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The Criminalization of homelessness

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THE CRIMINALIZATION OF HOMELESSNESS

by

Sarah McKenzie Prather

Bachelor of Science
Western Oregon University
2008

A thesis submitted in partial
fulfillment of the requirements for the

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Department of Criminal Justice
Greenspun College of Urban Affairs**

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Sarah McKenzie Prather

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ABSTRACT

The Criminalization of Homelessness

by

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The current study is an analysis of the problem of homelessness in American society today. It focuses on the demographic characteristics of the homeless in addition to some of the contributing factors that explain homelessness. Of particular concern is how the criminal justice system responds to homelessness, including the criminalization and stigmatization of homeless individuals and the implications of such a response. The data used in this study come from a recent survey conducted in a jail setting in a northwest city. The present study compares those who have been homeless at one time or another and those who have never been homeless. More specifically, this study explores the relationship between homelessness, incarceration, prior criminal history, employment and other important factors that may increase the likelihood receiving a jail sentence and the severity of that sentence.

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CHAPTER 1

INTRODUCTION

Defining Homelessness

Despite the many resource programs that have been developed in cities nationwide, the issue of homelessness is a growing social issue that has yet to be dealt with successfully. Perhaps one of the most important issues in addressing homelessness is understanding and interpreting its definition.

Federal agencies, non-profit organizations, and other bodies of research seem to interpret the definition differently. According to the Department of Housing and Urban Development (HUD), a person is homeless who:

lacks a fixed, regular, and adequate night-time residence; and has a primary night time residency that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, an institution that provides a temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (U.S. Department of Housing and Urban Development, 2007).

In 1987 President Ronald Reagan signed the McKinney-Vento Homeless Assistance Act into law, which comprised of several emergency relief provisions for food, shelter, mobile health care and traditional housing. This legislation suggests a more comprehensive definition of homelessness, and includes the interests of 'homeless child and youth' in their definition. This statute includes children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels,

trailer parks, or camping grounds due to lack of alternative housing accommodations (U.S. Department of Housing and Urban Development, 2007).

The difference between the two definitions is that HUD's interpretations of homelessness serves large, urban communities where tens of thousands of people are homeless, and proves problematic for those persons who are homeless in other areas of the country, such as rural areas, where there are few shelters. Recent research of homeless counts uses the guidelines and definitions of HUD, and may not provide the complete picture and totals of individuals experiencing homelessness.

Studies on homelessness are complicated because of the varying definitions of homelessness, and the availability of counting the individuals who are homeless. Researchers conducting studies on the numbers of homeless individuals face the issue of finding actual numbers because their homelessness data are collected by counting people who are in shelters or on the streets. Although this may seem effective and be useful to understand the numbers of homelessness in shelters and on the streets, it can result in an underestimation of actual homelessness.

According to recent research, the amount of people who are homeless in their lifetime has increased over the past two decades. An approximation from a study done by The National Law Center on Homelessness and Poverty (NLCHP) found that about 3.5 million people, 1.35 of them children, are likely to be homeless in a given year (National Law Center on Homelessness and Poverty, 2007). The first nationwide estimate of homeless population conducted in a

decade was gathered in January 2005 and it was counted that 744,313 people were homeless. This estimate, a compilation of point-in-time counts collected by local Continuums of Care - the HUD devised jurisdictions that oversee homeless services, provides data on every state and community in the country (National Alliance to End Homelessness, 2007). In their January 2007 report, the Homelessness Research Institute of the National Alliance to End Homelessness reported that 56 percent of homeless people counted were living in shelters and transitional housing, 44 percent were unsheltered. Of those studied, 23 percent of homeless people were reported as chronically homeless, meaning they were disabled and had been homeless for long periods of time or repeatedly. In 2007, the U.S. Conference of Mayors Hunger and Homelessness Survey found that 12 of 23 cities surveyed had to turn people in need of shelter away due to a lack of capacity. Due to lack of resources, people experiencing homelessness are more likely to live with relatives in overcrowded housing, or move to more rural areas to seek shelter.

Recent research finds that the number of Americans who will become homeless is expected to increase because of the foreclosure crisis, increases in poverty, and a pattern of steady increases in family homelessness (National Coalition for the Homeless, 2008). A growing shortage of affordable rental housing is also a factor believed to increase the expected number of homelessness experiences. Persons living in poverty are most at risk of becoming homeless, and demographic groups who are more likely to be impoverished are also more likely to be homeless (National Alliance to End

Homelessness, 2007). These people include families, minorities, victims of domestic violence, veterans, those suffering from mental illness, persons suffering from addiction disorders, and experiencing a lack of employment. There are many contributing factors that may be responsible for the rise and continuation of homelessness, such as age, race, gender, mental illness, criminal history, substance abuse, lack of affordable housing, unemployment and overall economic conditions in society, such as the current recession.

Purpose of the Study

It is important to understand the issue of homelessness in order to make a combative effort towards ending the cycles of homelessness. The cycle of homelessness frequently includes brief, and sometimes not so brief, stops at local jails.

The purpose of this study is to examine two questions about homelessness and criminal justice processing. First, what are the characteristics of homeless individuals in a jail setting, and are these social characteristics different than the characteristics of non-homeless individuals within this setting? Second, are homeless individuals treated differently than non-homeless individuals in the nature of their criminal processing?

CHAPTER 2

REVIEW OF RELATED LITERATURE

This chapter reviews the related literature on homelessness and causal factors that may lead to homelessness. It will first examine the demographics of homelessness. It will then describe the factors contributing to homelessness. Finally, it will discuss the victimization and criminalization of the homeless status.

The Demographics of Homelessness

In this section, major demographics of homeless individuals will be summarized based on the literature. These demographic characteristics include age, gender, and ethnicity.

Age

According to the National Law Center on Homelessness and Poverty in 2003, children under the age of 18 accounted for 39 percent of the homeless population with 42 percent of these children being under the age of five. This same study found that unaccompanied minors comprised 5 percent of the urban homeless population. According to the NLCHP, in 2004, 25 percent of homeless were ages 25 to 34, and persons aged 55 to 64 at 6 percent (NLCHP, 2004).

Gender

Most studies show that single homeless adults are more likely to be male than female. In 2007 research findings from the U.S. Conference of Mayors found that of the population surveyed, 35 percent of the homeless people who are members of households with children are male while 65 percent of these people are females. However, 67.5 percent of the single homeless population is

male, and it is this single population that makes up 76 percent of the homeless populations surveyed (U.S. Conference of Mayors, 2007).

Ethnicity

Homelessness first emerged as a national issue in the 1870's (Kusmer, 2002). At this time in American history, there were no national figures documenting the demography of the homeless population. The greatest numbers of homeless were found during the Great Depression of the 1930s as an estimated 1.5 million were homeless (undoubtedly an underestimate) (McElvaine, 1993). In the 1950's and 1960's the typical person experiencing homelessness was white, male, and in his fifties (Kusmer, 2002). Since this time period, the demographic makeup of our nation's homeless problem has changed dramatically. Not only do families with children now comprise 30-40 percent of the homeless population, but African American's are representing roughly 40 percent of the American homeless population in recent years (National Coalition for the Homeless, 2009).

