

CRIMINALIZATION OF HOMELESSNESS FAILS TO IMPROVE INDIVIDUAL AND PUBLIC SAFETY



In Partnership With



Nicole DuBois*
Senior Research Analyst & Coordinator
National Alliance to End Homelessness

Claire Herbert, PhD*
Associate Professor
Department of Sociology, University of Oregon

E. Mae Sowards*
Doctoral Student
Department of Sociology, University of Oregon

**All authors contributed equally.*

CRIMINALIZATION MAKES UNSHELTERED HOMELESSNESS MORE DANGEROUS

The threat of citation or arrest pushes people experiencing unsheltered homelessness into marginal and dangerous environments while simultaneously decreasing their willingness to call upon law enforcement to address safety concerns and eroding protective social networks.

- **People experiencing homelessness are more likely to be victims of violence than people who are housed.** This includes, but is not limited to, crimes such as assault, robbery, and theft.^{7,19} While 2% of the general population have been victims of violence, between 14–21% of the unhoused population have been.²¹ Violence against women is common, partially due to spatial and social isolation.^{3,16} In a California study, 49% of unsheltered women surveyed reported experiencing physical violence and 25% experienced sexual violence.⁵
- **Fear of punishment pushes people to marginal and hazardous environments.** Attempts to evade law enforcement motivate people experiencing homelessness to camp further away from urban centers,^{23,32} which distances them from social support systems³¹ and pushes them into more environmentally and physically hazardous conditions.^{8,9,13,14}

In summer 2024, the Supreme Court's ruling in [City of Grants Pass v. Johnson](#) emboldened communities across the country to [consider or enact new measures](#) making sleeping in public spaces a legally punishable offense, effectively criminalizing homelessness. However, criminalization only exacerbates the crisis, failing to address the root causes of homelessness and punishing individuals for circumstances beyond their control. This approach is not only harmful and counterproductive, but also deepens existing racial inequities, given the disproportionate impact of homelessness on Black people and other communities of color.

Leading up to the case, 57 social scientists who have published peer-reviewed research on homelessness came together to submit an [amicus curiae brief](#) against criminalization. This brief is part of a series that summarizes the large body of evidence they compiled. See the [introductory brief](#) for context and key terms.

- **Fear of punishment discourages people experiencing homelessness from calling law enforcement for help and compromises their safety.** Due to the criminalization of their living conditions and past negative interactions with law enforcement, unhoused individuals are often reluctant to call 911, even when they are personally threatened or facing other emergencies.^{4,33} This may explain why 53% of people experiencing unsheltered homelessness in Denver reported feeling less safe at night after the passage of the Denver camping ban.²³
- **Involuntary displacements disrupt the safety provided by a sense of community and thereby can prolong homelessness.** People living in encampments often form strong bonds of community and trust, looking out for one another and their belongings, which fosters a sense of security and belonging.^{10,24,26,29} When people feel they and their belongings have a safe place to be, they are better able to access services, housing, and employment.²⁵ Encampment removals tear apart bonds of security, trust, and mutual aid.^{13,25}

CRIMINALIZATION FAILS TO HELP COMMUNITIES' PUBLIC SAFETY GOALS

The enforcement of laws that criminalize homelessness not only makes unhoused individuals less safe but also fails to enhance community safety. Those experiencing homelessness are often cited for basic life-sustaining activities, such as resting or sleeping on public property. Fines, arrests, and incarceration waste public funds, harm individuals in need, increase barriers to rehousing, and divert law enforcement resources from more pressing concerns.

- **Fines and jail time create negative consequences that disrupt efforts to exit homelessness.** Even minor citations are often impossible for people experiencing homelessness to pay and can result in escalating consequences such as arrests and jail time.^{2,16,27} Jail time often ends in homelessness again,¹⁴ which leaves people in worse physical health^{6,28} and potentially disconnects them from public benefits,¹⁸ employment,¹⁵ and possessions, including vehicles used for shelter.^{10,14}
- **Enforcement often fails to reduce crime.** Communities tend to misunderstand the relationship between encampments and crime. A study in Canada found half the time, the emergence of encampments decreased crime.¹⁷ Thus, encampment evictions do not consistently lead to decreased local crime,^{1,22} nor the presence of unsheltered homelessness in the area.²⁰ Denver research shows that within a 0.25-mile radius of an encampment eviction, crimes related to disorder and auto theft decrease, while violent crimes against people increase.²²
- **There are negative impacts on law enforcement officers' ability to effectively do their jobs.** Assigning law enforcement to respond to homelessness causes frustration and a sense of futility among officers.^{12,30} This forces law enforcement to sink considerable hours into enforcement,¹¹ and diverts attention from more serious crimes, including domestic abuse.¹⁴

