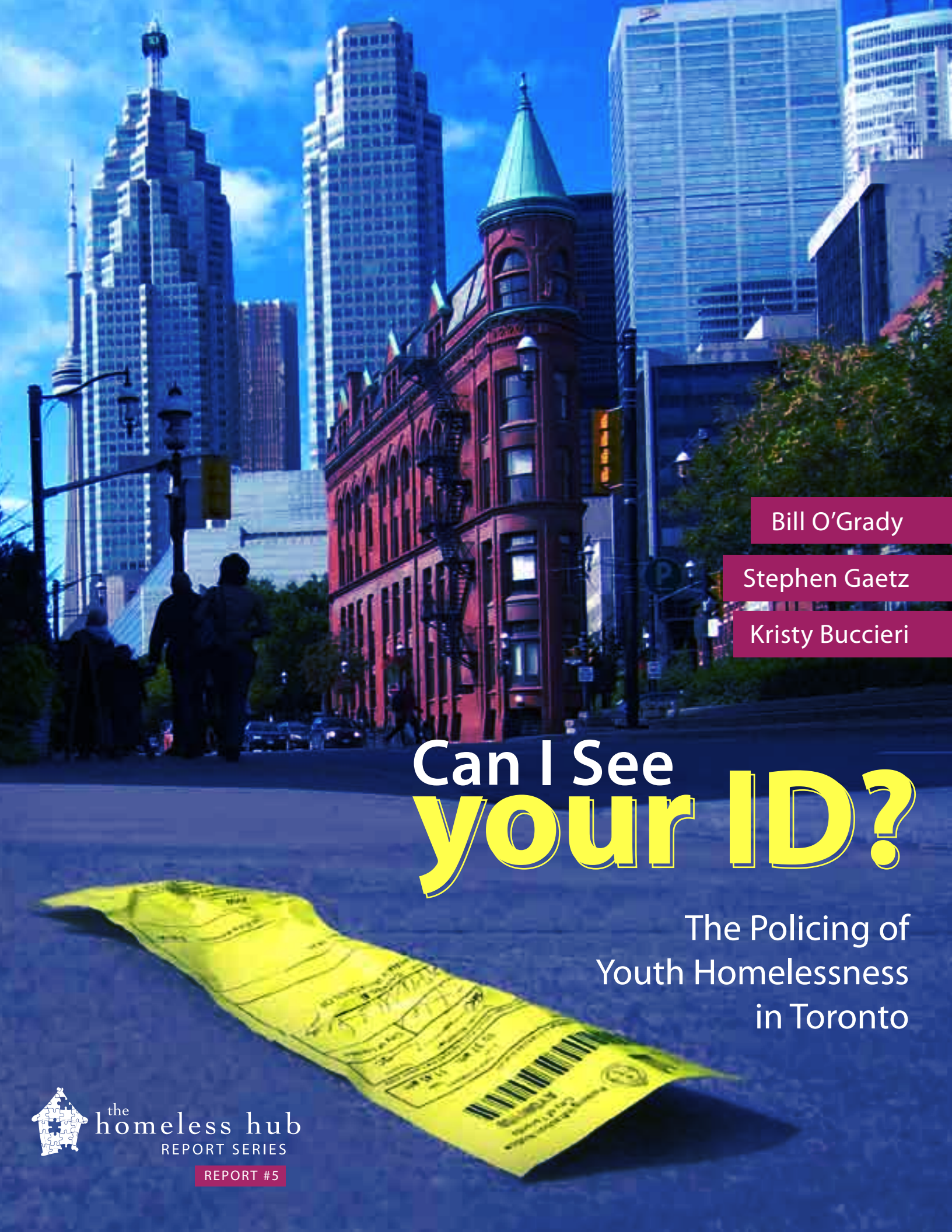


Bill O'Grady
Stephen Gaetz
Kristy Buccieri

Can I See your ID?

The Policing of Youth Homelessness in Toronto

the homeless hub
REPORT SERIES
REPORT #5

Can I See Your ID?
The Policing of Youth Homelessness in Toronto

Bill O'Grady
Stephen Gaetz
Kristy Buccieri

Street Youth Legal Services
Justice for Children and Youth
Canadian Foundation for Children, Youth and the Law
415 Yonge Street, Suite 1203,
Toronto, ON Canada M5B 2E7

Phone: 416-920-1633 **Ontario Toll Free:** 1-866-999-JFCY (5329)
Fax: 416-920-5855
Email: info@jfcy.org

ISBN 978-1-55014-563-2

How to cite this document:
O'Grady, Bill, Gaetz, Stephen, & Buccieri, Kristy, (2011). *Can I See Your ID? The Policing of Youth Homelessness in Toronto*. (Toronto: JFCY & Homeless Hub).

The Homeless Hub (**www.homelesshub.ca**) is a web-based research library and resource centre, supported by the Canadian Homelessness Research Network.

The Homeless Hub Research Report Series is a Canadian Homelessness Research Network initiative to highlight the work of top Canadian researchers on homelessness. The goal of the research series is to take homelessness research and relevant policy findings to new audiences. For more information visit **www.homelesshub.ca**.

About the Authors

Bill O'Grady, PhD

Professor, Department of Sociology and Anthropology, University of Guelph

Bill O'Grady works in the Department of Sociology and Anthropology at the University of Guelph. He has had longstanding research and teaching interests in the area of marginalized youth. For the past decade he and Steve Gaetz have collaborated on several research projects dealing with youth homelessness in Toronto.

Website: http://www.sociology.uoguelph.ca/facultystaff/bill_ograd y.htm

Stephen Gaetz, PhD

Associate Professor, Faculty of Education, York University

Director, Canadian Homelessness Research Network

Stephen Gaetz's research on homeless youth has focused on their economic strategies, health, education and legal and justice issues. He is the director of the Canadian Homelessness Research Network and the Homeless Hub (http://www.homelesshub.ca) a clearing house for homelessness research.

Website: http://edu.yorku.ca/faculty/index.php?dept=&mid=112721

Kristy Buccieri, M.A.

PhD Candidate, Faculty of Education, York University

Kristy Buccieri is a PhD candidate in the Faculty of Education at York University. Her previous research on youth homelessness has focused on harm reduction, substance use, and access to healthcare. Currently she is studying the spatial dynamics of homelessness and the informal learning that occurs while living on the street. In addition to her studies she volunteers regularly at a social service agency for at-risk youth.

About Justice for Children and Youth

Justice for Children and Youth (JFCY) provides select legal representation to low-income children and youth in Toronto and vicinity. We are a non-profit legal aid clinic that specializes in protecting the rights of those facing conflicts with the legal system, education, social service or mental health systems. We give summary legal advice, information and assistance to young people, parents (in education matters), professionals and community groups across Ontario.

JFCY runs a specialized outreach and education program called **Street Youth Legal Services** (SYLS). Founded in 1999, SYLS has now been in operation for over 10 years. SYLS is a collaborative and community-based approach to assisting street-involved youth (16-24) in the City of Toronto. The program provides legal information, advice, and referrals to street-involved youth through workshops and individual consultation.

Acknowledgements

Street Youth Legal Services, Justice for Children and Youth, and the authors of this report acknowledge with deep appreciation the contributions of individuals and agencies that have made this research possible.

First, we want to express our appreciation to the funder of this research, the Ontario Trillium Foundation.

Second, we wish to thank the many street youth serving agencies that supported this work, and assisted us in conducting research with young people who are homeless. These agencies opened their doors to our researchers, and provided support for young people who we interviewed. The list of agencies includes:

- Covenant House
- Eva's Place
- Eva's Phoenix
- Horizons
- Second Base Shelter
- Shout Clinic
- Stop '86
- Street Outreach Services
- Touchstone
- Turning Point
- Yonge Street Mission, Evergreen Centre for Street Youth
- Youthlink Inner City
- Youth Skills Zone
- Youth Without Shelter

Third, we acknowledge the immense contribution of our research assistants, including Kristy Buccieri, Tara Patton and Matthew Aaron. Thanks also goes out to University of Guelph Undergraduate Research Assistant, Sabah Fatima, for her assistance in proof-reading and helping to format some of the statistical tables in this document.

Finally, and most importantly, we wish to thank the many young people who participated in this research by sharing their time and their stories.

Table of Contents

List of Tables

List of Figures

Executive Summary

Homelessness, and its visibility, is back in the news in Toronto. Concerns about the scourge of panhandling have once again surfaced in local media with city councillors regularly weighing in on the 'problem'. With little evidence that there is a dramatic increase in the numbers of people sleeping in parks or 'aggressively' panhandling on sidewalks, calls are once again being made for a law and order response to address this highly visible manifestation of urban poverty; to crack down on homelessness with tougher laws and stricter enforcement.

Toronto, ON, Canada

All of this raises important questions about how we respond to homelessness in Canada. What does it say about Canadians when popular thought suggests that the appropriate way to address the problem of homelessness is through law enforcement? Is the use of police in dealing with people who are homeless as much a part of the Canadian response to homelessness as is the provision of shelter beds, soup kitchens and street outreach? And perhaps most importantly, what is the impact of a law and order approach to homelessness on the lives of people who experience such extreme poverty?

This report sets out to document the ***criminalization of homelessness*** in Canada by exploring the relationship between homeless persons – in particular, street youth - and law enforcement officials (both the police and private security). Drawing from over 240 interviews with street youth in Toronto in 2009, as well as a review of official statistics on Ontario Safe Streets Act tickets in Toronto over the past 11 years, we explore the ways in which homelessness has been criminalized through a law and order agenda. Effective policy should be informed by research, not developed as a response to moral panics. Our research raises serious questions about the use of law enforcement as a strategy to address the visibility of homelessness in Canada.

Criminalization of Homelessness

When people think about our society's response to homelessness, we typically consider the range of services and supports provided by non-profits, charities and government that are intended to help people who are 'down on their luck'; services such as emergency shelters, drop-in centers and soup kitchens. These important services help people survive the ravages of extreme poverty.

Yet, where there is an insufficient investment in ***prevention*** and ***affordable housing***, there is an over-reliance on emergency services to address homelessness. In these circumstances, the poverty we call homelessness continues to be a highly visible problem on the streets of communities across Canada.

When homelessness is made visible, law enforcement often

becomes a key component of the emergency response. Many jurisdictions in Canada have adopted measures intended to restrict the rights of homeless people to occupy and inhabit public spaces such as street corners and parks, and which prohibit behaviours such as sleeping in public, or earning money through panhandling. This use of policing and the criminal justice system as central features of our response to homelessness is what we refer to as the ***criminalization of homelessness***.

We define the criminalization of homelessness as the use of laws and practices to restrict the activities and movements of people who are homeless, often with the outcome being fines and / or incarceration. Though we use the term 'criminalization' we are including the use of security (including private security) to enforce city / provincial regulation of public space and activities that go beyond the realm of the criminal justice system. The key here is that people who occupy public spaces (because they lack private ones), and whose poverty is highly visible, are subject to extra attention by the criminal justice system not so much for ***what*** they do, but for ***who*** they are and ***where*** they are. The key mechanisms of the criminalization of homelessness include:

1 Enactment of new laws and statutes that are intended to curtail or restrict the activities of people who are homeless.

This includes laws that restrict panhandling and sleeping in public spaces, etc.

2 Disproportionate and discriminatory enforcement of existing laws and ordinances.

This can mean receiving tickets for minor offences or being arrested in ways and circumstances not likely to be experienced by the average citizen.

3 Manipulation of the physical environment to restrict its usage by people who are homeless.

Inhibiting the use of public space by designing park benches so that people cannot lie down and sleep on them, or likewise moving ventilation grates off of sidewalks and into streets.

4 Increased surveillance and policing of public and semi-public spaces by police and private security.

This includes targeted 'stop and searches', moving people along and the use of technology to make inhabiting such space more difficult.

5 Increased incarceration of people who are homeless.

People who are homeless are over-represented in prison populations as a result of disproportionate and discriminatory enforcement, the inability to meet bail conditions, and inadequate access to appropriate legal counsel and defence.

6 Discharging prisoners into homelessness.

In the absence of adequate discharge planning and transitional supports, people leaving prison – either as convicted offenders or those released from remand – are more likely to become homeless and access emergency services.

When we speak of the criminalization of homelessness, we are not suggesting that law enforcement exists in the absence of other efforts to support people who are homeless. Rather, it becomes a central feature of the response, and may exist in tension with other arguably more progressive approaches.

About This Report

The second of two reports prepared with *Justice for Children and Youth* (the first being: *Surviving Crime and Violence: Street Youth and Victimization in Toronto*), our research turns to the interactions of homeless people – and street youth in particular - with the police. We engaged in this research wanting to know more about the range of circumstances under which homeless youth come into contact with the police, whether positive or negative. Police may engage homeless persons when they are the victims of crime. They may help homeless people access the supports and services they need, give them a ride when they lack transportation, and otherwise help them.

On the other hand, interactions with police may not be of a helping nature. We know that young people who are homeless are more likely than housed youth to engage in criminal behavior, so police will necessarily intervene to restore law and order. This includes enforcing laws such as the Ontario Safe Streets Act, which is designed to address aggressive panhandling and squeegeeing. Can we then characterize the interactions between police and people who are homeless as merely a matter of the police doing their job? Or, conversely, do such interactions characterize a more pervasive strategy of criminalizing poverty and the visibility of homelessness in public places in our cities?

In "Can I see your ID: The Policing of Youth Homelessness", we explore the experiences that street youth living in Toronto have with the police. Two hundred and forty four homeless youth in Toronto were interviewed in 2009 about life on the streets, including their experiences with the police.

Even though street youth are often portrayed as criminal or delinquent, this new research highlights the degree to which many of those who have negative interactions with the police are not, or only marginally, involved in illegal activity. That is, the high level of encounters between street youth and police cannot be explained merely in terms of the criminal wrong doings of a group of young offenders, but rather, can be more broadly understood in terms of the criminalization of homelessness.

Key Findings

Two main areas of research findings are presented in this report. First, we present data on the implementation of the *Ontario Safe Streets Act* over the past eleven years. Second, we explore the nature and extent of policing of (youth) homelessness in Toronto, through the self–reported experiences of young people who are homeless. Our findings have strong policy implications and are important in considering how policing in Canadian cities is practiced in the context of homelessness. There is very little research on homelessness and policing and in particular the experiences of street youth. Our research identifies the extent to which young people who are homeless encounter the police and under what conditions, as well as the consequences of such encounters. Below is a brief summary of the findings from this research.

Impact of the Ontario Safe Streets Act

The Ontario *Safe Streets Act* (SSA) exists as one of the clearest and most obvious examples of the creation of new laws that contribute to the criminalization of homelessness. The SSA, which came into effect in January 2000, in response to the growing visibility of homelessness in Toronto and other major cities in the 1990s, is provincial legislation designed to address

aggressive panhandling and squeegeeing. While never mentioning homelessness specifically, the Act clearly targets homeless persons.

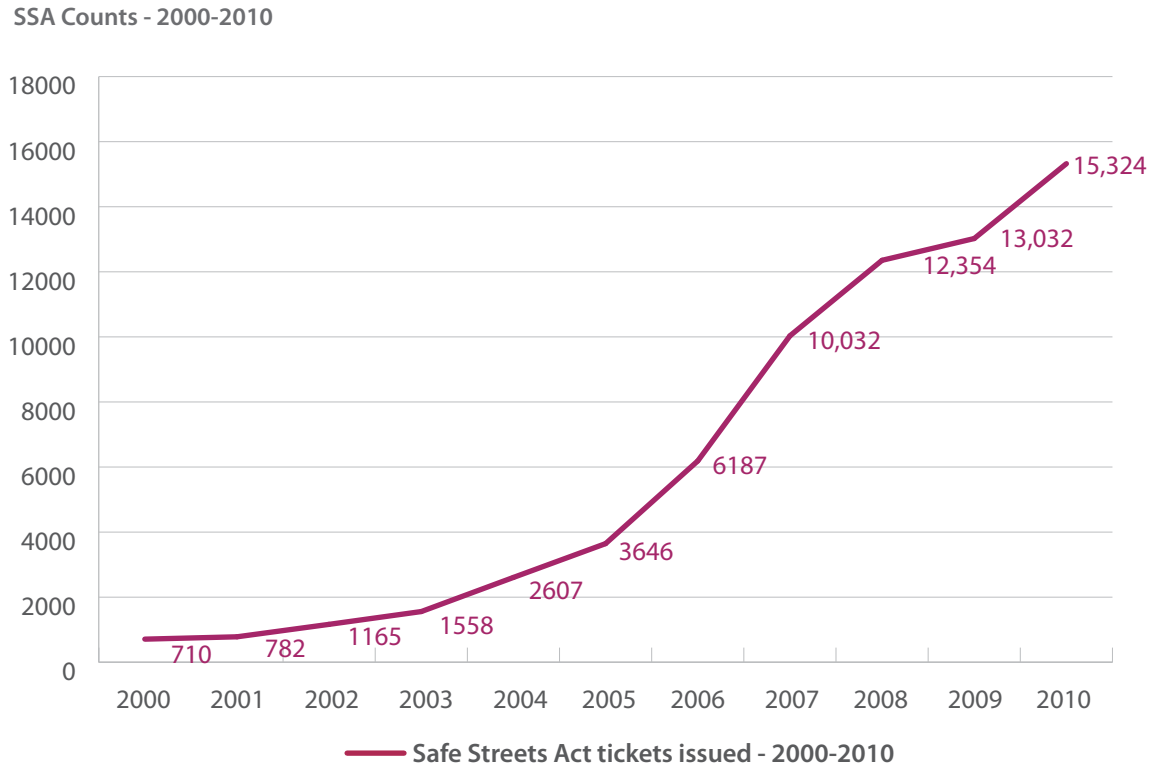
In examining data on SSA tickets in Toronto, we explore shifts and trends in ticketing over the eleven years the Act has been in place. We address whether such shifts may or may not be commensurate with changes in panhandling and squeegeeing behaviour. We also examine the cost of the SSA, both in terms of the debt burden placed on people who are homeless, and the actual cost of policing. The data used for this analysis was obtained through two freedom of information requests from the Toronto Police Service, and the Ontario Ministry of the Attorney General. We also draw on our own research findings to address changes in the prevalence of panhandling and squeegeeing in Toronto. Below is a summary of our key findings.

- **Panhandling and squeegeeing are on the decline in Toronto.**

There is evidence that panhandling and squeegeeing have declined over the past decade. At the same time, we have not seen significant and demonstrable declines in homelessness, per se. Our own research shows a significant decline between 1999 when 29% of our street youth sample reported panhandling and squeegeeing as their main source of income, and 2009 when less than 3% reported such behavior. In addition, the 2009 City of Toronto Street Needs Assessment also shows a decline in panhandling as a source of income, from 17.4% in 2006, to 9.7% in 2009 (their sample included youth and adults). Whether or not the SSA is a major factor in precipitating this decline is not known. However it should be noted that the law is designed to address *aggressive* panhandling and squeegeeing, not as a broader and more general strategy to eradicate these forms of income generation.

- **The number of SSA tickets issued by the Toronto Police Service has increased exponentially over the past decade.**

One might expect that with fewer homeless people panhandling and squeegeeing, there would be a commensurate decline in SSA tickets. The graph below displays the number of Ontario SSA tickets issued by the Toronto Police Service between 2000 and 2010.



Over this period the total number of Ontario SSA tickets written up by members of the Toronto Police service increased exponentially, from 710 tickets in 2000, to 3,646 in 2005, and again to 15,224 in 2010, an increase of 2,147%. This raises a very important question: are police responding to a dramatic (and largely unsubstantiated) growth in aggressive panhandling and squeegeeing, or is the increase in ticketing part of a broader strategy to respond to the enduring visibility of homeless persons in public places in Toronto? A review of all Safe Streets Act tickets given out between the period of 2004 and 2010 shows that on average 20% were for aggressive solicitation and 80% were for non-aggressive acts of soliciting a captive audience, such as those standing in line at a bank or waiting for public transit. This suggests the Safe Streets Act is not being used to police a growth in aggressive panhandling and squeegeeing but rather is part of a broader strategy to criminalize homelessness.

- **Issuing of SSA tickets places a heavy financial burden on homeless persons.**

People who are homeless are defined by their extreme poverty, and hence, engage in money making strategies such as squeegeeing and panhandling to provide them with cash on a daily basis. The SSA, designed to address aggressive panhandling, calls for potential fines of up to $500 for a first offence. The usual fine is $60 per ticket. In 2009 (the year we interviewed street youth), the number of tickets issued was 13,023, while the total number over eleven years (2000-2010) was 67,388. The total value of the tickets in 2009 was minimally $781,380, and over eleven years more than four million dollars ($4,043,280). This is a large financial burden placed upon homeless people living in extreme poverty, and who have limited means to pay.