Like the total U.S. population, the ethnic makeup of homeless populations varies according to geographic location. For example, people experiencing homelessness in rural areas are more likely to be white, female, married, currently working, and homeless for the first time, for a shorter period of time. Homelessness among Native Americans and migrant workers is also largely a rural phenomenon (Fisher, 2005). Many other urban communities cite similar or higher numbers. For example the Chicago Coalition for the Homeless reports

that 77 percent of its total homeless population is African-American (National Coalition for the Homeless, 2009).

The U.S. Conference of Mayors found that in its study of 25 U.S. cities, amongst the sheltered homeless population, about 42 percent were African-American, 38 percent were White, 20 percent were Hispanic, four percent were Native American and two percent were Asian (U.S. Conference of Mayors, 2006). It is important to note however that people of color, particularly African-Americans, are particularly overrepresented. According to the PBS Homeless Fact and Figures '07, 41 percent are non-Hispanic whites (compared to the 76 percent of the general population), 40 percent are African Americans (compared to 11 percent of the general population) 11 percent are Hispanic (compared to 9 percent of the general population) and 8 percent are Native American (compared to 1 percent of the general population).

Factors Contributing to Homelessness

A number of different factors may contribute to homelessness. In the following, some of these will be presented.

Families and Housing

Families are amongst the fastest growing groups of the homeless population. In its 2007 survey of 23 American cities, the U.S. Conference of Mayors found that families with children comprised 23 percent of the homeless population and in rural areas families, single mothers, and children make up the largest group of people who are homeless (U.S. Conference of Mayors, 2007). The most recent survey of major American cities noted an increase in the number of person

requesting food assistance for the first time, mostly notable amongst working families (U.S. Conference of Mayors, 2007).

The National Coalition for the Homelessness identified the relationship between foreclosure and homelessness, and found that there was a 32 percent jump in the number of foreclosures between April 2008 and April 2009 (National Coalition for the Homeless, 2009). The NLIHC estimates that 40 percent of families facing eviction due to foreclosure are renters, and 7 million households living on very low incomes (31-50 percent of Area Median Income) are at risk of foreclosure (National Low Income Housing Coalition, 2008).

As the numbers of affordable housing units decrease and the numbers of home foreclosures increase, the likelihood of family homelessness will continue to grow. Due to lack of affordable housing, low income families are suffering the strain of trying to pay higher rent burdens, leading to 'doubling up' of households to offset costs. Renting is one of the most viable options for low income persons (Joint Center for Housing Studies, 2006), and with incomes of low-income households decreasing with job loss, the increases of rent rates are hard to keep up with. Increases in rent obligations, decreases in public housing assistance, along with wages, are forcing many people to become homeless, or at the very least putting families at risk of becoming homeless.

The limited resources of housing assistance programs have also contributed to the housing crisis. According to the National Low Income Housing Coalition, federal support for low-income housing fell 49 percent from 1980 to 2003 (NLIHC, 2005). Also in 2003 it was reported that the federal government spent

almost twice as much in housing-related tax expenditures and direct housing assistance for households in the top income quintile than on housing subsidies for the lowest-income households (NLIHC, 2005). This limited level of housing assistance means that poorer families seeking housing assistance such as Section 8 vouchers are being placed on longer waiting lists, creating less room for other homeless individuals seeking aid. A study of homelessness in 50 cities found that in virtually every city, the city's official estimated number of homeless people greatly exceeded the number of emergency shelter and transitional housing spaces (National Law Center on Homelessness and Poverty, 2004). Federal housing policies are poorly responding to the needs of low-income housing, and it certainly shows. These excessive waiting lists for public housing increase time spent in shelters or alternative inadequate housing arrangements. In 2005, the U.S. Conference of Mayors reported that in their survey of 24 cities, people remain homeless an average of seven months, and 87 percent of those cities reported that the length of time people are homeless has increased in recent years (U.S. Conference of Mayors, 2005). In 2007 it was reported that the average stay in homeless shelters for households with children was 5.7 months, while this number is only slightly smaller for singles and unaccompanied children at 4.7 months (U.S. Conference for Mayors, 2007).

Economic Factors

The risks of job loss and declining wages increase the likelihood of individuals and families becoming at-risk of being homeless. Missing work due to illness, or a decrease of working hours due to a slow economy resulting in a

smaller paycheck is the bottom line of having and not having housing for these poorer families. With a standstill economy, the hopes for advancement or higher wages are bleak. The official unemployment rate is just under 10% as of March, 2010 and this does not count those who have given up looking for work – such as most homeless – and those working part time who want full-time work (Hernandez, 2010).

About one in 10 poor adults and children are homeless every year (The Urban Institute, 2001). Declining wages have made affordable housing seem unobtainable. Home foreclosures have dramatically increased by 225 percent since 2006, putting more people in unstable housing situations (Price, 2009). In every state, more than a minimum wage is required to afford a one or two-bedroom apartment at Fair Market Rent. In fact, in the median state a minimum-wage worker would have to work 89 hours each week to afford a two-bedroom apartment at 30 percent of his or her income, which is the federal definition of affordable housing (National Low Income Housing Coalition, 2001). Fair Market Rents are the monthly amounts determined for localities in all 50 states as defined by HUD as the amounts needed to rent privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities (U.S. Department of Housing and Urban Development, 2007).

In 2005 it was found that amongst 24 American cities surveyed, 13 percent of the urban homeless populations were employed, though recent surveys by U.S. Conference of Mayors report as high as 25 percent (U.S. Conference of Mayors 2005). This group is part of a growing percentage of people classified as

“working poor” – constituting about 8.9 million people, 1.4 million more than in 2007 (Bureau of Labor Statistics, 2010). When asked to report and identify three main causes of hunger in their city, 83 percent of cities cited poverty, 74 percent cited unemployment and 57 percent cited the high cost of housing (U.S. Conference of Mayors 2008).

Veterans

Veterans are one of the increasing groups of homeless individuals, especially those returning from the wars in Iraq and Afghanistan. Currently, about one-third of the adult homeless population has served their country in the Armed Services; about 131,000 veterans (male and female) are homeless on any given night and perhaps twice as many are homeless at some point during the course of a year (U.S. Department of Veteran Affairs, 2010). As of March 2010, the number of homeless Vietnam era veterans is greater than the number of service persons who died during that war, and a small number of Desert Storm veterans are also appearing in the homeless population (U.S. Department of Veteran Affairs, 2010). According to the National Coalition for Homeless Veterans, our nation's homeless veterans are mostly males, with about four percent being females (National Coalition for Homeless Veterans, <http://www.nchv.org/background.cfm>). The vast majority are single, most come from poor, disadvantaged communities; 45 percent suffer from mental illness, and half have substance abuse problems,

Mental Illness

Many homeless individuals suffer an undiagnosed and/or untreated mental illness. Research indicates that persons with severe mental illness represent

about 26 percent of all sheltered homeless persons (U.S. Department of Housing and Urban Development, 2009). These numbers do not include unsheltered homeless persons. The 2008 U.S. Conference of Mayors study reported that 26 percent of their homeless population studied suffered from a serious mental illness compared to only six percent of the U.S. population. A study assessed the relationships between homelessness, mental disorder, and incarceration in 12,934 adults incarcerated at the San Francisco County Jail. Their results found that people who were homeless and who were identified as having mental disorders, although representing only a small proportion of the total population, accounted for a substantial proportion of persons who were incarcerated in the criminal justice system in the study's urban setting. Specifically, 16 percent of those in jail were homeless and 30 percent of those individuals were diagnosed with some form of mental illness; 78 percent had a co-occurring substance abuse disorder (McNeil, Binder, & Robinson 2005).