Endnotes

- 1 Allen, B., & Nolan, M. L. (2022). *Impact of a homeless encampment closure on crime complaints in the Bronx, New York City, 2017: Implications for municipal policy*. *Journal of Evidence-Based Social Work* (2019), 19(3), 356–366. <https://doi.org/10.1080/26408066.2022.2043797>
- 2 Beckett, K., & Herbert, S. (2009). *Banished: The new social control in urban America*. Oxford University Press.
- 3 Bourgois, P., Prince, B., & Moss, A. (2004). *The everyday violence of Hepatitis C among young women who inject drugs in San Francisco*. *Human Organization*, 63(3), 253–264. <https://doi.org/10.17730/humo.63.3.h1phxbhrb7m4mlv0>
- 4 Chang, J. S., Riley, P. B., Aguirre, R. J., Lin, K., Corwin, M., Nelson, N., & Rodriguez, M. (2022). *Harms of encampment abatements on the health of unhoused people*. *SSM. Qualitative Research in Health*, 2, 100064. <https://doi.org/10.1016/j.ssmqr.2022.100064>
- 5 Dones, M., Espinoza, M., Perry, E., Dhatt, Z., Kushel, M. (2024). *Topic brief: Unsheltered homelessness in the California statewide study of people experiencing homelessness*. UCSF Benioff Homelessness and Housing Initiative. https://homelessness.ucsf.edu/sites/default/files/2024-09/09_11_24_Unsheltered%20Brief_FINAL.pdf
- 6 Dumont, D. M., Brockmann, B., Dickman, S., Alexander, N., & Rich, J. D. (2012). *Public health and the epidemic of incarceration*. *Annual Review of Public Health*, 33(1), 325–339. <https://doi.org/10.1146/annurev-publhealth-031811-124614>
- 7 Ellsworth, J. T. (2019). *Street crime victimization among homeless adults: A review of the literature*. *Victims & Offenders*, 14(1), 96–118. <https://doi.org/10.1080/15564886.2018.1547997>
- 8 Flanigan, S., & Welsh, M. (2020). *Unmet needs of individuals experiencing homelessness near San Diego waterways: The roles of displacement and overburdened service systems*. *Journal of Health and Human Services Administration*, 43(2), 105–130. <https://doi.org/10.37808/jhhsa.43.2.3>
- 9 Goodling, E. (2020). *Intersecting hazards, intersectional identities: A baseline Critical Environmental Justice analysis of US homelessness*. *Environment and Planning E: Nature and Space*, 3(3), 833–856. <https://doi.org/10.1177/2514848619892433>
- 10 Gowan, T. (2010). *Hobos, hustlers, and backsliders: Homeless in San Francisco*. University of Minnesota Press.
- 11 Hanson, D., Gillespie, S., Oneto, A. D., Jannetta, J., Fallon, K., Spinner, B., Melgar, L., Becerra, F., Marazzi, M., & Peiffer, E. (2022). *Policing doesn't end homelessness. Supportive housing does*. Urban Institute. <https://apps.urban.org/features/ending-homelessness-through-supportive-housing-not-policing/>
- 12 Hartmann McNamara, R., Crawford, C., & Burns, R. (2013). *Policing the homeless: Policy, practice, and perceptions*. *Policing: An International Journal of Police Strategies & Management*, 36(2), 357–374. <https://doi.org/10.1108/13639511311329741>
- 13 Herring, C. (2014). *The new logics of homeless seclusion: Homeless encampments in America's West Coast cities*. *City & Community*, 13(4), 285–309. <https://doi.org/10.1111/cico.12086>
- 14 Herring, C. (2019). *Complaint-oriented policing: Regulating homelessness in public space*. *American Sociological Review*, 84(5), 769–800. <https://doi.org/10.1177/0003122419872671>

