the locations for an encampment; and expressed deep concern that tent city residents would increase crime rates in the area. Distrust surrounding Tent Cities 3 and 4 in Washington has also been evident. In some cases, potential host organizations have voted against hosting the tent cities. For example, in 2005, members of a church in Bellevue cited concerns about the safety of children attending preschool at the church, as well as safety in the surrounding community, in voting against hosting Tent City 4 on church property. Later, a group of citizens in Mercer Island, concerned about safety and the potential for the encampment to be an eyesore, filed a lawsuit to prevent a local church from hosting the encampment. In yet another Washington community, Meadowbrook, several homeowners neighboring a tent city aimed surveillance cameras at the encampment, citing concern for neighborhood safety.

One of the most commonly noted perceptions people have of the homeless is that many are mentally ill. While mental illness exists among the homeless, many wrongly assume that the homeless are homeless because of their mental illness. Mental illness is but one pathway into homelessness (Chamberlain and Johnson 2013: 60). While that may be the case for some, for others the mental disturbance is an effect of homelessness rather than a cause. Some are homeless for other reasons (foreclosures, family disruption, etc). Being suddenly homeless without basic comforts can be quite traumatic. Being further stigmatized and dehumanized by elements of society takes a toll as well. Farrell (2012: 339; see Kuhlman 1994) writes about the effects of homelessness on the psyche:

Shelterization “refers to an institutionalization syndrome of passivity, dependence, apathy, and neglect of personal hygiene which befalls even nonpsychotic people if they languish in shelter life for months and years.” . . . This description is consistent with [a report that homeless feel] “objectified” and “infantilized.” . . . The notion of respect, dignity, and holding onto one’s humanity [are] common, important themes beyond the concrete work of moving toward obtaining housing. From a self psychological perspective, living in a homeless shelter and repeatedly experiencing objectification and infantilization contribute to extreme self-loss and breakdown of one’s sense of self, which can result in psychopathology. Living in a homeless shelter for a long period may produce its own psychopathology.

A common perception of the homeless among the public is that the homeless are lazy and not interested in obtaining gainful employment (Shier, Jones, and Graham, 2010: 14). Many research studies have helped to bolster such stigmas by only focusing on negative behaviors of a small portion of homeless people. This negative stigma affects the emotional well-being of the homeless and hinders their ability to obtain the assistance they need to not only survive but to overcome their current plight. Perceptions of the homeless determine what assistance and resources are available for the homeless to turn to in their time of need. Thus, the perceptions of the public directly influence the homeless and their fight for survival.

Shier, et al. (2010) indicate that many of the homeless are employed. Those who are not currently employed have often been employed recently, but lost their jobs. They found that many homeless were embarrassed about being homeless. Those who stayed at shelters did so to receive help in obtaining employment and/or permanent housing. A common complaint about shelters is their lack of privacy and freedom. Some felt that the shelters were better than living in the streets. Negative perceptions are often internalized, leading some to view themselves as “bums.” Others fight against developing negative self-perceptions.

Even those who try to remain positive are not happy with their situations and hoped for something better (Shier, et al, 2010: 28). Overall, homeless people develop a devalued perception of themselves from their situation and from the stigma experienced from society due to their situation. One of the factors pertaining to their situation that affects them negatively is the inability to maintain proper hygiene. Some homeless indicate that they learn to appreciate what they have better as a result of their homelessness (Shier, et al, 2010: 30):

A perception within society is that people experiencing homelessness do not have the desire to live in mainstream housing. Research has shown that this is not true. Some respondents in this study provided insight into what the meaning of having a permanent residence was for them. Five common sub-themes emerged from participants' comments on the meaning of housing: safety, distance from negative influences and interactions, stability, privacy, and independence.

Much of what the public perceives about what is true about the world around them is learned from those who yield the power to shape views. This concept is referred to as the knowledge/power dynamic. According to Kraska and Neuman (2008: 3-4), the concept of the knowledge/power dynamic simply is that "knowledge generates power, and conversely, power generates knowledge." Kraska and Neuman (2008: 3-4) further explains:

Nowhere is this knowledge/power dynamic more relevant than in the study of crime and criminal justice. The trends and issues we research are highly contested and loaded with vested interest. Research holds tremendous power to influence, yet the researcher must be diligent to resist being unduly influenced by those in power.

When those in power distort the information available to research then myths develop. According to Kraska and Neuman (2008: 37):

The public's understanding of crime and criminal justice phenomena and issues are wrought with misguided assumptions, distorted interpretations, outright myths, and hardened ideological positions. Most people have learned what they know about crime and justice phenomena and issues by an alternative to scientific research. Some of that knowledge is based on personal experience and common sense. Most of it is based on the information and images put forth by politicians, governmental agencies, and especially the media.

Television shows, movies, and newspaper and magazine articles are important sources of information about social life. A major area of study in crime and justice studies deals with how media portrayals of crime, crime victims, police, and corrections do not accurately reflect social reality. Instead, the writers who invent or adapt real life for television shows and movie scripts distort reality. The media help to construct and maintain the myths of a culture.

From this view, the media generates the news to be as sensational as possible for public consumption. The most gruesome or bizarre the crime the more the media covers it. The media is more of a competitive entertainment enterprise than a fact generating business. The higher ratings a news entity can accomplish, the more it can generate revenue from advertising dollars. The public has a misconception that the news media is there to inform them of what goes on in society. When the public sees a news item reported on a regular basis, the public accepts that information as being representative of the problem when it is actually a rare, unusual occurrence. This practice of pursuing profits over fact began in the 1960s when the local television stations figured out that they could make money by being as sensational as possible. This practice has been complicit in generating crime myths and panic among the general public. Social problems become distorted and heightened through tabloid style sensationalistic journalism (Kappeler, Blumberg, Potter, 2000: pp. 5-6).

The social media continues this sensationalism with the issue of homelessness. The media has not always considered homelessness to be a social problem. Not every

negative situation is considered to be newsworthy. Little is known about what causes the media and government to label a bad circumstance as a social problem. According to Rachel Best (2010: 74):

Not all adverse conditions are perceived as social problems—that is, as negative situations that are matters for public action. When the media portray a situation as a social problem, it rises on the public and policy agendas, with important consequences for public opinion, social policy decisions, and collective action.

Homelessness is broadly recognized as a serious problem but is not always presented as a problem requiring social action. Although there had been substantial numbers of people lacking housing for several decades, homelessness was only constructed as a problem in need of societal action through the activities of claims makers during the late 1970s and early 1980s. The number of newspaper articles with homelessness-related keywords increased dramatically during the mid-1980s and then leveled off during the 1990s.

Perception from media coverage varies. While many people view homeless as victims of a down economy, business owners and residents often demand the police to solve the problems society feels are caused by the behaviors of the homeless. Such problems include such issues as public intoxication, panhandling, loitering, trespassing, and shoplifting. An example of such is the attitude of the homeless in public spaces such as public parks. In a handbook on homeless encampments that is directed towards implementing police policy author Sharon Chamard (2010: 10) states,

Regular citizens may not use public parks and other facilities because they fear the spaces are controlled by transients. Often the homeless are victimized at night, prompting them to sleep only during daylight hours in parks and other public places. Thus, the park may be laden with individuals sleeping on benches or in picnic shelters during the park's busiest hours. This condition only exacerbates the conflict with legitimate park uses.

The perceptions among some policy makers are clear. Homeless people are not viewed as “regular citizens.” The homeless are not considered to be “legitimate park



users” because they sleep in the park instead of at home. This stigma devalues the homeless as people and lead to their being targeted for harassment by law enforcement.