For people without severe mental illness, homelessness is often a temporary status; however those with a mental illness have more trouble finding steady employment, are often in poorer physical health and tend to have more problems with the legal system (Price, 2009). With these issues combined, the likelihood of mentally ill homeless individuals finding housing is slim. Research has shown that there are a few key ingredients needed to place mentally ill homeless people into housing, including respect for these individuals, housing options they'd actually like to live in, helping them overcome previous bad experiences they've had with shelters, and help securing treatment (Price, 2009). According to the

2003 U.S. Department of Health and Human Services report, most homeless persons with mental illness do not need to be institutionalized, and can live successfully within the community with the appropriate supportive housing options; however many of these individuals are unable to obtain access to supportive housing and/or other treatment services including case management, housing, and treatment (U.S. Department of Health and Human Services, 2003).

Victimization and Criminalization of Homelessness

The homeless can be described as a marginalized population in contemporary American society and part of this marginalization status puts them at high risk of victimization just because of their group identification. Further, there is an increased tendency to criminalize this particular social group.

Violence against Homeless People

Most hate crimes and violent acts committed against the homeless are not organized groups, but individual citizens who harbor a strong resentment against them. Research has called these individuals “mission offenders,” people who believe they are on a mission to cleanse the world of particular evil (Martin, 2003). Other individuals are called “scapegoats” who project their resentment at the growing economic power of a particular racial or ethnic group through violent actions. Others are “thrill seekers,” those who take advantage of a vulnerable and disadvantaged group in order to satisfy their own pleasures. Thrill seekers, primarily teens and young adults, are the most common perpetrators of violence against homeless people in the United States. After teens and young adults, the next emerging identifiable group most likely to engage in hate crimes against homeless people is members of local police agencies (Martin, 2003).

According to the National Coalition for the Homeless (2008), hate crimes and violence committed against homeless persons resulting in death have slightly decreased in recent years. The results from their nine-year analysis of hate crimes/violence against homeless people include the following figures: a total of 774 committed violent acts, 217 deaths of homeless persons, 557 non-lethal attacks, 235 cities involved in the span of attacks, a range of 10-75 years of age of the convicted/accused, the age of the victims ranged from 4 months to 74 years of age; most of the victims were male (88 percent) (National Coalition for the Homeless, 2008).

Vagrancy and the Criminalization of Homelessness

To respond to the issue of increasing homelessness, an unfortunate trend in cities around the country over the past 25 years has been to turn to the criminal justice system to respond to visible homelessness in communities. Researchers point to high rates of criminal activity as evidence of a criminalization of homelessness where homeless persons, because of their marginal economic and social status and the public nature of their existence, are more prone to arrests and incarceration for misdemeanors, and a range of other minor crimes (Metraux & Culhane, 2006).

A number of different policies have been implemented to target homeless people by making it illegal to perform life-sustaining activities in public. These measures prohibit activities such as sleeping/camping, eating, sitting, and begging in public spaces, and usually include criminal penalties for violations of these laws (National Coalition for the Homeless, 2008). These criminalization

measures include the following: 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 or open container laws, against homeless persons; sweeps of city areas where homeless persons are living to drive them out of the area, frequently resulting in the destructions of those persons' personal property, including important personal documents and medication; and laws that punish people for begging or panhandling to move poor or homeless persons out of the city or downtown areas (National Coalition for the Homeless, 2008). These measures are continuing to increase.

City ordinances frequently serve as a tool to criminalize homeless, and the support for these trends appears to be growing. Research has shown that homeless people may be stigmatized more severely than other poor people, "because many homeless people live in public spaces, homelessness is often more *visible* and more *disruptive* than other forms of poverty; because of the difficulties involved in cleaning and grooming themselves, many homeless people also may be aesthetically unappealing" (Phelan, Link, Moore, & Stueve, 1997). According to the National Coalition for the Homeless (2008), of the 224 cities surveyed, it was reported that: 28 percent prohibit 'camping' in particular public places in the city and 16 percent had city wide prohibitions on 'camping', 27 percent prohibit sitting/lying in certain public places, 39 percent prohibit loitering in particular public areas, 16 percent prohibit loitering city-wide, 43 percent prohibit begging in particular public places and 21 percent have city-wide

prohibitions on begging. In a joint report between the NLCHP and NCH in 2002, it was found that of the 67 cities surveyed, there were increases in laws prohibiting certain life-sustaining activities of homeless individuals. The report found an increase of 12 percent of laws prohibiting begging in certain public places. It also found a 14 percent increase in laws prohibiting sitting or lying in certain public spaces, and a 3 percent increase in laws prohibiting loitering, loafing, or vagrancy laws. While these surveyed cities are continuously cracking down on homeless persons in public places, they do not provide a sufficient alternative, as cities fail to meet the growing need of emergency shelters and alternative housing; these laws push homeless individuals out of cities or downtown areas into more urban areas, making it harder to seek assistance.

Every two years the National Coalition for Homelessness publishes the Criminalization of Homelessness report in January. This report consists of the top 20 'meanest' U.S. cities that show no mercy when addressing their homeless population. These cities are chosen based on the

number of anti-homeless laws in the city, the enforcement of those laws and severities of penalties, the general political climate toward homeless people in the city, local advocate support for the meanest designation, the city's history of criminalization measures, and the existence of pending or recently enacted criminalization legislation in the city (National Coalition for the Homeless, 2006).

To this list must be added the city of Fresno. In 2006 an ordinance was passed that made it a crime to possess a shopping cart and perpetrators would

be subjected to as much as a \$1,000 fine. According to one news story, this particular ordinance was part of an ongoing attack against this community's homeless population. These attacks have included the bulldozing of homeless encampments, destruction of homeless person's personal possessions, an ordinance against aggressive panhandling, and the building of fences to prevent the homeless from accessing vacant state owned land (Rhodes, 2006). Four years later another ordinance was passed, this time forbidding "homeless people from standing on medians and asking for money" (Rhodes, 2010).

The city of Miami is in the process of passing an ordinance that would criminalize the act of feeding the homeless, unless the individual has received proper training. Anybody found breaking the ordinance would first receive a warning and then fines up to \$300 for subsequent offenses (Cilli, 2010). If passed, the ordinance requires people who distribute food to the homeless to go through formal training first. The training would cover two main issues: how to ensure the food is safe to eat, and how to clean up the mess afterward. The ordinance also states that people who feed the homeless have to provide a portable restroom and on-site sink (Cilli, 2010).

