

The Criminalization of Homelessness in Chicago

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Abstract:

Community organizations report that Chicago was experiencing a rise in homelessness before the global pandemic, which pushed more people into a state of homelessness. City leaders admit to needing more resources to address the larger number of people living on the street. **History, however, shows that cities often turn towards policies the criminalize the homeless when the “problem” becomes more visible, overwhelming public spaces and spreading into wealthier spaces thereby threatening local revenues and electoral security of officials.** In this study, we will examine the occurrence of these types of crime and spatial differences in the communities where these “crimes” occur. City governments must consider providing free housing in wealthier spaces rather than arresting and incarcerating some of the cities’ most vulnerable residents and confiscating their property.



Images from Unsplash.com

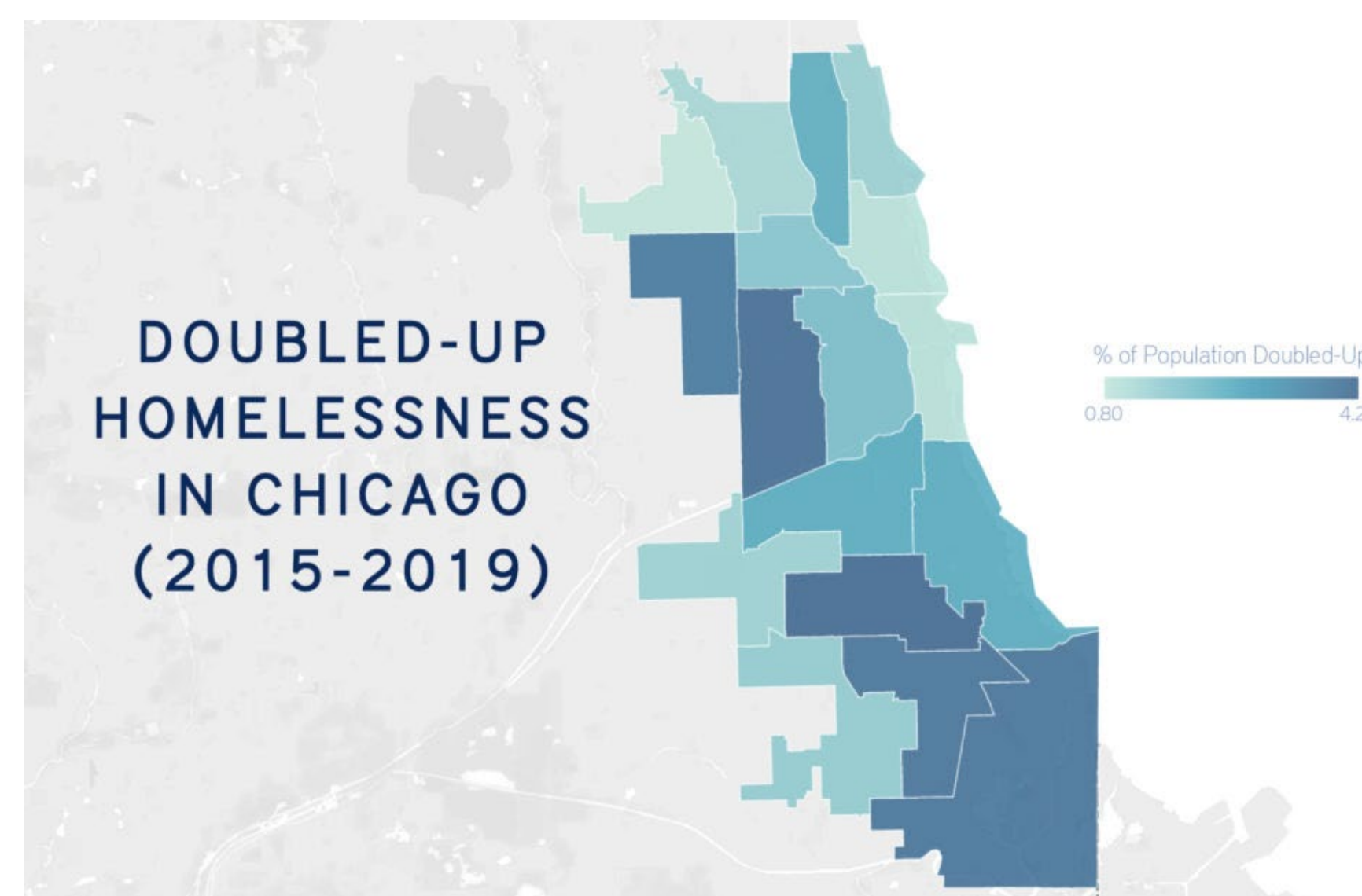
Research Question, and Significance:

- How does Chicago criminalize homelessness?
- Do interactions with the CJS perpetuate homelessness in folks who already experience it?