According to Evans and Forsyth (2004: 482-483):

Stigma associated with homelessness is partially defined by and definitely augmented by local governments that create laws and ordinances which impact the homeless in a negative manner. More specifically, laws against loitering, vagrancy, trespassing, and panhandling delimit the legal boundaries within which the homeless undertake survival. Laws which prohibit sitting on sidewalks, blocking the way of pedestrians near businesses, and urban camping are attempts to legislate the homeless out of the public eye. Worn clothing, weathered skin, and shopping carts become symbols for public distaste. Because homeless persons are viewed as undesirable and their presence as threatening to the financial interest of local businesses, by discouraging the presence of tourists and middle class shoppers, the very condition of being homeless becomes criminalized.

## Survival

Surviving while homeless is a day to day struggle for an unknown number of people. Living as a homeless person is a vulnerable situation to face. The homeless face hunger, lack of comfort and sanitation, stigmatization, and victimization. These conditions are hard to overcome. According to LaGory, Fitzpatrick, and Ritchey (2001: 633-634),

Homelessness by its very nature deprives individuals of an essential human experience—the possession and maintenance of home space. In this sense, it is a master status directly affecting lifestyle and quality of life. Individuals without homes experience severely limited basic needs such as privacy, possession and control of personal space, and safe, defensible spaces. Even in the most limiting social settings such as homelessness, individual variation in resilience matters. The homeless condition is an example of a powerful social context or master status, yet within it, people appear to have the capacity to carve out very different living experiences and use a variety of coping strategies.

Many who are more successful at surviving homelessness have developed survival strategies and skills. Homeless people do not acquire their possessions from

shopping often due to lack of finances. The primary method the homeless use to obtain possessions is that of scavenging. Homeless people will scavenge anything (food, clothing, tools) from dumpsters, trash cans, and anywhere else an item may be thrown away or abandoned. Even items such as wood or cardboard for building a shelter are scavenged. Scavengers often do their scavenging at night to avoid detection (Hill and Stamey, 1990: 307-308).

Homeless people also have various methods of making money while homeless, if they do not have a job. A common method for making money among the homeless is that of recycling. The homeless recycle anything from cans and bottles to scrap metal, which is the most valued. An example of how the homeless obtain scrap metal is that of abandoned cars. The homeless will strip the car of all metal. They haul their scrap metal in items like abandoned shopping carts, since many do not have access to trucks. Sometimes, they will use tools to remove some of the parts and sell them to dealers, scrap yards, or customers. Everything including the carpet is stripped leaving the car gutted when they are finished with it. Homeless people also strip abandoned buildings in similar fashion for scrap metal. They may also find scrap metal in dumpsters. Some of the best dumpsters for scrap metal are those at construction sites (Hill and Stamey, 1990: 310).

Another way homeless people make money is that of washing cars. They wait around busy intersections and wash the cars while the lights are red. They usually only wash the windows. The drivers then sometimes give them a tip for their efforts. Sometimes the drivers do not pay tips or will become irate at the homeless for

approaching their vehicles. It is important for those doing this to recognize signs such as facial expressions as to whether or not to approach the car (Hill and Stamey, 1990: 311).

The basic items that homeless people need are the same items that any person needs such as shelter, food, clothing, and health care items. They also need tools. While some homeless people use the homeless shelters, many had tried them only to discover that the conditions at the shelters were unsanitary. There is no privacy and the places often reek of urine. The staff sometimes are hostile towards the clientele and then some of the other homeless residents become violent. Many homeless thus opt for finding other places to stay such as abandoned cars, makeshift shelters, abandoned buildings, and even homeless encampments (Hill and Stamey, 1990: 311-312).

Tools are important for the homeless survival. One important tool for some of the homeless are shopping carts that they find abandoned. Other tools are important for acquiring other needed items. Tire irons, hammers, screwdrivers, and forms of light such as flashlights or candles are extremely valuable tools for the homeless. They aid in obtaining scrap metal for making money to gaining access to abandoned buildings for shelter. They need a form of light to see in the dark while they scavenge for things they may need. These tools are also sometimes used for personal protection because the homeless are vulnerable to victimization (Hill and Stamey, 1990: 315).

While many people struggle to survive while on the streets, some people take to the streets as a desperate act of survival. Many homeless women were homeless as a result of fleeing domestic violence. There are not enough battered women shelters to meet the need of everyone. Battered women are often kept poor by their abusers and thus have trouble finding affordable housing. Those who are mothers often do not want to go

to regular homeless shelters because if they have male children they will be separated from them since males and females are usually separated from one another. This would leave their male children vulnerable to victimization at the hands of strangers. So, they avoid the shelters altogether to keep what is left of her family intact (Evans and Forsyth, 2004: 484-485).

In avoiding the shelters, the homeless sometimes form homeless encampments, also known as tent cities. A tent city provides a whole group of homeless people not only a better chance of survival, but also a better quality of life. Families that would be separated in shelters are able to stay together in these encampments. There is a sense of community. The residents of tent cities look out for each other. They are often safer than trying to survive on one's own since homeless people are vulnerable to victimization. Contrary to common perception that tent cities are ripe with crime, tent cities are self-governing with rules against drinking, drugs, theft, and violence. There are regular meetings that all must participate in where issues are discussed. All are required to keep the camp clean. There are even guidelines for joining the group and for having overnight guests. Residents at camps can even be voted out of the group for violating the rules (Farren, 2011: 1050-1053).

### Legal Issues

Throughout the country, cities have enacted laws and ordinances which serve to criminalize the homeless. Some legislation, for example, makes it illegal to sit or sleep in public places. Homeless people also can get into trouble for storing their belongings in public areas, even though they have nowhere else to store them. Homeless people can be

arrested for public urination. People have to urinate, but the homeless often have nowhere else to relieve themselves but in public. Laws are enacted and enforced which punish activities such as begging and panhandling. Laws against loitering or jaywalking are often selectively enforced more against the homeless versus mainstream society (The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless, 2009: 9-12).

The police show their intent to target the homeless when they routinely make sweeps in areas where homeless people are known to be congregating. During these sweeps the homeless people are forced to leave on their own or arrested. The police tend to destroy all of the homeless people's property during these sweeps. They have destroyed tents, clothing, food, and even important documents and medicines that the homeless need for survival (The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless, 2009: 24).

In addition to the criminalization of the homeless, laws and ordinances have also been passed which make it illegal to feed the homeless, especially in public spaces. Not only are the homeless criminalized, but those who wish to help the homeless are criminalized (The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless, 2009: 25).

Cities rarely provide enough assistance such as housing, shelter, and food for all who need the help. The homeless thus are often forced onto the streets because they have nowhere else to go. Once on the street they are harassed, assaulted, and arrested. Law enforcement targets the homeless frequently. Police often raid homeless encampments

and destroy what scraps their residents have left of their lives (The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless, 2009: 23-24).

Perhaps one of the most well-known homeless encampments would be that of Skid Row. The area known as Skid Row is located in downtown Los Angeles, California. The area had run down buildings and areas where homeless people lived. It was an area well known for crime and filth. The large homeless population existed as a vulnerable group of people that were easy to victimize. The Los Angeles Police Department (LAPD) launched an effort to clean up the area of Skid Row in September 2005. According to authors Berk and MacDonald (2010: 814):

For years, downtown Los Angeles has been characterized in part by a sizable homeless population concentrated in an area commonly referred to as “Skid Row.” Crime and disorder have been stable features of Skid Row life. Open-air drug markets, prostitution, nightly robberies, drug overdoses, theft, and vandalism have been common. Local merchants have long lobbied for a tougher response from the Los Angeles Police Department. In the fall of 2005, they got their wish.

