COMMENTARY

Social Work's Role in Ending the Criminalization of Homelessness: Opportunities for Action

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Historically, homeless people have been viewed as deviant, immoral, and in need of management. In particular, behaviors associated with street homelessness, such as panhandling and public drinking, triggered negative perceptions of homeless populations from the early 1900s to the late 1950s (Howard, 2013). Although the legal community made some efforts to decriminalize vagrancy and public intoxication in the 1960s, the intersection of homelessness and criminal justice involvement has remained potent (Kushel, Hahn, Evans, Bangsberg, & Moss, 2005). Furthermore, public responses to people experiencing homelessness have become less sympathetic as people associate street homelessness with a visual reminder of poverty and destitution in their community (Smith, 1996).

Although the criminal justice system is traditionally used to punish dangerous and predatory criminals, it can also be used to control the behavior of certain groups of people, including those experiencing homelessness. Efforts to use policing activities to target homeless people stem from centuries-old vagrancy laws used to manage or displace poor and socially detached individuals. The homeless are common targets of policing when their behavior, especially behavior performed in public spaces, is viewed as offensive and deviant. Furthermore, the public often views homelessness and crime as interconnected. Therefore, relying on the criminal justice system to manage homeless populations is a common reaction to the perceived criminal threat associated with homelessness (Amster, 2008; Smith, 1996).

Multiple studies have linked homelessness and criminal justice involvement. Experiencing a recent episode of homelessness is associated with incarceration (Weiser et al., 2009), and recent homelessness is more common among those who are incarcerated than the general population. In a national study of prison inmates in 2004, 9 percent had experienced at least one episode of homelessness during the year prior to their incarceration (Greenberg & Rosenheck, 2008). Furthermore, homeless individuals are often incarcerated for low-level crimes and offensive behavior (Fitzpatrick & Myrstol, 2011). In fact, homeless people are commonly incarcerated for violating nuisance ordinances, such as camping without a permit, begging, and public intoxication (DeLisi, 2000). These laws criminalize behaviors associated with homelessness as a means of controlling where homeless people are allowed to be and what they are allowed to do.

ANTIHOMELESS POLICIES

Antihomeless policies are primarily intended to reduce the presence of homeless people in specific locations or in an entire community, in an effort to maintain or improve public safety, economic stability, and aesthetic appeal. When homeless populations routinely occupy public space, surrounding communities often respond with efforts to remove them or limit their rights to create and maintain a safe and desirable environment for shoppers and new businesses (Amster, 2008; Foscarinis, Cunningham-Bowers, & Brown, 1999; Mitchell, 1997).

Examples of laws that criminalize homelessness include making it illegal to sleep or loiter in public spaces; making it illegal to store personal belongings in public; conducting encampment sweeps; and banning life-sustaining behaviors (for example, public urination, personal hygiene, eating) when no alternative public facilities are available (National Law Center on Homelessness and Poverty [NLCHP], 2011). Although many of these laws apply to all individuals, whether homeless or not, individuals who are homeless may be disproportionately affected by these restrictive measures (Amster, 2008; Smith, 1996).

A fundamental problem with antihomeless policies is that they are more concerned with perceptions of what homelessness causes, rather than what causes homelessness (Amster, 2008; Mitchell, 1997). These

policies do not address circumstances that cause or contribute to homelessness, or better aiding those who find themselves homeless. Instead, antihomeless policies consider formal social control the most effective way to reduce the presence of homeless people. These policies are proposed as ways to improve the quality of life for community members, without regarding homeless people as part of the community (Foscarinis et al., 1999).

Policies that criminalize homelessness can further perpetuate the problem. For example, a homeless person with a criminal record may face barriers to attaining housing, employment, or government subsidies (NLCHP, 2011). Furthermore, cycling between homelessness and the criminal justice system perpetuates instability and can exacerbate existing health problems (McNeil, Binder, & Robinson, 2005). Whether the cost associated with increased policing, arresting, and incarcerating homeless people is sustainable and worth the investment is also questionable (Culhane, 2010).

