

More Sinned Against than Sinning? Homeless People as Victims of Crime and Harassment

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1. *A dangerous world*

Media reports and academic research tend to focus on the real or perceived criminal involvement of the homeless. What is less well known is that homeless people are more often victims of crime than housed people. Numerous studies have established that homeless individuals have experienced high levels of violence and victimization both before and after becoming homeless.

In 1992, the Toronto *Street Health Report* included the results of a survey of homeless single adults that asked about their experiences of victimization during the previous year. Among the sample of 106 women and 352 men, 46% of the women and 39% of the men said they had been physically assaulted. One-tenth of the respondents reported that they had been assaulted by police, some more than once.

Sexual assault and violence were common experiences for women — 43% of women and 14% of men said they had been sexually harassed, usually multiple times. Even more disturbing, 21% of the women said they had been raped. The survey respondents described instances of being assaulted by security guards in shopping centres, beaten with nightsticks by police officers, and sexually harassed on public sidewalks. It is unclear how many of these assaults caused injury, but one-tenth of the respondents said they had gone to a hospital emergency room for assault-related injuries, and about half of them were admitted to hospital for treatment.

Another study in 2001 that drew on 316 clinical records from a Toronto sexual assault care centre found that sexual assaults against homeless women differed from those against housed women—they were more

violent and more often perpetrated by strangers in public places.

Homeless youth have reported rates of victimization higher than those of homeless adults or housed youth. A study that compared the experiences of homeless youth and high school students in Toronto found that 69% of homeless youth said they had been physically assaulted in the previous year, compared to 39% of high school students. Similarly, 29% of homeless youth said they had been sexually assaulted in the previous year, compared to 6% of high school students.

Studies on relations between homeless people and the police suggest that the homeless see police and the criminal justice system as agents of control, not protection. They have accused police officers of attempting to control their behaviour by the overuse of tickets for offences related to their lifestyle: consuming alcohol in a public place, urinating in a public place, or falling asleep on a public bench, and frequent arrests for minor offences related to survival such as shoplifting food. Street youth complain that when they are standing or sitting on the sidewalk, or sitting on a park bench, the police will approach them, ask for identification and attempt to move them on. Often this involves searches, verbal harassment, confiscation of goods and in some cases the use of force.

The quality of treatment people receive from police and courts helps determine the public's views of criminal justice institutions. Perceived fairness influences one's sense of obligation to obey the law and reduces re-offending rates. Even police use of discourteous language can determine the way they are seen by ordinary citizens.

Perceptions of policing vary by socio-demographic and ethno-racial group, related to how police treat group members. Although few studies have explicitly examined the state of relations between police and homeless people, there is evidence that it is strained and fraught with suspicion if not hostility.

2. A survey of perceptions experiences

To probe these issues, we conducted a survey to learn about the experiences and views of homeless individuals who have been involved with the criminal justice system or been victimized. The sample was not random, so the results cannot be generalized; nevertheless they reveal the perceptions and experiences of some long-term homeless youth and adults in Toronto.

A sample of 57 homeless youth and adults was recruited from several drop-in centres and other services for homeless people to participate in a face-to-face survey. Of this group, 22 respondents who had been arrested or incarcerated or multiply victimized within the previous year were interviewed more intensively to explore their experiences.

The sample included 17 youth; 18 women and one male-to-female transgender person; 17 Aboriginal people; and 12 racial minority individuals. The respondents ranged in age from 16 to 59 years. Most (88 percent) were born in Canada; 31 percent in Toronto. Of those born in another country, most were not recent immigrants, but had lived in Toronto for many years. Most (63 percent) of the respondents had not completed high school. Only four had completed a postsecondary school program.

Each of the respondents had experienced lengthy periods of absolute and relative homelessness. Almost three-quarters had slept rough for some period of time during the year before the survey. At the time they were interviewed:

- 28 (49 percent) were staying in a shelter;
- 11 (19 percent) were sleeping rough;
- 8 (14 percent) were staying with friends or family;
- 4 (7 percent) had their own apartment;
- 6 (11 percent) were staying at a halfway house, had just been released from jail, or did not answer the question.

Two-thirds of the respondents had been incarcerated in the previous year. Three-quarters had spent at least one month in jail or prison at some time.

3. Policing and fairness

Respondents shared with most Canadians an appreciation of the necessity of policing to maintain law and order in society. However, they also believed that the police act unfairly in their treatment of racialized groups, the young, and the poor.

The respondents, most of whom were white and male, generally agreed with the statement that the police unfairly stop and question racial minorities or treat women worse than men. And they tended to disagree that the police were criticized too much or that it was rare for an innocent person to be jailed.