Other parts of Florida are seeking similar actions on their homeless populations. The Central Florida American Civil Liberties Union filed the lawsuit in October 2005 on behalf of groups that provide meals to homeless people in Orlando. The lawsuit challenges a city ordinance passed in July 2005 that prohibits "large group feeding" in downtown city parks without a permit. It also limits permits for each park to two per year per applicant (Komp, 2006). The

restrictions on feeding the homeless and the court case surrounding it are part of an escalating conflict over Orlando's treatment of people without permanent shelter.

One is reminded of the famous quote from the Frenchman Anatole France who sarcastically stated: "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread" (France, 1894).

CHAPTER 3

THEORETICAL CONSIDERATIONS

In attempt to understand the phenomena of growing homeless populations, and societies' perceived gap between the homeless and the general population, labeling theory, social bond theory, and the American Dream theory have been offered as possible explanations below.

Labeling and Homelessness

Originally developed by Howard Becker (1963) and Edwin Lemert (1951), labeling theory (also known as societal reaction perspective) holds that deviance is not a quality of the act itself but what is made of the act socially. It focuses on the tendency of society to negatively label minorities or those seen as 'deviant'. The theory is concerned with how the self-identity and behavior of individuals may be determined or influenced by the terms used to describe or classify them, and is associated with the concepts of self-fulfilling prophecy and stereotyping. One key aspect of the labeling perspective is that the criminal justice system itself, including the legislation that creates laws and defines criminals and criminality, helps to perpetuate crime and deviance. Becker (1963) believed that particular social statuses overwhelm and nullify the effects of other offender and offense characteristics in charging and sentencing decisions, creating a 'master status'. The labeling perspective does not address in any direct way the causes of criminal/deviant behavior but rather focuses on three interrelated processes: (1) how and why certain behaviors are defined as criminal or deviant, (2) the response to crime or deviance on the part of authorities (the criminal justice response or how behaviors are criminalized), and (3) the effects of such

definitions and official reactions on the person or persons so labeled (Schur, 1971).

The interrelated processes of labeling theory can be applied to the status of homelessness. First, homeless individuals and their actions in public are seen and defined as deviant, rather than acts of survival. Sleeping in public, panhandling, congregating in groups in certain city areas, and loitering are all defined as public ordinance violations (it is considered a violation of the “public order” – as defined by more privileged groups), even though in most cases there is no intention to commit a crime. It is important to note that the relevant laws were conceived and passed by educated upper-middle class people who are seeing the world from their own class perspective. This point is a consistent aspect of labeling theory (Quinney, 2001).

Secondly, research has shown that homeless persons are often seen as a threat to public safety; and as a response public order laws have been developed and increased over the years to address homeless populations. Random sweeps of city blocks are conducted by police departments in efforts to clean communities of homeless people. Homeless people are more likely to be arrested because of public order violations rather than a crime being committed. Rural homeless populations continue to increase as city policy efforts to eliminate homeless visibility also increase. The history of vagrancy laws illustrates attempts to control classes of people that are perceived as a threat to the social order and middle class values (Chambliss, 1975).

Finally, the consequences of labeling homeless persons increase the likelihood of chronic (long-term) homelessness throughout urban and rural areas. The favored reaction to the issue of homelessness has been to process the population through the criminal justice system and see if that is a quick fix. Another answer has been to ignore it, or to allocate some funding to city governments to address hunger and poverty in communities. Obviously these have been poor efforts and have hardly scratched the surface of the issue.

Social Bond Theory and Homelessness

Social bond theory was made popular by Hirschi (1969), who described it by referencing four key elements, attachment, commitment, involvement, and belief. Attachment is described as the level of values and or norms that an individual holds (tied to) in society. Commitment is described as the level of commitment the individual has to abide by legal behavior or knowing how to act by societal standards. Thirdly, the involvement in conventional versus deviant activities can be described as knowing the difference between right and wrong, and making the decision based on those moral principles. The fourth element is described that if a person shares common values/norms as others in their subgroup then the motivation to deviate will be hard to overcome. "The more weakened the groups to which [the individual] belongs, the less he depends on them, the more he consequently depends only on himself and recognizes no other rules of conduct then what are formed on his private interests" (Hirschi, 1969, p.17).

Social bond theory is widely used to help understand juvenile delinquency. According to Sheldon and Brown (2002, 95), "delinquency persists when a youth's bonds or ties to society are weak or broken, especially bonds with family,

school, and other institutions. When this occurs, a youth is likely to seek bonds with other groups, including gangs; in order to get his or her needs met.”

Being homeless and/or a prolonged state of homelessness can be described by the individual's absence of a bond to social institutions. A lack of attachment to societal ties including social institutions like employment, and other social activities can be a problem in homeless populations. Those individuals who are homeless for longer periods of time have little or no ties to family, and become unemployed and live in poor economic conditions, resulting in discrimination from a contributing society. Hirschi explains that a weakened bond between an individual and social groups are a direct result of an individual being able to only depend on himself rather than others. Also, the lack of commitment to societal groups and social norms that homeless people face are also what separate that individual from 'normal' working classes. This gap gradually increases while periods of homelessness increase. Acts of vagrancy and public order crimes committed by homeless people can be seen from Hirschi's perspective as a lack of knowledge between right and wrong and moral principle, even though many of these crimes committed are for survival, not to be purposefully deviant. Finally, many people within the homeless 'subgroup' share common behaviors with one another. This includes the acts of vagrancy and life sustaining behaviors that the criminal justice system has defined as criminal under public ordinance laws.

The Failure of the “American Dream” and Homelessness

Messner and Rosenfeld (1997) describe the connection between Strain Theory and the American Dream. This perspective places emphasis on the importance of social institutions and the relationship with what is normally called

the American Dream. This refers to a commitment to the goal of material success pursued by everyone. The American Dream can be described with four core values: achievement, individualism, universalism, and fetishism of money. Achievement is described as personal wealth and is measured by their success with money or fame. Messner and Rosenfeld (1997) describe *individualism* as “the intense individual competition to succeed pressures people to disregard normative restraints on behavior when these restraints threaten to interfere with the realization of personal goals.” Universalism is the idea that everyone is supposed to strive for the American Dream, and can equally achieve this goal with hard work. Finally, fetishism of money is seen as the most important aspect above all else of American culture. Money is the measure of a man’s wealth, success, and value; its dominance has created a consumerist culture, socializing society to become consumers.

Messner and Rosenfeld (1997) state that one of the keys to understanding the American Dream and its’ link to crime is through social institutions. Also described in social bond theory, social institutions are groups of individuals, sharing values and roles, made to tailor human fundamental needs. These social institutions are found throughout a person’s environment, including schools, the workplace, family, and other areas of social fulfillment. However, when these social institutions fail, those affected members of society turn to alternative methods of social survival, apart from normative values and ideas. Those at-risk of homelessness often suffer job loss and other financial strain. When a failing economy offers little hope to prevail through poverty, at-risk individuals become

homeless; doubling up in homes with other families, living in shelters, or on the streets. The opportunity to be involved in social institutions is dire, and fundamental human needs are not met. Also, once becoming homeless and hitting rock bottom, the climb back to becoming a contributing member of society is very challenging and seems unobtainable.