The official name of this intervention was the Safer Cities Initiative (SCI). The pilot program of the SCI was named the “Main Street Pilot Project.” The pilot program targeted the areas where the homeless were more densely populated striving to break up these areas by way of fines and citations. The encampments were declared to be a “public health nuisance” and those living there were forced to leave. The LAPD also made arrests for crimes such as drug use, public intoxication, and prostitution. The LAPD assigned officers exclusively to this area to target general nuisance crimes, drug crime, and prostitution as well as basic order maintenance. During 2006, the LAPD continued to break up homeless encampments, issuing citations, and making arrests. Authors Berk and MacDonald (2010: 817, 835) comment that

The immediate goals of the SCI were demonstrably achieved. The Skid Row homeless encampments were cleared. The concentration of homeless individuals was dispersed. The debris they left behind was removed. According to LAPD internal documents and media reports, homeless-related drug overdoses, murders, and reported crimes dropped the year after the intervention.

Unaddressed, however, is whether it is good public policy more generally to have police break up concentrations of homeless individuals living on the streets. In our view, the wisdom of such police action depends on what services are made available for the homeless. There might be little objection to aggressive policing in the short term, for example, if there were a sufficient number of adequate shelters where homeless individuals might safely eat and sleep. Getting the homeless off the streets and into shelters is probably a sensible stop-gap approach. In practice, however, there will often be too few shelter beds.

According to The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless (2009), the Safe City Initiative cost approximately \$6 million annually. The cost of using the court system to prosecute the homeless cost an additional \$3.6 million. The homeless who received citations were cited for crimes such as jaywalking and loitering. These crimes were rarely ever prosecuted in other parts of Los Angeles against non-homeless people. The cost to criminalize the homeless cost the city about three to four million more than the \$5.7 million that the city spent on homeless services. The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless (2009: 11) argue:

These common practices that criminalize homelessness do nothing to address the underlying causes of homelessness. Instead, they drastically exacerbate the problem. They frequently move people away from services. When homeless persons are arrested and charged under these ordinances, they may develop a criminal record, making it more difficult to obtain the employment and/or housing that could help them become self-sufficient.

Constitutional issues have been raised amid this trend towards criminalizing the homeless. For example, concerns exist as to whether or not prohibiting a homeless

person from begging in public violates his or her First Amendment rights to free speech. In addition, destroying the property of the homeless may violate the homeless person's Fourth Amendment right against unreasonable searches and seizures. Furthermore, placing criminal penalties on a homeless person for carrying out necessary life activities may violate the person's Eighth Amendment right against cruel and unusual punishment (The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless, 2009: 23-25). Author Farrell (2012: 337-338) has noted of the trend society has taken against the homeless:

Upon one's descent into homelessness, rights once enjoyed become nonexistent because being homeless strips one of basic liberties and equalities. These include losing one's right to property, personhood, and protection against illegal search and seizure, as these legal protections are contingent on having a private, personal space.

To law enforcement, homeless encampments are a problem that must be studied and dealt with. They hire researchers, such as Sharon Chamard, to study the trend and make recommendations for dealing with and preventing homeless encampments. Chamard studies things such as locations where the homeless tend to create their encampments and how they conceal these encampments from others. She then recommends to law enforcement ways to rid the area of the homeless and ways to alter areas so that the homeless cannot re-establish an encampment later. She even outlines in her recommendations steps to prevent legal action such as spinning stories for the media to report so that the community's perception is altered to not be as concerned when the homeless are uprooted from their shelters and meeting with advocacy groups to soften potential outcry. Chamard (2010: 11) also writes about groups that assist the homeless and perceives them as part of the problem:



People in homeless encampments benefit from food and clothing provided by church groups, missions, and social services agencies, but such charity is not always combined with efforts to facilitate transition from the streets. In some respects, this enables encampment residents to stay where they are.

It is all a matter of perspective. For the many homeless who want a home, the lack of assistance to obtain permanent housing prevents them from being able to escape where they are. For those who see the people as the problem instead of their plight, it “enables” the people to remain a problem. Law enforcement studies trends in the homeless encampments in order to identify and destroy them. Encampments are viewed as a threat to “regular citizens.” Homeless people are targeted to be removed from the lives of the regular people. Their sensibilities should not be disturbed (Evans and Forsyth, 2004: 480-484).

## CHAPTER III

### RESEARCH SETTING, METHOD, AND DATA

#### Research Setting

According to the US Department of Housing and Urban Development's June 2010 Annual Homeless Assessment Report (2010 AHAR), on a given night in January 2010:

- 407,966 individuals were homeless in shelters, transitional housing programs, or on the streets
- 109,812 individuals were chronically homeless
- 241,951 persons in families were homeless in shelters, transitional housing programs, or on the streets (37.2 % of all homeless persons)
- 26.2% of all sheltered persons who were homeless had a severe mental illness
- 34.7% of all sheltered adults who were homeless had chronic substance use issues
- Over 92% of mothers who are homeless have experienced severe physical and/or sexual abuse during their lifetime
- About two-thirds of homeless mothers have histories of domestic violence

The Federal McKinney-Vento Act of 1987 defined the homeless as someone lacking a regular fixed nighttime residence, living in a shelter designated for temporary housing, institutionalized temporarily, or someone who regularly sleeps in a place not intended for human living space (Department of Housing and Urban Development, [portal.hud.gov](http://portal.hud.gov)).

Throughout the United States there are buildings erected for the purpose of housing the homeless on a temporary basis. These shelters vary in function. Some are erected quickly to shelter those fleeing natural disasters like hurricanes or surviving sudden natural disasters like tornados. Others are built on a more permanent basis and operate year round. These shelters provide a place for the homeless to sleep and will typically provide at least one meal. Many of the shelters assist the homeless in finding

more permanent housing. There is typically limited funding for these shelters, so the assistance is often limited. (Levinson, 2004: 498-503)

According to the 2005 United States Conference of Mayors (USCM), there are many causes for homelessness. One of these causes is a shift towards community-based treatment of the mentally ill instead of long-term commitment in institutions. Also, there is a lack of mental health care and job training for homeless veterans. In addition to this, cities are declaring low-income neighborhoods as blighted in order to demolish them to build higher cost housing for generating taxes cause a shortage of affordable housing. While the higher cost housing is being built, there is an overall lack of affordable housing being built. Floods, earthquakes, and other natural disasters destroy both homes and businesses which result in higher levels of unemployment and homelessness.

There is often a lack of family support system. Approximately half of foster care children become homeless when they age out of the system at age 18. Women and children who flee violence in the home often end up homeless. For these people, there is often a lack of community resources to assist them in obtaining stability (USCM, 2005: 37-74).

Those with criminal records, substance abuse, or mental illness are more likely to be unemployed and homeless due to extensive background checks by many potential employers. Sometimes, there are individuals evading law enforcement that become homeless to hide (USCM, 2005: 37-74).

Overly strict building codes sometimes make it too difficult and expensive for landowners to live on their own property. In addition to this, home foreclosures,

apartment and housing evictions cause many to end up homeless for those who have hit a rough economic time (USCM, 2005: 37-74).

## Methods and Data

Homelessness has been a problem for decades. Over the past twenty years there has been a trend to criminalize human activity carried out by the homeless. This trend is an intriguing phenomenon that deserves research. Qualitative studies are best suited to analyze the stories and experiences of research subjects.

The qualitative method used for this research is based on the Grounded Theory Method. Using the Grounded Theory Method, observations were made of homeless situations and experiences. The Grounded Theory Method was developed in 1967 by Glaser and Strauss. The method has four stages which were utilized for this research. These four stages include:

1. Codes – Identifying elements that allowed the primary data to be gathered. In this research this was conducted via interviews.
2. Concepts – Gathered data from interviews were analyzed for common concepts or themes. Each interview data was analyzed and then compared with the other interviews. Common themes among the homeless experience were identified and later simplified to the three themes of perception, survival, and legal issues. Each individual story was qualitatively coded for the specific themes.