Respondents' gender or age did not significantly affect their responses. There were some differences by racial group: more Aboriginal people felt that innocent people are sometimes wrongly jailed; that the police treat males worse than females; and the poor worse than the rich. And fewer whites agreed that police treated people from some racial groups worse than others.

Statements on policing and fairness	Agree / strongly agree (%)
The police treat wealthy people better than poor people	90
The police treat people from some racial groups worse than people from other racial groups	90
We need police in this country to keep law and order	90
People from my racial group are more likely to be unfairly stopped and questioned by the police than people from other racial groups	[minority] 92 [whites] 39 [total] 61
The police treat young people worse than older people	60
The police treat males worse than females	53
Everyone has an equal chance of getting ahead in Canada	46
People criticize the police too much	35
It is rare for an innocent person to be wrongly sent to jail	25

4. Contact with police

We asked respondents about their interactions with the police. Most had been stopped at least once by the police during the previous year, 24 had been stopped more than five times. During the previous month alone, half of the respondents had been stopped by police, and five had been stopped more than five times.

Police Action	During Previous Year (%)	During Previous Month (%)
Stopped at least once	86	49
Stopped more than 5 times	42	9
Warned	81	39
Photographed	56	11
Ticketed	58	18
Searched	79	32
Detained	68	20
Arrested	67	14

More than half of the respondents had not only been stopped by the police during the previous year, but also warned, photographed, ticketed, searched, detained, and arrested. These are not mutually exclusive events — it is common to be stopped, detained, and warned in a single incident. There were no statistically significant differences in terms of sex, age, or racial status.

When asked to describe their personal contact with the police, 33 of the 57 respondents (58 percent) characterized it in predominantly negative terms, frequently suggesting that the police abused their power. A minority of respondents (11 out of 57), including some who had been arrested, said they were treated fairly by police (now, if not in the past).

Nearly half of respondents (24) said they had been assaulted by police officers. The reported assaults ranged from being harshly pushed to violence causing serious physical harm. A few respondents appeared equivocal in their characterizations of treatment by the police, referring to mostly positive or neutral contacts with police, yet also recounting abusive treatment.

Several respondents said their own demeanour affected how the police behaved, usually stating that police officers became (more) confrontational or aggressive when a homeless person asserted his or her rights. One respondent said this was especially the case with people of colour.

A few respondents referred to Aboriginal or racial status as a factor in the likelihood of mistreatment by police. Although the respondents were not asked to describe in detail any abuse by the police, a few Aboriginal respondents disclosed severe physical assaults. Of those who reported severe physical abuse causing significant injury, all five were Aboriginal adult males.

Some respondents qualified their assessments by distinguishing “good” and “bad” officers. They usually credited seasoned, older, and female police officers with more professional behaviour than young male “rookie”

officers who needed more training and life experience and were less likely to explain procedures regarding bail, court, and night security in police stations.

Not surprisingly, given their predominantly negative experiences with the police, some respondents said they could not rely on the police for protection, because they were known to be homeless, had a record of offences, or anticipated being treated badly.

5. Informants’ views

Those who work with homeless people generally shared the view that police sometimes treat homeless individuals unfairly, to the point of “hassling” or abusing them. They have heard many such stories and complaints from their clients and sometimes have witnessed what they perceive as unnecessarily rough handling of homeless individuals by the police. On occasion, service providers themselves have been treated harshly by the police when they intervened on behalf of their clients.

Service providers confirmed that some homeless youth and adults do not trust the police, in part because of adherence to street culture norms, and in part because they fear abuse and reprisal from the police. The marginalization of homeless people leads them to believe they have no protection under the law, whether or not that perception is accurate, and to act in accordance with that belief. This behaviour is a factor in their relations with the police, the community, and each other. It contributes to their victimization by placing them in a lawless context in which raw power holds sway.

6. Contact with security guards

To many people, the distinction between a police officer and security guard can be confusing, since both wear uniforms and engage in policing activities with some degree of institutional authority. For visibly homeless people who spend a lot of time in semi-public spaces, however, dealing with security guards is commonplace. Virtually all respondents were quite knowledgeable about the main distinguishing markers — type and colour of uniform and presence or absence of badge numbers and guns — and the territorial and legal limits of guards’ authority (for example, they would say, “Security only have legal rights to warn and only on the property they are guarding”).

Of those who commented on guards’ behaviour and demeanour, most considered them to be more aggressive than police officers, several referring to them as “wannabe cops” and “thugs” who overstep their authority, knowingly or not. Police officers were credited with having more education and knowledge of the law and

being more likely to act professionally, that is, following a protocol of informing a person of their rights and using legal terminology.