These criminological theories will be used in the current study as a conceptual framework for examining differences in criminal processing on the basis of homelessness status. Based on these theories, it is expected that individual's homeless status will be associated with differential treatment in criminal processing and sentencing decisions.

CHAPTER 4

THE CURRENT STUDY

The purpose of this study is to examine the relationship between homelessness and criminal justice processing. Two research questions are addressed in this study. First, what is the demographic profile of jail inmates who were homeless and are these characteristics different from the characteristics of jail inmates who are non-homeless? Second, are persons who are homeless treated differently than non-homeless people in the nature of their criminal processing and sentencing decisions? Various theories in criminology (e.g. labeling, social bond, institution bond) suggest that homeless people will be treated more severely within different stages of criminal processes. The result of this study and the implications for public policy on homelessness are also discovered.

Methodology

This study involves secondary analysis of survey data. The original survey was administered by the Pacific Policy and Research Initiative (PPRI) and conducted at the Marion County jail (Salem, Oregon) in 2007. The purpose of the survey was to provide data that compliments and promotes dialogue and questions that assist Marion County and the Marion County Sheriff's Office to improve community service and enhance community safety. The original data collection was granted approval through the participating agency. All respondents to this survey were anonymous.

Participants

To gain a complete understanding of the entire jail population, all accessible prisoners, including those in the work release center, were canvassed and asked for participation on a voluntary basis. Approximately 87 percent of the individuals agreed to participate in the survey. 565 people completed the survey instrument. There were approximately 20 survey instruments discarded due to contamination (a jail deputy came in contact with a survey instrument), inconsistency, irregularity, or inappropriate responses (including written identifying marks).

Research Team

A seven-member research team participated in the collection of data during the survey. The research team consisted of one white female, two Latino females, one American Indian female, two white males, and one Latino male. The Latino members of the research team were proficient in English and Spanish. Training for research team members included (1) conducting survey research in enclosed environments, (2) sensitivity training relative to incarcerated persons, (3) security of completed questionnaires, (4) maintaining anonymity standards of the survey, and (5) safety and security of members of the research team. All members of research team participated in debriefing following the completion of the survey.

Survey Instrument

The survey instrument was bilingual, available in both English and Spanish. The survey asked for basic demographics, such as the participant's sex, age group, ethnicity or race, marital status, primary language, and education. More

specifically, the survey instrument asked more detailed questions (if applicable), such as: participant's military experience, residence, employment, jail and/or prison involvement (i.e. length of time, charges, etc), juvenile delinquency, permanent residency, if mother or father were ever incarcerated, whether the participant had a guardian other than a parent, questions about participants siblings and extended family, if the participant had ever experienced any disabilities or medical problems, their accessibility of social services, mental health problems, alcohol and drug abuse, family situation (divorced parents, foster home experiences), if the participant had children, and finally if the participant had any gang involvement. At the end of the survey instrument, a few short answer questions were asked regarding the participant's reason(s) for being incarcerated, suggestions to reduce that individual's recidivism, and suggestions for more specific types of social services.

Survey Process

A correctional officer guided the research team into each jail pod (alpha, beta, Charlie, etc) and allowed them to administer the survey to willing participants. After informing the prisoners of the purpose of the study, to identify the characteristics and individual/collective needs of prisoners in the Marion County Jail to break the cycle of incarceration, the prospective participants were told that their participation was voluntary and that anonymity was guaranteed. The inmates were instructed to not put any identifying markings or information on their survey or it would be destroyed. English and in Spanish orientations were delivered at each section of the Marion County complex. Throughout the course

of administering the survey instrument, research team members assisted any participants who had problems reading or understanding the contents of the questionnaire.

Variables

Offense and criminal justice process information were collected by the survey and measured as 'pretrial detention', 'charge type', 'times sent to jail', and 'length of time in jail'. Pretrial detention refers to if the inmate is in jail awaiting court (coded as 1=yes, 0=no). Charge type is divided into three categories by offense type, 'violent', 'property', and 'disorder'. Three separate, dichotomous variables were created for charging, violence, property and disorder (coded as 1= representing the presence of the crime and 0= representing no presence of the crime). Violent charge includes crimes against person, property charge includes crimes against property, and a disorder charge includes parole violations, DUIs, and public disorder offenses. Times sent to jail refers to how many times the inmate has been sent to jail in the past 12 months (coded as 0= 1 time, and 1= more than 1 time). Length of time in jail refers to how many days the inmate has been in jail (coded as 0= 30 days and less and 1= 31 days or longer).

Offenders' demographic information was collected, including their gender, age, race, marital status and education. Gender refers to the sex of the inmate (coded as 1= male and 0= female). Age refers to the age of the inmate at the time of the completion of this survey and was coded as a dummy variable (coded as 1= representing older than 30 years of age and 0= representing 30 and younger). Race refers to the race/ethnicity of the inmate (coded as 1= White, 2=

non-White). Whites included both White and Russian inmates, and non-Whites included Black, Hispanic, Native American, and Asian inmates. Marital status refers to if the inmate was alone or together with someone prior to their recent incarceration (coded as 1= representing those who were single, divorced, separated, or widow/widower and 0= representing those who were married or had a partner/living together). Education refers to if the inmate completed high school (coded as 1= indicating the completion of high school and 0= not).

In addition, offenders' homeless status is measured by several variables: 'ever homeless', 'homeless just prior to arrest', 'times homeless', 'length of homelessness', and 'alone while homeless'. Ever homeless refers to if the inmate has ever been homeless (coded as 1= yes, 0= no). Homeless just prior to arrest refers to if the inmate was homeless immediately prior to being arrested (coded as 1= yes, 0= no). Times homeless refers to how many times an inmate had been homeless (coded as 1= one time, 2= two times, 3= three times, 4= more than three times). Length of homelessness refers to the longest single period of time an inmate was homeless (coded as 1= less than 30 days, 2= 30-60 days, 3= 61-90 days, 4= 91-120 days, 5= 121-180 days, 6= 181 days-1 year, and 7= over one year). Alone while homeless refers to if the inmate was alone when homeless (coded as 1= yes, 0= no).

Research Questions

Using these variables, the following research questions will be answered: (1) Are homeless individuals more or less likely than non-homeless to be held for pretrial detention? (2) Are homeless individuals more or less likely than non-

homeless to receive different charges in the criminal justice system? (3) Are homeless persons more or less likely than non-homeless to spend more and longer time periods in jail.

Based on several criminological theories, one would expect the homeless to be treated more severely in criminal justice processing than the non-homeless. For example, due to the stereotypical image surrounding homelessness as a threat to public disorder labeling theory would predict more severe treatment of the homeless in criminal processing. Similarly, due to their lack of traditional social bonds, social bond theory would expect homeless individuals to be more severely treated in these decisions.

Analytical Technique

Univariate, bivariate (cross tabulations and One-way ANOVA) and multivariate analysis (regression) will be used to analyze the impact of homeless on criminal justice processing.

CHAPTER 5

FINDINGS OF THE STUDY

To address the research questions noted above, univariate, bivariate and multivariate analyses were conducted. The results of these analyses are presented below.

Results of Univariate Analysis

Table 1 presents the coding and frequency distributions of all variables for the total sample and by homelessness status separately.

