

# US cities criminalize homelessness

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As the economic crisis continues to intensify, scores of US cities are enacting undemocratic laws that criminalize homelessness and trample on the rights of the growing number of homeless individuals and families who reside in these cities, according to a report released last month.

The level of homelessness has been increasing rapidly since 2007, and attacks on the democratic rights of homeless individuals are also on the increase, according to the report entitled, “Homes Not Handcuffs,” which was issued on July 13 by the National Law Center on Homelessness and Poverty (NLCHP) in coordination with the National Coalition for the Homeless (NCH).

In Denver and Atlanta, for example, 30 percent of the homeless populations are newly homeless. The report notes that 19 out of the 25 cities surveyed by the US Conference of Mayors for its annual Hunger and Homelessness study reported an increase in homelessness from 2007 to 2008, with the average increase around 12 percent. Home foreclosures and the economic crisis in general are contributing to skyrocketing levels of homelessness in many US cities, the report notes.

Based on data collected in 2007 and 2008, the law center demonstrates how homelessness is being criminalized in cities across United States. The report provides detailed summaries of how cities use undemocratic measures targeted specifically against homeless individuals.

Several of the most commonly used tactics to force homeless individuals off the streets are highlighted. These tactics include:

“Enactment and enforcement of legislation that makes it illegal to sleep, sit, or store personal belongings in public spaces in cities where people are forced to live in public spaces.

“Selective enforcement of more neutral laws, such as loitering, jaywalking, or open container laws, against homeless persons.

“Sweeps of city areas in which homeless persons are living to drive them out of those areas, frequently resulting in the destruction of individuals’ personal property such as important personal documents and medication.

“Enactment and enforcement of laws that punish people for begging or panhandling in order to move poor or homeless persons out of a city or downtown area.

“Enforcement of a wide range of so-called ‘quality of life’ ordinances related to public activities and hygiene (i.e. public urination) when no public facilities are available to people without housing.”

The report also notes the prevalence of city ordinances that criminalize homelessness. Of the 235 cities surveyed, 33 percent prohibit “camping” in certain city areas and 17 percent prohibit

“camping” all together. Nearly 50 percent of cities prohibit loitering or begging in public places, and in 23 percent of cities, begging is prohibited anywhere within city limits.

Ten US cities that are particularly hostile towards homeless persons were listed in the “10 Meanest Cities” section of the report. These cities include Los Angeles, which was ranked in first place for the ruthless way in which the rights of homeless individuals and families are routinely violated. Orlando, Florida, Atlanta, Georgia, Honolulu, Hawaii, and Kalamazoo, Michigan were also in the top 10 list.

According to University of California Los Angeles (UCLA), Los Angeles was spending \$6 million a year up until 2007 to employ extra police officers to patrol the city’s Skid Row area which has a substantial homeless population. This came at a time when the city allocated only \$5.7 million for homeless services. The city also spent \$3.6 million in 2007 on arresting and prosecuting 24 persons in the Skid Row area for “crimes” such as jaywalking which the report notes are rarely enforced in other parts of the city. The report notes the same amount of money could have been used to house over 200 homeless individuals. The homeless in Los Angeles have frequently suffered from police brutality as well.

“Police brutality against homeless people intensified during the crackdown on crime in Skid Row. In June 2007, the Los Angeles County Community Action Network reported one example: two L.A. Police officers attacked a petite homeless woman, who may have been mentally disabled, with clubs and pepper spray. Police reportedly beat her and tied her down.

“Though many business owners in the Skid Row area believe that the streets are cleaner and safer due to the Safer City Initiative, the changes come at a substantial cost to the homeless population. Advocates believe homeless residents have dispersed to areas without services. According to an Associated Press article, in January 2006, an estimated 1,345 people were living on the streets in Skid Row. A year later, only 875 people remained.

“Moving homeless individuals from Skid Row not only takes them away from a familiar area, but also moves them farther from service providers. Around the time of the police crackdown on Skid Row the providers in surrounding neighborhoods, such as Santa Monica and Hollywood, noticed an increase in their homeless populations, a problem for which they were unprepared. Richard, a homeless man interviewed by Tidings Online, described the problem: ‘Unless you get [the homeless] a place to go, they’ve got to go somewhere... They’re going to disperse.’ You hit a bunch of marbles in the middle, they splatter.”

.In Orlando, the City Council passed a law prohibiting the sharing of food with 25 people or more in parks in the downtown

area of the city.