- **SSA is an expensive use of police resources.**

In addition to the financial cost to people who are homeless, there is also a cost to the residents of Ontario. We estimate that the actual cost to the Toronto Police Service of issuing the SSA tickets was $189,936 in 2009, and $936,019[1] over the past eleven years. Note that this does not include the cost of processing tickets, or any follow-up overhead (for instance if a ticket is challenged in court, or if a bench warrant is issued for non-payment of tickets). This also amounts to 16,847 hours of police time[2], which begs the question: Is this a reasonable use of resources, and may there be other crimes deserving of more attention? These costs have been incurred by the City for the collection of only $8, 086.56 in fines paid over this eleven year period.

- **The extensive use of tickets, fines and imprisonment to control the use of public space by homeless persons contravenes the spirit of the Criminal Code and the Youth Criminal Justice Act.**

Issuing fines to people who are homeless is inherently problematic because their experience of poverty leaves them unable to pay. Jailing people who are unable to pay because they are homeless is highly counterproductive, and contributes to the cycle of homelessness /prison / homelessness. It is also a question of rights. The Criminal Code of Canada states that if an offender does not have the ability to pay a fine immediately, they should be allowed a reasonable time to do so[3]. In addition, according to the *Youth Criminal Justice Act*, courts may impose fines to offenders who are between the ages of 13-17 that do not exceed $1,000. Judges, however, must consider the youth's ability to pay before a fine is levied. In both cases, the spirit of the law implies that police and courts should use restraint in issuing fines to people living in poverty with limited means to pay. It should be assumed that as long as one is homeless, they do not have the ability to pay.

1. Based on 15 minutes worth of time ($13.89) for a Toronto Police Services First Class Constable ($81,046 + 24.8% benefits = $101,145) (Toronto Police Service, 2011)
2. Based on the number of tickets issued x 15 minutes.
3. Criminal Code, RSC 1985, c C-46, s 736(1)

Homeless Youth and Encounters with Police

Our analysis of the nature and extent of street youth encounters with police is drawn from 244 interviews with homeless youth in Toronto in 2009, conducted at street youth serving agencies across Toronto. We asked a range of questions regarding interactions with police – whether deemed positive or negative – including instances where police aided young people in distress, engaged in stop and searches, issued tickets, or arrested the youth.

The data indicates that street youth receive an inordinate amount of attention from the police, and that this has an impact on street youth attitudes about policing in general. The findings from this research reveal that street youth experience police contact on a regular basis, in large part due to their appearance and the public places they occupy. Below is a summary of our key findings:

- **Street youth receive a great deal of attention from police.**

Encounters between homeless youth and the police go well beyond Ontario Safe Streets Act violations. In fact, police utilize a much broader range of existing laws and practices in their dealings with street youth. A key finding of this research is that homeless youth receive an inordinate amount of attention from police, with 78% reporting some kind of encounter, and of that group 77.5% reported more than one interaction. While some reported incidents of police stopping to help them (13.6%), the majority considered their encounters to be negative, including "stop and searches" (59.8%), being asked to "move on" (36.8%), receiving tickets for a range of minor offences (33%), or being arrested (44%). A sizeable number of youth we interviewed had also been stopped by both private security and TTC security and asked to show their ID.

Young people who are homeless perceive the inordinate amount of attention they receive from the police as harassment and due to the fact they are young and homeless. Some street youth report excessive use of force by the police during these encounters.

- **Police issue a large number of tickets to homeless youth.**

Being ticketed is a major outcome of engagement with police. In our survey, 33% of street youth reported receiving tickets at least once during the past year (39.4% male, 20% female), and 16.5% reported receiving more than one. Only a small percentage of these tickets are for Safe Streets Act violations. More often, street youth receive tickets for drinking in public or loitering. The latter speaks to one of the fundamental conditions of being homeless: when one does not have access to private space, much more of one's life gets played out in public places and spaces.

While many who received tickets acknowledge they were breaking the law at the time, one third believe the charges to be frivolous, and that they were singled out for offences that the average person would not be cited for. This reinforces their perception of ticketing as another form of harassment.

- **Criminally involved street youth do receive more attention from the police.**

Some street youth are more likely to encounter police than others. In our study, young people who were criminally involved and / or heavy users of drugs (a group characterized by their troubled backgrounds and range of situational adversities) received much more attention from the police. Intuitively, the idea that police are paying attention to criminally involved homeless youth could be interpreted as evidence that the police are simply doing their job by enforcing the law. However, it is clear that homeless youth who are not criminally involved (38% of our sample reported to have not committed a criminal act in the past year) were also receiving considerable attention from the police, however not to the same extent.

- **Young males receive more attention from police, whether criminally involved or not.**

Criminal involvement is not the only factor that predicts police encounters with street youth. In fact, simply being male and

homeless increases this likelihood, regardless of whether one is actually involved in illegal activities or not. This finding suggests that this group of young people is drawing attention from the police mainly because they are viewed as suspicious based on who they are (homeless), how they look, and the fact that they may be congregating in public places at or near major business, shopping and entertainment venues.

- **Black and Aboriginal youth also receive additional attention from police.**

In terms of more serious offences, visible minority street youth receive the same attention from police as do white youth. However, our analysis also reveals that being Black or Aboriginal ("non-white youth") were statistically significant factors in predicting greater surveillance and harassment by police, including being ticketed while "walking down the street" or when simply "hanging around with friends." This finding is consistent with other research on Toronto youth—homeless and housed—that was carried out by Tanner and Wortely (2010).

- **Street youth have very negative attitudes regarding policing and the courts.**

Effective policing practice relies on citizens having faith and trust in police, for it is citizens who play an important role in notifying police of crime, and helping police identify perpetrators. Our research demonstrates with great clarity that compared to domiciled youth, young people who are homeless are much more likely to have negative attitudes about the police and courts. This may be partly explained by the fact that young people who are homeless are more likely to be victims of crime (Gaetz, O'Grady & Buccieri, 2010), and may thus feel the police and courts are not adequately protecting them. Perhaps more significant is the fact that they do regularly encounter police, not so much because of their victimization, but rather, because they are regularly being stopped and searched, asked to move on, and receive a large number of tickets often for minor offences that are perceived to be frivolous, and bordering on harassment.

Understanding the 'Policing' of Youth Homelessness

Both our analysis of Ontario Safe Streets Act tickets and our interviews with street youth demonstrate high levels of engagement between the Toronto Police Service and people who are homeless. Whether through the utilization of laws that specifically target the homeless (such as the SSA), or simply through the use of existing laws (such as drinking in public or loitering), it is clear that people who are homeless – including street youth – receive an inordinate amount of attention from police, and that much of the attention is negative.

So, how are we to make sense of the relationship between policing and youth homelessness? Is this conflicting relationship best explained by factors internal to the street youth population (their delinquency), by the approach police take to street youth, or are broader structural factors at play? Is the real or perceived criminality of the street youth population, regardless of its origins, a sufficient explanation for the degree of surveillance, interrogation and charges they receive at the hands of the police?

The argument to be put forward here is that street youth encounters with the police must be understood in terms of their experience of social exclusion. That is, street youth experience social exclusion in ways that profoundly impact their housing and subsistence strategies and use of public space. Because street youth are highly visible, and a percentage of them are criminally involved, it means that they become an identifiable population stigmatized with a criminal reputation. As a result, young people whose identity becomes defined by their homelessness are increasingly framed by politicians, the mass media, many members of the general public and ultimately, by the police as representing a form of urban disorder that can

and should be contained and controlled. This is at the heart of social profiling and the criminalization of homelessness. The outcome is that street youth become more marginalized and experience social exclusion both in terms of their engagement with the criminal justice system, and more broadly, in terms of increasing restrictions on where and how they are able to use public spaces. Under these policies and practices three key things happen: (1) social supports get reduced, (2) policing gets enhanced, and (3) the blame shifts to those in need.

While acknowledging that in many cases such encounters are a result of the police merely enforcing the law, we argue that the frequency and intensity of encounters suggests something else may be going on: the targeted use of law enforcement to address a broader and visible social issue, namely homelessness. In attributing this response to a manifestation of the criminalization of homelessness, we acknowledge there are several interrelated factors at play here. One must, for instance, explore aspects of police culture, such as the problematic and discriminatory generalizations that contribute to police profiling of groups based on assumed criminality and the propensity to focus efforts on street-based crime, that have a profound effect on how police deal with minority and marginalized populations, and the approaches to enforcing the law that they deem preferable. We also need to understand that policing does not occur in a vacuum; that both policy and practice are framed by a broader socio-political context that creates and supports the agenda of criminalizing homelessness. Several key themes are central to this.

Police Practice

The practice of policing – both in terms of more broadly sanctioned strategies to address urban crime, and in terms of the discretionary practice of individual police officers – shapes how people who are homeless are policed. There can be no doubt that new approaches to policing over the past three decades, and in particular, place-based neighbourhood or community policing practices, have had an impact. Many jurisdictions have adopted strategies that focus on foot patrols and more aggressive policing of small crimes and minor offences through a framework of 'zero tolerance'. The highly controversial strategy of 'Broken Windows' policing advocated by Wilson and Kelling is premised upon the notion that the failure to suppress low level symptoms of disorder as aggressively as major crimes can in fact lead to the escalation of crime and urban decay. The idea is to get tough on small crimes to show that we care about our social rules and laws.

Social Profiling

We argue that the criminalization of homelessness is not merely about enforcing the law when crime is occurring, whether by homeless persons or others. Few would dispute that this is the necessary role of police services. However, a key facet of the criminalization of homelessness is that law enforcement goes beyond neutrally applying the law. Social profiling occurs when an action is taken against a person based on the fact that this person seemingly belongs to an identified group; in this case people who are deemed by police officers to *be* homeless, because of how they look, what they are doing, and where they are doing it. There is extensive literature on policing and racial profiling, which argues that policing involves discretionary practices, wherein people who

The ***social profiling of homeless persons*** refers to a range of actions undertaken for safety, security or public protection, or in response to public fear, that relies on stereotypes about the danger and criminality of people who are homeless and their uses of public space (for money making, sleeping or resting), rather than on a reasonable suspicion, to be singled out for greater scrutiny or differential treatment.

are visible minorities receive an inordinate amount of attention not because of criminal profiling, but rather, because of explicit and implicit discriminatory practices.

The profiling of homeless persons, particularly those who have been street involved for some time, may be based on a person's "sloppy or neglected appearance," "bad bodily odour or personal hygiene" and "used and ill-assorted clothing" (Sylvestre, 2011). When it comes to homeless youth, social profiling can occur as the result of a broad interpretation by the police regarding who is deemed a 'suspicious' person due to clothing, location, time of day, etc.

Policing in a Broader Socio-Political Context

The practice of policing and the underlying perceptions that guide police actions do not occur in a vacuum. Understanding police practices helps make some sense of the high level of attention paid to street youth by police in this study. However, police officers and police services in general operate in a much broader socio-political context, which frames how homelessness gets talked about and thought about by the general public, the news media, politicians and ultimately the police. That is, we cannot make sense of the criminalization of homelessness merely through exploring the behaviours of people who are homeless, nor simply by exploring the ways in which individual police officers carry out their duties.

We contend that the conflictual relationship between the police and homeless youth reflects a larger battle over individual rights and privileges to use public space. These interactions occur within a broader social and political context where a link is established between the experience / status of being homeless and criminality. This context frames the very presence of street youth on city streets as a reflection of growing urban disorder.

There is considerable research in Canada and the United States (Smith, 1996; Ruddick, 1996; Hermer and Mosher, 2002; Sylvestre 2010a, b, 2011) that highlight political and economic shifts that underlie growing concerns with visible manifestations of urban poverty. This is often accompanied by the desire to use a law and order agenda to address the so-called problem. In a context where inner-cities are becoming increasingly gentrified, there are ongoing battles over the use of public space and who has the "right" to the city (Lefebvre, 1996). In addition, as social and welfare supports are dismantled, and the income and wealth of middle and lower income earners decline, marginalized persons increasingly come to symbolize urban disorder, and get framed as "disorderly people" (Hermer and Mosher, 2002); populations defined in the media and in policy contexts as 'welfare cheats', 'coddled prisoners', 'violent youth', etc. Policing practices to 'rid' the city of visibly marginal persons become justified as necessary to the broader strategy of sanitizing modern cities; to help engender a much more positive image of the city and its 'citizens,' thus attracting industry, capital and creative persons in an increasingly competitive global market.

It is through this lens that homeless persons – and in particular, those who squeegee and panhandle – are considered to embody disorder; a disorder that is seen to be delinquent and criminal, and therefore requiring a law and order response. The experience of homeless people (in this case street youth) in engaging the police thus raises questions about citizenship and social inclusion, in reference to: a) who does and does not receive fair treatment by the police, and more broadly, b) who has access to, and what activities are permitted in, public spaces (streets, sidewalks, parks) and semi-public spaces (doorways, shopping malls, unoccupied buildings) in major cities. This reflects a broader struggle regarding who has (and importantly, who lacks) a stronger voice in shaping public policy, dictating the terms of use of public spaces, and influencing the direction of law enforcement practices.

The criminalization of homelessness, then, is not merely about policing and policing practice, but reflects a broader concern with making this form of extreme poverty less visible. When our response to homelessness does not adequately support people struggling to avoid homelessness, or conversely help those in crisis move out of homelessness quickly, we are left with a visibly impoverished population. Criminalizing that population is not a solution. A more effective strategy that houses and supports people living in poverty is a more humane and arguably cost effective solution.

Recommendations

1. Federal and Provincial Governments

1.1 The Government of Ontario should immediately repeal the Safe Streets Act, and instead invest in more effective strategies to end homelessness.

1.2 Other provincial governments must refrain from implementing their own version of the Ontario Safe Streets Act.

1.3 The Government of Canada, through the Homelessness Partnering Strategy (HPS), must develop and implement strategies to end youth homelessness that focus on prevention and rapid rehousing.

1.4 Provincial governments should establish inter-ministerial committees to develop effective intervention strategies to reduce and end youth homelessness.

1.5 The Government of Canada and all provinces must ensure that effective discharge planning supports are available for all inmates leaving correctional facilities.

1.6 All levels of government – and the police services they employ – should cease using the practice of ticketing homeless persons as a way to control their behavior or to encourage them to move from public spaces.

1.7 Provincial courts should refrain from issuing bench warrants and imprisoning homeless persons who do not pay fines such as Safe Streets Act tickets.

1.8 Funding and support for programs such as Justice for Children and Youth's Street Youth Legal Services (SYLS) program should be made available through legal aid in provinces across Canada.

2. Municipal Government

2.1 The city of Toronto should refrain from establishing bylaws that criminalize people who are homeless.

2.2 Toronto City Council should order a review of police practices in dealing with people who are homeless, and mandate appropriate diversion programs to reduce the harms caused by the criminalization of homelessness.

2.3 The City of Toronto, in concert with the Province of Ontario, should develop an amnesty program whereby people who are homeless are able to clear their records.

2.4 Shelters for homeless people should be funded to remain open to young people twenty four hours a day.

2.5 The City of Toronto's Streets to Homes Outreach Program should involve more collaboration with Toronto Police Services.

2.6 The City of Toronto (and other municipal governments across Canada) must develop a strategy to end youth homelessness.

3. The Toronto Police Service

3.1 The Toronto Police Service should stop the practice of regularly stopping and searching young people who are homeless.

3.2 The Toronto Police Service should establish a Homelessness Policing taskforce to develop a more effective response to homelessness.

3.3 The Toronto Police Service should work more closely with the division of Shelter, Support and Housing to develop alternatives to interventions that criminalize homelessness.

3.4 The Toronto Police Service should establish a "homelessness community policing unit".

1 Introduction

Concerns about the visibility of homelessness are back in the news in Toronto. In the late 1990s, as the dramatic increase in homelessness across Canada resulted in growing numbers of people sleeping in parks and panhandling on sidewalks, calls were made for a law and order response to address a highly visible manifestation of urban disorder. In 2011, with little evidence that the homeless problem is growing, reports about the nuisance and dangers of panhandlers are once again appearing in the press. Deputy-Mayor Doug Holyday recently proclaimed that "[t]ourists and residents and people who come here to work shouldn't have to tolerate this nonsense. And what we need to stop it is … some legislation with some teeth in it to give the police the power to clear these people out of the way," and that "we've got to move this matter to the front burner" (CBC Radio, 2011).

What does it mean when, as a society, we choose to address the problem of homelessness through law enforcement? Is the use of police to deal with homelessness as much part of the Canadian response to homelessness as is the provision of shelter beds, soup kitchens and street outreach? And perhaps most importantly, what is the impact of a law and order approach to homelessness on the lives of people who experience extreme poverty?

In this report, we explore and address the experiences of young people who are homeless in terms of their encounters with police. Those who work with street youth have long been aware of the strained relationship between the street youth population and the police. When we conducted the first Needs Assessment for *Justice for Children and Youth* in 2001, staff at sixteen street youth serving agencies in Toronto were consulted regarding a range of legal and justice issues facing street youth. At that time, workers at virtually all agencies reported that young people regularly came to them with complaints about the conduct of the police:

> "Clients talk about getting harassed when they are just sitting in the park, or when they were panning, or when it appeared that they were panning but weren't - like they're just sitting on the sidewalk. The problem starts when the cops escort them away, and if they use physical force and get rough, sometimes clients react, and then the trouble starts - they wind up in jail and get charged with assaulting a police officer. ... Lots of clients get charged with assaulting cops, usually when it's the other way around."
>
> (Staff at street youth shelter, August 2001 (Gaetz, 2002:a))

Reports such as this continue to be common within the street youth sector. In our decision to do a follow up study with *Justice for Children and Youth*, we decided to pursue this further. Interviews were conducted with 244 street youth at 14 street youth serving agencies in Toronto in order to provide insight into the dynamics of their encounters with the police. Street youth were asked a range of questions relating to their interactions with police, including frequency of encounters, the range of infractions they have been charged with, details of their encounters (both positive and negative), and their attitudes regarding the conduct of the police. We also asked street youth about their encounters with private security, as more and more private property owners (including stores and shopping malls) make use of such services.

As our data reveals, there is little doubt that the majority of street youth believe they receive an inordinate amount of attention from the police. Street youth report that while on some occasions police are quite helpful, their relationship is more often characterized by conflict, and that they are regularly charged with offenses ranging from criminal to rather trivial acts such as jaywalking and spitting in public. In addition, a large number of street youth make allegations of police harassment and in some cases misconduct. One consequence is that, as a group, street youth in Toronto appear to be profoundly alienated from the police. While their negative opinions may be a reflection of anti-authoritarian tendencies within street youth cultures, evidence suggests that such perceptions are more likely rooted in a range of negative encounters with police.

This report, then, sets out to document the conflictual relationship between street youth and law enforcement officials (both police and private security). We also seek to better understand this relationship, in order to identify how best to serve and protect the public, including the fair treatment of street youth by law enforcement officials.

1.1 About This Report

This is the second of two reports prepared for *Justice for Children and Youth*, based on data collected in Toronto during the winter and spring of 2009. The first report focused on the victimization of homeless youth in Toronto. Not only did our sample indicate that they had been victims of a wide array of property and violent crimes (including intimate partner violence for many females), but levels of victimization far exceeded those recorded from a national sample of similarly aged, domiciled youth. Our analysis also revealed that victimization, in varying degrees, was socially patterned. For instance, females were more likely to report experiences of sexual assault than males; in addition, we found that younger youth and youth who left home before their sixteenth birthday were at a substantially higher risk of being victimized. Interestingly, police contact was relatively low in response to these high levels of victimization. Street youth, in fact, were more likely to come into contact with the police when they were being issued tickets, being asked for ID or while being arrested for alcohol/drug use violations.

The findings from the first report concerning police contact are the point of departure for this second report. In *"Can I see your ID? Policing Street Youth in Toronto"*, our focus is on the interactions street youth have with the police. In particular, we are interested in knowing more about the range of circumstances experienced by homeless youth when they come into contact with the police. This includes interactions related to controlling their money making and leisure activities, as well as interactions where youth may be given information and support by the police. Additionally, since the number of private police has exceeded the number of public police in Canada for at least the past two decades, we will also examine encounters between homeless youth and private security and public transit police (in Toronto this refers to security personnel from the Toronto Transit Commission). Within this context, we asked youth about areas of the city they thought getting ticketed or arrested are *most* likely as well as the *least* likely to occur. The questions posed to the youth in our survey were based on recent research, which explores changing patterns of policing within the context of so called "post-modern" cites. From here our interests turn to the aftermath of

these interactions. For example, youth were asked a range of questions concerning what they did with tickets they received from the police and, if they were arrested for criminal code violations. We also wanted to know about their experience with the courts and correctional system. These questions were, in part, included in our research protocol as the result of information obtained from the Toronto Police Service where it was reported that the number of Ontario Safe Street Act (SSA) tickets issued by the police during the past decade has risen by over 2,000%. Interestingly, over this same period, Canada—including Toronto—has witnessed drops in the overall crime rate. Finally, we were interested in knowing how street youth view the actors and institutions of the criminal justice system. As such we asked our sample for their views on the police, courts and correctional system. Do street youth feel they are treated fairly and reasonably by the institutions in society whose mandate it is to protect public safety and treat those who come into conflict with the law with fairness and dignity?

