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National Institute of Justice

CRIME FILE Study Guide

James K. Stewart, Director

Street People

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ACQUISITIONS

"It's just not going to go away no matter what type of enforcement posture you have on it. You can't just sweep them up and move them out of town."

—Police Officer, Santa Barbara, California

This pessimistic attitude about the problem of street people reflects a frustrating dilemma police officers face in many jurisdictions. There are strong pressures on the police to "do something" about this population, but officers are severely limited in what they can do.

Street People Are a Diverse Group

Numerous studies have suggested that 25–45 percent of people living on the streets are alcoholics. Interviews with street people in Los Angeles revealed that 40 percent were severely mentally ill, while a multicity study by the United States Conference of Mayors found that an average of 29 percent of the homeless people suffered from severe mental illnesses. Other street people have milder psychological disorders that nevertheless prevent them from holding stable jobs. A surprising number of street people in some

communities are military veterans. Runaways are another category of homeless people.

Many homeless people, however, are not alcoholic, mentally ill, or socially maladjusted. They have instead experienced economic hard times, or the sudden loss of affordable housing has made it impossible for them to find housing within their means. An increasing number of intact families and women with children are homeless as a result of economic dislocation or eviction from their current residences.

However, the street people who create a problem for order maintenance are not those who live on the streets because of unavoidable poverty. The small percentage of homeless who come to the attention of the police are primarily single males, often with drinking or drug problems, who appear to prefer to live on the streets and to survive by begging or petty theft.

Even when free shelter is available, these individuals remain on the streets. Some of them dislike the "regimentation" of any structured living arrangement (for example, rules against drinking, curfews, fixed times for meals). They seem to prefer "living off the land." This preference may reflect dislike of the severe crowding that exists in group shelters, the isolation of single room occupancy hotels, and the frequent uncleanness of both types of living arrangements. Some street people shy away from living in places like detoxification centers and psychiatric facilities that require treatment as a condition of lodging.

Finally, many shelters and welfare hotels are dangerous, with frequent thefts and fighting (although these occur on the streets as well). Many facilities close down during the daytime, forcing the homeless to commute back and forth between the shelter and the streets.

The number of street people varies from community to community. Of an estimated 1,500–2,000 homeless in Santa Barbara, 50–70 are "hard core" street people who refuse assistance. Similarly, there are about 50 chronic

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Guests: James Durkin, Philadelphia Police Department
Robert M. Hayes, National Coalition for the Homeless
Gerald L. Lowry, Santa Barbara Police Department

Street people present special problems for the police. Most cities have sizable numbers of homeless people, many of whom are alcoholics or mentally ill. The public and many government officials want the police to do something about the homeless.

public inebriates in downtown San Diego who are unwilling to move. By contrast, Los Angeles has as many as 15,000 homeless—several hundred of whom are at one time camped out on city sidewalks.

Most observers feel the number of street people has increased significantly in the past several years. The deinstitutionalization policies of the mid-1960's and 1970's resulted in the discharge of hundreds of thousands of mentally ill individuals from State psychiatric facilities. At the same time, court rulings have made involuntary civil commitment of mentally ill people more difficult. Decriminalization of public intoxication in the majority of States has reduced the use of jails to remove chronic public inebriates from the streets, except for short periods.

Finally, street people may have become more visible in some communities, regardless of whether their numbers have increased. Urban renewal in the 1960's and 1970's, and "gentrification" in the 1980's, have forced many street people to leave the out-of-sight parts of town in which they were living and to congregate on sidewalks and in parks that are frequented by the general public.

Why Street People Can Be a Law Enforcement Problem

Police take action against street people for several reasons. First, this population frequently breaks the law. By camping in public places, panhandling, or trespassing on private property, they may violate local ordinances. Fights among street people are not uncommon. Street people sometimes shoplift, sell drugs, mug passersby, and break into buildings.

The presence of street people may give the impression that no one cares about a neighborhood, thus signaling to real criminals that they can enter the area and commit offenses with impunity. Port Authority police in New York and New Jersey found that by creating the impression that law and order had broken down, homeless inhabitants of bus and train stations attracted a deviant fringe which victimized not only the homeless but also the general public.

Even the most docile street people generate repulsion and fear among many residents, shoppers, and commuters. The prospect of being accosted by a drunken, disoriented, or hostile panhandler can be as frightening for many people as the prospect of meeting an actual robber. As a result, parents who wish to take their children to the park, or elderly people who want to shop at a nearby store, may avoid these locations—in effect losing the right to make use of public areas which their taxes and purchases support.

Because many people will not frequent business and entertainment districts populated by the homeless, merchants lose business and employees lose jobs.

There is frequently little the police can do in these situations except to persuade street people to "move along." Police power to arrest the homeless is limited by court rulings with nationwide force and may be further restricted by local statute or case law. Even when police have legal

authority to detain the homeless, jail crowding in most jurisdictions discourages arrests.