“Shortly after the ordinance was passed, the ACLU sued the city on behalf of First Vagabonds Church and Orlando Food Not Bombs, two groups that share food with homeless individuals on a weekly basis ... While the litigation was ongoing, Eric Montanez of Food Not Bombs was arrested for serving ‘30 unidentified people food from a large pot utilizing a ladle.’ After being held for three hours, he was released on \$250 bond and continued serving food. He explained that the government’s inability to provide for homeless people is the reason Food not Bombs and other organizations are helping homeless and hungry individuals. He believes the community should fill in the gaps the government leaves until the government takes on the responsibility. Montanez was eventually acquitted at trial.”

The law against sharing food can only be seen as a direct attack against the democratic rights of homeless individuals as there is no conceivable purpose for it other than to make life even more difficult for people living on the streets.

The situation confronting the homeless population in Atlanta isn’t any better.

“On August 2nd 2008, police officers in Atlanta began dressing as tourists in order to catch people ‘aggressively begging’ for money. This undercover effort was part of a ‘30-day crackdown’ conceived and implemented by the commander of the police, Maj. Khirus Williams, who, according to the *Atlanta Journal-Constitution*, had ‘received letters from visitors who said the begging was so bad that they were never going to come back to Atlanta.’

“The newspaper noted that while under normal circumstances a tourist typically did not return to testify in court against the defendant, Maj. Williams expressed hope that ‘having officers pose as tourists or office workers’ would result in more convictions because the officers were certain to testify. By August 22, 2008, the officers arrested 44 people for panhandling and warned another 51. The *Washington Post* reported in October 2008 that the sting resulted in 50 arrests.”

Not surprisingly, city officials are preoccupied with maintaining the profitability of Atlanta’s tourism industry rather than with alleviating the problems facing homeless individuals and families, or at least respecting their fundamental rights.

Kalamazoo, Michigan was also included in the “10 Meanest Cities” section of the report. The state of Michigan has undoubtedly been battered by the economic crisis. It currently has the highest official rate of unemployment in the US at over 15 percent. The report notes the homeless population of Kalamazoo has been subjected to targeted arrests and other methods used by officials to remove homeless individuals from public view.

“In the summer of 2007, several members of Michigan People’s Action were arrested for

sleeping in public parks following the enactment of an ordinance prohibiting such activities. In addition, homeless individuals who have been ticketed for sleeping in public parks have been unable to obtain housing. Those homeless individuals and Michigan People’s Action members who were ticketed or arrested for sleeping in public parks challenged their arrests in court. By early September 2008, all charges had been dropped against the

homeless individuals and activists.

“During the same period, homeless advocates and homeless persons began having difficulty accessing the Kalamazoo Transportation Center (a public transportation bus station). Public Safety Chief James Mallery said that due to a large number of calls regarding drugs, fights, loitering, and panhandling, they were attempting to move people out of there that did not appear to be using the buses. However, Michigan People’s Action claimed that law enforcement was particularly targeting people who appeared to be homeless. Michigan People’s Action said that homeless people were being harassed at the Transportation Center by officers who asked for their identification and proof that they were waiting for a bus to arrive.

“Even after being urged by Michigan People’s Action to stop the police sweeps at the Transportation Center, the police continued to do so and arrested and jailed dozens of homeless people and activists for violation of the local anti-loitering law. Activists and the homeless individuals arrested in the Transportation Center challenged the arrests in court arguing the loitering law used to arrest them is unconstitutionally vague. Those charges were eventually dismissed. Kalamazoo has instituted a new set of transportation center rules. Michigan People’s Action is concerned these new rules will be used to continue to target people who appear to be homeless.”

The report discusses the how many of the laws enacted against homeless individuals violate their constitutional rights. Laws that prohibit begging, panhandling, or sharing food in public places often violate the right to free speech guaranteed by the First Amendment. Laws that prohibit sleeping in public spaces in cities where there are no alternatives for homeless individuals have been found by some courts to be in violation of the Eighth Amendment because it constitutes cruel or unusual punishment.

Sweeps on homeless persons that result in loss of property are rightfully considered by many to be an infringement on the right to be free from warrantless search and seizures. Many laws are also in violation of international laws related to human rights, including the right to freedom of movement.

The attack on the democratic rights of homeless individuals is part and parcel of the ruling elite’s assault on the democratic rights of the working class as a whole. By making homelessness a punishable offense, the capitalists have once again proven that they have no interest in addressing the root causes of homelessness-unemployment, poverty, mental illness, and addiction. As the economic crisis continues to escalate, even more people will be left without a home and treated like criminals rather than victims of American capitalism and its relentless focus on profit at the expense of human need.



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