This study was conducted in response to the lack of empirical research on the topic of policing homeless youth. We hope that the information revealed in this report will inform intelligent and evidence-based policy responses to the problems street youth encounter with the criminal justice system. This report has been prepared for *Justice Children for Justice and Youth* (JFCY), a legal aid organization provides a range of legal services for marginalized youth. JFCY is a specialty Legal Aid Ontario Clinic, based in Toronto, Ontario. A significant directive of JFCY, and a major catalyst for this project, is the Street Youth Legal Services (SYLS) initiative, which provides legal information and support for street involved youth in Toronto—the only service of its kind in Canada.

Methodology

The data presented here is part of a broader study of the legal and justice issues of street youth conducted between January and July, 2009, in partnership with Justice for Children and Youth. The goal of this research was to undertake quantitative and qualitative research on homeless youth aged 16-25 in the City of Toronto, in order to examine the engagement of homeless youth with police and private security, from the perspective of young people who are homeless. As a result, members of the Toronto Police Service were not consulted as part of this research.

Our research team includes Stephen Gaetz (York University), Bill O'Grady (University of Guelph), and research assistants: Kristy Buccieri, Matthew Aaron and Tara Patton. Our study design consisted of interviews with 244 homeless youth. Doing research with street youth poses many challenges, especially in terms of establishing a representative sample from a diverse and often hard to reach population. We used a purposive sample (as a random sample is not possible with homeless populations), and recruited research participants exclusively through a range of street youth serving agencies in downtown Toronto and surrounding suburbs (see page v for details) during the months of March to June 2009. Compared with the 2002 Street Justice survey (Gaetz, 2002a), our research sample was more heavily weighted towards young people who regularly sleep at youth shelters.

Those eligible to participate had to be between 16 and 25 years of age (the upper age limit accepted by street youth serving agencies), had to have been homeless (including staying in emergency shelters) or without shelter for at least one week during the previous month. Our procedure was as follows: each young person was asked to fill out a standard self-report questionnaire. Those with literacy problems were assisted by the research team. Upon completing the questionnaire, each young person was then interviewed by a member of our research team so as to provide additional information difficult to gather through a questionnaire. The data from the interview was more qualitative than the data we collected from the self-administered survey. All research participants were paid $20 upon completing the research protocol. Our survey questions

were drawn from the 2002 Street Justice Survey, the 2004 General Social Survey and several other surveys designed for research projects conducted by Bill O'Grady and Stephen Gaetz. The research design included content and questions by *Justice for Children and Youth*. The survey instruments were then pilot tested before the project was administered .The research design, including procedures, survey instruments and consent forms, was thoroughly reviewed by York University's Human Participants Review Committee, which granted ethics approval in March 2009. Because of the sensitive nature of our questioning, we designed the project in such a way as to ensure the anonymity of all respondents. We also took special care to explain research procedures, and to obtain written consent from all participants. After data collection was complete, each survey was given a sequential identification number to assure confidentiality. The next step involved entering the coded data into a database (SPSS version 18). The qualitative data from the interviews was coded by the research team and also entered into the database. Data were analyzed using uni-variate, bi-variate and multi-variate procedures.

There are several points throughout this report where data from this research on street youth is compared with domiciled youth in the general population. In these cases, comparisons were made possible by incorporating many of the questions relating to criminal victimization, offending and policing that were used in Statistics Canada's 2004 General Social Survey into this research. Nevertheless, there are some differences in methodology worth pointing out. The GSS was conducted by Statistics Canada through telephone interviews with approximately 26,000 Canadians aged 15 or older, and living in urban and rural areas in 10 provinces (statistical comparisons are made with young people aged 15-24). At the same time, the GSS does not include homeless people in their sampling.
Finally, we draw on data regarding the number of *Ontario Safe Streets Act* tickets handed out in the City of Toronto. These data were obtained through a Freedom of Information Request with the Toronto Police Service.

2 Background: The Criminalization of Homelessness and the Regulation of Public Space in Canada

When people think about our society's response to homelessness, we typically consider the range of services and supports provided by non-profits, charities and government that are intended to help people who are 'down on their luck'; services such as emergency shelters, drop-in centers and soup kitchens. These important services are – and should continue to be – part of a more comprehensive response to homelessness. The most effective responses to homeless from around the world place a bigger priority on prevention and transitions out of homelessness than they do on emergency services, which are seen as a last resort for people living in crisis. Where there is an insufficient investment in prevention and affordable housing, there is an over-reliance on emergency services to address homelessness.

In Canada, many communities (including Toronto) now place greater emphasis on prevention and the rehousing of people who are homeless through the provision of services that are humane and respond to the real needs of people living in poverty. Nevertheless, if one compares Canada to other countries, our response to homelessness is in general not as developed[4], and many jurisdictions continue to rely on a patchwork of emergency services such as shelters and day programs; services mostly concentrated in downtown areas that meet the immediate needs of people who are homeless.
Of course, meeting immediate needs is important, as is helping people who are in crisis. But when we rely on emergency shelters and drop-ins as our core response to homelessness, other unintended consequences emerge. One of these consequences is increased visibility of homelessness and extreme poverty on the streets of major cities across the country.

When homelessness is made visible, law enforcement often becomes a key component of the emergency response. That is, alongside shelters and day programs, there is often the active use of policing and the criminal justice system to deal with what has become a very visible manifestation of poverty: homelessness.

There are many jurisdictions in Canada that have responded to the growing visibility of homelessness with measures that restrict the rights of homeless people to occupy and inhabit public spaces such as street corners and parks, and which prohibit behaviours such as sleeping in public, or earning money through begging or squeegee cleaning[5]. It is when the use of policing and the criminal justice system become central features of our response to homelessness that we refer to the 'criminalization of homelessness'.

2.1 What is the Criminalization of Homelessness?

There is a growing body of research on the criminalization of homelessness, mostly from the United States, but more recently from Canadian researchers as well. In the United States, this research has criticized the use of specific laws and ordinances that clearly target people who are homeless (National Coalition for the Homeless, 2003; National Law Centre on Homelessness and Poverty, 2006, 2009), but also examine how the criminalization of homelessness has occurred simultaneously with the development of policing practices such as 'community policing' and 'broken windows' policing that are seen more broadly as targeted

4. It is important to note that we are generalizing about the response to homelessness across Canada. Important differences exist between jurisdictions. In some places, the response to homelessness is coordinated and strategic. In the major cities of Alberta, for instance, Ten Year Plans have been adopted to reduce homelessness through prevention, strategic coordination of services, adoption of Housing First and an investment in affordable housing. Toronto, Canada's largest city, has also adopted Housing First (through its Streets to Homes initiative) and is moving towards a more planned, coordinated approach. Nevertheless, even in cities where progress is being made, there continues to be a reliance on emergency services.
5. Squeegee cleaning is the practice of using squeegees to clean car windshields while vehicles are stopped at intersections. While this is not the case in every jurisdiction in Canada, it is typically people who are homeless who are the main practitioners.

strategies that focus on urban decay and visible disorder in public spaces (Berk and McDonald, 2010).

An interesting body of Canadian research has emerged that focuses on the criminalization of homelessness in a number of Canadian cities, including Toronto (Hermer & Mosher, 2002; Parnaby, 2003; Esmonde, 2002), Vancouver (Sommers, et al., 2005; Kennelly, 2011) and Montreal (Bellot, et al., 2005; Bellot et al., 2008; Bellot et al., 2011; Sylvestre, 2010a, b, 2011; Douglas, 2011). There is also some interesting research from Europe that sheds light on the criminalization of homelessness (Johnsen and Fitzpatrick, 2010; Deuchar, 2010).[6] This research helps frame the discussion of the criminalization of homelessness, and contributes to the construction of a definition to be used in this report.

The ***criminalization of homelessness*** can be defined as the use of laws and practices to restrict the activities and movements of people who are homeless, often with the outcome being fines and / or incarceration. Though we use the term 'criminalization,' we include the use of security (private security included) to enforce city / provincial regulations of public space and activities that go beyond the realm of the criminal justice system. The key here is that people who occupy public spaces (because they lack private ones) and whose poverty is highly visible are subject to extra attention by the criminal justice system not so much for what they do, but for *who* they are and *where* they are.

The key mechanisms of the criminalization of homeless include:

1 Enactment of new laws and statutes that are intended to curtail or restrict the activities of people who are homeless.
This includes laws that restrict begging, squeegeeing, sleeping in public spaces, etc. The language of the laws generally does not mention homeless persons, but it is usually clear that such laws target this population.

2 Disproportionate and discriminatory enforcement of existing laws and ordinances.
That is, the enforcement of existing legal measures, ranging from tickets for minor offences to arrest, in ways that would not normally be applied to the average citizen.

3 Manipulation of the physical environment to restrict its usage by people who are homeless.
Based on CPTED[7] principles, such strategies do not necessarily target criminal behaviour, but rather, inhibit the use of public space, in this case by people who are homeless. This may include designing park benches so that people cannot lie down and sleep on them, or moving ventilation grates off of sidewalks and into streets thus preventing people from sitting or sleeping on them in the winter to keep warm.

4 Increased surveillance and policing of public and semi-public spaces by police and private security.
This includes targeted 'stop and searches', moving people along and the use of technology (CCTV, intense lighting) to make inhabiting such spaces more difficult.

5 Increased incarceration of people who are homeless.
People who are homeless are over-represented in prison populations (both convicted and those held on remand) as a result of disproportionate and discriminatory enforcement, the inability of homeless persons to meet bail conditions, and inadequate access to appropriate legal counsel and defence.

6 Discharging prisoners into homelessness.
IIn the absence of adequate discharge planning and transitional supports, people leaving prison – either as convicted offenders, or those released from remand – are more likely to become homeless and access emergency services. Research suggests that this increases the likelihood of further contact with law enforcement officials. That is, the relationship between prison and homelessness becomes reciprocal.

6. This body of research will be discussed in greater detail in Chapter 5, Discussion.
7. CEPTED - Crime Prevention Through Environmental Design.

When we speak of the criminalization of homelessness, we are not arguing that the law enforcement response exists in the absence of other efforts to support people who are homeless. Rather, we argue that it becomes part of the response, and may in fact exist in tension with other arguably more progressive approaches. A given jurisdiction may have a series of programs and strategies in place that are intended to assist people who are homeless alongside those strategies that criminalize homelessness.

Social Profiling

The criminalization of homelessness is not merely about enforcing the law to law breakers and delinquents. Few would dispute that this is the necessary role of police services. Following from this, it is also understood that when people who are homeless break the law, a law enforcement response is understandable.

When we talk about the criminalization of homelessness, however, we refer to something quite different: the use of law to address a broader and visible social issue, namely homelessness. There is extensive literature on policing and racial profiling, which argues that policing involves discretionary practices, and people who are visible minorities receive an inordinate amount of attention not because of criminal profiling, but rather due to explicit and implicit discriminatory practices (cf. Wortley and Tanner, 2003; Satzewich and Shaffir, 2009). The Ontario Human Rights Commission (2011) has defined racial profiling as:

> "any action undertaken for reasons of safety, security or public protection, that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin, or a combination of these, rather than on a reasonable suspicion, to single out an individual for greater scrutiny or different treatment" (n.p.).

In this report, we extend the logic of racial profiling to the notion of social profiling involving people who are homeless, a practice examined by Marie-Eve Sylvestre (2011). In the Province of Quebec, the Quebec Human Rights Commission has in fact accepted the term "social profiling."

> "Social profiling refers to any action taken by one or several persons in a position of authority with respect to a person or a group of persons, for the purposes of safety, security or public protection, that relies on social condition, whether it is real or presumed, without any reason or reasonable suspicion, with the effect of subjecting that person to differential treatment. This includes any action taken by persons in a position of authority applying a specific measure in a disproportionate manner on one segment of the population because of their social condition, real or presumed." (Quebec Human Rights Commission, Cited in Sylvestre, 2011: 23)

Building on the definitions above, we provide the following definition:

> The ***social profiling of homeless persons*** refers to a range of actions undertaken for safety, security or public protection, or in response to public fear, that relies on stereotypes about the danger and criminality of people who are homeless and their uses of public space (for money making, sleeping or resting), rather than on a reasonable suspicion, to be singled out for greater scrutiny or differential treatment.

It is their status of being homeless, real or presumed, rather than their criminality, that leads to the application of specific measures in a disproportionate manner. People who are homeless are put in the position of using public spaces in distinct ways because they lack access to private space (for instance, drinking in public is not so much a choice when you cannot drink in private). And while this may cause concern, annoyance and even fear amongst the general public, business owners and the police, it is their *status* of being homeless that is being criminalized rather than their inherent criminality. For some sub-populations, racial profiling (black or Aboriginal youth) can intersect with social profiling to compound the differential treatment they receive.

It is important to state that we are not rejecting the role of policing as part of the emergency response to homelessness. As we demonstrate in our previous report, Surviving Crime and Violence: Street Youth and Victimization in Toronto, people who are homeless are much more likely to be victims of crime than members of the general public, and no doubt would like to see a stronger police role in ensuring their safety and well-being. What they do not want is to regularly be perceived as criminals, because of their visible poverty. As Novac et al. (2006) point out "[h]omeless people appreciate the need for law and order, but are highly critical of perceived unfair policing practices".

2.2 The Road to Criminalizing Homelessness in Toronto

When we discuss the criminalization of homelessness, we refer to the rather recent manifestation of laws and practices that are designed to increase surveillance and control of homeless populations in Canadian cities. It is worth pointing out, however, that there is a long history of dealing with homeless people in this way. Beginning in the mid-18th century, vagrancy laws were introduced as a means to police the poor. These laws enabled police to: "arrest anyone who had no 'apparent means of support'" and who was "found wandering abroad or trespassing" and could not "when required, justify his presence in the place where he is found" (Skinnider, 2005). This law was eventually repealed in 1972, at a time when Canada had a more robust national housing policy, less of an income gap between the rich and poor, and a stronger social safety net. Things have changed much since then, with many jurisdictions in Canada returning to the active practice of criminalizing homelessness, particularly in the last 15 years, and largely in response to the growing national problem of homelessness.

So, how did we get here? The causes and underlying conditions that produced the dramatic rise in homelessness in Canada in the 1980s and 1990s are particularly well understood. The emergence of homelessness as an urban 'problem' since that time - or rather, the perception of an increase in a previously existing problem - can be traced to structural changes in the Canadian economy resulting from economic globalization and neoliberal reconfiguration of the role of the State (in areas of welfare, housing and social services). David Hulchanski, a leading researcher on housing and homelessness, has remarked that we went from a post war policy of housing the population, to one of 'dehousing' (2009), with devastating consequences for thousands of Canadians. The dismantling of Canada's National Housing Strategy, reductions in social service expenditures at the national, provincial and municipal levels, and stagnating or reduced income for millions of Canadians have contributed to the growing number of homeless people in Canada.

Of course, as homelessness increased during this period, it became a more visible 'problem', particularly in large Canadian cities, where people began to see more and more individuals in parks, walking down the street and sitting on sidewalks panhandling suspected of being homeless. The visibility of an emerging social problem is important to consider, for at the same time that government actions (cutbacks to housing, social and health services) helped fuel the growth in homelessness, there was also growing demand that something be done. Demands for a response to homelessness were based on divergent and sometimes contradictory understandings of the nature of the homelessness problem.

On the one hand there was the charitable response, where people interpreted homelessness as a manifestation of extreme poverty, leading to a desire to put in place services that would allow basic survival needs to be met, either by government or acts of charity. One result has been the rapid increase in the number and scale of emergency shelters in cities such as Toronto, as well as the growth in community-based programming (drop-ins, food programs), all of which have been supported by municipal and provincial funding, fund-raising and charitable donations, and volunteerism. This response to youth homelessness is rooted in a more sympathetic rendering of street youth, reflecting an understanding of the role that difficult home lives (physical and sexual abuse, etc.) play in creating homelessness.

Hand in hand with the development of these services and supports, however, has been an equally significant response

to homelessness that is rooted in law enforcement. Though vagrancy laws were finally outlawed in Canada in 1972, in recent years there has been growing public debate about using legal means to contain and control a growing homeless population. Again, the growing visibility of homelessness is implicated here, though this time, the underlying perspective on youth homelessness is not so charitable or sympathetic. Rather, a contrary set of views flourish that tend to portray street youth as scary, dangerous and delinquent; as, for instance, petty criminals who threaten pedestrians and car drivers in downtown Toronto, and who chase away tourists. This perspective sees street youth as bad kids (or more generously, troubled), who leave home for fairly insignificant reasons, and get involved in delinquent and dangerous activities once on the street, thereby putting public health and safety at risk.

This emergent framing of youth homelessness - linking the status of homelessness itself with criminality, urban disorder and a potential danger to 'citizens' and the economy - has been central to political debates at the municipal and provincial levels for the past twenty years, where politicians advocate for laws, policies and police action designed to contain and control the activities of homeless youth.

Squeegee Kids, Panhandlers and a new Moral Panic

> "The moment the provincial government gives us the legislation to get rid of them, we're going to get rid of them. We are going to get them out of the City of Toronto because they are a disaster."
>
> City of Toronto mayor Mel Lastman, referring to street youth who panhandle and squeegee (Honeywell,1998)

As the numbers of homeless youth become visibly larger on the streets of Toronto in the 1990s, there was a simultaneous increase in public attention directed towards this marginalized population. The moneymaking activities (squeegeeing, panhandling) of homeless youth became increasingly visible to the general public and politicians during this period. When walking down the street or driving a car, it was difficult to ignore the stares and requests being made by young homeless people. On the one hand, this is poverty made most visible. More often than not, however, panhandlers and squeegeers came to be framed as highly visible symbols of street crime and urban decay (Hermer & Mosher, 2002; Parnaby, 2003; Esmonde, 2002).

In the mid-90s, at a time when the homeless population in Toronto and other Canadian cities was beginning to grow and become more visible, these views were being reinforced by media depictions of homeless youth (Parnaby, 2003). In 1997-98, the *Toronto Sun* ran a series of articles that focused on the growing number of squeegeeing and panhandling youth on downtown streets. Here, the presence of homeless youth on street corners asking passersby for change, or approaching people in their automobiles was framed as a public nuisance; one that threatened public safety, and the livelihood of downtown businesses and tourism.

At a time when neoliberal governments were coming to power in places such as Ontario, and conservatism was on the rise more generally (with its ubiquitous "law and order" agenda), squeegee kids very quickly became emblematic of broader social concerns, with language such as "plague" and "infestation" used to describe them in media reports (Parnaby, 2003: 293). Rather than frame the issue of a growing youth homelessness problem in terms of poverty and inadequate supports for young people in crisis, many reverted to the time worn practice of depicting teenagers yet again as spoiled, dangerous and out of control. As classic 'moral panic', politicians were quick to chime in, suggesting that the presence of squeegee kids threatened business and tourism. In some cases, the so-called perpetrators were framed not as poor, homeless and impoverished, but rather, as bored suburban kids who were delinquent. Then Toronto mayor Mel Lastman regularly offered commentary on the issue, suggesting that squeegee kids were "horrible and disgusting individuals" (Toronto Star, 18/09/99, as quoted in Parnaby, 2003). Contributing to the crisis rhetoric, he also claimed: "This is a menace and there's a disaster waiting to happen on our streets. There's people getting hurt, there's people who could be hurt, there's people who could be killed." (Toronto Star, 30/07/98: B3).

Reflecting a tension between the desire for social supports and law enforcement, Toronto City Council advocated for a 'carrot

and stick' approach. The 'carrot' involved the development of a targeted training program (Squeegee Working Youth Mobilization project (SWYM) designed to increase the employability of this population, giving them alternatives to panhandling, squeegeeing, prostitution and petty crime (City Council Legislative Documents, 2000, as referenced in Parnaby, 2003:289). The second part of the City of Toronto's response – the 'stick' – was to request that the provincial government introduce legislation that would give the police more power to control street youth money making activities. The underlying belief was that through acts of municipal and provincial governments and at their behest, through the police, what was perceived to be deviant and delinquent behaviour by young people who are homeless could be controlled or eliminated. This request was taken up by a receptive provincial government, whose members likewise saw begging as a threat. For instance, around this time Garfield Dunlop emphasized the economic consequences of the failure to act, for "squeegee people and panhandlers ... threaten our tourism industry" (Hansard, 17 November 1999), In the end, the Province of Ontario introduced Ontario Safe Streets Act legislation in 1999 (the first act of the newly re-elected Conservative government), which restricted 'aggressive' squeegeeing and panhandling activities. The Act was passed by the Ontario legislature in late 1999 and was implemented in January 2000. A more detailed discussion of SSA and its implications can be found in Chapter 3.