- 15 Herring, C. (2024). *Cruel survival: Policing and punishing the unhoused in the American city* [Unpublished book manuscript. Under contract with University of California Press. On file with the author]. Department of Sociology, University of California Los Angeles.
- 16 Herring, C., Yarbrough, D., & Alatorre, L. M. (2020). *Pervasive penalty: How the criminalization of poverty perpetuates homelessness*. *Social Problems*, 67(1), 131-149. <https://doi.org/10.1093/socpro/spz004>
- 17 Hodgkinson, T., Henderson, S., Andresen, M. A., Sanders, C. B., Condon, C., & Anthony, T. (2024). *To tent and protect: Homeless encampments as "protective facilities."* *Journal of Criminal Justice*, 95, 102299. <https://doi.org/10.1016/j.jcrimjus.2024.102299>
- 18 Koyanagi, C. (2006). *Arrested? What happens to your benefits if you go to jail or prison?: A guide to federal Rules on SSI, SSDI, Medicaid, Medicare and veterans benefits for adults with disabilities*. (L. Carty, Ed.). Bazelon Center for Mental Health Law. <https://www.kitsapgov.com/pubdef/Documents/LinkClick.Benefits.pdf>
- 19 Kushel, M., Evans, J., Perry, S., Robertson, M., & Moss, A. (2003). *No door to lock: Victimization among homeless and marginally housed persons*. *Archives of Internal Medicine*, 163(20), 2492-2499. <https://doi.org/10.1001/archinte.163.20.2492>
- 20 Margier, A. (2023). *The compassionate invisibilization of homelessness: Where revanchist and supportive city policies meet*. *Urban Geography*, 44(1), 178-197. <https://doi.org/10.1080/02723638.2021.1970915>
- 21 Meinbresse, M., Brinkley-Rubinstein, L., Grassetto, A., Benson, J., Hall, C., Hamilton, R., Malott, M., & Jenkins, D. (2014). *Exploring the experiences of violence among individuals who are homeless using a consumer-led approach*. *Violence and Victims*, 29(1), 122-136. <https://doi.org/10.1891/0886-6708.VV-D-12-00069>
- 22 Padmanabhan, P., Jurecka, C., Nall, S.K., Goldshear, J.L., & Barocas, J.A. (2024). *Association of Involuntary Displacement of People Experiencing Homelessness and Crime in Denver, CO: A Spatiotemporal Analysis*. *Journal of Urban Health*. <https://doi.org/10.1007/s11524-024-00924-1>
- 23 Robinson, T. (2019). *No right to rest: Police enforcement patterns and quality of life consequences of the criminalization of homelessness*. *Urban Affairs Review*, 55(1), 41-73. <https://doi.org/10.1177/1078087417690833>
- 24 Rowe, S., & Wolch, J. (1990). *Social networks in time and space: Homeless women in Skid Row, Los Angeles*. *Annals of the Association of American Geographers*, 80(2), 184-204. <https://doi.org/10.1111/j.1467-8306.1990.tb00287.x>
- 25 Roy, A., Bennett, A., Blake, J., Coleman, J., Cornfield, H., Harrell, L., Klein, T., Lutzker, S., Malson, H., Mendez, J., Orendroff, C., Oztzy, G., Powers, A., Rosenstock, C., Laborde Ruiz, R., Sens, Jr., W., & Stephens, P. (2022). *(Dis)Placement: The fight for housing and community After Echo Park Lake*. UCLA Luskin Institute on Inequality and Democracy. <https://escholarship.org/uc/item/7OrOp7q4>
- 26 Sparks, T. (2010). *Broke not broken: Rights, privacy, and homelessness in Seattle*. *Urban Geography*, 31(6), 842-862. <https://doi.org/10.2747/0272-3638.31.6.842>
- 27 Stuart, F. (2016). *Down, out, and under arrest: Policing and everyday life in Skid Row*. The University of Chicago Press.
- 28 Torrey, E. F. (1997). *Out of the shadows: Confronting America's mental illness crisis*. John Wiley.

- 29 Wasserman, J. A., & Clair, J. M. (2011). *Housing patterns of homeless people: The ecology of the street in the era of urban renewal*. *Journal of Contemporary Ethnography*, 40(1), 71-101. <https://doi.org/10.1177/0891241610388417>.
- 30 Weaver, L. J., Herbert, C. W., Podrabsky, D. J., & Ní Flainn, M.L. (2025). *Co-Opting the 'public' in public health: Homelessness and the specious logic of discretionary displacement in a mid-sized US City.* *Journal of Critical Public Health*. [Forthcoming]
- 31 Westbrook, M., & Robinson, T. (2020). *Unhealthy by design: Health & safety consequences of the criminalization of homelessness*. *Journal of Social Distress and Homeless*, 30(2), 107-115. <https://doi.org/10.1080/10530789.2020.1763573>
- 32 Wilking, J., Roll, S., Phillhour, D., Hansen, P., & Nevarez, H. (2018). *Understanding the implications of a punitive approach to homelessness: A local case study*. *Poverty & Public Policy*, 10(2), 159-176. <https://doi.org/10.1002/pop4.210>
- 33 Zakrisson, T., Hamel, P., & Hwang, S. (2004). *Homeless people's trust and interactions with police and paramedics*. *Journal of Urban Health*, 81(4), 596-605. <https://doi.org/10.1093/jurban/jth143>