3. Categories – These three common themes became the categories for the theory stage. The themes represent a larger picture of events in terms of the trend of criminalizing the homeless.
4. Theory – Qualitative research shows that there is a trend to criminalize the homeless population for their state of homelessness. This research confirmed previous theoretical concepts and explanations.

Respondents were sought from law enforcement, current homeless, previous homeless, and those who work with the homeless on some capacity. The general research question was how well does general perceptions of the homeless match up with reality. Law enforcement was approached in all localities within and neighboring towns containing targeted homeless shelters. No law enforcement agreed to be interviewed or make a comment regarding the subject matter. As a result, this research resulted in no first source input from law enforcement.

The shelters that returned phone calls regarding interviewing shelter staff were later asked if I could interview current residents for the research. All shelters declined. Shelters cited privacy reasons when declining to allow interviews with their current residents. The few homeless encountered outside of shelters declined to be interviewed. Therefore, there are no current homeless interviewed for this research.

Former homeless were also sought for interviews. Only five former homeless agreed to be interviewed during the course of this research. All of the former homeless interviewed have helped other homeless previously either while homeless themselves or after they were no longer homeless. One even became a homeless advocate.

The two local shelters that agreed to an interview produced insight into some of the experiences of these two workers for this research. Neither shelter employee had ever been homeless themselves. The shelters provided a meal, and help in finding permanent housing through government programs such as HUD and Section 8 housing programs. The workers did not elaborate on the details of how they assisted with this process. Also, they indicated that they assisted in job search. They did not elaborate on how they assisted with job search. Both staff respondents indicated that they had trouble with funding for these services and that they did not have funds to even assist the clients in going to interviews. One shelter did help the clients with clothes for job interviews. The larger of the two shelters helped the clients obtain mental health services.

The smaller shelter did not allow anyone with a substance abuse problem to stay there. The law enforcement is called to take anyone off the property who is discovered to have substance abuse issues. Since that is the only shelter in that county, no one in that county who was homeless and had drug or alcohol problems had a place to go to for assistance to get on their feet. Since the housing assistance programs declined to help people who had a criminal history such as an arrest record, those people also cannot obtain housing. Employers are less likely to hire individuals who were homeless and had substance abuse problems. These individuals had enormous obstacles to overcome if they were to ever obtain employment and housing.

No other shelters sought for an interview would even return a phone call; therefore staff members from those shelters were not interviewed. Emails and phone calls to other homeless advocates were unanswered, so only one advocate was ever interviewed for this research. This advocate was located after a newspaper had already

interviewed her due to her homeless advocacy. The advocate had been previously homeless herself and had clients who experienced encounters with law enforcement due to their homeless status. She had even been interrogated for hours by the police once for taking in a homeless woman into her home to help her.

One interview with a former homeless man was conducted on an online message board. The message board was a mixture of topics and not an official homeless site. Finding him was by chance. He had not been sought out for this research. He had posted about being homeless previously, and I subsequently asked him if he would agree to an interview. He had witnessed many other homeless men be harassed by the local law enforcement, but he had never been harassed himself. He was not totally sure why they left him alone, but he heard one officer tell another that he was alright and they never bothered him.

The seven respondents were asked a set of questions from an interview guide. The interviews averaged forty-five minutes to an hour. The primary difference concerning the questions asked among the respondents depended upon whether or not those interviewed had ever been homeless or not. Those who had been homeless were asked about their experiences while homeless. Those who had never been homeless were asked about their experiences working with the homeless and about any outside societal prejudices that negatively impacted their goal of helping their clients. One respondent had been formerly homeless and a former shelter director. That respondent was asked the questions asked of former homeless and further questions that were slightly altered to reflect the fact that he was no longer doing this work. All were asked about their views of homelessness prior to their experiences.

Below is the interview guide used. In addition to these questions, I probed for additional information when appropriate.

### Interview Guide

Questions asked of former homeless included:

- How many times have you been homeless?
- How long were you homeless?
- How did you preconceive the homeless prior to your experience of being homeless yourself?
- How do you currently view the homeless?
- What stigmas did you experience while being homeless?
- Did you have any encounters with law enforcement during your homelessness? If so, what were they?
- How does your experience affect your life today?
- What experiences stand out to you?
- Describe your encounters with the homeless
  - While homeless.
  - Prior to being homeless.
  - Since being homeless.

Questions asked of shelter staff included:

- How long have you been working with the homeless?
- What do you do in your duties while assisting the homeless?



- Did you have any preconceived ideas about the homeless prior to your working with them? If so, what were they?
- Have these ideas changed? If so, how have they changed?
- What stigmas about crime have you noticed in your working with the homeless?
- How have the stigmas affected your work?
- What stands out in working with the homeless?
- Have you ever been homeless? If so, what were your experiences? Did you have any encounters with law enforcement?

Questions asked of one former homeless, former staff included:

- You previously worked with the homeless. How long did you do that?
- What did you do in your duties while you were there?
- What made you decide to work with the homeless?
- Did you have any preconceived ideas about the homeless prior to your working with them? If so, what were they?
- Have these ideas changed? If so, how have they changed?
- What stigmas about crime did you notice from working with the homeless?
- How did the stigmas affect your work?
- Did you witness any encounters the homeless had with the police? If so, what do you recall?
- What stands out in working with the homeless?
- Have you ever been homeless?
- How many times have you been homeless?
- How long were you homeless?

- How did you preconceive the homeless prior to your experience of being homeless yourself?
- How do you currently view the homeless?
- What stigmas did you experience while being homeless?
- Did you have any encounters with law enforcement during your homelessness? If so, what were they?
- How does your experience affect your life today?
- What experiences stand out to you?
- Describe your encounters with the homeless
  - While homeless.
  - Prior to being homeless.
  - Since being homeless.

Respondents were guaranteed confidentiality. All persons and place names are pseudonyms.

### Reflexivity

My role during the research while conducting the interview process involved searching for common themes while listening to those who often have no voice and giving them the opportunity to talk about their experiences. My own experiences while being homeless enabled me to be empathetic to those who had been homeless. My experiences inspired me to choose this subject for my research while providing me with insight and understanding in what they were trying to describe to me.

My previous experiences also served as a hindrance during some of my interviews. The staff that had never been homeless were stereotyping based upon preconceived ideas. Hearing some of the things they said brought up bad memories. I realized after the interviews that my emotions interfered with observation.

I was disappointed that so many declined to be interviewed for the research. Going into the research, I expected no problem finding subjects considering how many have been homeless at some point in their lives. I also expected police to be more willing to discuss such a vast societal concern. Since no one explained why they did not want to comment on the subject matter, I am not sure how to expand the field of respondents.

## CHAPTER IV

### ANALYSIS

The themes surrounding the dynamic of homelessness are interwoven, feeding off each other. This interconnection itself creates an obstacle for those entrapped in its clutches. For this section of my thesis, I shall discuss three of the predominate themes and touch on how they are interrelated. Those themes are perception, survival, and legal issues.

#### Perception

The first theme that fuels the others is that of perception. Perception of the homeless shapes the types of services available. It becomes a catalyst for the legislation enacted to address what is perceived to be the problem. This theme is circular in nature as those with the power to control this perception tend to feed false information. This enables legislation to be passed which does not solve the problem.

The mass media is where much of the public obtains its knowledge base on what constitutes a homeless person. Much of what the media displays about a homeless person fuels stereotypes that are misleading. The media includes news, magazines, and entertainment industry. Clyde from Homeless American blog says,

If a TV series includes a homeless person in the script the person is usually drunk, dirty, and sleeping in an alley. Seeing this stereotype repeatedly, people tend to accept it as reality. The media loves to show homeless people pushing shopping carts full of old junk. Need to show a homeless person in a movie? Dress someone up in rags and have them push a shopping cart. It's what the public has been taught to accept. If the real news is not interesting enough to their audience, it will not be presented. As a result, much of what is presented ranges from watered-down pop-journalism to the strange, violent, or shocking news that makes headlines. The simple truth of what is happening every day regarding the homeless, or those just surviving on a small government check, isn't entertaining

enough. The general perception of the truth is shaped by what the media, and those who control it, want it to be.

