

# CRIMINALIZING HOMELESSNESS WORSENS THE CRISIS, RESEARCH SHOWS



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.*

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](#) that make 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 previously published peer-reviewed research on homelessness came together to submit an [amicus curiae brief](#) against criminalization. This brief serves as an introduction to a comprehensive series that distills their extensive research, which highlights how criminalizing homelessness not only prolongs the issue but also squanders public resources and causes severe harm to individuals’ health and well-being.

Advocates, policymakers, and everyday Americans are encouraged to draw upon this research to push back on local efforts to criminalize homelessness and inform effective and humane solutions.

## KEY TERMS

**Criminalizing homelessness** encompasses laws and ordinances that prohibit and punish people for sleeping, sitting, standing, asking for donations, or sheltering themselves with anything from a blanket to a tent, or other life-sustaining activities unavoidable to unhoused people. Some even prohibit sharing food with unhoused people.

These laws often target people experiencing **unsheltered homelessness**, which refers to people living in tents, vehicles, or other places not meant for human habitation.

They also often target **encampments**, a term that loosely refers to a grouping of tents or informal shelters.

**Displacement** refers to any involuntary move, including when law enforcement orders an individual to “move along” or when encampment residents are evicted from a specific location.

**Property seizure** is the confiscation or discarding of personal property by abatement authorities.

This brief primarily focuses on the impacts of citations, arrests, fines, incarceration, displacement, and property seizure.

## THE PROBLEM

**Existing shelter systems are woefully inadequate to meet the scope of need, and as a result most people who are unsheltered have no other choice but to live outside.** During the last national count in January 2024, more than 270,000 people — 36% of people experiencing homelessness — were unsheltered.<sup>11</sup> For many, shelters are not an option. There is a false narrative that people choose “voluntary homelessness,” but nationwide, there is a shortage of 200,000 year-round shelter beds for adults.<sup>55</sup> Nearly 80% of communities have a bed shortage, and this scarcity is felt most acutely in places like the West Coast, where rates of homelessness are higher.<sup>26</sup>

Affordable housing options are scarce, particularly for people with the lowest incomes. Nationwide, there is an estimated shortage of 7.3 million such rental units.<sup>5</sup> Studies from Denver to Seattle to Los Angeles consistently find that around 90% of people experiencing homelessness would move into housing if available and accessible.<sup>4,19,59</sup> Available shelter space is most commonly found in congregate settings that may present barriers to access. These barriers include time-limits, conditions on family composition or gender identity (especially for LGBTQ+ people), night-use only, restrictions on pets and belongings, sobriety requirements, and timing rules that can make employment difficult.<sup>54</sup> Additionally, these shelters often fail to provide adequate accommodation for people with complex health needs and disabilities that are prevalent among those experiencing homelessness.<sup>63</sup>

**Hundreds of thousands of people are criminalized for being homeless.** People who lack shelter are more likely than those with shelter to interact with law enforcement and be targeted by criminalization efforts.<sup>48</sup> A survey of people experiencing homelessness in Los Angeles found that 53% of respondents had been evicted from an encampment, most often more than once.<sup>30</sup> In another California study, more than half of unsheltered individuals reported being physically mistreated by law enforcement while homeless.<sup>13</sup> Criminalization disproportionately harms Black people and other people of color, who not only experience homelessness at higher rates but are also more likely to be targeted by law enforcement.<sup>34,60</sup>

**Criminalization does not end homelessness.** Ticketing, jailing, sweeping, and punishing people who are homeless does not reduce homelessness.<sup>33</sup> On the contrary, the research reviewed in this brief shows criminalization makes homelessness worse. Each move-along order or encampment eviction contributes to further marginalization, perpetuating a cycle of negative effects which are increasingly difficult to escape.

*“Even though each move-along order and citation alone may seem inconsequential, collectively, the inability to access private property or a safe place where one can legally dwell keeps one in constant anxiety and risk of future enforcement. This produces a sequence of criminal justice contact that is more powerful than the sum of its parts that deepens suffering, poverty, and perpetuates homelessness.”*

— *City of Grants Pass v. Johnson, Social Scientist Amicus Brief*

## DISPLACEMENT AND PROPERTY SEIZURES PERPETUATE POVERTY AND HOMELESSNESS

Displacement can disrupt support networks and push people into more isolated areas as they seek to avoid future law enforcement encounters. Property seizure or destruction makes it harder to take steps toward gaining employment or housing.

- **Displacement or jail time severs ties with — and undermines trust in — social service providers.** For individuals already linked to a service provider, forced displacement can sever those vital contacts.<sup>25</sup> Social service providers report that criminalization harms the people they work with and harms providers’ ability to do their jobs effectively, including getting people housed and connecting them to healthcare and other services.<sup>41,61</sup> People are also more likely to distrust service providers who are present during law-enforcement-led encampment evictions, which complicates their ability to provide housing or other critical services.<sup>25,40</sup>

- **Property seizures are common.** Research shows that unhoused people's property is often confiscated or destroyed during enforcement of these laws, including when someone is arrested.<sup>10,18,31,47</sup> Nearly half of those surveyed in a San Francisco study had lost property at the hands of city officials.<sup>26,27</sup>
- **Property seizures complicate efforts to exit homelessness.** Items frequently lost or destroyed include those vital to keeping jobs and housing — for example, legal and financial documents, identification like driver's licenses and birth certificates, benefits cards, work clothing, bicycles needed for transportation, and computers.<sup>9,27,31,50</sup> Lost property must be replaced,<sup>15,20,57</sup> creating additional economic burdens and requiring significant time and effort.
- **Missed work and criminal records limit pathways out of homelessness.** According to the 2010 Census, 40% of unsheltered people had employment during the year of their homelessness.<sup>36</sup> But a San Francisco study shows that displacement and property confiscation caused unhoused people to miss work or lose their jobs.<sup>22</sup> If enforcement results in a criminal record, it can complicate future efforts to access jobs<sup>42</sup> and housing, including publicly subsidized housing.<sup>12</sup>

## CRIMINALIZATION DOES NOT SOLVE HOMELESSNESS

Efforts to criminalize homelessness do not reduce homelessness nor help connect people to housing.