Homelessness a national epidemic which impacts the lives of many folks. Most recent report from the U.S. **The Department of Housing and Urban Development showed that approximately 2.1 million people experienced homelessness in 2017** (Peng et. al. 2020). The government has continually failed the homeless populations while simultaneously further perpetuating homelessness in the US. The federal government has left most aid for homeless people to state, local, and nongovernmental agencies. Subsequently, these smaller scaled aid programs have largely failed most of the homeless populations. The homeless community in the US has been rising since the 80s, various policy implementations have arisen but have been disastrous. Therefore, cities have been left to deal with the growing homeless populations, and the disorder created. **Many cities have put anti-homelessness policies into action but, through vast research these policies have not only exacerbated the issue, but also criminalize the mere existence of homeless people in cities.**

Literature Review:

- Mitchell, Don. “The Annihilation of Space by Law: The Roots and Implications of Anti-Homeless Laws in the United States.” *Antipode*, vol. 29, no. 3, 1997, pp. 303–335., <https://doi.org/10.1111/1467-8330.00048>.
- **Main Argument:** The article notes that urban spaces are constantly trying to make spaces attractive to investors, citizens, and tourists. This is shown through gentrification across US cities, the creation of bar districts, sports stadiums, concert venues, elaborate shopping centers, etc. This then leads to the “annihilation of space” for the poor and specifically the unhoused.
- **Findings:** In efforts to create a more “attractive” city, city lawmakers began to criminalize the acts that homeless people do to survive. For example, making panhandling illegal, making sleeping on public benches or streets illegal, or moving along orders. Since homeless people only have sovereignty in public spaces, anti-homeless laws create a system where it is essentially illegal to live.
- **Implications:** These anti homeless laws overall take away homeless people’s right to exist, as citizens or as persons. The work of these laws has created a society that is only accessible by the wealthiest of this society. Not only, they also are actively working to remove homeless persons from the public eye, leaving them with nowhere else to simply exist.
- Kieschnick, Hannah. “A Cruel and Unusual Way to Regulate the Homeless: Extending the Status Crimes Doctrine to Anti-Homeless Ordinances.” *Stanford Law Review*, vol. 70, no. 5, STANFORD UNIV, STANFORD LAW SCHOOL, 2018, pp. 1569–621.
- **Main Argument:** The implementation of nation-wide anti-homelessness policies are in violation of the 8th amendment and calls upon the court to extend the precedent to cases of homelessness. Since homelessness in recent years has been directly correlated to the rising costs of living, especially in urban areas, making homelessness a status that one takes in society. Under the 8th Amendment one should not be discriminated against under the law based on their status.
- **Findings:** State and local level governments have no idea how to go about the issue of homeless “criminals” due to the Supreme Court not specifying how this doctrine applies. Because of this, the court has left homeless individuals in a decision between “survival and compliance.” Furthermore, cities across America do not have substantial shelter beds to fully equip the homeless further proving that homeless individuals have no other option but to “break the laws” that cities have implemented.
- **Implications:** Homeless individuals did not choose to be homeless, and oftentimes have no resources to get themselves out of homelessness therefore, the criminalization of their survival techniques is unconstitutional. Additionally, constant interaction with the law perpetuates homelessness in communities.