Around this time, following one of the largest studies on homelessness in Canada (Golden et al., 1999), the city continued to expand its services for people who are homeless. Increased funding for shelter beds and day programs resulted, and eventually led to the implementation of innovative program, such as the City's Housing First strategy, 'streets to homes'. Nevertheless, alongside these efforts to help people experiencing homelessness, efforts to use law enforcement continued. At the beginning of the last decade, for instance, the Toronto Police Service endorsed a more aggressive approach to policing the homeless through "Community Action Policing," which involved putting more police on the streets to address street level crime and following, to some degree, the "broken windows" approach to policing then popular in the United States[8]. One of the main premises behind this controversial style of policing is the street level targeting of "uncivil" and "disorderly" behaviour based on the belief that activities such as drinking in public, begging and loitering, if left unchecked, will lead to criminal offences like robbery and assault.

This style of policing gained widespread recognition in New York City in the 1990s, when it was embraced by then Mayor Rudolf Giuliani to "clean up" areas of the city which were tourist and entertainment hubs, such as Times Square. Since overall crime rates in New York fell during this period, proponents of "zero-tolerance" policing attributed the decline to this aggressive style of policing public nuisances. Critics of broken windows policing, like Greene (1999) are not so quick, however, to make a causal connection between this type of policing and drops in official crime rates. Indeed, during this same period, crime rates fell in many other US cities where a broken windows model of policing was not adopted—like San Diego, for instance (O'Grady, 2011). Furthermore, it has been suggested that the real mandate behind "broken windows" policing is to criminalize homelessness, as the activities of the homeless (sleeping in parks, drinking in public, begging, etc.) are regularly targeted by police forces who have adopted this approach (cf. Harcourt, 2001).

Continuing Concern about Street Youth and Homelessness

The rhetoric regarding homeless youth – and in particular, those who squeegee and panhandle to make money – that was commonly voiced by conservative politicians and the media has periodically re-emerged in Toronto, usually in response to public statements by politicians touting a 'law and order' agenda, and in some cases in response to an incident of violence perpetrated by a homeless youth against a housed 'citizen'. In 2006, Jane Pitfield, a councillor running for Mayor, received much media attention for her call to outlaw panhandling: "Toronto has the reputation for being one of the most aggressive panhandling cities in North America, and we know that it's impacting on tourism and business (City TV News, 2006). The fires of moral panic regarding street youth and panhandling were further

9. Broken Windows policing will be discussed in more detail in Chapter 5.

stoked in 2007 when a man was stabbed by two homeless youth visiting Toronto (from the United States). Increased restrictions on panhandling and law enforcement were called for. An unfortunate and tragic incident of violence quickly turned in to an opportunity to generalize the threat of isolated violence to the entire street youth population.

In response, the City of Toronto conducted a "panhandling pilot project" and reported to council. The report rejected the notion that panhandlers presented a serious problem and safety issue, and argued that most were unobtrusive.

> "At the present time, there is little evidence that could be relied upon if a by-law regulating or prohibiting panhandling was challenged to show that panhandling impacts the economic, social and environmental well-being of the City, the health, safety and well-being of persons, or that panhandling impacts the protection of persons or property." (Toronto, 2007)

As a good example of evidence-based policy making, the City's Shelter Support and Housing Administration conducted research that informed their proposed response to panhandling. Rather than advocate for more criminalization of homelessness, the City's Shelter Housing and Support division advocated for better supports for people who are homeless, living on the streets and panhandling (Toronto, 2008). In fact, the proposed changes advocated that Streets to Homes outreach workers (hired to help chronically homeless people move into housing with supports) work in a more collaborative way with police, to reduce panhandling, sleeping outdoors, and the number of tickets issued by police. As a result, the City funded an outreach program that involved working directly with homeless persons, and giving them case management support to help them find alternatives to panhandling and assist them in moving off the streets.

While good evidence should inform policy, it is also true that policy making – and police practice – are shaped in a broader context whereby social and political factors, including media reports and declarations by politicians, have a great influence. For instance, during the past year, with no credible evidence that panhandling is a growing problem, there have once again been calls for a stronger law enforcement response to dealing with homeless panhandlers.

After an altercation between a car driver and a squeegeer[10], the mainstream media was once again reporting on the calls by local politicians to get tough on squeegeers and panhandlers. Key elements of the previous moral panic were updated: panhandling and squeegeeing by homeless persons was a 'problem'; such activities were a criminal interference with the day to day activities of 'tourists' and 'residents' (homeless persons apparently not belonging to either group); that lax laws were attracting homeless persons to Toronto, and that the key solution was stronger law enforcement. In an interview with the National Post, Deputy Mayor Doug Holiday argued that homeless people should not be able to use public space as if it was their own private space:

> "At this time of year, every year, for many years, they come to Toronto, occupy our sidewalks, bother our tourists and our residents and I think they do this because they come from places where they can't do it in their own cities. I think we should look at what kinds of controls other cities have and see if we can do that here." (Alcoba, 2011)

Furthermore, in an article in the Toronto Sun titled "Buddy Can You Spare a Crime" (once again linking homelessness to criminality), Holiday reported that in conversations with Police

10. In June 2011 the issue of crime and squeegee cleaners emerged yet again in the Toronto press after a motorist was injured after he allegedly tried to stop a Toronto squeegee cleaner from washing his windshield. The following link shows a picture which was on the Front page of the Toronto Sun on June 8: http://www.torontosun.com/2011/06/08/squeegee-attack-victims-nightmare

Chief Bill Blair, he learned that officers had issued 3,000 tickets to panhandlers in the past year, and that: "He thinks we need stronger controls" (Levy, 2011).

As ample research on moral panic demonstrates, such mediated encounters with youth have a profound effect on the public's understanding and framing of the issues relating to youth or homelessness, and how solutions to such emergent problems get defined. Parnaby argues that disaster rhetoric is so vibrant and easy to mobilize due to: "the synergy between two politically vibrant bodies of cultural imagery – one relating to the unruly nature of youth culture . . . and the other to the now virtually axiomatic assumption that urban crime and disorder are spiralling out of control " (Parnaby, 2003: 303).

It is this logic, this perspective on street youth, that has been central to political debates and demands for new laws, policies and police action designed to contain and control youth homelessness, and its most visible manifestations, including squeegeeing and panhandling. The experience of being homeless and the pursuit of money making strategies such as panhandling are not seen as the product of extreme poverty, but rather, as delinquent or criminal behaviour, and as indicators of urban disorder and deviance (Hermer and Mosher, 2002). The underlying belief is that through acts of municipal and provincial governments and at their behest through the police, what are perceived to be deviant and delinquent behaviours by young people who are homeless could be controlled or eliminated.

2.3 Conclusion: The Impact of Criminalizing Homelessness

While we feel it is vital to record and analyze the experiences of street youth, we also believe it is equally important to understand the political and economic climate and ensuing social forces that are at work in controlling and reacting to homelessness. We have argued that hand in hand with supportive services such as shelters and drop-ins, a key feature of the emergency response to homelessness in Canada is the use of law enforcement. People who are homeless – in particular, young people – are regularly depicted as being dangerous, disorderly and a threat to the 'safety' of the general public. The criminalization of homelessness, where visibly homeless persons receive an inordinate amount of attention from the police and the criminal justice system is the outcome. In introducing the Ontario Safe Streets Act legislation in 1999, then Attorney General Jim Flaherty proclaimed:

> "Our government believes that all people in Ontario have the right to drive on the roads, walk down the street or go to public places without being or feeling intimidated. They must be able to carry out their daily activities without fear. When they are not able to do so, it is time for the government to act." (Ontario Legislative Assembly, 1999)

However, fear of another person based on religion, ethnicity, skin colour or poverty does not justify a law enforcement response, if there is no real evidence of criminality. If young people who are homeless receive an inordinate amount of attention from the police, regardless of their criminal involvement, is this an example of social profiling?

The remainder of this report will explore the role policing plays in the lives of young people who are homeless. Through interviews and an examination of police data on ticketing, we seek to understand the nature of police engagement with homeless youth. We seek to understand whether the real (or perceived) criminality of the street youth population is, regardless of its origins, a sufficient explanation for the degree of surveillance, interrogation and charges received at the hands of the police. That is, is this focus on law enforcement and policing justified and are the police and private security simply enforcing the rule of law and order on what is considered to be a highly criminal population? Or, is there evidence of social profiling and the criminalization of homelessness?

3 The Ontario Safe Streets Act

In our definition of the criminalization of homelessness, we identify a range of policy and practice responses intended to limit the use of public space by people who are homeless, with the consequence being more engagement with law enforcement authorities. A key strategy to the criminalization of homelessness is the enactment of new laws and statutes (as opposed to enforcing existing laws) that are intended to curtail or restrict the activities of people who are homeless. This includes laws that restrict the use of public spaces for the purpose of sleeping, sitting, loitering and certain income generating acts such as begging (panhandling) and/or squeegeeing.

In the United States, there is a long history of enacting new laws and ordinances to restrict the use of public space by people who are homeless. There is evidence that this trend has worsened over the past ten years (National Law Center, 2009). A survey of 235 cities (National Law Center, 2009:10) found that:

- 33% prohibit "camping" in particular public places in the city and 17% have city- wide prohibitions on "camping."
- 30% prohibit sitting/lying in certain public places.
- 47% prohibit loitering in particular public areas and 19% prohibit loitering citywide.
- 47% prohibit begging in particular public places; 49% prohibit aggressive panhandling and 23% have citywide prohibitions on begging.

In 1972, Canada abolished its Vagrancy Act, at a time when there was an ongoing investment in affordable housing, and homelessness was not deemed to be a visible problem in most Canadian cities. However, as policy shifts and cutbacks led to a growth in homelessness over the past twenty years (Hulchanski et al, 2009), things began to change. Beginning in the 1990s and continuing through the past decade, a number of Canadian municipalities, including London, Oshawa, Ottawa, Halifax and Vancouver passed ordinances against begging and loitering (Hermer and Mosher, 2002). In 1999, Ontario became the first provincial government to enact such a statute (British Columbia followed suit in 2004, and Nova Scotia considered passing similar legislation in 2005). In this section, we review the history of the Ontario Safe Streets Act, its application in the City of Toronto, and address some of the costs of implementing this legislation.

3.1 What is the Ontario Safe Streets Act?

The Ontario Safe Streets Act (SSA) (Government of Ontario, 1999) came into effect January 31, 2000. The SSA is provincial legislation designed to address aggressive panhandling and squeegeeing, and includes an amendment to the Highway Traffic Act to regulate certain activities on roadways. The three main categories of offence enumerated in the SSA include: aggressive panhandling, solicitation of a captive audience, and unsafe disposal of used condoms, needles and broken glass. In the act, "solicitation" is defined in fairly broad terms, meaning to "request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means." (ibid) As Hermer and Mosher note (2002: 13) the language of the act: "…leaves open the question of whether a visibly indigent person – a homeless person who looks to be in a destitute, desperate state that evokes need and want – would be considered to be soliciting simply by being present in the wide array of spaces circumscribed by this section". Likewise, the language referring to solicitation in an "aggressive manner … a manner that is likely

to cause a reasonable person to fear for their safety and security" is similarly vague. This kind of language is problematic as it can play to prejudices rather than real concerns; where aggression is interpreted simply due to an individual's fear of another person because of their marginalized status, how they look or because of their racial difference, regardless of whether or not they in fact present a real and reasonable threat to safety.

While never mentioning homelessness specifically, the Act clearly targets homeless persons in general, as a result of the growing visibility of homelessness in Toronto and other major Canadian in the 1990s. Critics of the law point out provisions that already exist in the criminal code to deal with aggressive and illegal behaviours on sidewalks and motorways.

The Act allows for penalties of up to $500 for a first offence, and up to $1,000 for each subsequent offence. Imprisonment for a term of no more than six months is also an option. More typically, persons in Toronto charged under the SSA are given tickets with a $60 penalty.

Outcomes and Consequences of the Ontario Safe Streets Act

The SSA has been in place now for over 11 years. What have been the outcomes and consequences of the act? First, it has arguably had a huge impact on panhandling and squeegeeing in the city. Though designed to target 'aggressive' behaviors, it has possibly contributed to an overall reduction in public begging and squeegeeing. Our research points to a significant decline. In 1999, we conducted research on the money making practices of a sample of 365 homeless youth (under 25). At that time, 12% of the sample reported 'panhandling' and 17% reported 'squeegeeing' as their main source of income. In 2009, as part of the research conducted for this study, questions relating to income were also posed. Our results show an extreme drop in levels of income generation resulting from panhandling or squeegee cleaning compared to the 1999 cohort. More specifically, 0% males and only 1.7% of females reported that squeegee cleaning was their main money making activity. Similarly 0.9% of males and 3.4% of females reported that panhandling was their main source of income in 2009.

Other research confirms the reduction in panhandling and squeegeeing in Toronto. The 2009 City of Toronto Street Needs Assessment also showed a decline in panhandling as a source of income, from 17.4% in 2006, to 9.7% in 2009 (their sample included youth and adults). While other factors have undoubtedly contributed to this decline – most significantly the outreach strategy of the Streets to Homes program, which focuses on helping chronically homeless people move off the streets and find alternatives to street-based income generation (and in fact the City's street count showed a demonstrable drop in absolute homelessness in the City) – there is little doubt that the SSA has also had an impact.

Other consequences have also resulted from the SSA. An ethnographic account by O'Grady and Bright (2002), which focused on homeless youths' experience with early enforcement of the SAA in Toronto, discovered that squeegee cleaning youth had many negative encounters with the public and police both before and after the SSA legislation was passed. The study documented the harassment waged against Toronto street youth in the name of eliminating this disorderly behaviour. One of consequences of the Act, they found, was that it forced many street youth away from the inner city as a result of the intensified policing of "crime hot spots", mainly upper scale, tourist areas in the downtown core where squeegee kids generally work. The authors explain that, "[h]aving been pushed even further underground by targeted policing and the Safe Streets Act, many have left areas where the health and social services they require are accessible, placing them in even more perilous circumstances."

In another Toronto study, which sought to evaluate the impact the SSA had on squeegee cleaning youth two years after the enactment of the SSA, showed that encounters between police and youth regarding efforts to enforce the SSA were marred by conflict (O'Grady and Greene, 2003). The following quote captures the ill will homeless youth encounter from the police.

> "When the cops started to make us stop squeegeeing they were always taking my squeegee and bucket. They would break it right in front of me. I fucking paid for them and they would break them. One time I was squeegeeing down by Spadina and these two fucking

pigs took my bucket, dumped the water and stepped on it (squeegee) so it was cracked so I couldn't use it. Then they told me if they saw me again they'd put me in jail." (O'Grady and Greene, 2003)

The study also found that income generation for most of these youth had shifted to panhandling after the SSA was enacted. And since panhandling is a less lucrative form of work than squeegee cleaning, the housing conditions of the youth deteriorated after the passage of the SSA.

Finally, advocates have questioned the fairness of SSA ticketing, seeing it as a means of harassing people into vacating public spaces. Joanna Nefs, who founded a probono legal organization to help people who receive such tickets, recently reported (Bonnar, 2011):

"Sometimes the officer will give you three tickets at once for (alleged) aggressively soliciting, encumbering the sidewalk and consuming alcohol in a place other

than permitted," said Nefs. "So there's $265 worth of tickets right there. And then you move a block down the road and another officer comes up and gives you another three tickets."

Nefs further commented on the long term implications of such ticketing practices, which in many cases mean that homeless people become saddled with increasingly large debt loads they are unable to pay, presenting an additional barrier in moving off the streets.

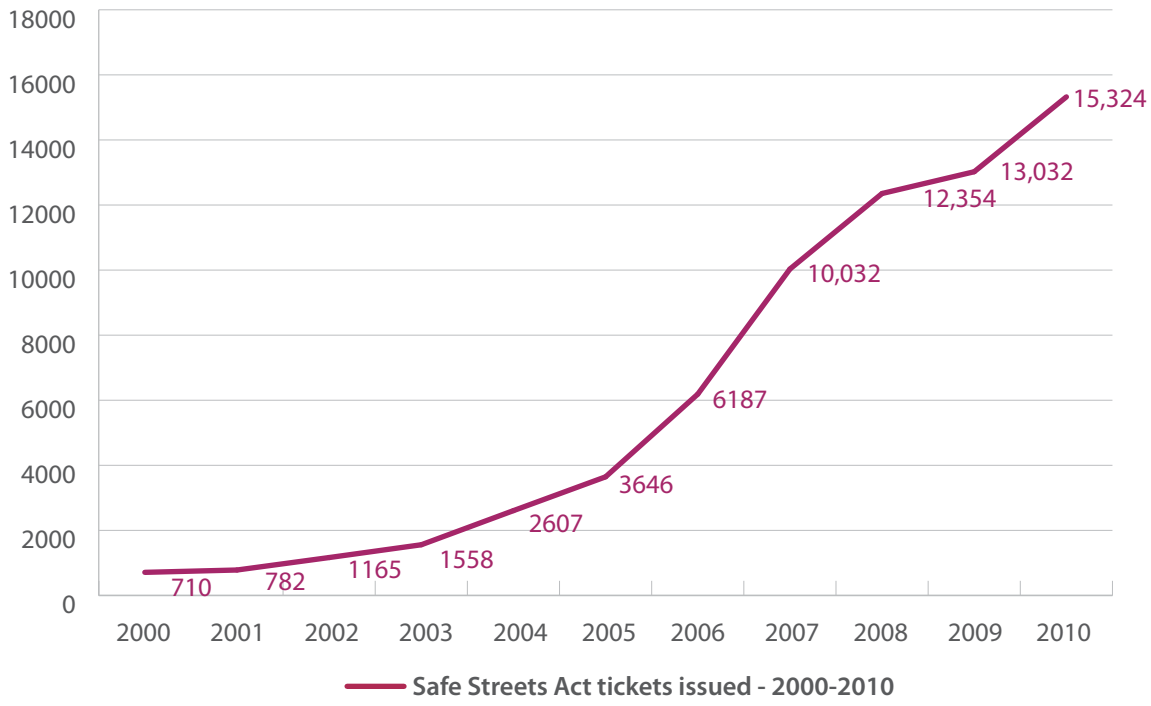
3.2 SSA Ticketing in Toronto

> "Some may be getting five or six tickets a day. The police come around four or five times a day and give a ticket to the same person. Here's the thing - if they were to defend themselves in court, a Prosecutor may very well withdraw half of those tickets because they'd be seen as duplicitous. But because these young people feel hopeless, are suffering from feelings of hopelessness, possible mental health symptoms, and financial barriers, they are not defending their charges – or asking for reprieve in the amount of fines -and they wind up with a conviction and a lot of debt. I helped one youth appeal some of their $4000 worth of convictions. This young person was about twenty years old and had been living on and off the streets for about four years. Reluctant to be labeled with a mental health condition, the youth was not ready to avail themselves to government supports, so this young person panned to survive. "
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

Since the enactment of the Ontario SSA in 2000, the Toronto Police Service has used this provision to issue a large number of tickets. Despite evidence that the number of people who are homeless (including youth) who regularly squeegee and panhandle has declined significantly over the past ten years, the number of Ontario SSA tickets issued by the Toronto Police Service has actually increased exponentially, as can be seen in Figure-1 on the following page[11]:

10. Statistics from the Toronto Police Service, through a Freedom of Information Act request.

FIGURE 1 - SSA Counts - 2000-2010



This graph displays the number of Ontario SSA tickets issued by the Toronto Police Service between 2000 and 2010. Over this period the total number of SSA tickets issued by members of the Toronto Police Service rose from 710 in 2,000, and peaked at 15, 551 in 2010, an overall increase of over 2,000%. The graph also shows a sharp rise in tickets issues between 2005 and 2006 (a 59% increase) and between 2006 and 2007 (61% increase).

While increases in the number of issued SSA tickets have not made regular headlines in the Toronto press over this period, some attention has nevertheless been paid to the issue. For example, in 2007 the CBC reported a sharp rise in panhandling tickets in Toronto (CBC News, 2007). Police who were interviewed for the story estimated that over 90 percent of tickets were issued to panhandlers with no fixed address. Whether the dramatic increase in ticketing was the result of political and public pressure from local councillor Jane Pitfield's public campaign against panhandlers in 2006, followed by the 2007 murder perpetrated by someone described in the media as a young panhandler, is unclear.