- **There is zero empirical evidence that criminalization reduces homelessness.** Many laws criminalizing homelessness have existed in numerous cities since the 1990s, providing scholars with decades of outcome data.<sup>24</sup> There is no evidence to suggest that the passage of these laws is responsible for a meaningful reduction in unsheltered or overall homelessness.<sup>33</sup>
- **Displacing encampments does not help people get housed.** Encampment evictions are most often divorced from social service provision. Social service workers were only involved in encampment evictions 15% of the time, according to a survey of unhoused people in Los Angeles, and research shows that upwards of 89% of encampment residents continue to experience homelessness after the encampment removal.<sup>30,49,50</sup> Research suggests that when law enforcement tries to connect people to services, arrests increased, while service participation and evidence of rehabilitation did not.<sup>8,57</sup> However, trusting relationships with outreach and services providers may increase the willingness to participate in services.<sup>39</sup>
- **Criminalization forces people experiencing homelessness to simply move from one public area to another.** Encampment clearance is used to eliminate the visibility of homelessness from public space<sup>3</sup> and as a tool of temporary removal in response to complaints.<sup>23</sup> Clearing encampments often does not lead to a reduction in calls about unhoused individuals.<sup>2</sup> A San Francisco survey found in

response to their most recent move-along order, 91% of unhoused people simply moved to a different public space.<sup>27</sup> Even if people are offered temporary shelter, they often return to the streets in a week or less. This perpetuates an ongoing cycle of moving from place to place, and from shelter to street.<sup>23,44</sup>

- **Jail time disrupts efforts to exit homelessness.** Research shows that when people experiencing homelessness are forced to spend time in jail, they are often released with nowhere to stay, may be poorer due to lost possessions,<sup>22</sup> and may be in worse physical health.<sup>14,58</sup> Jail stays can also disrupt access to public benefits,<sup>29</sup> shelter, and other resources.<sup>22,27</sup> Even when detained temporarily, people experiencing homelessness have lost jobs<sup>25</sup> and vehicles,<sup>20</sup> which thwart efforts to exit homelessness.

## CRIMINALIZATION IS ECONOMICALLY COSTLY

Enforcing criminalization laws burdens municipalities with higher costs, which can sometimes be higher than the cost of providing social services and housing.

- **Enforcement is expensive.** Cities from Spokane<sup>28</sup> to Denver<sup>51</sup> spend millions enforcing ordinances that criminalize homelessness. After spending \$20.6 million in 2015, a San Francisco budget analysis concluded that the “current enforcement measures are too expensive” with “limited results.”<sup>52</sup>
- **Fines are not cost-effective, often go unpaid, and have negative consequences.** In many places the cost to issue a citation is more than the citation amount itself.<sup>51</sup> Even minor citations are often impossible for people experiencing homelessness to pay.<sup>27</sup> If issued repeatedly, citations can result in escalating fees and bench warrants that can increase debt, damage credit, and even result in jail time.<sup>7,27,57</sup> Debt due to legal fines prolonged homelessness by nearly two years among survey respondents in Seattle<sup>37</sup> and can threaten future housing stability.<sup>21</sup>
- **Housing and services can be cheaper, especially for people who frequently interact with law enforcement and crisis healthcare services.** Providing housing and services significantly offsets costs to other systems like hospitals and emergency services, and in some circumstances, more than pays for itself.<sup>53</sup> For example, a supportive housing program in Denver cost \$12,078–\$15,484 per person per year, but saved \$6,876 in other public services, more than half of which was attributed to jail, courts, police, public safety, and prison.<sup>17</sup>

## CRIMINALIZATION HARMS HEALTH

Studies document multiple negative health consequences of criminalization impacting people who live outside.<sup>1,6,9,18,27,43,46</sup> Encampment evictions and move-along orders push people away from resources and into more dangerous environments.<sup>56,62</sup> Other harms

of criminalization include the seizure of medical items, like prescriptions and walkers,<sup>9,10</sup> increased sleep deprivation and substance use,<sup>38,45,47</sup> and disrupted access to healthcare and social networks.<sup>56,62</sup> Criminalizing homelessness endangers public health by increasing the spread of infectious diseases and overburdening healthcare systems.<sup>43</sup>

*For more information about the impact of criminalization on individual and public health, see the companion brief, "[Criminalization of Homelessness Harms Individual and Public Health](#)."*

## **CRIMINALIZATION MAKES UNSHELTERED HOMELESSNESS MORE DANGEROUS AND DOES NOT INCREASE PUBLIC SAFETY**

People experiencing homelessness are more likely to be victims of violence than housed people.<sup>16,32,35</sup> Enforcement of laws criminalizing homelessness makes both unhoused individuals and the wider community more unsafe.<sup>9,20</sup> Fines, arrests, and incarceration carry detrimental impacts by creating barriers to rehousing.<sup>22</sup> They also decrease the likelihood people will call upon law enforcement to address safety concerns.<sup>47</sup> Finally, enforcement does not improve public safety: it diverts law enforcement resources<sup>22</sup> and does not consistently decrease crime.<sup>2</sup>

*For more information about the impact of criminalization on individual and public safety, see the companion brief, "[Criminalization of Homelessness Fails to Improve Individual and Public Safety](#)."*



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