The public tends to believe that the media is there as a form of public service.

There is a belief that what people see on the news is everything that goes on in the world. However, the news organizations are a business. The businesses must sell advertisement space to pay the bills and enable them to thus report the news. In order to attract ad sales, the media must primarily focus on entertainment. Even the news must be attention grabbing. The truth is not entertaining.

The truth can be understood better from the experiences of real homeless people.

Will was homeless for over a year. Now he works as a restaurant manager. Will reflects on his experience.

The day I knew I was going to be homeless was the day I lost my house. Fear filled my mind. I was afraid I would not sleep in a bed or drive a car again. Everything most people take for granted I saw slipping away. There are so many things people with homes take for granted. They can come home from work and take a shower. They can read a book, watch TV, or get on the internet. I could no longer do any of these things. Boredom was a constant existence while I was homeless. I sometimes pulled things out of the trash to read because I was so bored. Being homeless was a 'culture shock.' I became angry at myself and my friends that abandoned me. One friend let me stay at his place a couple of nights, but that was it. My friend threw me out and refused to help any further. I walked around scared and angry for the first few months.

Prior to being homeless himself, he perceived the homeless as "drunks and drug addicts" that just did not make anything of themselves. He saw the homeless as dirty, grungy beggars. He had seen homeless people outside of stores begging for change. He never had interaction with the homeless prior to being homeless. After he was homeless he encountered other homeless people every day.

He received a lot of dirty looks while he was homeless. He was viewed as “just a bum” and no one wanted to help him out. Many places threw him out. He once hung out at the local court house and did not get thrown out. People tended to not want to talk to him. He felt shunned.

Now, he views many of the homeless as people who were just unlucky. They are people who lost a job. Some may have medical problems that hinder them. Sometimes, it is their fault, but many times it is not.

A lot of people believe that homeless people will never amount to anything. If I had never been homeless, I wouldn't try as hard as I have. It makes me respect people a lot more. Not everybody's choices are right, but not everybody can make the right choices.

Perception among those who work with the homeless reflects insider knowledge rather than what is depicted in the mass media. I interviewed four individuals who worked with homeless individuals.

My interview with one shelter worker Henry, took place in an office full of Bibles and religious materials. Henry said that working with the homeless was “God's calling.”

Salvation Army is unique in that it offers God's love.” Some who stay at the Salvation Army shelter attend the shelter's church services. Many who attend their church either are homeless or were previously homeless. Some of the homeless stay and become members of the church and help run the shelter. Some of the people there are homeless because of relationship issues. Sometimes, the family kicks them out of their home and then they have nowhere else to go. Some are there for bad decisions.

He accredits the bad decisions people make to alcohol and drug abuse. He has noticed that many of them abuse drugs or alcohol. People who are obviously on drugs or intoxicated are not allowed to stay at the shelter. Instead, the police are called to deal with them.

Hilary, a homeless advocate, never had any interactions with the police while she was homeless, but she did have an encounter with an employee at a restaurant. “I had fallen asleep. The employee ran me out of the restaurant telling me to go somewhere else to get a fix. The employee automatically assumed I was a drug addict because I was homeless.”

Harold works for a different shelter than Henry. Prior to working with the homeless he saw them as “dirty and unkept.” He figured they had substance abuse issues and mental illness. He believed they all shared goods (e.g. if one would have food that all the others would be eating the food). He does have clients that do not bathe much and smell bad; however, some dress well and keep themselves clean. Most of his clients do not have any mental health issues. He estimates that less than half of those using the shelter have substance abuse problems.

Harold has been working with the homeless at the shelter for about nine years. He started working on the mental health team in the dual diagnosis program. Many of the clients in the program were dealing with substance abuse issues. For the last five to six years he has been the social services coordinator. He makes sure the people get their referrals after the nurse practitioners make the referrals. He is a case worker for about twenty men who are staying at the shelter. He helps the men get clothes, disability, or other such needs. He coordinates crisis intervention that is conducted on a 24/7 basis that steps in if someone becomes suicidal or homicidal.

One of the issues affecting his job is that of maintaining an appearance. The shelter depends on sponsors for financial support.

The sponsors do not like to see the homeless sitting around. People frown on the homeless having cell phones. They can get a free cell phone now if they get food

stamps. At the same time the sponsors expect the clients to get jobs. It is hard to get a job without a phone.

The perception of shelter sponsors introduces additional obstacles for the homeless to overcome. If they are seen sitting around it is assumed they are being lazy. For all the observer knows the homeless individual may have been job searching earlier and is merely taking a break. A sponsor may feel less inclined to help if the person has the perception that those receiving the help are being lazy.

Perception plays a role in how the public and criminal justice system views the homeless. If a group of people are perceived as lazy “bums” then they will be deemed as useless and undesirable. People who are undesirable to others are less likely to be helped when they are vulnerable.

## Survival

Hudson remembers his days lived as homeless with surprising fondness. This is different from many might perceive. Cooperation among the homeless enhances their own survival.

Most of the people I came to know were full of life and not a care in the world. I would sometimes join a little campfire that people were sitting around cooking some chicken or hot dogs and listen to them laugh and sing like birds. “Hey man, want a hot dog?” Nothing was hoarded and everyone looked out for one another. Right beyond the tracks and the bridge were the multi-laned traffic hoards of people all bustling and running “to and fro,” struggling to make ends meet. And right here in a little enclave in the dark was a few quiet, self-fulfilled souls wanting for nothing and oblivious to that big busy world around them. As I think of it now, I miss that part of it. That chapter in my life is full of lessons and memories that I remember with warmth, tinged with a touch of humor and fear. I highly recommend the experience if you can put up with living outdoors. It will build your character and understanding. Kind of gives you a whole new way of looking at things from the outside/in, as it were.



Harold noted that some of the clients come in expecting to be handed a job or will complain about the accommodations. Most do not complain. He found the attitude of the complainers surprising because he figured they would be glad to have food to eat and a roof over their heads. Some people come in expecting help with transportation, but there are no funds available for that. There are no funds to help the clients look for work. The lack of funds is an obstacle to the survival of the homeless. Without these funds, the homeless have a more difficult time finding employment which would aid in surviving their state of homelessness.

It would seem that public perception would have an impact on the expectations one would have of a homeless shelter. If the individual had never experienced a shelter personally and had believed that all a homeless person had to do is go to a shelter to have problems solved then he or she would be in for a shock when showing up at a shelter for the first time. All preconceived notions are attacked in a moment of reality. What happens? Some may just be quiet about it. Others may complain. Observers may view the complainers as entitled.

Harold notes that another problem facing the homeless is that there is nowhere for them to store their stuff. They cannot leave it at the shelter without it being stolen. Job hunting is harder to do if lugging baggage around. They need a job to get back on their feet. It adds an extra obstacle to getting a job which is important for their survival.

Hank used to be the director of a shelter for three years before it caught fire and closed down. He was also on the board of directors. He decided to work with the homeless because it is a population with specific needs that are often overlooked. The population is often targeted for abuse. He helped the homeless obtain jobs, counseling,

and more permanent housing. The homeless seemed “lost in their lives” Hank notes, and the shelter tried to help them find direction in their lives.

Hank had been homeless previously from the time he was a young child. He believes that society creates the homeless and sees that as ironic. He never had any preconceived ideas about the homeless because he was first homeless at an early age and it was ingrained in his conscious. While homeless he slept on park benches, in tents in the woods, and under highway bridges. The experience taught him survival skills. Hank also learned not to trust authorities and to never go to the cops for help.