Interestingly, similar results were found in a study exploring ticketing practices in Montreal (Bellot, et al. 2005; Bellot et al., 2008; Bellot et al., 2011; Sylvestre, 2010a, b; 2011; Douglas, 2011), where the police believe very few violators pay the fines or show up for court dates. Their research also highlights the fact that young people are less likely to receive Safe Street types of tickets than adults.

This finding is corroborated by our own analysis of who receives SSA tickets. Homeless adults are much more likely than street youth to receive tickets (Table 1, below). The percentage of tickets issued to street youth compared to adults declined from 31% in 2004 to less than 7% by 2009, for an average of 10% over the seven years.

TABLE 1

SSA Tickets Issued by the Toronto Police Service to people under the age of 25, 2004-2010[12]								
Year	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**TOTAL**
Tickets issued	782	592	732	1,515	889	839	1,051	**6,400**
% of all SSA tickets	31.1%	16.2%	11.8%	15.1%	7.1%	6.4%	6.85%	**10.2%**
Convictions	353	567	585	1,286	890	755	917	**5,353**

Nevertheless, as we can see in Table 1, the number of Safe Streets Act tickets issued to young people is still significant. Not only that, a very high percentage result in convictions[13]. The consequences in terms of debt load are significant. The data we obtained from the Ontario Ministry of the Attorney General shows that the number of charges with payment outstanding is 6,388 (out of 6,400 tickets issued), suggesting the overwhelming majority of tickets issued to street youth go unpaid (99.8%). According to the same report, the outstanding debt amount of these charges is valued at $723,068, an incredible collective debt load for young people who already have little money with which to move forward with their lives. This figure also raises the question of whether Safe Streets Act tickets are perhaps the only ticket the police issue with very little confidence (or likelihood) that the offender will ever pay the fine.

These findings are interesting when placed within a broader context of the criminal justice system in Canada, which uses fines as punishments for youth who break the law. The Criminal Code of Canada states that if an offender does not have the ability to pay a fine immediately, they should be allowed a reasonable time to do so (Criminal Code, 1985). The *Youth Criminal Justice Act* (YCJA) only permits courts to impose fines on young offenders if they do not exceed $1,000. Judges also must consider the youth's ability to pay before a fine is levied. Furthermore, under a fine option program, youth have the right to participate in community service work if they are unable to pay a fine (Bell, 2012: 287). Statistics on the number of youth who received fines in youth court suggests that the courts are very reluctant to issue young offenders fines. For instance, in 2006-2007 only 5.5% of YCJA court cases resulted in a fine (ibid).

Due to the aggregate nature of the data received from the police regarding the age of youth who received SSA tickets, we are unable to determine how many street youth under the age of 18 were issued tickets over the past decade. Nevertheless, it is striking that for youth who violate a provincial statute—like the SSA—fines are used as the standard punishment for this impoverished group of people. In comparison, fines are used sparingly in youth court for those found guilty of having committed a *criminal* offence.

What also seems evident is that in spite of the City's efforts to reduce chronic outdoor homelessness – as well as street moneymaking – through its Streets to Homes program and a more cooperative collaboration with police, the Toronto Police Service has nevertheless continued to increase the number of SSA tickets it issues. The number of tickets issued more than doubled between 2006 and 2010.

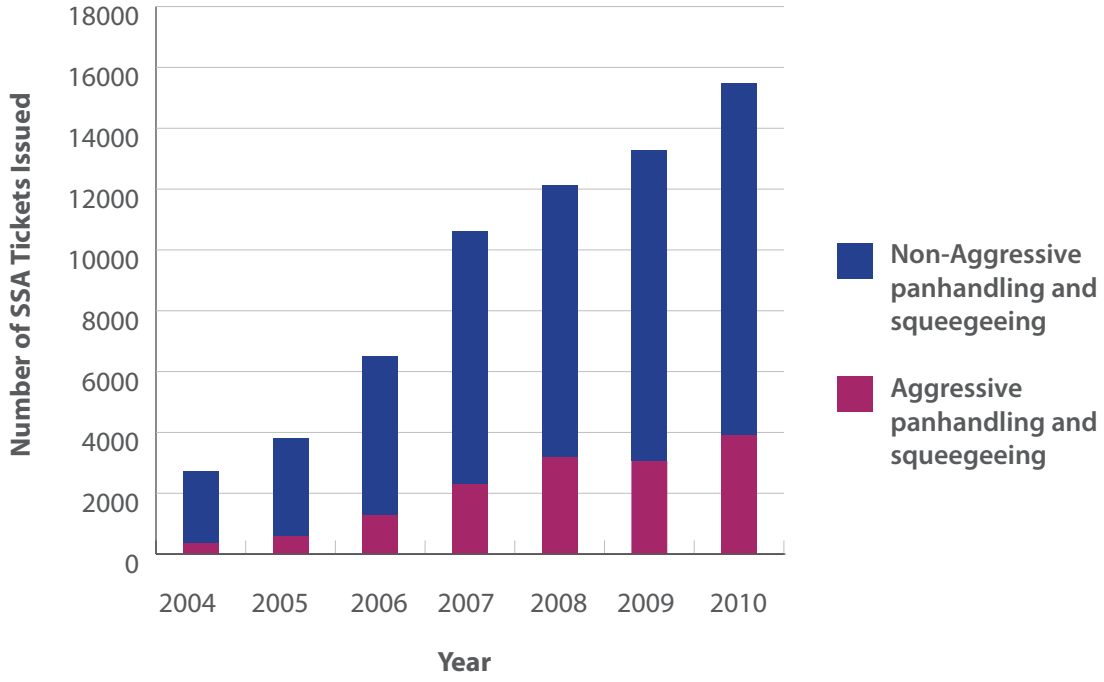
12. Data on tickets issued and convictions obtained from the Ontario Ministry of the Attorney General – Court Services Division – Office of the Assistant Deputy Attorney General, through a Freedom of Information Act request (2011).
13. When a ticket is issued, a person has fourteen days to either pay the ticket, or challenge it in court. If the person does neither, the court will eventually issue a 'conviction'. Non-convictions refer to tickets that were: a) paid, b) successfully challenged in court, c) thrown out due to an error on the part of the issuing officer.

Aggressive vs. Non-Aggressive SSA Violations

The Safe Streets Act is comprised of three main categories of offence: aggressive panhandling, solicitation of a captive audience, and unsafe disposal of used condoms, needles, and broken glass. However, among these three categories, the SSA is most often presented as a response to aggressive panhandling. In a speech introducing the SSA, former Attorney General Jim Flaherty was quoted as saying, "No one else has the right to intimidate someone else into giving them money…it's quite intimidating to persons who don't happen to be strong, healthy males" (as cited in Glasbeek, 2010, pg.123). We have already shown that the number of SSA tickets issued to homeless youth is on the rise. Is the steep rise in the number of tickets issued a response to an increase in aggressive panhandling and squeegeeing? Figure 2 compares the average number of aggressive and non-aggressive related SSA violations handed out by the Toronto Police Service from 2004 to 2010[14].

FIGURE 2 -

Comparison of the number of SSA tickets issued for aggressive vs. non-aggressive panhandling and squeegeeing, 2004-2010



The tickets depicted in Figure 2 are not specific to homeless youth, but do demonstrate three key points about the issue of ticketing by the Toronto Police Service: first, the number of issued tickets keeps rising, second, far more tickets are handed out for non-aggressive offenses (like soliciting someone near a bank or bus stop) than for aggressive panhandling, and third, the number of non-aggressive tickets has risen at a higher rate between 2004 and 2010 than for aggressive tickets. In reality, as can be seen in Figure 2, the vast majority of SSA tickets issued are for non-aggressive behaviours. In 2009 for instance, the year we conducted the interviews, the Toronto Police Service issued 13,302 SSA tickets (not limited to homeless youth). Of this total less than one-quarter (23%, n=3,054) were for aggressive panhandling.

Most tickets are issued for a range of activities that focus more

14. This data was compiled from Toronto Police Services Board (2008) and Lamberti (2011).

on the location of the panhandler[15], rather than panhandling specifically. The language of the SSA is in fact framed somewhat ambiguously regarding how close a person must be to an ATM machine, parking lot, or someone using a phone, for instance, to be considered in violation of the act[16]. If the primary purpose of the SSA, as stated by Jim Flaherty, is to protect citizens from intimidation than we should expect a considerably higher rate of issued tickets for aggressive acts. This has not been the case.

Instead these figures show that the majority of tickets are issued for soliciting a captive audience (those waiting in line or at a bus stop, for instance) in a non-aggressive manner. This suggests that the police may in fact be using the SSA to address panhandling and squeegeeing more generally, compared to aggressive acts, latter of which is the true intent of the original act. In these situations the ticketing is not a public safety response. Rather the issuing of SSA tickets for non-aggressive acts is an attempt to deter homeless persons from making money through punishment. Their right to earn money is overshadowed by the general public's fear (which is often fueled by politicians and media outlets). In the City of Toronto's most recent efforts to ban panhandling and squeegeeing this has been made abundantly clear. As Toronto Councilor Giorgio Mammoliti has said, "(Drivers) have more rights than the squeegee kid in my opinion" (as cited in Peat, 2011, pg.5). The right of these young people to earn money for survival should outweigh the discomfort some drivers and pedestrians might feel when being solicited.

3.3 Conclusion

> "Safe Streets Act – I don't know if the police would inform us of the theories that underlie their work, but as Marie-Eve Sylvestre has argued in her research, it's an example of a social control model that is based on stereotypes and doesn't address the deeper causes of homelessness, and doesn't provide any social supports. And that's troubling."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

The Ontario Safe Streets Act exists as one of the most clear and obvious examples of law creation contributing to the criminalization of homelessness. Today, more than eleven years after the SSA was put in place, panhandling has greatly reduced, and it is a much rarer occurrence to see squeegee cleaners working on the streets of Toronto—especially young people. But it has arguably come at a great cost.

During that time, the number of tickets issued by the Toronto Police Service increased exponentially, from 710 tickets in 2000, to 3,646 in 2005, to 15,224 in 2010, an increase of 2,147%. If following a social control model - police will enforce the law by issuing SSA tickets when individuals unlawfully panhandle or squeegee. However, there is no clear evidence that such criminal behavior skyrocketed during that period. Rather, research evidence shows a decline in such behaviour.

That the number of issued SSA tickets has increased so dramatically during a period of declining panhandling and squeegeeing raises important questions. For instance, have incidences of aggressive behaviour increased exponentially during that period thus requiring stronger enforcement, or are Toronto Police Service in fact issuing SSA tickets to homeless persons more frequently for other reasons? Evidence suggests aggressive soliciting is not a primary cause of ticketing nor has it grown considerably since the SSA was enacted. Rather, the overall issuing of tickets has been for non-aggressive acts like soliciting near banks or bus stops.

---

15. Rather than aggressive panhandling, the majority of tickets are issued for the following infractions: Soliciting near an ATM; Soliciting a person in a vehicle; Soliciting near a vehicle, parking lot; Soliciting near a public transit stop / taxi stand; Soliciting near or on a public transit vehicle; Dispose of used condom / needle / syringe / broken glass in public place.
16. See Safe Streets Act, 1999 (Ontario) S.O. 1999, CHAPTER 8.

The SSA has also become very expensive, both to the homeless people receiving tickets, and to the criminal justice system. While the Act calls for potential fines of up to $500 for a first offence, the usual fine for tickets issued under SSA is $60. In 2009 (the year we interviewed street youth), the number of tickets issued to persons of all ages was 13,023, while the total number over eleven years (2000-2010) was 67,388. The total value of these tickets in 2009 was minimally $781,380, and over eleven years was over four million dollars ($4,043,280)[17]. This is a large financial burden thrust upon homeless people living in extreme poverty and with limited means to pay.

In addition to the financial cost to people who are homeless, there is also the cost to the residents of Ontario. Issuing SSA tickets uses Ontario Police Services resources (officer time filling out tickets), and courts and prison resources (in cases where people who do not pay fines are sentenced to jail time). Our estimate of the actual cost to Toronto Police Service of issuing the SSA tickets[18] was $189,936 in 2009, and $936,019 over the past eleven years. Note, this does not include the cost of processing tickets, police follow up on bench warrants issued to homeless persons for non-payment of fines, or any follow-up overhead (for instance, if a ticket is challenged in court, or if a bench warrant is issued for non-payment of tickets).

This also amounts to 16,847 person hours of police time, which begs the question: is this a reasonable use of resources, and may there be other crimes deserving of more attention? Finally, one must consider that this is arguably a very expensive investment of resources for misdemeanor offences of which there is little or no likelihood of being paid off by the person being issued the ticket.

So why enact the Safe Streets Act? Critics argue that sufficient laws already existed that make aggressive forms of squeegeeing and panhandling illegal. In addition, the police already have incredible power to confront homelessness through the use of existing laws and ordinances. In fact, as we will see in the next chapter, SSA tickets form a small percentage of those received by homeless youth – they are more likely to receive tickets for 'drinking in public' or other minor offences.

The SSA, like similar laws and ordinances in other jurisdictions, has been widely criticized as an attempt to use law enforcement to paper over other problematic social and economic issues [in this case homelessness] (Bellot, et al., 2005, 2008, 2011; Douglas, 2011; Foscarinis, 1996; National Law Center on Homelessness & Poverty, 2006, 2009; Sommers et al., 2005; Sossin, 1996; Sylvestre, 2010a, b, 2011; Kellen, et al., 2010) That is, the focus is placed on the 'symptoms' of homelessness, rather than the underlying causes such as inadequate housing, unemployment, health challenges (including mental health and addictions) and social exclusion.

17. We argue that these figures are 'minimal' based on the standard ticket amount of $60. However, the police have the discretion to issue fines of up to $500, and the data issued by the Ministry of the Attorney General (see previous page) indicates an average debt, per ticket issued, of $114. This suggests that in some cases police are issuing higher fines.
18. Based on the cost of 15 minutes time ($13.89) for a Toronto Police Services First Class Constable ($81,046 + 24.8% benefits = $101,145) (Toronto Police Service, 2011)

4 Homeless Youth and Encounters with the Police

> "Even getting one or two tickets is stressful. It is especially stressful for youth who are not deeply involved in street life. For example, a young person arrives on the street because of abuse or they are kicked out of home after they have come out as gay, and they wind up at Covenant House and the next day they are collared for a trespassing ticket at Ryerson, and they've never been involved in the criminal justice system before. All of a sudden the police are handling them roughly in the back alley. And the young person may already be emotionally fragile because their lives are destabilized and they are alone - new to the streets, and this just unravels them. It can overwhelm and damage a youth."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

Encounters between homeless youth and the police go well beyond Ontario Safe Streets Act violations. In this chapter, we draw on our 2009 interviews with 244 homeless youth in Toronto to explore their relations and interactions with police. The data indicates that street youth receive an inordinate amount of attention from the police, and that this has an impact on street youth attitudes about policing in general. One might assume that this level of attention is justified, because homeless youth are more likely to be criminally involved and delinquent. While it is true that youth who are more criminally involved receive attention, a key finding from this research shows that the street youth population as a whole – including young people who are rarely involved in crime – encounter police with greater frequency than would be the case if they were housed. These interactions do not always involve arrests for criminal behaviour. More typically, homeless youth report that they are often stopped and searched, asked to 'move on', and issued tickets for a range of misdemeanors, including drinking in public and loitering, for instance. While the number of police tickets issued under the SSA is quite alarming and places a huge financial burden on an impoverished group of people, most of the tickets received by street youth are for other minor offences, suggesting the scale of the debt burden induced by the criminalization of homelessness (over four million dollars) is probably a very conservative estimate. In addition, the cost to taxpayers for enforcement of such minor offences is also high.

Of course the key question to be answered is: what accounts for the incredible attention (most of which is negative) paid by police to young people who are homeless? We offer the following set of potential explanations to explain such high levels of surveillance:

1. **From a policing perspective, if people are being arrested, searched, and/or having their property confiscated it is because the police have reason to believe the law has been broken.**

2. **People who have broken the law in the past, especially those who are street involved and therefore likely "known to the police," are under closer surveillance and more likely to be arrested or ticketed** than youth who are not "known to the police,"—even if offending levels are comparable between homeless and housed youth.

3. **People who have broken the law in the past and are "known to the police" are increasingly harassed by the police even when they are not breaking any laws** and are more likely, for example, to be arrested without being charged. A motive behind this police tactic is to encourage street youth to disperse or simply leave the city.

4. **People (especially young males) who are homeless are targeted by the police because they fit the profile of "drug dealers" or "trouble makers" based**

on their appearance and the spaces they inhabit and occupy. Such individuals are closely monitored by the police. They are thus arrested and ticketed for "who and where they are," not necessarily for "what they have done."

5 People are being 'profiled' by the police because they are young, homeless and highly visible in the gentrifying downtown and business district of Toronto, and this status intersects with public perceptions regarding the delinquency and disorderly behavior of homeless youth.
These perspectives underlie the demands of some members of the public, the news media and politicians and may intersect with the perspectives of the Toronto Police Service.

The findings in this chapter are organized in the following manner. We first provide a profile of our sample. Then we address the criminality of the street youth population. From here data is be presented on the wide range of encounters that street youth have with the police, private security and transit security personnel. Multi-variate statistical techniques are used to explore the variables that best predict the different types of contact street youth have with the police (See Appendix A for explanation). Our analysis then moves to the areas of Toronto where street youth are most likely to report contact with the police. We conclude by exploring the views that street youth have about the police.

4.1 A Profile of Toronto Street Youth

As a group, homeless youth are difficult to define because of the diversity, fluidity and transience of the population. For our purposes, our definition of street youth will include young people up to the age of 24 who are without stable shelter on an absolute or temporary basis. This includes young people who are absolutely without shelter (sleeping in doorways, alleys, rooftops, under bridges and in parks), those living in emergency shelters, abandoned building, staying with friends or at imminent risk of being kicked out of their homes.

A key feature of the inherent instability in the lives of street youth is the fact that most move between many or all of these shelter circumstances within a given year. The number of homeless youth in Toronto is difficult to determine, but the best estimates suggest there are between 1,700 and 2,000 homeless youth living in Toronto on any given night. However, given the fluidity of this population, the actual number of youth on Toronto streets over the course of the year will be much larger.

Important similarities in background and experience have also been found to exist within the street involved youth population. For instance, research shows that many youth experience physical, sexual and emotional abuse in their family homes prior to becoming homeless. Moreover, levels of formal educational attainment are relatively low for this population, since many leave high school before graduation. As a consequence, in an increasingly credentialed labour market, levels of unemployment are extremely high for these young people.

While it is true, then, that many street youth share certain attributes (their poverty, their youthful age, the instability of their housing, the services established to help them), there is also much that divides them. Consistent with most North American research on homeless youth, males in our sample outnumbered females by a ratio of approximately 2:1 (65.8% male; 32.0% female; 2.3% transgendered). Also in line with previous research is the finding that almost one quarter (23%) of the sample was LGBTQ[19]. The mean age of the youth we interviewed was 21.2, a figure that corresponds with previous research. The mean age at which males left home was 16.9, while for females the average was a little lower at 16.5.

In terms of diversity, populations of street youth in Canada are coming to reflect the ethno-racial diversity of the general population; this is particularly the case in large cities such as Toronto, Montreal and Vancouver. Fifty two percent of our sample was "non-white", while 15% were Aboriginal.

19. Lesbian, Gay, Bi-Sexual, Trans-Gendered, Trans-Sexual or Queer.

4.2 Street Youth, Crime and Delinquency

At first glance, there are elements of the lifestyle and culture of both street youth and police that perhaps make encounters between the two groups inevitable. For instance, contrary to popular depictions of street youth as criminals, it is worth pointing out the degree to which street youth are themselves vulnerable to criminal victimization (Gaetz, 2004, 2009; Gaetz, O'Grady & Buccieri, 2010). In fact, as presented in our 2010 report, "Surviving Crime and Violence: Street Youth and Criminal Victimization in Canada" street youth are much more likely than domiciled youth to be victims of crime, both minor and major. While in an average year one quarter of Canadians report being victims of crime, three quarters of our street youth sample (76%) reported at least one instance in the previous 12 months, and 72.8% reported multiple incidents. Notably, 63% reported being victims of violent crime. Young women experienced higher rates of victimization, and over 38% reported being victims of sexual assault in the previous year.

The risk of being robbed, beaten up and /or sexually assaulted is very real when you are young and on the streets. The desire for protection and safety, and for the police to be responsive to their needs, is quite profound in such circumstances. The experience of victimization is relevant here, because it may (or may not) lead to police intervention, and as a result, may significantly shape a person's attitudes about the police.