- Chris Herring, Dilara Yarbrough, and Lisa Marie Alatorre. “Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness” *Social Problems*, Volume 67, Issue 1, February 2020, Pages 131–149, <https://doi.org/10.1093/socpro/spz004>
- **Main Argument:** This article examines 42 individuals who are homeless, or were recently homeless, to divulge how interactions with the criminal justice system, due to various anti-homeless laws, limit homeless people’s ability to get social services.
- **Findings:** This article examines the complex issue of anti homeless policies and how they affect homeless populations. **The findings of this study show that 90% of homeless people living in parks have been forced to move, 88% of individuals living on the street, 61% of individuals living in shelters, and 80% of individuals who lived in their car. Additionally, 85% of the sample have been cited by an officer, and 49% of individuals have been cited 5+ times in the past year.**
- **Implications:** The perpetual criminalization of homeless people existing creates a society that constantly shuns persons from broader society. One person from the study describes living as a houseless person as “like a constant pestering that keeps you from ever feeling relaxed or belonging just about anywhere.” Additionally, this study shows that anti-homeless laws, which were designed to promote urban order, create more disorder in urban spaces.

Methods:

- Analyzed Chicago city ordinances and laws related to homeless related crimes.
- Homeless related crimes defined: Any crime that in effect, criminalizes the actions that unhoused individuals engage in as means of survival. Some examples are anti-panhandling laws, laws barring sleeping or camping in public spaces, barring encampment in certain areas of the city, move along orders, banning of sleeping in cars, and anti-loitering laws.

Discussion and Results:

Results:

Chicago has numerous laws in the books that are flagged to be “anti-homeless” laws:

- **Aggressive Panhandling Ordinance:** The ordinance essentially barred people from ‘aggressively’ asking for money near several locations including CTA train/bus stops, near ATMs, and outside of businesses, however they never defined aggressive in the ordinance. **The punishment for violating this ordinance is a \$50 fine for the first or second offense, then doubles to an \$100 fine each subsequent offense** (Oluhense, 2018).
- **Move Along Orders and Street Sweeps:** The City of Chicago has been engaging in ‘street cleanings’ where **unhoused individuals’ belongings are routinely discarded as trash.** This raises major concerns for homeless folks. During the street cleanings these folks would often lose important legal documents, clothes, blankets, tents, and medicine. These items are essential to their survival and would make it harder for these people to re-find their footing in society (Wadas 2015, 62).
- Incarceration and interactions with the Criminal Justice system further perpetuates poverty due to court fees, tickets, or fines. Further, interactions with the law exacerbate the problem of homelessness, and creates a cyclical cycle of housing insecurity in the city. People who have been to prison are almost 10x more likely to be homeless compared to the general population due to lack of access to public housing, lack of job opportunities with adequate pay, and social isolation (Vera.org).

ESTIMATE OF PEOPLE EXPERIENCING HOMELESSNESS IN CHICAGO (2019) ¹			
	TOTAL	STREET AND SHELTER	TEMPORARILY STAYING WITH OTHERS ¹¹
Number of Individuals	58,273	16,943	41,330
RACE			
Black or African-American	34,125 58.6%	12,979	21,146
White	14,630 25.1%	3,146	11,484
Other Race	4,992 8.6%	0	4,992
Asian, Native Hawaiian, or Other Pacific Islander	2,854 4.9%	173	2,681*
American Indian or Alaska Native	796 1.4%	219	577*
Two or More Races	450 0.8%	0	450*
Unknown Race	426 0.7%	426	0
ETHNICITY			
Non-Hispanic/Non-Latino	43,512 74.7%	14,995	28,517
Hispanic/Latino	14,491 24.9%	1,678	12,813
Unknown Ethnicity	310 0.5%	310	0
AGE			
0-4	5,483 9.4%	1,344	4,139*
5-17	7,430 12.8%	1,835	5,595
18+	45,065 77.3%	13,469	31,596
Unknown Age	295 0.5%	295	0
CHICAGO PUBLIC SCHOOLS 2019-20			
Students in Temporary Living Situations (SITS)	13,843**	1,544	12,124
POINT-IN-TIME (PIT) COUNT			
January 23, 2020 count	5,390	5,390	n/a