OPPORTUNITIES FOR SOCIAL WORK TO SUPPORT ALTERNATIVE SOLUTIONS

Social work prioritizes serving the most oppressed and marginalized populations (National Association of Social Workers, 2008) and has contributed to the understanding of many issues relevant to homelessness. However, unlike other disciplines, such as sociology, law, and urban planning, the profession has offered little input on the criminalization of homelessness. Given social work's foundational values and ethics, we expect the profession to be at the forefront of the fight to prevent and eliminate antihomeless policies. Social workers are well positioned to lead the charge in challenging the validity of laws and policies that criminalize homelessness as well as developing, implementing, and evaluating more effective homeless interventions. We elaborate several suggestions in this commentary.

Social workers must promote the recognition and protection of the human rights of people experiencing homelessness. One way to achieve these goals is through legal advocacy to challenge the unconstitutionality of antihomeless laws. For example, the prohibition on sleeping, camping, or storing belongings in public can be challenged under the Fourth, Eighth, and Fourteenth Amendments. In addition, some states, including Rhode Island and Illinois, have created a Homeless Bill of Rights to protect homeless people from criminalization and discrimination in access to housing, social services, and voting (Fortino, 2013). At the same time, social workers can make efforts to reduce stereotypes of homeless people through public awareness campaigns to address negative public sentiment and NIMBY-ism.

Social workers can also facilitate collaborations among multiple sectors to develop new systems that can redirect homeless populations from the criminal justice system. Numerous alternatives to antihomeless policies involve partnerships between service providers and other systems, especially law enforcement (NLCHP, 2011). Drawing on suggestions from McNamara, Crawford, and Burns (2013), social workers can (a) help law enforcement develop departmental policies for dealing with homeless people, (b) provide law enforcement with training and education on homelessness and working with people experiencing homelessness, and (c) foster partnerships between law enforcement and local social services. These efforts can be used to divert homeless people out of the criminal justice system and help link them to needed services.

Local business is another critical sector to engage. Antihomeless laws are often enacted in downtowns and business districts, justified as a way of protecting commerce and patrons (Amster, 2008). Social workers can educate business leaders about the causes of homelessness and the effects of antihomeless laws. Furthermore, they can facilitate partnerships between the business community and homeless services. For example, a business improvement district in Washington, DC, collaborates with service providers, community leaders, and city officials to provide housing and services to the city's homeless population (Downtown DC BID, 2010).

Social workers can also advocate for the creation of facilities for people experiencing homelessness to conduct basic quality-of-life behaviors. Most laws criminalizing homelessness target individuals eating, sleeping, going to the bathroom, or storing belongings in public. These behaviors are likely more common when there is a lack of alternative places that meet the basic needs of people experiencing homelessness. Some communities have incorporated innovative solutions to address this gap. For example, in an effort to reduce arrests for public urination, Portland, Oregon, built four solar-powered 24-hour public restrooms, providing a cost-effective benefit to homeless people and the general public. Miami started providing an outdoor pavilion where homeless

people can access transitional shelter and services until they become motivated to request indoor shelter and services. Several cities have also created free storage options for people experiencing homelessness to keep their belongings (Kendall, 2010).

The social work profession needs to consider opportunities for conducting research on the criminalization of homelessness and the alternative strategies described in this commentary. The link between criminalization efforts and local homelessness rates, public safety, and quality of life for the community still lacks empirical support (Blasi & Stuart, 2008). To develop and implement evidence-supported interventions, researchers need to examine the costs and effects associated with antihomeless policies. In addition, alternatives should be documented, and evaluated for further development of more effective and sustainable approaches.

More broadly, social workers can reduce the reliance on antihomeless policies by helping to strengthen the overall homeless services delivery system. In addition to using existing capacities, social workers need to develop knowledge and skills for assessing gaps in homeless services, evaluating services, building networks among providers and community stakeholders, supporting organizational leadership, and finding creative ways to connect homeless people to social services and the broader community. Social work's deeper engagement in supporting these elements will help communities address homelessness in a more comprehensive way. **SW**

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