Of course, the issue of street youth involvement in criminal activity is also central to the discussion of their engagement with police. The perceived criminality of street youth no doubt shapes how they are imagined by members of the public, politicians and the police. Canadian research confirms that street youth, on average, are more criminally involved than domiciled youth (Baron & Hartnagel, 1997, 1998; Baron, et al., 2001; Hagan and McCarthy, 1997; McCarthy & Hagan, 1995; Tanner & Wortley, 2002). When comparing a sample of 400 street youth with 3,400 high school students, Tanner & Wortley (2002) found that not only were street youth more likely to commit offences (including violent offences) than housed youth, but that young women were as likely as young men to engage in criminal behaviour (amongst housed youth, young men are more likely to be criminally involved). The best known work on the subject is by Hagan and McCarthy, who likewise found higher levels of self-reported criminal offending by street youth compared to their peers who were still in school (Hagan and McCarthy, 1997). The key finding of their analysis, however, was that while some young people had histories of criminal involvement prior to becoming homeless, it was in fact the circumstance of being homeless and living in extreme poverty that produced the criminal behavior for most youth, once on the streets.

The kinds of criminal activity homeless youth typically engage in ranges from shoplifting food and clothing to meet immediate needs, consumption of illegal substances, to drinking in public, to minor assaults, etc. A small percentage engage in more serious Criminal Code offences such as aggravated assault, robbery and drug dealing. It must also be remembered that many street youth subsistence strategies are quasi-legal (sex trade, squeegeeing, panhandling) or illegal (theft, drug dealing). It must also be remembered that many street youth subsistence strategies are quasi-legal (sex trade, squeegeeing, panhandling) or illegal (theft, drug dealing). Because they lack private space that most of us have access to, they are often placed in the position of committing misdemeanors such as drinking in public, loitering, and trespassing. It is argued that the situational circumstances of life on the streets put many, if not most street youth in the position of breaking the law at some time or another.

However, to say street youth are in general more likely to engage in illegal activity compared to housed youth is not to suggest that all street youth are equally involved in criminal activity. In fact, one of the problems of linking street youth with criminality is that delinquent behaviours get generalized across a highly diverse and variable population. In our survey, street youth were asked a range of questions regarding criminal

involvement.[20] The delinquent and criminal offenses listed here, though admittedly limited in that they do not explore the full range of potential criminal activity, represent indicators of degree of criminal involvement.

The data suggests that a large percentage of street youth engage in these criminal activities at least occasionally, while a smaller percentage are more habitual in their offending, and that these rates of offending are without a doubt higher than what one would expect for young people in the general population. Nevertheless, it is clearly difficult to generalize about the criminality of the population as a whole because of the large numbers who do not report offending behaviour.

In Table-2 to the right, we provide a general profile of youth who report having been involved in criminal activity in the past year compared to those who have not. Many of these characteristics displayed are consistent with factors that link juvenile delinquency and youth crime in the research literature (Thornberry and Krohn, 2000).

This profile shows that males who scored "positive" on our Crime Scale measure are in many ways distinct from those who are less criminally involved. That is, they were deprived and troubled in many other areas of their life (past and present).

The crime scale also suggests that the male street youth population is *heterogeneous* in terms of their backgrounds, current situations and involvement in illegal lifestyles—a finding which goes against conventional public wisdom that links youth homelessness with crime and delinquency.

TABLE 2

A Profile of Criminally Involved Male Toronto Street Youth

Characteristics of males who *were* involved in crime, compared to those who *were not* involved in crime:

- … had less than a grade 12 education
- … had lived in a group home before becoming homeless (but does not apply for youth from foster homes)
- … had interactions with police before becoming homeless
- … were under the age of 20
- … had experienced violent victimization over the past year
- … had been evicted from housing at least once in the past
- … had stolen food in the past year
- … had stolen shoes or clothes for themselves in the past year
- … slept overnight in a public place
- … had received tickets for jaywalking, hanging around with friends, drinking and/or doing drugs in public places
- … had been stopped and searched by the police while sleeping in public, panhandling or squeegeeing, waiting to get into an agency, sitting on a sidewalk, sitting in a park, hanging around with friends, drinking and/or using drugs in public
- … were users of alcohol, marijuana, crack/coke and LSD
- … most of their friends used street drugs
- … had no place to sleep on at least one (?) occasion in the past month
- … had been involved or were currently involved with a "street family"
- … believed that street families provided protection, helped to make money, shared money, emotional support, "had their back," trustworthy

All statistically significant at $p<.05$

20. To see the questions the sample was asked and the ranges in offending see Table-X in Appendix.

4.3 Encounters with the Police

While most members of the general public have few direct encounters with the police outside of traffic violations, there are many different contexts and situations in which contact can occur. In some cases, contact can occur in community settings, where police are doing presentations in schools, walking down the street, or riding bikes. In such cases, encounters typically have little to do with either investigating criminal acts of the individual involved, or responding to their victimization. In other cases, police may stop to offer help or support to a person when their vehicle breaks down on the highway. Finally, people may encounter police when they are suspected of committing a crime, if they have been caught committing a crime, or have been a victim of crime. In such cases, it is the occurrence (or suspected occurrence) of a criminal act that defines the encounter between a citizen and the police.

It can be argued that being young, homeless and living on the streets means there are many different contexts and situations in which street youth might encounter the police. In our survey, we asked street youth to talk about any incidents where they may have been involved with police in Toronto both in the short term (in the past twelve months), and more generally, since they had become homeless. An effort has been made to identify positive, neutral and negative encounters. Where possible, respondents were asked to describe in detail both their own actions and those of the police.

Supportive Encounters with Police

In terms of incidents of both criminal victimization and offending, street youth encounter the police under difficult circumstances. Nevertheless, it is not the case that street youth as a group automatically regard exchanges with the police as problematic or confrontational. In our survey, we asked street youth to identify incidents at any point in their past, where the police were considered to be helpful.

Relations between the police and victims of crime are complex. Not all crimes come to the attention of police, which is why there can be a large discrepancy between police-reported crime statistics and statistics derived from criminal victimization surveys. In addition, police intervention in criminal incidents does not always produce satisfactory outcomes for victims of crime for a variety of reasons. Finally, because many victims of crime are also engaged in criminal behaviours and activities, there may be ambivalence regarding encounters with police, even when the person in question is in fact a victim of a crime. Nevertheless, given the high degree of criminal victimization experienced by the street youth population (Gaetz, O'Grady & Buccieri, 2010), one might expect a large number of interactions and encounters with police. Overall, this is evidenced by our research. Seventy eight percent of the sample reported some kind of encounter, with males (84%) more likely than females (65.7%) to report this. Of those reporting encounters with police, 77.5% reported more than one interaction. Males are also more likely than females to report multiple encounters (m= 83%; f=63%). The circumstances under which these encounters occurred are interesting. We asked a number of questions relating to street youth's interactions with police, as can be seen in Table 3.

TABLE 3

Cooperative/Supportive Encounters with Police by Gender

During the past 12 months, did you come into contact with the police . . .

	TOTAL	Female	Male
. . . as a victim of crime?			
At least once	**25.10%**	33.80%	20.80%
More than once	**9.80%**	11.30%	9.00%
Never	**74.90%**	66.20%	79.20%
. . . as witness to crime?			
At least once	**19.20%**	31.90%	13.10%
More than once	**7.50%**	11.60%	5.50%
Never	**80.80%**	68.10%	86.90%
. . . when they stopped to help you?			
At least once	**13.60%**	11.40%	14.70%
More than once	**4.70%**	2.80%	5.60%
Never	**86.40%**	88.60%	85.30%

While a high percentage of street youth report encounters with police, relatively few relate their interaction with police to their own criminal victimization. While in some ways this is not surprising (many youth who are not homeless do not report every instance of criminal victimization to the police), the high rate of victimization amongst street youth, and the frequency with which they experience such victimization (including assault) should increase the likelihood of their encounters with police. In some cases, these encounters are due to the victim contacting the police, but in other cases, the police simply showed up to the scene of the crime (or were contacted by someone else).

If not in response to criminal victimization, then how do we account for the high level of interaction between street youth and police? In a number of cases (13.6%), street youth indicate that their encounters with police followed from police stopping to help them, including offers of assistance, and directing them to street youth services, etc. In other cases, street youth encounter police as witnesses to crime.

Negative Encounters with Police

> "This isn't just about tickets, it's about being stopped by the police. Stopped for various reasons and stopped often. You don't think about it but it can have a big impact on a young person. For some of my clients, the frequency and harshness of stops has, it seems, created chronic mental health problems. It's egregious and it's serious. It's kind of a little window into what a lot youth - not just homeless youth but youth living in poverty – are experiencing in Toronto. This kind of policing – the regular stops - results in a deep seated fear."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

While experiences of criminal victimization are, for street youth, quite profound, it is more common for street youth to become involved with police when they are suspected of committing a crime. In Canada, police are entitled to approach anyone to ask them questions. This can include questions about personal information, information about other persons (if they are looking for someone), or about the activities one engages or is engaged in. However, police must let you leave, unless they are issuing you a ticket, are arresting you or have other grounds to detain you. Many youth describe being stopped by officers, and then searched as officers patted them down and looked through their pockets and belongings. Youth commonly referred to these encounters as "stop and searches".

Table 4 below enumerates the range of unwelcomed encounters between street youth and police. These range from "stop and searches", to being asked for ID, to being ticketed or arrested. To put these experiences in context, research by Tanner and Wortley (personal communication, 2011) investigates the experiences of police contact of a group of Toronto High School students. The Table below compares their findings with our findings.[21]

TABLE 4

Housed verses Unhoused Youth's Contact with the Police (one or more times)

Did you encounter police when . . .

	Housed high school youth (past 24 months)	Homeless youth (Past 12 months)
. . . Asked to move on	36%	37%
. . . Searched	18%	46%
. . . Arrested	11%	44%

Comparing the experiences of police contact between these two groups of youth clearly illustrates that homeless youth have much more contact with the police than domiciled Toronto youth.

21. Be mindful of the fact that the high school students were asked these questions in relation to their experiences with the police over the past two years, while we posed our questions within the context of the past 12 months.

TABLE 5

Unwelcomed/Conflictual Encounters with the Police by Gender During the past 12 months, did you come into contact with the police . . .	TOTAL	Female	Male
. . . because they asked you to "move on"?			
At least once	**36.80%**	21.70%	44.10%
More than once	**18.40%**	14.50%	20.30%
Never	**63.20%**	78.30%	55.90%
. . . because they asked you for identification?			
At least once	**59.80%**	31.90%	73.60%
More than once	**38.70%**	20.30%	47.90%
Never	**40.20%**	68.10%	26.40%
. . . because they ran a CPIC or looked up your name on computer or over walkie-talkie?			
At least once	**44.80%**	22.90%	55.60%
More than once	**29.70%**	11.50%	38.70%
Never	**55.20%**	77.10%	44.40%
. . . because they gave you a ticket?			
At least once	**33.00%**	20.00%	39.40%
More than once	**16.50%**	12.90%	18.30%
Never	**67.00%**	80.00%	60.60%
. . . because you were being arrested?			
At least once	**44.10%**	34.30%	49.00%
More than once	**21.10%**	17.20%	23.10%
Never	**55.90%**	65.70%	51.00%
. . .because of your appearance?			
At least once	**13.70%**	11.80%	13.8%
More than once	**27.90%**	13.2%	36.2%
Never	**57.30%**	75.00%	50.00%
. . .because they thought you were homeless?			
At least once	**10.79%**	8.00%	13.80%
More than once	**12.80%**	4.80%	15.00%
Never	**76.50%**	87.10%	71.50%
. . .because you were panning or squeegee cleaning?			
At least once	**4.60%**	2.90%	5.60%
More than once	**6.90%**	3.00%	9.00%
Never	**88.50%**	94.3%	85.4%

Almost half of the street youth sample (44.1%) reported having been arrested by police during the previous year. These arrests range from being jailed over night for being drunk in public to being charged with offences such as assault, theft and drug dealing. In total, 78% of our sample had at least one negative experience with the police in the last year.

Street youth report regularly encountering the police through stop and searches, when being asked to continually 'move on' when in parks, doorways and other locations and regularly receiving tickets for provincial offences or bylaw infractions. These encounters are experienced by most street youth as a form of harassment, occurring when they are standing or sitting on the sidewalk, or when they are sitting on a park bench doing nothing. Rather than charge them with an offence, the police will approach them, ask for identification and attempt to move them on. Street youth describe such encounters as often involving searches, verbal abuse, confiscation of property and in some cases the use of force.

> "I was a prostitute so they stopped me pretty much every night. One day at Queen and Parliament by the TD bank… I went to go in the bank to warm up and a cop pulls around gets out and starts yelling and screaming at me. Drags me across the street and asks to see my name and stuff, calls me a prostitute, and all kinds of other stuff when I wasn't doing anything wrong."
>
> 24 year old female

For example, being "ID'ed" (asked for personal identification such as a driver's license, passport, birth certificate or health card) by the police was the most common form of interaction that our sample reported having with the police over the past year. Close to 60% of our respondents indicated that this type of police involvement had occurred on at least one occasion over the past year. This was followed by being CPIC'ed[22] by the police (44.9%). As a group, then, street youth come under close police surveillance. This is particularly the case for males, as 73.5% were asked for ID and 55% were CPIC'ed over the past 12 months. Overall, 89% of the sample had at least one unwelcomed experience with the police during the past year.

It is worth pointing out that street youth involvement with law enforcement is not limited to police services. The next table delves deeper into the range of unwelcomed encounters street youth have with police, as well as private security and the Toronto Transit Commission security.

22. CPIC stands for the Canadian Police Information Centre and is responsible for the delivery and sharing of national police, law enforcement, criminal justice, and public safety information.

TABLE 6

Contact with Police, Courts, Private Security and TCC Security			
	Police	**Private Security**	**TTC**
Asked for ID			
	66%	10.5%	18.9%
Median # of times[23]	4	2	1
Stopped & Searched			
	46%	4%	4%
Median # of times	3	1	1
Confiscated property while charging			
	16.7%	2%	2%
Median # of times	1	1	1
Confiscated property without charging			
	19%	N.A.	N.A.
Median # of times	1		
Arrested but not charged			
	18.7	N.A.	N.A.
Median # of times	1		
Arrested and Charged			
	31%	N.A.	N.A.
Median # of times	2		
Remanded			
	23.7%	N.A.	N.A.
Median # of times	1		
If convicted, did spend time in custody			
	72%		
Median # of times	1		
Received a ticket			
	33%	N.A.	18%
Median # of times	1		1

23. In past 12 months

The information displayed in Table-6 reveals that in addition to receiving attention from police, a sizable number of youth interviewed had also been stopped and asked for their ID from both private security and TTC Security. In fact, 19% reported receiving a ticket from TTC security. Most of these encounters involved incidents where youth were smoking on TTC property or else were ticketed for not having proof of payment for their fare.

This table also demonstrates that many street youth, over the past 12 months, had been arrested, charged, searched, or had property confiscated by the police. Moreover, several of these encounters led to remand custody and, for those who were convicted, many were sentenced to jail terms.

This data confirms that many street youth in Toronto have regular contact with the police. And even though this group is highly vulnerable to criminal victimization, lacks permanent shelter, and is vulnerable in so many other ways, the majority of their police encounters are unwelcomed and/or conflictual.

> "A real concern I have is the surveillance that youth experience when they are homeless The Toronto Police Service is quite open about their use of 'contact cards' –how officers record and keep information they collect when interacting with a member of the public. In 2009, the Toronto Police Service filled out over 350,000 contact cards. In circumstances where there is no lawful authority for an officer to hold someone for questioning, the legitimacy, use, and further dissemination of the recorded information is questionable. The contact card can have all kinds of information on it depending on what information officers get out of the young persons that they interact with. And a lot of youth because of their fear and their lack of understanding that they can say 'no', are disclosing a lot of information: who their friends are, where they hang out. This happens all the time."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

Who is Drawing the Most Attention?

In the introduction to this chapter, we posited a number of possible explanations for the high numbers of encounters between street youth and police. It is clearly not the fact that so many young people are victims of crime. Multiple regression analyses were used to help answer this question (See Appendix A for an explanation). Regression analysis is a statistical technique used in this investigation to help us understand the role that several variables (independent of each other) play in predicting different types of police contact (dependent variables). The regression tables (6, 7) can be found in Appendix A.

Our analysis has two main conclusions. First, the strongest and most consistent predictor of street youth contact with police is having been involved in crime and drug use in the past year. The second key finding relates not to criminal involvement, but to gender. We found that for our homeless youth sample, being male as opposed to female greatly increases the likelihood of police contact (ID, CPIC, "move on"), regardless of their involvement in crime. The analysis also shows that race and age variables are weak predictors of these particular unwelcomed incidents involving police. Nevertheless, being Black, female and young are qualities that predict police contact as the result of being a victim of a crime. These findings are consistent with the findings in our earlier report on victimization: black females and younger youth reported the highest level of criminal victimization (Gaetz, O'Grady & Buccieri, 2010).

When we explore in greater depth the fact that gender (male) is an independent and strong predictor of various forms of police contact, some interesting results emerge. For instance, males who reported not having committed a crime in the past year nevertheless received a lot of attention from police: 34% had been arrested within the past 12 months; 32% had been asked to "move on" by the police; 21% received a ticket; 64% had been asked for ID; and 52% had be CPIC'ed. The number of

females who had reported no criminal involvement in the past year also reported much lower levels police contact.

Despite the heterogeneity of the male homeless youth population (in terms of criminal involvement), police contact is a reality for most young men in our sample, regardless of whether or not they use drugs or commit crime. Thus, while our quantitative findings to this point have not produced evidence that police may be involved in *racial profiling* of street youth, they may, perhaps unwittingly, be actively participating in *social profiling* of homeless youth, and this profiling is *gendered*. In terms of the 4 hypotheses introduced earlier, our data suggest that homeless youth are targeted by the police because they fit the profile of "drug dealers" or "trouble makers" based on their appearance and by the spaces they inhabit. In other words, these individuals are closely monitored by the police and are questioned, arrested and ticketed for "who and where they are," not necessarily for "what they have done." This is an important finding, the implications of which will be addressed in the Discussion section of the report.

> "Toronto police need to be more lenient on some things. It's the way they approach people - like unless they see a crime happening they shouldn't just pull people over for how they look and assume they're guilty of something."
>
> Male, 16

Violent Encounters with Police

Many street youth also recount difficult encounters, ranging from verbal abuse to incidents where physical force was used by the police. Many report that whether they are being charged with an offense, or are simply standing around minding their own business, the police treat them poorly, in ways they believe mainstream youth are not treated. More serious of course are the allegations of violent encounters.

Our interviews with street youth reveal a number of incidents where violence was used, often leading to injury during arrests. In fact, 41.7% of the street youth interviewed told us that the police had used force against them in the past (F=24.2; M=48.2). And for those who had, almost half (48.7%) had encountered this on more than one occasion. For those that had encountered police force, many youth said that although they were shoved or pushed around, they were not physically injured as a result of the altercation. The phrase "nothing serious" was often used to rate the level of physicality of these encounters. Other youth, however, described these encounters as more serious. Said one youth: "Oh yeah, I was hurt for two weeks- my whole face was black from bruises". Another reported: ""It was nothing too serious, but I did have some stomach pain—I was 5 months pregnant."

> "I had marks on my back and the cop gave me a couple shots (punches) to the head. They made me get dressed before the paramedics arrived so they wouldn't see the marks from the Taser. I still have them."
>
> Male, 19

The issue of police violence is of course complex and often misunderstood in part due to the fact that police are legally entitled to utilize 'coercive force' if necessary to enforce the law. As a result, one cannot argue that all incidents of reported violence involving the police constitute misconduct. The problem then becomes: how does one define what is to be considered an appropriate level of force?

Young people who are homeless appear to have a fairly sophisticated understanding of policing and the circumstances under which police will – and are entitled to – use force. They are generally able to distinguish the actions of police officers that they regard as reasonable (or at least justified) from those that are considered inappropriate or a violation of the law. Many have fairly conventional attitudes about policing, and respect the fact that police 'have a job to do' in enforcing the law.

In discussing the use of force by police, the majority of our interview participants appeared willing to acknowledge those cases where their own behaviour (resisting arrest, being drunk or stoned) may have contributed to the altercation. Respondents were also asked what they had been doing

prior to these encounters with the police. Responses varied considerably. Many youth reported a range of circumstances, including the belief that they had done "nothing", to "I had done some coke, drank a 40 ouncer of Appleton's (rum) and had just smoked two joints…I was fucked." However, especially for males, their public drug and alcohol use attracted considerable attention from the police. We also heard reports that, when intoxicated, some youth, at times, would provoke the police when contacted or would resist being arrested.

Such provocation often results in a reaction by police that involves the use of coercive force. This finding, of course, would come as no surprise to researchers study the factors that influence police discretion when deciding whether or not to arrest a suspect. Indeed, "poor demeanor," the person being under the influence of alcohol or drugs and the police dealing with youth who they considered to be their "regular clientele" have been observed as key factors for predicting apprehension and arrest (Doob and Cesaroni, 2004). Many youth in our sample fit this profile.