Not enough shelter and treatment facilities will accept police referrals. As recently as 1986, five of the Nation's 10 largest cities provided no public shelters for the homeless.

Detoxification facilities are also in short supply—and most available centers have do-not-admit lists for police referrals of chronic public inebriates. San Diego's Inebriate Reception Center refuses to accept about 40 people who have a history of stealing, being combative, or presenting a health hazard. Mental health facilities, too, have a shortage of beds, and most mental health professionals, like alcoholic counselors, dislike police referrals of chronic cases.

What Can the Police Do?

Police are pressured by merchants, public officials, commuters, and residents to "do something" about street people, yet the available options are limited. Furthermore, it is difficult for police to design a single jurisdiction-wide approach to handling the homeless. The problems may be different in different parts of town, and what may be tolerable behavior in one neighborhood may be unacceptable in another.

Two common ways police deal with this population are to enforce the laws strictly and, conversely, to act only when absolutely essential.

Strict enforcement policy. The police in Santa Barbara, California, routinely arrest street people for assault and drug dealing, cite them for being drunk or drinking in public, and in general maintain strong pressure on them to "keep moving." This approach has made it possible for merchants in a previously rundown section of lower State Street to reopen or revitalize their businesses.

Benign neglect. In Philadelphia, street people are largely ignored except during the winter. Whenever the temperature drops below 10 degrees (taking wind chill and precipitation into consideration), mental health outreach workers patrol the city center in teams with police officers and offer shelter to the homeless. Homeless people who refuse the offer are left on the streets, except for disoriented individuals whom the outreach workers transport involuntarily to a diagnostic rehabilitation center for examination.

Joint Efforts With the Social Service System

The Philadelphia approach is distinctive in that it has forged an alliance between the police and the mental health system. Police officers and a social worker and a mental health worker do the patrolling jointly. Taking street people to a diagnostic rehabilitation center for examination represents an effort to provide counseling and material assistance to solve some of the root causes of homelessness.

Collaborative efforts between police and the social service system have been undertaken in other places besides Philadelphia.

Boston, Massachusetts. Police in a downtown Boston police precinct may take homeless people to the Pine Street Inn at any hour of the night. The precinct captain keeps

This program brought to you by the National Institute of Justice, James K. Stewart, Director. The series produced through a grant to the Police Foundation.

his officers informed about the small number of individuals (principally, the violent and those with serious medical problems) whom the inn will not accept. The captain also instructs officers to wait a few minutes at the inn until the staff admit the homeless, rather than leaving them at the door and driving off, as in the past. The Massachusetts State Department of Public Welfare stations an off-duty officer at the inn during each shift. The special duty officers often show other officers how to handle homeless people without inciting trouble, and they try to make sure that on-duty officers bring in only appropriate referrals. The police presence helps keep the atmosphere calm at Pine Street.

San Diego, California. The San Diego County Alcohol Program contracts with the Volunteers of America to provide a special room, known as the Inebriate Reception Center, in which up to 80 drunk people at one time can sober up. The contract makes reduction of the visibility of public inebriates in downtown San Diego one of the center's goals. The center must accept all appropriate referrals from the police and, in turn, the San Diego Police Department requires its 1,576 officers to bring all public inebriates to the center. Officers leave within 5 minutes, compared with up to an hour to book inebriates into the jail. The San Diego Police Department brings nearly 25,000 inebriates a year to the center; 15 other law enforcement agencies in the county bring over 1,000.

Portland, Oregon. Over the years, a close relationship has developed between the Portland Police Department and the Hooper Memorial Detoxification Center which is funded by Multnomah County. As police personnel were cut, jails became crowded, and public inebriates increasingly congregated in the downtown area, the county increased the center's responsibilities to include accepting combative (but not violent) inebriates in 1983 and violent inebriates in 1986. The county provided funds for facility staff to patrol the downtown area from 8:00 a.m. to midnight in a specially equipped van and to transport inebriates to the center. Later, the sheriff deputized the entire Hooper staff, enabling van operators to detain inebriates involuntarily.

New York/Jersey City. The 1,200 police of the Port Authority of New York and New Jersey are responsible for dealing with hundreds of homeless individuals who "live" in public transportation facilities in New York City and Jersey City. In New York City, the Port Authority and the Department of Mental Health jointly fund the Volunteers of America to "sweep" the midtown bus terminal and the downtown train terminal every day between 5:30 a.m. and 1:30 a.m. to invite the homeless to go to the organization's shelter. Vans wait outside to transport them, or just feed them. At the shelter, referrals to mental health and detoxification services are made. In Jersey City, the Port Authority teamed with the Mayor's Task Force on the Homeless to develop facilities for the homeless. The Jersey City Housing Authority and the Port Authority agreed jointly to fund the establishment of a shelter and drop-in center. The city's Department of Housing and Economic Development donated or arranged for in-kind services to the facilities. The drop-in center provides counseling and referrals.