Frequency Distribution Results for the Total Population

According to table 1, there are a total of 565 inmates whose responses were included in the current analysis. A clear majority of 68 percent had been homeless (384 inmates). Regarding pretrial detention, of the total population (565 inmates) a slight majority (51.3 percent) of inmates were awaiting court at the time that the survey was completed (290 inmates). A total of 48.7 percent of inmates were not waiting for court (275 inmates).

Times in jail refer to how many times an inmate had been sent to jail in the past 12 months prior to the completion of the survey. The majority of inmates (61.9 percent) had been sent to jail only one time in the past twelve months (349 inmates). A sizeable minority (38.1 percent) reported being in jail more than one time in the past 12 months (215 inmates). The length of time in jail refers to how long the inmate had been in jail up until the completion of the survey.

Table 1

Descriptive statistics for total sample by homeless status

Variable	Coding	% Total N =565	% Ever Homeless n= 384	% Never Homeless n= 181
Ever Homeless	1= yes	68.0	100	0
	0=no	32.0	0	100
Pretrial Detention	1=yes	51.3	51.0	51.9
	0=no	48.7	49.0	48.1
Times in jail past 12 months	0= 1 time	61.9	57.2	71.8**
	1= < 1 time	38.1	42.8	28.2
Length of time in jail	0= ≤ 30	75.6	75.8	75.1
	1= > 30	24.4	24.2	24.9
Violent Charge	1= yes	23.6	22.2	26.6
	0 = no	76.4	77.8	73.4
Property Charge	1= yes	46.9	53.1	34.0**
	0= no	53.1	46.9	66.0
Disorder Charge	1= yes	29.5	24.7	39.4**
	0= no	70.5	75.3	60.6
Gender	1= male	80.0	78.1	84.0
	0= female	20.0	21.9	16.0
Age	1= > 30	54.2	59.1	43.6**
	0= ≤ 30	45.8	40.9	56.4
Race	1= White	53.6	55.2	50.3
	0 = non-White	46.4	44.8	49.7
Marital Status	1= alone	55.0	57.0	50.8
	0= with partner	45.0	43.0	49.2
Education	1= h.s. diploma	43.5	43.0	44.8
	0= no diploma	56.5	57.0	55.2

*p <0.10, **p <0.05

A vast majority of inmates (75.6 percent) reported being in jail for a period of 1-30 days. About one quarter of the inmate population (24.4 percent) reported being in jail for a period of 31 days or longer.

Charge type was recorded and placed into three separate categories, violent, property and disorder. Only 288 of the 565 inmates reported they had been charged with an offense, the remaining 277 were reported as awaiting court (pretrial detention). Of the 288 inmates, nearly half (46.9 percent) reported to be charged with a property offense. Close to one quarter (23.6 percent) of the inmates reported being charged with a violent offense (68 inmates) and roughly 30 percent of inmates reported being charged with a disorder offense (85 inmates).

The vast majority (80 percent) of the inmates were male (452 inmates), while just over half (54.2 percent) were over 30 (306 inmates). The racial distribution of the inmate population was about evenly divided, with just over half (53.6 percent) of the inmates being White (303 inmates).

A slight majority (55 percent) reported being alone at time of arrest (311 inmates). As for educational attainment, only slightly more than one-fourth (28.5 percent) reported being a high school graduate (161 inmates).

Frequency Distribution Results for the Ever Homeless Sample

According to table 1, just over half (51 percent) of the homeless sample were in jail waiting for their court appearance. A clear majority (57.2 percent) had been in jail only one time in the past 12 months. More than three-fourths (75.8 percent) reported being in jail for a period of 30 days or less, which is consistent with

previous research on the jail experience (Irwin, 1985; Sheldon et al, 2008). About one-fourth (24.2 percent) reported being in jail for a period of 31 days or more.

Of the 384 inmates who had been homeless, about one-fifth (22.2 percent) reported being charged with a violent offense, while a slight majority (53.1 percent) reported being charged with a property offense; the remainder reported being charged with a disorder offense.

Of those who were homeless, a vast majority (78.1 percent) were male (300 inmates), and more than half (59.1 percent) were older than 30. Just over half (55.2 percent) were White. Most (57 percent) were not married; 43 percent were not alone when they were arrested. Consistent with previous research (Irwin, 1985), many didn't graduated from high school.

Frequency Distribution Results for the Never Homeless Sample

A separate analysis was done for those who had never been homeless, a total of 181 inmates. Of these, slightly over half (51.9 percent) were in jail awaiting court. A clear majority (71.8 percent) reported being in jail only one time in the past twelve months and just over one-fourth (28.2 percent) reported being in jail more than one time in the past twelve months. About three-fourths (75.1 percent) reported being in jail for a period of 30 days or less (136 inmates).

Of those who had never been homeless, slightly more than one-fourth (26.6 percent) reported being charged with a violent offense (25 inmates), while about one-third (34 percent) were charged with a property offense (32 inmates) and the remainder were charged with a disorder offense.

Of those who had never been homeless an overwhelming majority (84 percent) were male. A sizeable minority (43.6 percent) were older than 30. Slightly over half (50.3 percent) were White. The status of marriage was almost evenly split between those who were alone (50.8 percent) and those who were with someone. Like the entire sample, most (55.2 percent) did not have their high school diploma.

The Homeless Sample

A more in-depth frequency analysis was done for those who had been homeless. Of the 384 inmates who had been homeless, nearly 50 percent of them reported that they were homeless immediately before they were sent to jail. A sizeable minority (37.2 percent) reported they were homeless only one time, while almost 40 percent reported they were homeless two times, and a noteworthy (23.7 percent) proportion had been homes three times or more.

Of those who had been homeless, about one-fourth (26.4 percent) reported being homeless for a period of less than 30 days, while about one-fifth (20.7 percent) reported being homeless for a period of 30-60 days and an identical proportion reported being homeless for a period of between 61 and 90 days. About 18 percent had been homeless between 90 and 180 days, with the remainder homeless for more than 180 days. A significant minority (8.9 percent) reported being homeless for longer than a year. Finally, homelessness was a very lonely experience, as the overwhelming majority (82 percent) were alone.

Results of Bivariate Analysis

Bivariate Contingency Table Analysis

To understand whether significant differences exist between the homeless and non-homeless groups, a series of contingency table analysis were conducted. The results of these analyses are summarized below.

First, in terms of criminal justice processing outcomes, homeless people were significantly more likely than non-homeless individuals to have been in jail multiple times, and charged with a property crime. They are also significantly less likely than non-homeless individuals to be charged for disorderly conduct. There were no significant differences between homeless and non-homeless individuals in their likelihood of pretrial detention, being charged with a violent offense, or the likelihood of being sentenced for more than 30 days.

Second, in terms of demographic differences between homeless and non-homeless inmates, the homeless were significantly more likely to be over 30 years old than the non-homeless. There were no differences by homeless status on the basis of the gender, race, marital status, or educational level of these inmates.

Results of Multivariate Analysis

Logistic regression analysis was conducted to determine if the status of homelessness could predict the probability of occurrence for pretrial detention, times in jail in past 12 months, length of jail time, or a violent, property, or disorder charge.