> "They should stop harassing young people. One of my friends went missing one night and he came back the next day all beaten. I asked him what happened and he said, "I got arrested and the cop took me down to Cherry Beach, handcuffed me, and beat me with an extendable and a phonebook."
>
> Female, 16

Nevertheless, negative encounters with police – particularly those involving the use of force – contribute to the negative attitudes many homeless youth have about police. In other words, it is not the simple fact of being arrested that leads street youth to distrust and fear the police. Rather, it is when police are seen to 'step over the line', and go beyond what is deemed necessary in doing their jobs, that street youth report serious complaints.

> "I must mention the violence experienced by youth at the hand of police officers is by no means the same across the board. Getting pushed or cuffed roughly can be traumatizing, especially if coming from a history of abuse. But there is another level of violence that some street youth experience. Some street youth are assaulted by police officers – during an arrest or a stop. Usually, the youth is alone, and the incident happens at night. Often the youth is First Nations or Black. The level of violence is serious and often left unaccounted for – as the youth feel powerless to collect the relevant evidence and speak up about their experiences."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

4.4 Ticketing

For many homeless youth, one of the key outcomes of their encounters with police is that they receive tickets for non-criminal code violations for a broad range of activities. In some cases, they are clearly receiving an inordinate number of them. This is an important topic to consider given the concerns raised in our literature review, which suggest that growing use of administrative statutes (e.g., The Ontario Safe Streets Act) has been linked to controlling many of the activities of homeless populations, and lead to the criminalization of homelessness.

In our survey, 33% of street youth report receiving tickets at least once during the past year (39.4% male, 20% female) and 16.5% report receiving more than one. Some of the tickets received are for SSA violations, but most are not.

TABLE 8

Percentage of street youth receiving tickets from police During the past 12 months, did you receive a ticket from the police while . . .	Never	Once	2-5 times	>5 times
. . . Drinking in public	76.9%	13.4%	5.6%	4.2%
. . . Hanging around with friends	79.3%	8.8%	5.5%	6.5%
. . . Walking down the street	85.6%	5.1%	4.2%	5.1%
. . . Sitting in the park	86.1%	6.9%	2.8%	4.2%
. . . Using drugs in public	87.0%	8.4%	2.3%	2.3%
. . . Sleeping in a public place	90.3%	3.7%	1.4%	4.6%
. . . Jaywalking	90.7%	5.6%	1.9%	1.9%
. . . Panhandling or squeegeeing	90.3%	4.1%	2.8%	2.8%
. . . Sitting on a sidewalk	91.7%	4.6%	0.9%	2.8% N=215
Total who received a ticket 33%				

"It's a blatant fact that street youth are more often in public spaces, and this increases the chances they will get caught doing antisocial things in these spaces. So the most common thing they get stopped for is drinking in public - usually in a park. And so they receive a ticket for it. Even if considered a legitimate tactic of social control, the problem is that if the ticket is given to someone who is homeless, or a street involved youth living in poverty with no financial resources and feelings of hopelessness, then the ticket is ineffective and counterproductive - creating a debt, shame, and further social isolation."

(Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

"Police don't understand circumstances of Aboriginal youth and what they go through on the reserves."

Male, 20

The type of behaviour that warranted the most ticketing attention from the police was drinking in public, as 22% of the sample reported that they had received at least one ticket from the police over the last year for drinking in public. This was followed by "hanging around with friends," "walking down the street," "sitting in a park," and "doing drugs in public." Interestingly, it appears there were few youth in the sample who received SSA tickets. According to our survey data, fewer than 10% of the sample received at least one ticket that could be related to the SSA (e.g., aggressive panhandling and squeegee cleaning). As we discussed earlier, these numbers correspond with the data obtained from the Toronto Police Service on SSA tickets issued, by age of accused. These figures show that from 2004 to2010 10.2% of SSA tickets were issued to those 24 years of age and under (data obtained from the Toronto Police Service and the Ministry of the Attorney General, Court Services Division as a result of an Access to Information request filed in 2009 and 2011).

Many who received tickets acknowledge that they were in fact breaking the law at the time. However, one third of those receiving tickets believe the charges to be frivolous as they were not committing an offense at the time, or felt they were

singled out for offences that the average person would not be cited for. Many remarked on the relative obscurity of some of the offenses (for example, spitting in public) for which they were charged.

This reinforces their perception of ticketing as another form of harassment, as many believe that whether they were technically in violation of the law or not, police were motivated to discourage them from occupying public spaces in the downtown area. Street youth believe that domiciled youth are much less likely to receive tickets for such infractions, even if they too are breaking the law.

> "I've received referrals from outreach workers where their clients have gotten tickets and the workers know that it's a ticket that shouldn't have been issued; that the client was a chronically homeless person and didn't understand that they shouldn't be near an ATM, as the Safe Streets Act prohibits. I know when I have spoken to a couple of outreach workers, they have tried to speak with the police about not laying charges on their clients for certain crimes and the like, and they have had some success. But this is not a program; it is not coordinated in a systematic way. It's more about individual advocacy on behalf of each of the clients they have."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

> "They need to not talk to people so rudely. It's like they can be rude to us but we can't be rude back to them. They waste their time harassing us for things like jaywalking and panhandling. Because they're wasting time with us they're not there to catch people who commit real crimes."
>
> Female, 18

Who Receives the Tickets?

In the discussion regarding encounters with police, we made the case that young males and street youth involved in crime are more likely to receive attention from police. Using regression analysis, (see Table 9, Appendix A), determined that tickets are more likely to be received by some homeless youth than others. In this case, it is not only young males and criminally involved youth who receive attention, but racial minorities as well. Below is a summary of some key findings:

- Being a male is a strong predictor for receiving tickets for jaywalking, "walking down the street" and / or panhandling/squeegee cleaning, independent of whether or not they were involved in drug use or crime.
- Street youth who engage in criminal behaviour and drug use were more likely to get tickets other than panning/squeegeeing and jay walking.
- Being non-white (black or Aboriginal) is a statistically significant predictor for getting ticketed while "walking down the street" or while "hanging around with friends." The latter is particularly the case for Aboriginal youth.
- Finally, being under the age of 20 was a statistically significant predictor of getting ticketed for using drugs in public places.

Unlike our first multi-variate analysis that focused on a broader range of reasons for coming into contact with the police, here we see some evidence to support the contention that non-white youth may be victims of racial profiling when it comes to the Toronto Police Service issuing of tickets to young people who are homeless.

> "Importantly, a sub-population of street youth who experience harm by police are suffering the onset of a serious mental health illness like schizophrenia. The youth is homeless because they and their families may not yet understand what the illness is and how it is affecting them – the youth appears to be acting out – and they end up getting kicked out or leaving the family home. Meeting aggressive and violent law enforcement agents in these circumstances is lethal for some. Some officers are trained in communicating and interacting with persons suffering from mental health episodes, but some youth experiencing this destabilizing and ill time are met with violent interactions with police on the street. Arrests, criminal charges, and court-time ensue - criminalizing youth with mental health illnesses while homelessness."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

Do Street Youth Pay Fines?

Receiving tickets when you are homeless is always a challenge, for your experience of homelessness is defined by your poverty. For the 33% of youth who did receive tickets, we were also interested in knowing what happened in the aftermath of being ticketed. What did these youth do with their tickets? Did they pay their fines? What consequences, if any, were incurred if tickets were not paid, or if multiple tickets accumulated?

Of the 56 youth who received at least one ticket over the past 12 months, 30% reported paying their fine while 70% did not. According to our survey data—and also supported by qualitative observations—tickets that were paid were normally for motor vehicle infractions. SSA tickets, drinking in public, and other violations of provincial statutes were the types of tickets that youth were less likely to pay. The youth who did not pay the fines they were issued often reported that the tickets were discarded or lost. However, there were some youth who did keep their tickets. During an interview, one young person revealed a note book where he kept all of his tickets. He claimed to have received over 400 tickets over his lifetime on the street.

The youth who did not pay their tickets were, of course, the group who had accumulated unpaid fines. When asked how many tickets each participant had outstanding, responses ranged all the way from 1 to 400 (with a median number of 2.5). As a group, youth who had outstanding tickets owed a total $45,150.00[24]. Individual amounts owed ranged from $65.00 to $20,000. Incidentally the person who reported having 400 tickets was the one who estimated that he owed approximately $20,000.00 in unpaid fines.

One final note: in our survey we only asked young people about the tickets they received during the past 12 months, rather than those they may have collected previously, as well as those potentially received in the future, while still homeless. This is important because our data underrepresents the total number of tickets (and debt) that a homeless youth may accumulate before the time they leave the street and become stabilized.

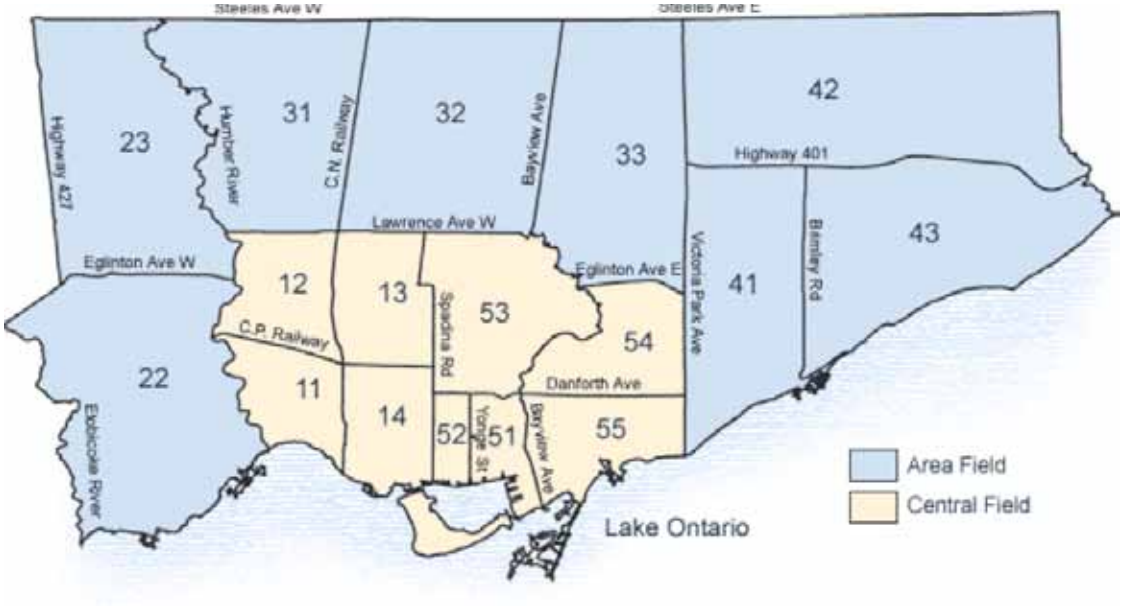
The Places and Spaces of Ticketing and Surveillance

Where are homeless youth most likely to receive tickets? This section draws upon information collected when members of the sample were asked: were there areas of the city where ticketing was the most prevalent? For those youth who had received at least one ticket during the past 12 months, the majority (54 percent) told us that they had received a ticket in downtown Toronto. Others indicated that they received a ticket in Toronto, but not downtown (23%); in another city (14%); and 8% could not remember where they received a ticket.

Wanting to know more about the areas of the city where street youth encounter the police in general, we asked our sample if there were areas of the city where the police were more likely to harass young people. Answers to this question are displayed in Figure-4. Figure-3 displays the command division boundaries of the Toronto Police Service.

24. This figure is an estimate based on a question we asked street youth about the amount of unpaid fines they had accumulated.

FIGURE 3 - Command Division Boundaries of the Toronto Police Service

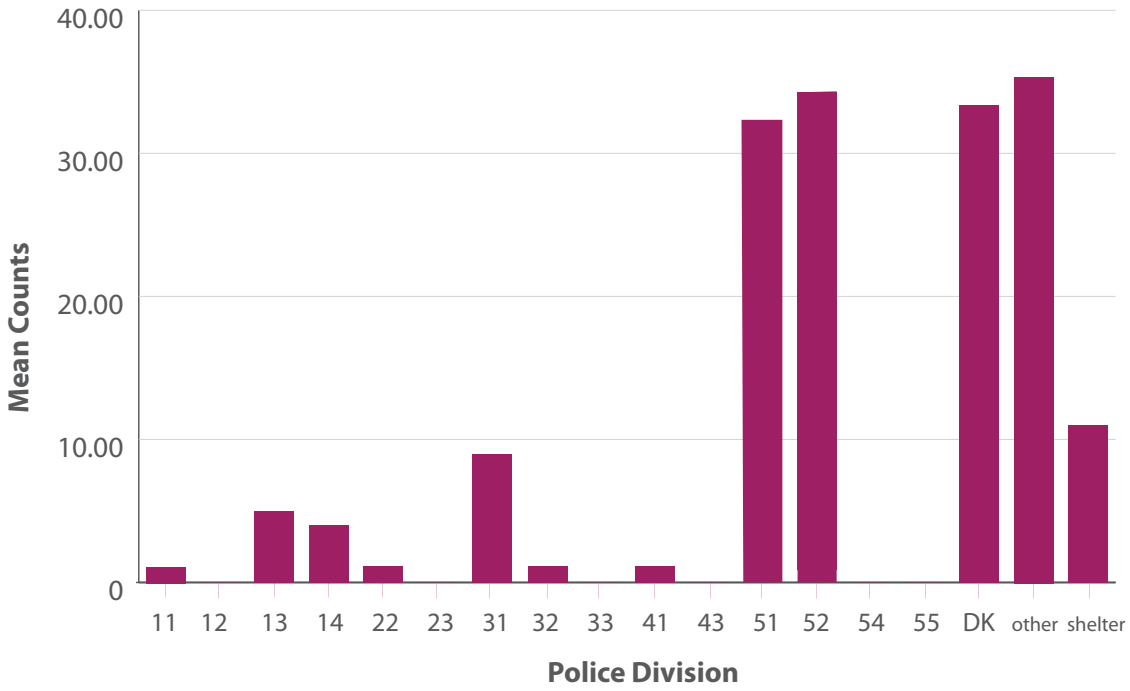


We also asked our street youth sample to comment on where in the city they were likely to experience what they felt was harassment by the police. When we use the term harassment, we are referring to situations where young people deem their encounters with police to be unjustified and / or resulting from their homelessness. Recall that our interview participants were willing and able to identify those situations where their own behaviours (and law breaking) may have justified their encounters with police. The data in Figure-4 show that, in terms of police Divisions in Toronto, the areas of the city which are policed by 14, 51 or 52[25] Divisions were deemed to be the areas where police harassment was *most* likely to occur.

> "If you look at the statistics, homeless youth are being policed in a certain areas of Toronto, and that's why they're getting the charges. It's the area that they are in. I can definitely say from my own experiences that police are often unlawfully detaining and searching young people near youth shelters, drop-ins, and parks. it's the wrong response. Officers should be providing assistance that helps, not assistance through tickets and intimidation."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

25. When youth reported that "Yonge Street" was where police harassment was greatest, this posed a challenge for coding the appropriate police division number because Divisions 51 and 52 both border Yonge Street. After contacting 51 Division by telephone we were told that calls from the East Side of Yonge are handled by 51 Division, whereas calls coming from the west side of the street fall under the jurisdiction of 52 Division. So when a youth reported that "Yonge Street" was the area where police harassment was considered to be the greatest was that data alternately coded between51 and 52 Division. For example, if there were 10 cases between the 2 divisions, then 1,3,5,7,9 were attributed to 51 Division, while the others were attributed to 52 Division.

FIGURE 4 - Areas/Divisions of City Where Youth Feel Police Harassment is High



These findings mirror earlier results where the majority of tickets youth received came from downtown Toronto. Thirty One Division came in third position (responsible for policing the Jane/Finch corridor). Interestingly, several youth reported that police harassment was the most likely to occur outside the doors of street youth services such as *Evergreen* (52 Division) and *YouthLink Inner City* (14 Division). For responses that fell into the "don't know" category, many of these youth told us that they were new to the city, and were unable to answer the question. Finally, the "other category" was often reflective of beliefs that did not focus on specific areas of the city, but on the characteristics of youth—clothing style or skin colour were cited most often.

The responses obtained here suggest that what street youth deem to be "police harassment" is more likely to occur in the downtown area of Toronto, which is characterized by a high concentration of retail sales and services, office towers, restaurants, sporting, and entertainment venues. Incidentally, this is also the area of the city where there is the greatest concentration of services for homeless people, including homeless youth. Research on ticketing and arrests of homeless persons in Los Angeles (Culhane, 2010) likewise indicates that the concentration of homelessness services in one area may increase the level of police impact.

> "If you go by the YMCA Shelter Youtlink Inner City near Queen St. W and Spadina, just after 9am on any weekday, so many of the youth are being stopped daily by the police while they are leaving the shelter after breakfast waiting to go inside. I remember speaking to one youth – he'd been questioned by the police there at the YMCA Shelter, outside of Second Base youth shelter in Scarborough, Eva's the Satellite shelter in North York, so that the police have a track record of him moving around the city. He wasn't seriously criminally involved, but he was still asked a lot of questions each time he was stopped. So you have a young person who lacks confidence and doesn't know his rights, and is being tracked throughout the city because he's in the disadvantaged position of living in shelters. I find that disturbing."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

4.5 Street Youth and Perceptions of the Police

> "I find that some youth they may look tough and act begrudging towards officers, that many of them actually look up to the police. But they become very damaged when the police treat them badly."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

The way people think about police and policing tells us a lot about the nature of citizen / police relations. We conclude this section by exploring street youth perceptions and attitudes about the police and criminal justice system. In doing so, we are able to compare street youth attitudes with young people who are housed, as reported in the 2004 General Social Survey (Statistics Canada, 2004). This comparison yields wide differences in the attitudes held by these two groups towards the police. In this section, we provide a statistical analysis which explains these differences based on the offending and victimization experiences encountered by street youth. In many respects, the experiences that street youth have with the police are responsible for the attitudes that they hold towards the police.

Canadian Attitudes Regarding Policing

Canadians tend to hold rather positive views of the police. In the 2004 General Social Survey (GSS), Canadians were asked a series of questions relating to their police performance. We used these same questions in our survey of street youth.

Overall, two thirds of Canadians thought the police were doing a good job of being approachable (65%), ensuring the safety of citizens (61%), enforcing laws (59%), and treating people fairly (59%). The level of people reporting that the police were doing a "good job" was slightly lower in reference to responding promptly to calls (52%) and supplying information on reducing crime (50%) (Statistics Canada, 2004).

Of those who did not indicate the police were doing a "good job", the vast majority ranked police performance as average (ranging from 19% to 31% for all questions). Very few reported that police did a poor job.

It is worth pointing out that the results of the 2004 survey reveal very little change in public attitudes about police over time. Basically, most Canadians feel that the police are doing a good job. However, such generalized statistics do not reveal the degree to which some sub-populations and some communities may have attitudes or experiences that differ profoundly from the views of the majority of Canadians.

As with previous research, age has a profound impact on attitudes regarding police and policing. While young people in the general population (15-24) tend to have more positive attitudes about the performance of courts, prison and parole systems, their attitudes about police are much more negative. For example, fifty six percent of youth felt police were doing a good job of being approachable, compared to sixty-five percent of all Canadian responders. Figures were also lower for assessments of police performance in enforcing the law (54%), responding promptly to calls (48%), and treating people fairly (51%). However, young people's attitudes regarding the efforts of police to ensure safety of citizens were consistent with the rest of the population (Statistics Canada, 2004:27).

Finally, a key factor to consider regarding attitudes about police is the degree to which people have had previous contact with them. In general, if you have had contact with police in the previous 12 months, you are less likely to have positive attitudes about police. This is regardless of whether you came into contact with police as a victim of crime, a witness to crime, or for minor events such as traffic violations. Those whose contact with police was related to their own arrest had the most negative views. For instance, only 43% felt that police did a good job of enforcing laws, compared to 59% for the rest of the population.

The Perspective of Homeless Youth Regarding the Police and the Courts

In our research on homeless youth, we found that the young people we surveyed expressed more negative attitudes about the performance of police and the courts, compared to youth in the general population. In Table 10 below, these differences are expressed in terms of attitudes about law enforcement, ensuring safety, and how the police deal with the public.