Hank notes that the most common homeless population today is entire families. The economy has crashed. People are losing their homes and have nowhere to go. Most of these families have had a crisis that has knocked them out of mainstream society.

Society looks down on the homeless as losers and unfit to be in society. They are not bums. They want jobs. They want to fit back into society again.

Some people try to help the homeless fit into society without working for a shelter. Hilary, an advocate for the homeless, had once been homeless herself after she aged out of the foster care system. She notes that many homeless were once foster care children. She grew up used to her foster care home telling her when to do simple things like when to eat and when to shower. “When I was eighteen I was suddenly on my own with no direction. I briefly went back to an aunt that had abused me, but the aunt was immediately abusive again so I left.” She was homeless.

Many of the homeless she has worked with over the past few years had lost their jobs in the economic downturn. Some of them had once held jobs making good money but now needed to stay at a homeless shelter.

Hilary has observed that there is a lack of treatment facilities for the impoverished. If a poor person is addicted to a substance there are sometimes either no programs for help or there is more demand for the program than the program can provide. Some people end up on waiting lists. She also has noted that every addict she has encountered has had something traumatic happen to them: “They turn to drugs or alcohol to cover up their pain.”

The survival of the homeless depends partly on what services are available to them. Services require funding. Providing services requires some sort of coordination and organization. Henry supervises the workers that do the intake and makes the meals. He also helps with food and clothing donations. The shelter helps with housing opportunities and jobs and also has a clothing voucher system where the client uses the voucher in the Salvation Army thrift store. The shelter also tries to help the homeless stabilize their lives and deal with the issues that made them homeless.

One issue that stands out to Henry is how big of a problem homelessness is and that the shelter cannot help everybody who needs it.

The shelter tries to help anyone who wants to turn his or her life around and shares the love of God with them. Aside from the shelters in Lexington, this is the only shelter in the area. Other counties neighboring Madison County do not have shelters available. There is an extreme lack of resources available to the homeless.

Will did volunteer work at a homeless facility and learned that just because there were facilities did not mean that the homeless could go there. The facilities filled up quickly and then would turn people away.

Many homeless shelters in big cities have waiting lists. I was on that waiting list for four months before I was able to stay at a shelter.

The shelter only allowed him to stay a short time. The shelter only allowed up to a month and then the homeless person was in the streets again. He became trapped in a no win situation. He could not find a job to get a place to live. He could not find a job because he did not have a place to live. It was a vicious cycle that many homeless face.

When looking for a job, most places would look at me and turn me away without giving an application. I would get told by some places that they were not hiring while giving me dirty looks. Places that were hiring would not hire me because I had no phone number or address. I could never find a job while I was homeless. There was an employment office where homeless people could line up to see if they could get work for that day. People arrived as early as 5 a.m. most did not get chosen. I often went to this employment office. Every homeless person I met wanted a job.

Will had remained homeless until a friend from his life as a foster care child located him and gave him a place to stay. His friend helped him obtain employment. He was eventually promoted to shift manager. He has been a manager for about two years.

Will relays his memory of surviving while homeless. It is interesting that sometimes law enforcement hindered his survival while other times law enforcement enabled survival.

I was once picked up by the police for sleeping on a park bench after dark. The officer gave me a choice of just leaving or being arrested. I chose to be arrested so that I would have a place to sleep and food to eat. Most police were rude and treated me as worthless because I had nowhere to go. The police were sometimes called to throw me out of Meijer and Wal-mart.

For a time he hung out with a group of homeless people under a bridge. About once a week the police would show up to evict the group. The police would destroy all of their belongings that they could get a hold of and the group would have to start over. Will also once slept in a junkyard inside of a Volkswagen.

I spent almost a year with nowhere to go, sleeping in cars or under bridges, breaking into vacant houses to find a place to sleep or stay warm.

During the time he spent living under the bridge, it started to get cold out from the changing seasons. He wanted desperately to have a warm place to spend the night.

I went to Meijer and stole a whole cart full of groceries. I was trying to get caught. No one even noticed. I pushed the cart to the bridge and shared the food with the others. The food was gone in a couple of days because there were so many homeless people there at the time. Another man did the same thing I had done and came back with more food. Meijer never paid attention to a person walking out of the store with a cart of groceries.

Others do not depend upon services for survival. Hudson differentiates between the two groups of homeless people.

I spent seven years outdoors and no one ever came where I was staying and offered me anything. Homeless programs, phooey. They are in word only. What was available was minimal and usually charitable and you had to go get it yourself. For the most part we knew we were on our own. The other kind of homeless person is a leach on government resources sucking all that up and never getting “on their feet.” It’s easy to tell the difference. One hangs out around homeless shelters generally being a nuisance, the other is seen riding a bike hung with sacks of cans heading to a recycle center or scrapping metals and going to flea markets. They work hard all day reclaiming waste from garbage and generating money which they put back into society. And their carbon footprint is almost nonexistent. They do not need nor do they ask for your help. They are independent, not dependent on others.

Survival is a delicate balance. For the homeless, survival is a day to day challenge. Finding the basics needed for human living can be an uphill battle.

Overcoming the obstacles to climb ones way to stability is a daily goal.

## Legal Issues

Law enforcement often targets the homeless. Harold notes that his clients are constantly being harassed by the police.

If my clients are walking down the street, the police will stop them for no reason and check their identification. The assumption is that the people staying there are criminals. There have been a few arrested for theft, but most are not criminals. It concerns me that the police harass my clients for no reason.”

Harold further indicates that police detectives or deputies frequently visit the shelter asking for the sign-in sheet.

The shelter cannot divulge this information because it is confidential. They should know that. It does not stop them from asking.

During a major tourist event in his city, Harold noticed that homeless men who were generally able to sit in public places were arrested for panhandling or loitering. The police enforced loitering laws that usually were not enforced. It seemed the authorities did not want tourists to see the city’s homeless population.

Sometimes, the police help dangerous people locate wives who flee abusive men. Heather talked about her experiences with homelessness. She has been homeless several times.

Sometimes, I was only homeless for a week or two. I have been homeless for about four months before. I did not have much of an opinion against homeless people prior to being homeless. I knew that they were people who did not have homes. I knew that there were homeless shelters in some places, but I also knew there were not any shelters in the area I was living when I first heard about homeless people. I grew up fearful of being homeless. I was first homeless because I had fled an abusive husband. My husband had friends on the police force in the little town. The police helped him track me down. They forced me to return to my abusive home under threat of arrest. I was seventeen years old at the time. I had bruises from the beating and was sore. I was terrified. I had the choice of returning and facing further violence or going to jail. Sometimes, I wish I had chosen jail.

There were minor assaults leading to the major one that disabled me. After I was beaten to the point of brain and neurological damage, I managed to flee again. I drove to a domestic violence shelter in another town. The shelter director took me to that town's police station to press charges and have photos taken of the bruises forming on my body from my neck to my ankles. The file and pictures were sent to the police in the town where the assault took place. By the time the trial happened, the file and pictures disappeared from evidence. My husband told me that his buddies took care of it for him. I learned to never trust a cop.

While director Hank noticed that the homeless often became the target of police if there is a civil disturbance in the area of homeless people.

The homeless would often be the victims of the crime. The homeless victims would arrive at the shelter having been beaten. Sometimes, the police were the ones who beat them. In all my work with homeless people, I never encountered a single criminal; but I met many victims of crime.

He remembers during the night police would pick up people who did not fit in with the college crowd. On the weekend the college students would be out drinking. The police ignored them and would target the homeless.

The police did not pick them up to help them. They picked them up to get them out of sight. The homeless were viewed as eyesores.

Police harassment of the homeless was a common theme observed by respondents who work with the homeless. Hilary also commented that the homeless are targeted by the police.