Respondents were asked about their experience with security guards. Overall, they had less direct contact with guards than with the police, but more than half of them had been intercepted by a security guard at least once during the previous year. Eleven respondents had been detained by a guard and released to be arrested by the police in the previous year; in this way, security guards can occasion an entry into the criminal justice system.

Being stopped and warned by a security guard was the respondents' most frequent experience. More than half of the respondents had been stopped and warned by a guard at least once in the previous year. During the previous year, three out of ten had been detained by a guard, and two out of ten had been arrested and released to the police. There were no statistically significant differences between sub-groups in terms of sex, age, or racial status.

7. Treatment in the criminal justice system

We interviewed 22 of the survey respondents more intensively about their experience within the criminal justice system. Seventeen of the 22 respondents had been detained or arrested by the police within the previous year. A few were detained and released on the spot or after being taken to a police station. Their charges included: failure to appear in court, failure to comply with a court order, theft, communicating for the purpose of prostitution, possession of drugs or alcohol, possession of a pocket knife, soliciting (i.e., begging, squeegeeing), indecent exposure, prowling at night, and drug trafficking. They were detained or jailed for periods of time that varied from one hour to several months.

Thirteen respondents had appeared before a court, sometimes more than once. Six said they understood what was happening when they were brought to court and why they were being treated as they were, and six said they did not (one person did not respond).

Some respondents felt they had not been treated fairly. For example, one woman said she'd been abused

and degraded by a female officer during a strip search. Others said the court had not paid attention to their statements or failed to consider important evidence. One person said his sentence was unfair.

One man was released from court in an orange jumpsuit with no money, no identification, or change of clothes. Unlike prison discharges, court releases are unplanned — a conditional outcome — and an inmate's clothes and belongings are left behind, sometimes in another city. Retrieving clothes and other possessions can be difficult and time-consuming. Such releases are frequently a precursor to homelessness.

More than half of the respondents (13) were unaware that they could have requested assistance with discharge planning. A few requested help, but did not receive it. Two people released from court received no help at all. Only six respondents were assisted by jail or agency staff to find a place to live when they were released. Two refused the assistance offered, due to mistrust of the worker or a mistaken belief that they had already secured a place to stay. Four received limited assistance from jail staff or another agency. Jail staff assistance consisted of being given a list of shelters and transportation costs. Some respondents expected little help from jail staff. Several respondents interpreted "being

housed" as simply getting a shelter bed.

These responses suggest that discharge planning in remand and short-term facilities within the provincial jail system is minimal.

8. Victimization

Most of the homeless youth and adults we surveyed (72 percent) had been victims of crime within the previous year (N = 52). Only eight of the 41 people victimized had reported the crime to police; and five of the eight were very dissatisfied with the police response. There were no statistically significant differences in responses by gender, age, or racial status. Slightly more women than men said they had been a victim of crime, but they were no more likely to have reported it to police. A similar proportion of youth and adults said they were victims of a crime, but fewer youth reported it to

Contact with police

"For the most part my experience [with the police] has been fairly positive. I've been punched out a couple of times by police because I wouldn't give the information they wanted. If I am drinking in the street, I will be stopped, forced to pour my alcohol away, and then given a ticket. The ticket for drinking in a public space and possession of an open bottle costs \$110."

the police (only one). All the women and racial minority respondents who reported a crime to the police said they were very dissatisfied with the police response.

Why were so few crimes reported to the police? The respondents said they did not trust that the police would be fair or would protect them. Two-thirds believed the police would be biased against them (would insult them or cause more trouble for them). More than half (53 percent) believed that the police would be uninterested in their report. About one-third (32 percent) believed the police would be ineffective (would arrive late or not show up at all; would not do a good job of dealing with their report). Most disturbingly, about one-quarter of respondents (26 percent) said the offender was a police officer.

Seven respondents referred to the “code of the street” as a reason for not contacting police. That is, street people may protect other street people (for example, by not “squealing” on a homeless person). If loyalty is not a sufficient reason to keep quiet, fear of retaliation is generally effective. Violations of street culture can result in reprisal from other homeless people, drug dealers, or pimps. Some respondents said they would take care of any problems in their own way. Others just kept problems to themselves. Those with criminal records or a current warrant did not want to attract police attention. And previous unpleasant or degrading experiences with the police convinced several respondents that they could anticipate more of the same kind of mistreatment.

Respondents were asked their experiences of different forms of crime. Most respondents (85 percent) had had some belongings stolen during the previous year, usually at a shelter or other location, rather than directly from their person. Money or identification documents were most often stolen (60 percent and 56 percent, respectively). Other items included clothing, shoes, blankets, toiletries, drugs, medication, food, and electronic devices, such as a cell phone or CD player. If identification was stolen, respondents were usually unaware of who had done it, but three people claimed it had been the police.