Police departments that work in tandem with the social service system have usually had to fight to get these agencies involved. In some jurisdictions, it took an embarrassing suicide or murder by a mentally ill person to galvanize the social service system into action. In other cases, police

played tough to get cooperation. The Los Angeles County Sheriff's Department lobbied for an amendment to the California Welfare and Institutions Code that prohibits emergency ward staff from refusing to evaluate a police referral just because the facility is full.

In Erie, Pennsylvania, one officer initially suggested to emergency room physicians that a refusal to evaluate referrals would have to be noted in the police report of the incident—providing a possible basis for a later lawsuit against the doctors. A sympathetic emergency health care center working closely with the Erie Police Department has telephoned mental health agency administrators at home in the middle of the night when a facility has been unable or unwilling to accept a police referral.

Police agencies have also had to be willing to compromise to get help from the social service system. The Portland, Oregon, Police Department wanted the Hooper Detoxification Center to set up a secure holding area so that officers could take to the facility combative (but not violent) public inebriates whom the jail would no longer accept. At the same time, detoxification center staff had been complaining that officers antagonized inebriates during the admissions interview, preventing the intoxicated people from calming down. Eventually, Hooper agreed to accept combative inebriates in return for a promise by the police department to send a patrol unit back to the facility quickly to jail any inebriate who later became too violent for staff to handle.

In some communities, interagency task forces have been established to address the problems of the homeless. The Mayor of Charleston, South Carolina, established a Task Force on the Homeless Mentally Ill chaired by the director of a nonprofit agency which provides emergency services to homeless persons under the joint sponsorship of the city and the local churches. In Santa Monica, California, an Outreach Team Coalition was created to coordinate efforts to assist the homeless. Two of the teams visit the city's parks and other areas where there are high concentrations of homeless individuals. They offer food and clothing and refer homeless people to shelters and treatment services. The task forces in both communities include law enforcement representatives and train police in responding to the homeless.

The Limits of Collaboration

Even when close working relationships are developed between police and the social service system, the problems presented by street people may still not be completely solved. Some of these arrangements address only one type of street person. For example, Charleston's Task Force focuses exclusively on the homeless mentally ill. A shortage of resources weakens many networks. Lack of shelter beds, board and care residences, and low-income housing are impediments to many efforts to assist the homeless.

Most important, these collaborative efforts often leave untouched the status of the small minority of predominantly male homeless people who choose to remain on the streets.

Street people will continue to present problems for four reasons. First, there are not enough treatment facilities and shelters, and the public is unlikely to support the increase in expenditures necessary to establish all that are needed. Many homeless people will therefore continue to live on

the streets. Second, existing treatment facilities and shelters often are not attractive enough to interest many street people. Third, we do not know how to "cure" chronic public inebriates and most severely mentally ill persons. As a result, those homeless who do seek psychological or medical assistance enter a revolving door that over and over again releases them unchanged back into the community. Fourth, even with adequate facilities and effective treatment programs, there may always be a core of homeless who prefer to live on the streets and who will continue to create conflict for merchants, neighbors, commuters, and shoppers.

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Discussion Questions

1. What responsibilities—if any—should each of the following groups have for solving the order maintenance problems created by street people? Government agencies (including the police); the private sector (including civic groups, religious organizations, and merchants); the general public.

2. Does each community have a responsibility to provide shelter for everyone who wants it? If not, what kinds of homeless people—if any—should the community provide shelter for? What kind of shelter should be provided? How should it be financed?

3. Will there always be a significant minority of homeless who will refuse shelter and treatment and continue to create problems for order maintenance on the streets?

4. Should the police follow a policy of strict enforcement, benign neglect, or some other approach in dealing with street people? What should the police do, if anything, about street people who just panhandle or sleep on the streets and in the parks? Should the police response be influenced by the wishes of merchants, residents, or public officials?

5. Are there any circumstances in which the police should be permitted to arrest chronic public inebriates and the chronically mentally ill? If so, how long—if at all—should these people be detained? Under what circumstances—if any—should social service agencies be allowed to commit these types of street people involuntarily—and for how long?

This study guide and the videotape, *Street People*, is one of 32 in the Crime File series of 28½-minute programs on critical criminal justice issues. They are available in VHS and Beta formats for \$17 and in ¾-inch format for \$23 (plus postage and handling). For information on how to obtain *Street People* and other Crime File videotapes, contact Crime File, National Institute of Justice/NCJRS, Box 6000, Rockville, MD 20850, or call 800-851-3420 or 301-251-5500.

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