As noted in Table 2, the status of homelessness does not predict pretrial detention. The homeless were just as likely as the non-homeless to be in pretrial

detention after controls are introduced for other variables. Of these other variables both race and marital status were associated with pretrial detention decisions. In particular, Whites and those not living alone were more likely to be given pretrial detention.

Table 2

Logistic regression analysis of pretrial detention

Variables	B	S.E	Significance
Ever Homeless	-.025	.185	.892
Sex	.297	.217	.171
Age	.066	.174	.707
Race	.312	.174	.073*
Marital Status	-.289	.172	.093*
Education	.084	.174	.627
N	565		
d.f.	6		
Cox & Snell R ²	.014		

*p < .10, **p < .05

As noted in Table 3, homeless individuals are significantly more likely to have been in jail on multiple occasions than non-homeless. Whites are also more likely than non-Whites to have been in jail multiple times, while those who did not have a high school diploma were more likely than high school graduates to be in jail multiple times. Those who were charged with a non-violent offense were more likely than violent inmates to have been in jail multiple times. An inmate's sex, age, marital status, and any charges of property offenses were not found to be significant in predicting multiple jail time.

Table 3

Logistic regression analysis of number of times in jail in past 12 months

Variables	B	S.E	Significance
Ever Homeless	.648	.312	.038**
Sex	-.477	.379	.209
Age	.330	.281	.240
Race	1.174	.301	.000**
Marital Status	-.340	.267	.203
Education	-.667	.291	.022**
Property Charge	-.363	.343	.289
Violent Charge	-1.009	.409	.041**
N	565		
d.f.	8		
Cox & Snell R ²	.118		

*p <0.10, **p <0.05

Table 4 shows that the status of homelessness does not predict length of time spent in jail. Also, females are more likely than males to spend longer periods of time in jail, while those younger than 30 are more likely to spend longer periods of time in jail. Whites are more likely than non-Whites to spend longer periods of time in jail and those charged with property offenses and violent offenses are more likely to spend longer periods of time in jail than those charged with disorder crimes. Finally, marital status and education are not significant in predicting length of time spent in jail once controls are introduced for other variables in this multivariate analysis.

Table 4

Logistic regression analysis of length of time in jail

Variables	B	S.E	Significance
Ever Homeless	-.100	.301	.741
Sex	-.816	.419	.051*
Age	-.529	.292	.071*
Race	.719	.300	.016**
Marital Status	-.264	.271	.331
Education	.011	.291	.996
Property Charge	1.409	.413	.001**
Violent Charge	2.542	.453	.000**
N	565		
d.f.	8		
Cox & Snell R ²	.153		

*p <0.10, **p <0.05

Table 5 shows that the status of homelessness is not related to being charged with a violent crime. but age is, as those older than 30 are more likely than those ages 30 and below to be charged with a violent offense. On the other hand, gender, race, marital status, and education are not related to being charged with a violent crime.

Table 6 shows the relationship between several significant variables and the likelihood of being charged with a property crime. As shown here, the homeless are significantly more likely to be charged with a property offense than the non-homeless. Also, males are more likely than females to be charged with a property offense. The variables of age, race, marital status, and education are not related to property charges.

Table 5

Logistic regression analysis of violent charge

Variables	B	S.E	Significance
Ever Homeless	-.485	.315	.123
Sex	.602	.424	.156
Age	.754	.315	.017**
Race	.286	.312	.360
Marital Status	.253	.290	.383
Education	.206	.304	.497
N	565		
d.f.	6		
Cox & Snell R ²	.042		

*p <0.10, **p <0.05

Table 6

Logistic regression analysis of property charge

Variables	B	S.E	Significance
Ever Homeless	1.031	.285	.000**
Sex	1.940	.419	.000**
Age	-.191	.270	.479
Race	-.004	.275	.989
Marital Status	-.018	.256	.943
Education	-.112	.272	.680
N	565		
d.f.	6		
Cox & Snell R ²	.127		

*p <0.10, **p <0.05

Finally, Table 7 shows that those who were not homeless were more likely to be charged with a disorder offense than the non-homeless. There are also

significant gender differences, with females more likely than males to be charged for these offenses. The variables of age, race, marital status, and education were not significantly related to disorder charges.

Table 7

Logistic regression analysis of disorder charge

Variables	B	S.E	Significance
Ever Homeless	-.862	.311	.006**
Sex	-2.318	.372	.000**
Age	-.488	.303	.107
Race	-.315	.309	.308
Marital Status	-.187	.289	.518
Education	-.037	.313	.905
N	565		
d.f.	6		
Cox & Snell R ²	.176		

*p <.10, **p <.05

CHAPTER 6

DISCUSSION AND CONCLUSIONS

Literature on homelessness suggests a connection between the status of homelessness and the criminal justice system. This includes the effects of being homeless and how it is criminalized. The Marion County Jail study shows that a significant majority of inmates had been homeless. When comparing research on homelessness and jail survey data, there are many consistencies in gender, age, ethnicity, education, and marital status of those who had been homeless. These similarities are summarized below.

Discussion

This study was guided by two research questions. 1) Are there differences between homeless and non-homeless people in jail in terms of their social characteristics? 2) Does homeless status affect criminal justice decision making? The only significant difference between homeless and non-homeless regarding social characteristics in this study was that the homeless tend to be older individuals. There were no differences between these groups in term of gender, race, marital status and education. In terms of criminal processing, homeless individuals were significantly more likely to have multiple records of jail, more likely to be charged with property offenses, and less likely to be charged with disorder offenses. There were no differences between these groups in terms of their risks of pretrial detention, length of time in jail, and likelihood of violent charges. The implications and limitations of these findings are discussed below.

The age distribution of the sample is consistent with previous surveys, as more than half of the homeless inmates are older than 30. Literature also

suggests that the majorities of homeless people are unattached (marital status), and are alone while homeless. Survey data shows that a clear majority of homeless individuals (82 percent) are homeless alone, rather than in groups. The data collected for this study also show a close connection between being homeless and lacking a high school education, as only 43 percent of homeless inmates completed high school. Research dating back at least 100 years clearly shows the close connection between street crimes and low status (here measured by the status of being homeless and lack of education) (Shelden et al. 2008; Shelden, 2008; Irwin, 1985).

Aside from the obvious connection between homelessness and criminal justice processing, the literature reviewed here shows that the dominant policy toward homelessness is criminalization. As indicated in the multitude of ordinances passed during the past decade or so, politicians appear to select the easy way out by passing repressive legislation in order to sweep the problem under the proverbial rug or otherwise shut their eyes to the suffering that is all around them. The examples from the city of Fresno noted above are representative of what is happening all over the country. Survey data shows that a little over half of homeless inmates are being held for pretrial detention. Also, of those experiencing homelessness, nearly half were homeless immediately prior for their arrest. Homeless individuals were also more likely to be in jail multiple times and to be convicted for a property offense. These findings are similar to another study that researched the relationship between homelessness and mental health, and found that those who were homeless were more likely to be

currently incarcerated for a property offense, and to have past criminal justice system involvement for both violent and nonviolent offenses (Greenberg & Rosenheck, 2008). It could be suggested that the physical appearance of homelessness, or any activities they engage in, may in fact result in detainment by the police.