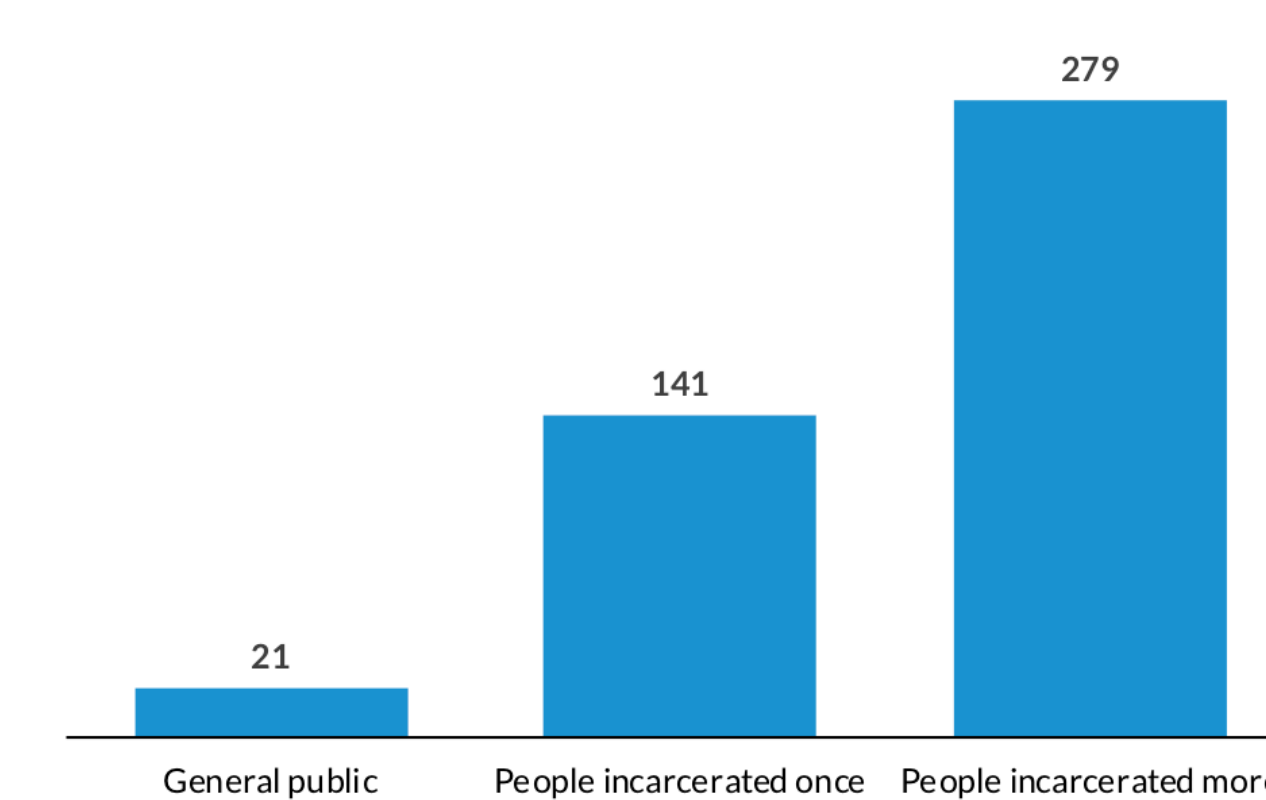
¹¹ 170 students did not temporarily stay with others or stay in shelter. The number is likely undercounted due to the COVID-19 pandemic making it difficult to identify students experiencing homelessness.

^{*} Indicates that this total should be used with caution (dependent on variable > 30)

^{**} This research from the Department of Public Health, Minneapolis, MN, 55455, from <https://doi.org/10.1093/socpro/spz004>

People Incarcerated More Than Once Are 13 Times More Likely to Experience Homelessness Than the General Public

Number of people experiencing homelessness per 10,000 people in 2008



Source: Lucius Couloute, “Nowhere to Go: Homelessness among formerly incarcerated people,” Prison Policy Initiative, August 2018, <https://www.prisonpolicy.org/reports/housing.html>.
Notes: Homelessness rates for the general public come from the Prison Policy Initiative’s analysis of US Department of Housing and Urban Development homeless counts and US Census Bureau population estimates for 2008. Homelessness rates for formerly incarcerated people come from the Prison Policy Initiative’s analysis of the National Former Prisoner Survey conducted in 2008.

Top and Bottom Left map and table from: ChicagoHomeless.org
Bottom Right Table from: UrbanInstitute.com