Cops tend to patrol the areas I work with the homeless more than other areas I typically go. The police seem to feel that the homeless are in the way. In some areas it is against the law to beg for food or other things you need unless you are holding a sign asking for what you want. The beggars are not allowed to ask verbally. Sometimes, the police harass those holding the signs anyway.

Being homeless is not the only thing being criminalized. Helping the homeless is criminalized as well. Some cities have made helping the homeless illegal to the point that those helping can face fines and/or jail time. During 2010 there were

businesses in [City Name] that were feeding the homeless. The authorities found out and the business owners were threatened with losing their businesses if they continued to feed the homeless.

Some homeless people Hilary has helped have told her that they have deliberately committed a crime before so they would be arrested and have a warm place to sleep and food to eat.

It does not take much for them to be arrested. They just have to get the attention of the police.

Law enforcement can be a big obstacle for the homeless to survive. For those who have a sense of compassion toward the homeless, the government in many major cities all over the United States has made it a crime to feed them. The government defends these laws claiming the food a regular citizen gives to the homeless may be unsafe to eat. Some of these cities include Philadelphia, Orlando, Houston, Dallas, Las Vegas, and New York City. Infowars ([infowars.com](http://infowars.com)) stated about the trend:

This is just another example that shows that our country is being taken over by control freaks. There seems to be this idea out there that it is the job of the government to take care of everyone and that nobody else should even try. But do we really want to have a nation where you have to get the permission of the government before you do good to your fellow man? It isn't as if the government has "rescued" these homeless people. Homeless shelters all over the nation are turning people away each night because they have no more room. There are many homeless people that are lucky just to make it through each night alive during the winter.

The laws in these major cities are similar in nature. An example of such a law banning people from feeding homeless people is that of Orlando which requires any group wishing to feed the homeless to apply for a permit. The application process includes an application fee. The permit is only for a specific day and each group is only allowed two permits in a twelve month period. Those violating the law are arrested, jailed, and face criminal conviction with fines and/or jail time. Some groups, such as the



group Food Not Bombs, willingly violate the law and are regularly arrested. According to journalist Mark Schlueb (2011: <http://www.palmbeachpost.com/news/news/5-more-arrested-accused-of-feeding-homeless-in-orl/nLs6S/>)

The members of the group Food Not Bombs were ladling out corn on the cob, rice, beans, and watermelon to about 35 people when they were handcuffed. Despite the arrests, Food Not Bombs members say they'll continue their twice-weekly feedings at Orlando's signature park to bring attention to what they consider an unjust law.

Philadelphia law goes further than that in Orlando. In Philadelphia groups are banned from feeding the homeless in the parks at all. According to Mike Dunn and Walt Hunter of CBS Philly (2012: <http://philadelphia.cbslocal.com/2012/03/14/nutter-announces-ban-on-outdoor-feeding-of-homeless/>):

Among the groups unhappy with the mayor's announcement is Brian Jenkins of Chosen 300 Ministries, a homeless outreach group that does both indoor and outdoor feedings. The fact that city of Philadelphia is saying now that the homeless don't have the right to eat on the Ben Franklin Parkway or eat around Center City is a clear violation of civil rights. It says that people that have can eat in a certain place. But people that have not, can't.

In addition to cities banning the feeding of the homeless, police routinely tear down tents of the homeless. Police destroy the property of the homeless in the process. One anonymous homeless person on a homeless message forum described an incident where fellow homeless people described having their possessions destroyed:

I was made aware last week by two homeless gentlemen that their camp was destroyed by a police officer as they hid in the woods and watched. They had a tarp hung in the trees over their tent to keep the rain out. The officer slashed it and dumped their tent over. They had not previously received a notice from code enforcement or the police department to vacate. Granted they were on private property and were trespassing, there is no reason to destroy someone's livelihood while we're having temperatures reaching freezing at night and not much higher during the day.

To destroy what possessions someone does have perpetuates the animosity between our homeless and the authorities. What the general public seems to think is that they can just go to a shelter. That's not as easy as it sounds. On any given night in Travis County, there are approximately 2,500 homeless people (that figure is really higher, that just happens to be the number we were able to come up with during an annual, physical, point in time count). Austin has 731 shelter beds on a regular night and an additional 587 beds that open on extremely cold nights. That means that even when all beds are available, we are still short approximately 1,182 beds every night.

The downtown Austin Alliance has also been successful in making it illegal for a homeless person to sit downtown. There are police officers and Texas Rangers on site at the Austin Resource Center for the Homeless. I was standing with a disabled, elderly gentleman outside in a line to be let in so he could get his mail. He squatted down because he was hurting and was promptly told to stand up or go to jail. Basically, downtown expects the homeless to use the resources located there, but once they are kicked out of the shelter around 7am, they have to remain moving until that evening when they can try their luck at the nightly bed lottery.

A "domesticated" person (a coined phrase by the homeless for someone who is housed), can sit anywhere and rest as will, but the homeless aren't deserving of the same right.

Tent cities have been razed all over the country. St. Louis razed three riverfront camps during May 2012. In one tent city alone, dozens of people lived in tents and shacks all along the river. That tent city was named Hopeville. The larger tent cities like Hopeville are razed with bulldozers. Dale City, VA razed a massive tent camp built along interstate 95 in 2011. One of the residents of the Dale City camp cried as she was being evicted asking, "Where are we going to go--where? What the hell are we supposed to do?" She is one of millions of homeless with nowhere to go (Kinzie, 2011: [washingtonpost.com](http://washingtonpost.com)).

The homeless face legal issues as their existence is criminalized. The criminal justice system leaves the homeless with criminal records. With criminal records, the homeless have a harder time obtaining gainful employment which would enable them to

obtain stable housing. The criminal justice system disrespects the rights of the homeless by harassing them on the street and at homeless shelters. The police raid encampments and destroy their property. The criminalization of the homeless causes undue hardship to people merely trying to survive.

## CHAPTER V

### CONCLUSION

I interviewed seven respondents. Six of those respondents had observed law enforcement harassing homeless people. All of those six respondents had noticed a negative perception towards the homeless by someone who had the position to impact the life of the homeless person. The respondent who had no observation of law enforcement harassing a homeless person carried some similar negative views of the homeless that much of society espouses. Respondents who were formerly homeless had similar survival strategies or noted similar survival strategies. For example, they each knew of a homeless person who deliberately committed a crime to get arrested in order to get off the streets.

For this thesis I contacted all local facilities that work with the homeless, seeking to find participants for interviews. After this search produced limited participants, the search was extended to all neighboring counties. Unfortunately, this also yielded limited results. I also attempted to interview current homeless. No current homeless would agree to an interview. Interviews were conducted with a limited amount of former homeless.

Having participants in the study who were currently homeless would have provided more current information as to what the homeless deal with on a day to day basis. This new information can then be compared and contrasted with older research data to develop a bigger picture of the trends in homelessness over a span of years.

Police were contacted locally and in neighboring counties in an attempt to obtain police input into specific problems the police perceive when interacting with the

homeless. Messages were left and leads to specific officers were followed. No law enforcement officers returned phone calls or agreed to be interviewed during the twelve-month time frame. None explained why they did not want to be interviewed, leaving me in the dark for an explanation.

Since no police officers were interviewed, the study did not obtain input regarding police views on the homeless. A police involved study would provide insight into the thought process of law enforcement as they target the homeless. What reasoning does law enforcement have in regards to destroying the homeless people's possessions? Why does law enforcement arrest the homeless for doing necessary living activities like resting on a park bench or relieving himself in an alley when he has no access to a bathroom, rather than using their discretion to issue a warning? Do they act out of a sense of public responsibility or even a sense of assisting the homeless? Or, do they act in a way intended to harass a population that they see as a nuisance?