Among the respondents, 28 (17 men and 11 women, including a male-to-female transgender person), had been physically assaulted during the previous

year. The assaults usually occurred on the street. Sixteen of them had been assaulted more than once during that time period. Descriptions of the most recent assault revealed that, overall, the perpetrator was equally likely to be a stranger, acquaintance, or police officer; more men had been assaulted by the police than women. Seven men and one woman said they had been assaulted by the police (in once case at a police station). Comments indicated that members of the general public are included among those who have targeted homeless individuals.

A weapon was used in nine cases (including a

baseball bat, gun, mace, pepper spray, police baton, and knife). Men were more often assaulted with a weapon than women. Fourteen respondents said they should have seen a doctor as a result of the assault, but only eight of them had actually done so.

Twelve respondents (23 percent) reported being sexually assaulted during the previous year – nine women, one (male-to-female) transgender individual, and two men. Five adult women, two of them Aboriginal, and one white adult male reported multiple sexual assaults. Descriptions of the most recent (if more than one) sexual assault revealed that the perpetrator was equally likely to be a stranger or known person (boyfriend, spouse, acquaintance, or john).

Respondents were asked about verbal abuse, threats, or attacks during the previous year, that they attributed to their homeless state, their ethnicity or race, or a perception that they were gay, lesbian, or transgender. Overall, 22 respondents (42 percent) said they had been verbally abused and 17 (33 percent) had been threatened or attacked because of their race or ethnicity. Of the twelve racial minority (excluding Aboriginal) respondents, nine had been verbally abused and six had been attacked or threatened with harm. Of the 16 Aboriginals who answered the question, nine had been verbally abused, and five had been attacked or threatened. More of the racial minority and Aboriginal respondents reported abuse and attacks or threats.

Being homeless was the most common reason given for the abuse, except among racialized respondents, for whom it was more often their ethnicity or race. More than half the respondents (56 percent) said they had been verbally abused due to prejudice against

At a disadvantage

“No one told me anything about choices [in the criminal justice system] – no explanation about whether to plead guilty or not. No one explained about Division Court. My legal counsel didn’t give me advice, such as: This is what it means to say yes or no to judges, my options, and the consequences.”

homeless people. Almost one-third of them (31 percent) had been attacked or threatened on this basis. More women than men said they had been verbally abused, attacked, or threatened because they were homeless.

Ten respondents, more of the youth than the adults, said they had been verbally abused because they were perceived as gay, lesbian, or transgender. Four had been attacked or threatened on this basis. These responses indicate a high degree of vulnerability to mistreatment.

9. Vulnerability and self-protection

Respondents outlined some of the dynamics that contribute to their vulnerability to mistreatment. Meeting basic needs becomes a challenge when a person is homeless – access to a bathroom, a restaurant, hospital care. This contributes to a poor appearance, poor health, low self-esteem, and the stigma of “not belonging” – being outside what is considered a regular community of people with homes and jobs. The outcome is a feeling of isolation and alienation from (and by) the mainstream. High visibility combined with social exclusion put respondents in a weaker position relative to authority figures such as the police.

Respondents used various tactics to protect themselves. Most indicated they maintain a general wariness and watchfulness. Some carry a potential weapon, such as a box cutter, knife, razor, spray perfume, or mace, for which they may be charged by the police. One man kept a large dog. They avoid certain shelters, areas, houses, or people; they stay near the few people they trust. They use storage lockers, carry their valuables and belongings

everywhere, or store them with a friend or agency (especially their identification). They sleep face down, sleep in a group taking turns as guard, or walk around and stay awake all night. Several respondents said they were avoiding “old haunts” where they had “gotten into trouble,” usually involving drugs. They stay in familiar areas and try to avoid trouble.

10. Conclusions

Our survey found that homeless individuals appreciate the need for law and order, but are highly critical of perceived unfair policing practices, especially differential treatment of racialized persons. Also, although homeless individuals experience a high level of victimization, they are quite reluctant to report crimes to the police and feel alienated from police protection.

This is a preliminary study, and more research is needed. For instance, an understanding of police officers’ views of homelessness would contribute to a productive dialogue of how they deal with homeless individuals and the role of policing in dealing with a major social and political problem such as homelessness.

Further research would also draw out ideas on reducing some of the problems we identified. Better security may be needed in shelters, where bullying, intimidation, and theft commonly occur. There is also a role for mental health and addictions treatment for homeless people, advocacy services (including liaison workers at courts and detention centres), better discharge planning, special training for police, and affordable, supportive housing.

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