

# "Out of Sight, Out of Mind?"

## Report on the Criminalization of the homeless in the US

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In 50 major cities in the United States--in places as distant as Fresno, California and Buffalo, New York--for the past several years city legislators have expended concentrated efforts to mobilize the legal system in the service of various "urban renewal" projects. One goal of such activity has been the attempt to physically remove a very visual urban "blight"--the homeless.

Yet coming in a period dominated by the gutting of social services for the poor, what has resulted can only be described as the victimization of the most impoverished segment of the population in a manner reminiscent of a Dickens novel. The January 1999 report released by the National Law Center on Homelessness and Poverty, "Out of Sight, Out of Mind?" documents this process of criminalization in 50 urban centers across the US.

In terms of housing provisions alone, virtually none of the cities surveyed come close to providing enough emergency shelter beds or transitional housing slots to accommodate the homeless populations. For example, in New York City there are an estimated 27,000 to 81,000 homeless. At the end of 1998, however, shelters provided only 5,500 beds. In the face of nonexistent resources, the homeless population literally has no place to go other than the streets. Yet it is on the streets that city officials nationwide are waging the most ruthless campaign against the homeless, a campaign that aims to stamp out homelessness by stamping out the homeless themselves.

The NLC report identifies a series of processes occurring throughout the country placing restrictions on necessary life activities such as sleeping or sitting in public places, extensive limitations on panhandling, using police "sweeps" in order to remove enclaves of homeless people from certain areas, as well as

specifically targeting homeless people for the infraction of laws that are generally applicable to the population at large. Take, for example, the recent situation in Chicago.

"In December 1997, police did a sweep of Lower Wacker Drive when President Clinton visited the city, during which the police threw away the property of many homeless people. Since that sweep, police continue to sweep Lower Wacker Drive, acting under the guise of cleaning, and simply take and destroy the property of any homeless people in the area. In the past they gave warnings that the area was going to be cleaned, but since December they have given no warnings."

This situation is by no means limited to this Midwestern city. The NLC reports on conditions in Cincinnati, Ohio: "City officials see homelessness as a situation brought about by the person himself or herself rather than by economic circumstances beyond their control. Cincinnati has designated the Rhine community as an exclusion zone which targets homeless and other poor people. If you are simply charged with a crime in the exclusion zone, not even convicted, you are not allowed to go back to the zone unless you are a resident, including residents of the homeless shelter, of that zone."

Traveling to Austin, Texas one would find that the fine for camping in public increased during the past two years from \$200 to \$2,000. How exactly individuals who cannot afford to eat on a daily basis are expected to pay fines in a sum greater than a month's earnings at the minimum wage is difficult to imagine. However it is such policies, coupled with outright jail sentences for other infractions, that lead a substantial portion of the homeless population to make their way through the criminal justice system. The NLC report is quick to

point out that there is no environment less suited to deal with problems of the homeless than city jails. "In addition to the fact that the criminal justice system does not, and possibly cannot, provide adequate treatment and rehabilitation opportunities, police officers are not adequately trained to address problems that arise."

The problems of homelessness are extending into the population of the working poor as a whole. In the 50 cities studied in "Out of Sight, Out of Mind?" between 17 and 37 percent of the population are unable to afford the fair market rent for an efficiency apartment based on guidelines set by the federal government. In addition, while the US government continually upholds the past year's historically low unemployment rates as a sign of economic and social success, researchers found that individuals employed on a 40-hour a week basis earning the minimum wage would still be unable to afford the most rudimentary housing in any of the cities covered by the report. The same reality holds true for the elderly and the physically or mentally disabled subsisting on Social Security and welfare benefits.

The situation described in the NLC report is one that can broadly fall under the heading of "blaming the victim." It is a logic whose intricacies have long been addressed and refuted in volumes of sociological writing. Without delving into the depths of this material, the conclusion reached by the NLC report itself aptly surmises the inherent nature of the double-barreled offensive against the homeless:

"The criminalization of homelessness is ineffective, counterproductive, and inhumane. All of the proposed justifications for criminalizing homelessness generally neglect to address the fact that penalizing people for engaging in behavior such as sleeping in public, sitting on public sidewalks, or begging, will not reduce the incidence of such behaviors, or keep public places clear of homeless people, when people are doing so because they have no alternative place to sleep or sit, or no other means of subsistence."



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