Theoretical Considerations

When used to describe homelessness, labeling theory suggests that homeless individuals and their actions in public are seen and defined as deviant, rather than acts of survival. Sleeping in public, panhandling, congregating in groups in certain city areas, and loitering are all defined as public ordinance violations. In support, other research shows the increasing act of criminalizing homelessness by rapidly passing city ordinances that target homeless populations. The adverse consequences of the label of homeless in this study is reflected by the following facts: 1) that a little over half of homeless inmates were given pretrial detention. 2) Nearly half of homeless inmates were homeless immediately prior to arrest, and 3) homeless were more likely than their non-homeless counterparts to be charged with a property offense and to be incarcerated multiple times. This suggests a relationship between the label of homelessness and criminal justice processing.

Social bond theory can be used to understand the phenomena of homelessness because of the lack of commitment to societal groups and social norms. Homelessness can be described by the individual's absence of social bond to social institutions. Acts of vagrancy and public order crimes committed by homeless people can be seen from social bond theory as a lack of knowledge

between right and wrong and moral principle, even though many of these crimes committed are for survival, not to be purposefully deviant. A lack of attachment to societal ties including social institutions like school, employment, and family are absent in most homeless populations; social bond theory explains that these weakened or non-existent bonds create the widening gap between a bonded society and those with broken ties (the homeless). In support of this image of lack of social bonds, previous research shows that a majority of homeless populations are single, unemployed, alone, and lacking other life-sustaining resources (e.g., being alone and without much formal education).

The status of homelessness can be suggested as a direct result of the failure of the American dream. Previous studies suggests that increasing unemployment rates, increased housing prices, a lack of affordable housing, and decreased budgets in funding for programs and resources for those at-risk of homelessness are causal factors of homelessness. With little governmental support, it is exceptionally hard for families and individuals experiencing homelessness to overcome their struggle and to find employment, housing, and to 'contribute' to a functioning society.

Study Limitations

The first limitation of the study was the size of the sample. Although 565 respondents were enough to provide a complete picture of the Marion County Jail, it may not be enough to generalize to the larger society. Since the purpose of the jail study was to provide data to assist Marion County and the Marion County Sheriff's Office to improve community service and enhance community safety, the survey instrument was tailored to address all information related to the

jail populations' lives and backgrounds, not specifically poverty and housing issues. Therefore, the data reflect too many other variables unrelated to my research questions, and did not provide as much information related to extralegal factors and homelessness.

Using self-report data also presents a limitation. Issues of compliance, the avoidance or denial of individual issues, and anxiety about revealing secrets or making mistakes can affect the likelihood of accuracy in inmate responses. The reliability of responses is also an issue. Inmates may over-report or under-report different responses of survey questions. Unreliable answers, including the tendency to exaggerate, or forgetting specific details of answers to survey questions will impact the quality, reliability, and validity of inmate responses.

Another limitation of the study was the actual process of distributing surveys. Throughout the survey process, many inmate respondents needed assistance with reading and understanding the survey instrument. Since there were only seven members of the original research team, and 565 inmates, it was hard to be able to assist all respondents seeking help. Also, since the research team was on a deadline to distribute surveys to all inmates in one day, there was not enough time to cater to individual needs and accommodations.

Administering a survey in one small northwest city is also a limitation in regards to generalizing the results. What is true of one county in Oregon is not necessarily applicable to other counties in Oregon, or in the entire country. Marion County has the fifth highest population in the state of Oregon. On the other hand, the fact that the majority of the respondents were male, high school

dropouts and had been homeless at one time or another is consistent with previous research on jail populations (Irwin, 1985). In other words, at least some of the data can be generalized to a much larger population.

Recommendations for Future Research

To date, there is little research on the connection between homelessness and incarceration. Current research studies have explored the relationship between mental illness, incarceration, substance abuse and homelessness. More research about criminal justice processing of homeless individuals is also needed, especially more specific insight as to what types of crimes (rather than general charge) result in their incarceration (e.g., the typical context of the commission of the various property crimes). To better understand the challenges of inmates experiencing homelessness, a survey instrument specifically tailored to housing, criminal history, and employment issues might also be more useful.

Conclusions

Since the issue of homelessness rose to the national agenda in the mid 1980s, a great deal has been learned about the characteristics and experiences of the homeless, and possible causal factors contributing to homelessness. However, a continuing persistence of homelessness, regardless of our current economic crisis, suggests that researchers and policy makers have yet to adequately and efficiently tackle the issue. It seems as though minimal efforts have been suggested and implemented over the years to address these growing rates.

There is also an unsettled debate between government agencies and public/private nonprofit organizations of what the true definition of homelessness

actually is. HUD's definition is a modest depiction of the problem, making the McKinney-Vento Act the more desirable definition because it identifies all at-risk and chronically homeless individuals. Agencies that are built upon the McKinney definition are able to target and help more homeless individuals, even though this exhausts funds more rapidly.

The issue of how to respond to homelessness and whether it's solvable is perhaps the most important of all debate. Cities and communities are responding both favorably and unfavorably. While some communities develop workable solutions and responses to lack of job or housing resources, others adopt harsher policies. For example, in May 2000 New York's Mayor Rudy Giuliani announced that homeless persons would have to participate in job training, drug treatment, and other self-help programs in order to qualify for shelter and other services. While this may be a get-tough policy (based upon the opinion that homeless persons are 'lazy'), this discourages other homeless individuals from seeking help. Many homeless persons have severe mental issues, so that placing demands on them should be the last thing to do. By placing these types of ultimatums, homeless individuals feel as though they're being punished, encouraging the idea that they are 'societal rejects' or 'misfits'. These types of prevention strategies are misdirected, and should be changed.

Just recently, the Paterson administration of New York has announced in their budget proposal to eliminate more than \$88 million in state funding for municipal shelters for homeless single adults (Coalition for the Homeless, 2010). This includes eliminating \$10 million in state funding for emergency shelter

assistance for homeless people living with AIDS and their serious medical problems. These actions are a clear message to the indigent public that they are expendable. One predictable result would be a greater use of local jails to deal with the problem.

Overall, strategies need to be implemented to combat homelessness to ensure that diversity in homeless populations is being addressed. Also, because of the economic crisis and housing shortages, it is the responsibility of local and federal governments to respond, and to do so more swiftly. Political agendas from the White House to our local Nevada administration have poverty and hunger/homelessness as an important action item, but where is the action? The severity of this issue is being overlooked and underemphasized. Most of the current health care and education crisis stems from the government's inability (or unwillingness) to respond to the growing disparity between middle class working families and the privileged upper class. Somewhere along the line humanity was traded for monetary value, and many were handed the short end of the stick. Until these disparities in treatment are changed, more resources are allocated, and the burdens of housing and job markets are in part relieved, homelessness and the issues surrounding it will not change. Community members, law enforcement agencies, cities, and governments must change how they respond to poverty and homelessness. The more criminalization it receives, the more it will continue to fester, resulting in irreparable damage.

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