Attention also needs to be paid to public perception. Much of the public obtains its perception from information relayed by the mass media. The public has a misperception that the media is there to inform them of events in society. The public perceives news reporting of a subject matter on a regular basis then the public accepts the message as representative of the subject. The reality is that the media is an entertainment enterprise that competes against other media. The news seen is often a rare, unusual occurrence because the more gruesome and bizarre the event, the more sensational it is for viewers. Homelessness used to not be considered a social problem, nor was it considered to be newsworthy. Not much is known as to how homelessness became reported as a social problem in the media, which suggests a worthwhile research project.

Since homelessness became a social problem, society's business owners and residents have called upon law enforcement to rid society of the problems perceived to be caused by the homeless. The problems include such matters as public intoxication, panhandling, loitering, trespassing, and shoplifting. Law enforcement has thus been targeting homeless for eradication to appease the more fortunate from being inconvenienced.

Perception is the primary catalyst for how society treats the homeless. The type of assistance and how the legal system responds to an individual who is homeless is decided by how those in power and the public perceive the homeless. The state of being homeless is criminalized. Not only that, but people who help the homeless are criminalized for doing simple things such as offering a homeless person something to eat or drink. Public perception that the homeless are more prone to criminal activity is not substantiated by evidence. Crimes homeless are convicted of are often crimes that would not be crimes if not homeless, such as peeing in an alley (Snow, Baker, and Anderson 1989). Such crimes are victimless and are merely essential human activities carried out in public because they have no homes in which to do the activities in private.

The crimes committed which involve victims are usually petty crimes such as shoplifting. These crimes are typically committed out of desperation due to their situation. Sometimes, the homeless commit the crimes to be arrested so that they can have relief from being on the streets. The common perception is also that the majority of homeless are mentally ill, drunks, drug users, and bums, which is largely a myth (Snow, Baker, Anderson, & Martin 1986). It is due to these perceptions of the homeless that

community residents come together to prevent homeless shelters from being built in their communities. Communities also oppose homeless encampments for the same reasons.

Many homeless prefer homeless encampments to homeless shelters. The homeless who do stay at shelters do so to receive help in obtaining employment, permanent housing, and to get off the streets. Complaints about these shelters include lack of privacy and freedom. However, many shelters provide little to no help with obtaining employment and permanent housing. Shelters vary in the services they provide. Also, many homeless find the shelters to be unsanitary. Shelter staff is sometimes hostile towards those staying at the shelter. Sometimes, the homeless are victimized by other homeless people staying at the shelter. Also, families are separated by gender, causing mothers to be sometimes separated from their children. There is a paucity of research on the homeless perspectives on shelters, their services, and service providers. Research along these lines might reveal how to better meet the needs of those who are homeless.

As a preferable alternative to shelters, homeless encampments allow families to stay together. The encampments offer a sense of community that is not present at the shelters. Encampment residents participate in regular meetings and help keep the camp clean. The encampments have rules against drinking, drugs, theft, and violence and can vote out residents who break these rules. Some encampments even allow people to have their pets, which would never be allowed at a shelter. These encampments help the homeless have a better chance at survival and a better quality of life.

Even though cities typically do not have enough beds for all the homeless who need a place to stay, cities still crack down on the homeless staying in places other than

the shelter. Law enforcement harasses, assaults, and arrests the homeless. Homeless encampments are frequently raided by law enforcement. During these raids police destroy the belongings of the homeless. Law enforcement hires researchers to study the encampments to find ways to identify and prevent the encampments in order to rid the community of these encampments. Current research has not examined life in homeless encampments extensively. Future research could reveal more of the dynamics and challenges of homeless life if solid ethnographic methods were conducted among homeless encampments.

An ideal research study that would be quite insightful would be an ethnography conducted inside of a homeless encampment. In all of my research, I have not found where this specific research study has ever been conducted. Previous research includes interviews with the homeless. However, living in a homeless encampment among the homeless would provide the researcher with first-hand knowledge of day to day living activities within an actual homeless encampment. The readers of such research would be able to develop a deeper knowledge base regarding the subject matter.

Obstacles exist which hinder such an ethnography from being conducted. The homeless encampments tend to be purposely hard to find. Residents living in these encampments do what they are able to conceal the encampments from being discovered by law enforcement or by those who might report their existence to law enforcement. Such attempts at concealment are essential to their survival. Therefore, even finding an encampment to approach for research would be a time consuming task, but not impossible. Once an encampment is found, fear the homeless have of law enforcement involvement may make them unwilling to cooperate with a research study. One way to



get around this obstacle is by going undercover and pretending to actually be homeless. Such deception, however, might not pass ethical muster. Any researcher undertaking such ethnography would need to be careful to protect the group from being discovered as a result of the researcher's involvement.

Another issue to be considered is that of possible law enforcement targeting while conducting ones research. If the encampment is discovered and raided while the researcher is present, it is possible for the researcher to be assaulted and/or jailed at the hands of law enforcement. If this were to occur, if the researcher were upfront about the research and then the homeless were raided then they may believe the researcher betrayed them. The homeless may never trust a researcher again. If the researcher pretended to be another homeless person then the homeless may believe the researcher informed on them if the researcher's true identity is discovered by the other encampment residents. Either way, the researcher could end up with an arrest record if the encampment is raided in the course of the ethnography.

If the researcher is present during a police raid then this could also be the opportunity for invaluable research information. The researcher could have insightful opportunity to provide a first-hand account of how law enforcement treats the homeless. If the researcher is assaulted then the research community would have a credible first-hand accounts of the way law enforcement uses its power in its quest to rid the community of the homeless. If the researcher is jailed then the researcher could provide first-hand testimony as to how the legal system deals with the homeless. The implication for such an insightful research experience is unknown. If there are no raids during the

ethnography then the researcher has a greater opportunity to experience daily life in the homeless encampment without interruption.

Constitutional concerns have also been raised in regards to the way governments target the homeless. Does arresting a homeless person who is begging violate the First Amendment's right of free speech? Does destroying the homeless person's property violate the Fourth Amendment's right to be free from unreasonable searches and seizures? Does penalizing the homeless for carrying out necessary life activities violate the Eighth Amendment's right against cruel and unusual punishment? Much more legal research is needed to answer these and other judicial questions (The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless, 2009: 23-25).

Current policies of criminalizing the homeless are a danger to one of the most vulnerable populations in the country. The best approach to this vulnerable homeless population is a laissez-faire approach, which basically means to just let them be. Most homeless are not harming anyone other than their sensibilities. An entire population of people should not be targeted for destruction just because they are considered irksome. However, since it does not seem to be the trend this country chooses to take in regards to the homeless, then there should at least be more help available to them.

There needs to be more assistance available to help the homeless find jobs. Obstacles to finding employment need to be identified and addressed. Obstacles to finding employment include lack of transportation to job hunt, lack of a place to put personal belongings while job hunting, and lack of child care. These are not the only obstacles, but they are some of the most obvious ones. Shelters could get lockers for the homeless to store their possessions. Funding could be raised to help the homeless job

search and go to interviews. Funding could be used for car rides, car pools, clothing, and child care. Also, the homeless would need a place where they could shower and clean their clothes for proper hygiene. Since there is a lack of shelters, abandoned places like military bases, warehouses, closed down schools, and similar sized structures could be turned into homeless shelters. Residents at these shelters could be given chores like they are in homeless encampments to help keep the shelters clean.

Law makers, politicians, prosecutors, law enforcement, and judges have similar preconceived perceptions that exist among the rest of the public. Since those in power influence media reporting, the perceptions of the public really reflect how those in power perceive the homeless. When the homeless are prosecuted for actions essential to daily living, such as sleeping in public, then their very existence has been criminalized. When the homeless appear before judges who view the homeless as mentally ill, drunken bums, then the disdain hinders justice from being fair and impartial. This trend of criminalizing the homeless is a danger to basic ideal freedoms of life, liberty, and the pursuit of happiness.

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