TABLE 10

Evaluating the Performance of Police

Comparing street youth (SY) to housed youth in the general public (GSS)

Do you think the **police in Toronto/your community** do a **good** job, an **average** job or a **poor** job? (percentages)

	Good job		**Average job**		**Poor job**		**Don't know**	
	Street Youth	Housed Youth	**Street Youth**	Housed Youth	**Street Youth**	Housed Youth	**Street Youth**	Housed Youth
Enforcing the law	19.8%	54.2%	41.6%	36.7%	30.3%	6.5%	9.1%	2.6%
Promptly responding to Calls	16.7%	47.7%	30.4%	27%	39.2%	8.2%	13.7%	16.9%
Being approachable and easy to talk to	11.4%	56.3%	25.3%	26.5%	52.4%	8.4%	10.5%	8.5%
Ensuring the safety of Citizens in your area	17%	61.2%	37.1%	30.8%	34.1%	4.6%	11.8%	3.2%
Treating people fairly?	7.8%	51.5%	22.6%	32.4%	60.9%	11.2%	8.7%	4.9%

Housed youth: GSS=15-24 year olds from 2004 General Social Survey

Table 11 displays attitudes about the courts, the speed with which justice is dispensed, and the fairness with which the accused are treated. In both tables, the results from our survey of young people who are homeless (Street Youth) are compared with the results reported by young people in the general public (Housed Youth).

TABLE 11

Evaluating the Performance of Criminal Courts
Comparing street youth to domiciled youth (GSS)

Do you think the **criminal courts** do a good job, an average job or a poor job? (Percentages).

	Good job		Average job		Poor job		Don't know	
	Street Youth	Housed Youth	**Street Youth**	Housed Youth	**Street Youth**	Housed Youth	**Street Youth**	Housed Youth
Providing justice quickly?	15.1%	24.2%	31%	45.2%	41.8%	19.6%	12.1%	10.8%
Helping the victim?	16.2%	34%	35.8%	43.7%	32.3%	10.5%	15.7%	11.8%
Determining whether the accused or the person charged is guilty or not?	10.8%	36.3%	34.2%	43.4%	40.7%	8.6%	14.3%	11.6%
Ensuring a fair trial for the accused?	17.4%	48.4%	35.2%	36.4%	31.7%	3.3%	15.7%	9.8%
Treating people fairly?*	11.4%	N/A	33.2%	N/A	41%	N/A	14.4%	Na

Housed youth: GSS=15-24 year olds from 2004 General Social Survey

* Question not asked as part of the General Social Survey

The tables above reveal vast differences in attitude towards the police and the courts as held by Toronto street youth and 15-24 years olds from the Canadian General Survey. Compared to youth who are not homeless, the attitudes expressed by Toronto street youth about the police and the court system are exceptionally negative. In terms of policing, the most notable differences were in terms of opinions regarding the way the police relate to their encounters with citizens. For instance, while 56% of the general public think the police do a *good job* of "being approachable and easy to talk to", only 11% of street youth feel this way. And while 51.5% of the general public thinks the police do a *good job* of "treating people fairly", just 7.8% of street youth feel this way.

Conversely, 60.9% of street youth felt that the police do a *poor job* in treating people fairly, compared to 11.2% of similarly aged Canadian youth from the GSS. There were also important differences between street youth and the general youth population regarding attitudes about courts. While young people in the general public tend to have more negative attitudes about the courts than they do about the police, they are still considerably more positive compared to the opinions of street youth.

In fact, for every category in both tables, street youth are much more likely to feel that the courts and police are doing "poor" rather than "good" jobs. These differences of opinion are no doubt related to the quantity and quality of personal experiences both groups of youth have with the criminal justice system. Research shows that most Canadian youth have limited direct contact with the police and the court system (Bell, 2012). On the other hand, due to the lifestyles which accompany youth homelessness (making money illegally, high rates of victimization, public drinking/drug use,

> "The way they talk to people, how do they expect people to come to them for help when you're on the wrong side and they're treating you awful?"
>
> Male, 18

and being under close and constant police surveillance) these unenthusiastic views about the criminal justice system are understandable.

There are some important differences regarding attitudes about policing within the street youth population. The regression analysis shows that the more involvement street youth have with crime and drug use the more likely they are to hold negative attitudes toward the police. This finding is not particularly novel or unexpected from a policing point of view. That is, because this is a group of anti-social youth, not only do they choose to break the law, they also hold negative views about authority figures, especially the police.

However, it is not only criminally involved street youth who have negative impressions of policing. For instance, while Lesbian, Gay, Bisexual and Transgendered youth are more likely than straight youth to report police do a good job of enforcing the laws, they are less likely to report that the police are "approachable and easy to talk to," or that the police "treat people fairly". Likewise, visible minorities (68%) and members of b Aboriginal communities (79.2%) are much more likely than Caucasian youth (56.7%) to report that the police do a poor job of treating people fairly.

The most striking differences emerge when looking at gender. Males in general – independent of their involvement in crime and drug use—hold negative attitudes towards the police. This tells us that males think poorly of the police even if they were *not involved in criminal activity* over the past year. Finally, our regression analysis also shows that police contact was a statistically significant predictor of holding negative attitudes about the police. Only three variables are significant in predicting poor police attitudes: Gender (males), number of encounters with police in past year; and involvement in crime.

4.6 Conclusion

> "The other thing I hear, even from those who get only one or two tickets, is that they tell me that they have been mistreated by the police when they do get that ticket. So they're being searched up in ways that they feel violates their personal integrity, and they may get pushed around a bit and feel harassed. For someone who has experienced abuse, this can be a trigger. This is an additional violation or harm they are getting when they receive this ticket, even if it is only one or two tickets."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

Our analysis shows that many street youth are in regular contact with the police. Unwelcomed contact was greatest for youth who were involved in crime and drug use, but our statistical analysis also produced results suggesting that many males had unwanted encounters with the police even if they were not criminally involved. This was particularly evident in relation to being asked for ID. Our analysis also discovered that being a "non-white" youth was an independent predictor of getting a ticket when "walking down the street" or when "hanging around with friends". The result of this ticketing is that a group of youth living in poverty and who are trying to move forward with their lives now owe a substantial amount in unpaid fines.

In the introduction to this chapter, we posited a number of potential explanations for police encounters with, and high levels of street youth surveillance. Based on our analysis, we can conclude that:

- Some street youth are being arrested, searched, and/or having their property confiscated because police have a strong reason to believe that the law has been broken.
- Young people who have broken the law in the past, especially those who are street involved and are therefore likely "known to the police," are under closer surveillance and are more likely to be arrested or ticketed than youth who are not "known to the police". Given the nature of the violations reported, it also appears that such young people regularly encounter police and receive tickets for a range of violations that may have nothing to do with their criminality. The argument here is that a known criminal is no more deserving of a jay-walking ticket than a non-criminal.
- People (especially young males) who are homeless are targeted by the police because they fit the profile of a "drug dealer" or "trouble maker" based on their appearance and the spaces they inhabit and occupy. This is what we refer to as Social Profiling. Such individuals are closely monitored by the police because of their perceived status as homeless youth. They are hence questioned, arrested and ticketed for "who and where they are," not necessarily for "what they have done."
- People are being 'socially profiled' by the police because they are young, homeless and highly visible in the gentrifying downtown and business district of Toronto, and this status intersects with public perceptions regarding the delinquency and disorderly behavior of homeless youth. These perspectives underlie the demands of some members of the public, the news media and politicians and may intersect with the perspectives of the Toronto Police Service.

We return to the implications of these findings in our Discussion section.

5 Discussion

> "Often the youth I see are just trying to get food or trying to get their housing in order. When they get a ticket, they stress about it. They worry and don't know exactly what to do. Even if it's just one ticket – it causes real emotional stress and harm. And so if there could be programs, or a diversion or a warning given, discussion up front, instead of a ticket. . . And more attention paid to the mental health of these young people, more supports and stable housing rather than expecting them to come to a court house to defend a ticket that they could never pay in the first place."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

Based on the research we have presented in this report, there can be little doubt that homeless youth in Toronto receive an inordinate amount of attention from police. Given that they are often victims of crime this might not be surprising. The fact is that many street youth are reluctant to engage the police even when they need the police. Their reluctance and distrust can be traced to the fact that the vast majority of their encounters occur in more negative and less protective contexts; in situations where they are perceived to be a nuisance, or a potential offender.

So, how does one make sense of this increased attention? Are street youth in general more criminally involved and deserving of such attention? Do they represent a public nuisance? Is the amount of police attention they receive a result of specific policing practices or more broadly, public attitudes that both reflect and influence the framing of street youth as dangerous and disorderly by the news media and politicians?

The argument put forward here is that street youth encounters with the police must be understood in terms of their experience of social exclusion. That is, street youth experience social exclusion in ways that profoundly impact on their housing and subsistence strategies and use of public space. Because street youth are highly visible, and a percentage of them are criminally involved, it means that they become an identifiable population stigmatized with a criminal reputation. As a result, young people whose identity becomes defined by their homelessness are increasingly framed by politicians, the mass media, members of the general public and ultimately, by the police as representing a form of urban disorder that can and should be contained and controlled.

To better understand the social exclusion of homeless youth – and how it makes them a target of police, politicians, the media, and the general public – we must first address the current political and social climate created by neoliberalism. Very generally, under neoliberalism socially shared supports and programs (like welfare, child care, health care, public transportation, and education, among others) get cut-back in favour of privatization. Government funding gets directed away from these initiatives and is used to support a law-and-order agenda that increases security and policing. Since there is a move away from government-funded social supports, like those just mentioned, it is believed under neoliberalism that individuals should take care of themselves and that issues like homelessness, poverty, illiteracy, and addictions are personal problems and not a matter for the government or society to address. Throughout Canada neoliberal policies and practices have been actively pursued by a host of politicians including, but not limited to, Brian Mulroney, Mike Harris, Ralph Klein, Gordon Campbell, and Stephen Harper.

Neoliberalism is at the root of social profiling and the criminalization of homelessness. Under these policies and practices three key things happen: (1) social supports get reduced, (2) policing gets enhanced, and (3) the blame shifts to those in need. The outcome is that street youth become more marginalized and experience social exclusion both in terms of their engagement with the criminal justice system, and more broadly, in terms of increasing restrictions on where and how they are able to use public spaces.

As will be seen, these restrictions become particularly problematic for a population whose use of public spaces is neither optional nor discretionary. Lacking the security and privacy of a home, street youth are forced to spend much of their time on the streets, sitting in doorways, in front of stores, in parks, and in alleyways. For people who are homeless, young or old, there are not necessarily many (if any) safe, private spaces to seek refuge in, or simply to go home to. The streets become the 'living room' of homeless youth (Ruddick, 1996); spaces where they relax, reflect, meet friends and engage in recreational activities. Many of these activities are not that unusual for teenagers, such as hanging out in groups, drinking and / or using illegal drugs, or engaging in loud boisterous behaviour (Roschelle and Kaufman, 2004). The difference is that for domiciled youth, these things are more likely to occur in private (in the bedrooms and rec rooms of private homes), in remote parks in residential areas, or in the bars, cafes, restaurants and clubs that young people who have the resources can enjoy. Of course, in many cases such youthful indiscretions do in fact come to the attention of the police, but because of greater resources and security for mainstream youth, they often escape detection and / or prosecution. For street youth, these activities are played out in public, on the streets, all the time. The likelihood of resulting involvement with the justice system is of course much higher and virtually unavoidable.

In this section, we review the key findings of our research on street youth and their encounters with police. We then explore research on homelessness to offer an analysis of what factors underlie the policing of homeless youth.

5.1 Street Youth and Policing: Key Findings

The findings of this report are important for both policy related reasons and for a consideration of how policing is practiced in Canadian cities in the context of homelessness. There is very little research on homeless youth and policing. Our research identifies the extent to which young people who are homeless encounter the police and under what conditions, as well as the consequences of such encounters. Below is a brief summary of what has been revealed in this analysis.

Who are street youth?

The general profile of our sample was in keeping with findings from other studies that have surveyed homeless youth in Toronto. There are two key differences in this sample compared to research conducted 10 years ago on Toronto street youth. First, there are more street youth today who are visible minorities than was the case in the late 1990s—approximately one half of today's street youth identify as visible minorities. This is consistent with broader demographic changes in Toronto, as revealed in census data recorded for general residents of the GTA.

The second key difference has to do with changes in money making strategies. Back in the late 1990s, before the SSA had come into effect, approximately one-third of the youth surveyed reported to have made most of their money from squeegee cleaning or panhandling (Gaetz and O'Grady, 2002). In 2009 very few street youth reported making money through these sorts of activities. While this finding is not a major focus in this report, it does suggest that enforcement of the SSA – in combination with other efforts by the City of Toronto – has had an impact on income generating strategies. More recently, street youth obtain money from Personal Needs Allowance— the $26 per week that youth who are staying in homeless shelters receive for hygiene products, food, clothing, transportation, or entertainment. Despite the dramatic decline in panhandling and squeegeeing, almost 10% of our sample received an SSA ticket within the past year. While the percentage of SSA tickets issued to people under 25 is considerably less than the number issued to older people who are homeless (data corroborated by the Toronto Police Service stats), this is still cause for concern.

SSA ticketing has increased exponentially.

One of the key findings of this research is the continued rise in the number of Safe Streets Act tickets issued by the Toronto Police Service over the past eleven years. In fact, the number of tickets issued by members of the Toronto Police Service rose by over 2,000% between 2000 (710) and 2010 (15, 551). This dramatic increase in tickets issued to homeless persons is quite difficult to explain, in light of:

- Successful efforts by the City of Toronto's Streets to Homes program (a Housing First program) aimed at reducing street homelessness and working collaboratively with police;
- Clear indications that the prevalence of panhandling and squeegeeing on the streets of Toronto has substantially reduced during this time

Without evidence of a rapid and sustained growth in aggressive panhandling and squeegeeing in Toronto, we will have to rely on other explanations, which will be discussed in this chapter.

The majority of SSA tickets are for non-aggressive violations.

As part of this project we reviewed not only the number of Safe Streets Act tickets being issued, but also the reasons they were issued. What we found was that of all the SSA tickets handed out between 2004 and 2010, on average, 20% were for aggressive solicitation and 80% were for the non-aggressive solicitation of a captive audience (such as those waiting at a bank machine or for public transit). This suggests that the growth in SSA tickets is not in response to an increase in aggressive panhandling and squeegeeing on the part of homeless youth. Rather, the increase in SSA tickets is part of a broader strategy to criminalize homelessness by targeting any kind of solicitous behaviour.

Street youth receive a great deal of attention from police.

What becomes clear from our research is that police encounters with homeless youth are not really defined by SSA tickets alone. In fact, police utilize a much broader range of existing laws and practices in their dealings with street youth. A key finding of this research suggests that homeless youth receive an inordinate amount of attention from police, with 75% reporting some kind of encounter (males (84%) more likely than females (65.7%)). Of those reporting encounters, 77.5% reported more than one interaction. While some reported incidents in which police stopped to help them (13.6%), the majority considered these encounters to be negative, whether for "stop and searches" (59.8%), being asked to 'move on' (36.8%), receiving tickets for a range of minor offences (33%), or arrest (44%). Males are also more likely than females to report multiple encounters (m= 83%; f=63%). A sizeable number of youth we interviewed had also been stopped and asked for their ID from both private and TTC security.

Police issue a large number of tickets to homeless youth.

In our survey, 33% of street youth reported receiving at least one ticket during the past year (39.4% male, 20% female) and 16.5% reported receiving more than one. Only a small percentage of these tickets are for Safe Streets Act violations. More often, street youth receive tickets for drinking in public or loitering. The fact that young people who are homeless receive tickets for such violations speaks to one of the overriding conditions of homelessness. When one does not have access to private space, much more of one's life gets played out in public places and spaces.

While many who received tickets acknowledge they were in fact breaking the law at the time, one third believe the charges to be frivolous, and that they were singled out for offences the average person would not be cited for. Street youth thus see ticketing as form of harassment.

Criminally involved street youth do receive more attention from the police.

Some street youth are more likely encounter the police than others. Research on youth homelessness suggests that this population is in general more likely to be criminally involved than young people who are housed (cf. Hagan and McCarthy, 1997). However, suggesting that street youth are more criminally involved than housed youth is not the same as saying they are all criminally involved. In fact, 38% of our sample reported having not committed a criminal act in the past year. But for those who were involved in crime, much of this criminal activity – shoplifting for food and clothing, for instance, or small scale drug dealing – is a product of the harsh and impoverished circumstances of homelessness, rather than the inherently criminal or 'criminogenic' characteristics of the young people themselves.

In our study, young people who were criminally involved and / or heavy users of drugs received much more attention from the police. In many cases these encounters were related to law breaking. Intuitively, if police are paying attention to criminally involved homeless youth one could argue that the police are simply doing their job by enforcing the law. But after further investigation and analysis on the profile of this group of "deviant" street youth, their troubled back-grounds and range of situational adversities become clear, and can be related to a wide range of criminological theories which account for various types of rule breaking behaviour. It appears, then, that youth who are the most socially excluded are those most likely to be involved in a lifestyle where one's behaviour draws considerable attention from the police.

Young males receive more attention from police, whether criminally involved or not.

Criminal involvement is not the only factor that predicts encounters with police. Our findings suggest that, as a group, young male street involved youth are drawing attention from the police mainly because they are viewed as suspicious, *regardless of the depth of their criminal involvement.* Because of their lack of access to private spaces, their appearance, who they hang out with and the perception that they may be involved in socially irresponsible activities – including petty crime, drug use, etc. - that occur in public places in, or near, major shopping and entertainment venues, they are subject to much more scrutiny by police.[26] We needn't remind the reader that appearing to be criminally involved is not the same thing as actually committing a crime. This finding further corroborates the claim that homeless youth are being socially profiled.

Black and Aboriginal youth receive additional attention from police.

According to multi-variate analysis, being Black, Aboriginal or "non-white" was a statistically significant factor in predicting ticketing by the police often for simply "walking down the street" or "hanging around with friends." However, it should be pointed out that in terms of more criminally involved youth, Black and Aboriginal youth received no more attention than white youth. The point is that those minority youth who were uninvolved in crime were being targeted both because of their visible poverty, where they hang out, who they hang out with and the fact they were visible minorities. Interestingly, this finding is consistent with other research on Toronto youth—street and housed—that was carried out by Tanner and Wortely (Tanner, 2010). While there is some evidence to suggest that the police may have been engaged in what is often referred to as "racial profiling," our data strongly suggests that "gender profiling" was at play. This observation is in keeping with our earlier discussion about social profiling.

26. This finding does is not meant to suggest that homeless females did not report police harassment - many did. Rather, in terms of levels of statistical significance noted in our regression analyses, the attribute of being "Male" was a much stronger predictor of police harassment and police contact than the "Female" gender attribute.

Social profiling occurs when an action taken against a person is based on their presumed association with an identified group. In the case of homelessness, particularly homeless adults who have been street involved for some time, profiling is based on a person's "sloppy or neglected appearance," "bad bodily odour or personal hygiene" and "used and ill-assorted clothing" (Sylvestre, 2011). Social profiling occurs in relation to homeless youth as a result of a broad interpretation by the police regarding who they deem 'suspicious' due to one's clothing, location, or time of day, for instance.

Street youth have very negative attitudes regarding policing and the courts.

Effective policing practice relies on citizens having faith and trust in police, for it is citizens who play an important role in notifying police of crime, and helping police identify perpetrators. While it is not surprising that people who are criminally involved held negative opinions of police, it is telling when those who are not criminally involved also hold such views. Our research demonstrates with great clarity that compared to domiciled youth, young people who are homeless are much more likely to have strongly negative attitudes about the police and the courts. The differences between housed and homeless youth are no doubt related to the quantity and quality of personal experiences both groups have with the criminal justice system. Young people who are homeless are more likely to be victims of crime, and may thus feel that the police and courts are not adequately protecting them. Compounding these concerns will be the fact that they regularly encounter police, not so much because of their victimization, but rather, because the police regularly stop and search them, ask them to 'move on', and regularly issue them tickets, for misdemeanors perceived to be frivolous, and bordering on harassment. Given the social exclusion that characterizes the life of homeless youth (lack of private space, the need to earn money, high rates of victimization, public drinking/drug use, and being under close and constant police surveillance), these unenthusiastic views about the criminal justice system are understandable.

> "What I am suggesting is that there are options for not laying a charge or giving a ticket, either with a warning or with a whole program of diversion. So police, in situations that are probably non-criminal, or should not result in the entry into the criminal justice system, they, can decide not to lay charges – or in the case of ticketing offences – they can decide not to issue the ticket. Some of this already exists in some form. You can look at the example of graffiti prevention programs, where instead of being charged for doing graffiti, you go to an art program and you learn to do graffiti in places that we want it. So the same thing could be done with drinking in the park, maybe offer an alcohol awareness session or park clean-up something different like that instead of issuing the ticket that will land in hopeless debt. It is more effective an efficient - assisting a youth and providing reasonable learning moments for deterrence that does not further criminalize. That should go for youth not just under 18 but should be extended for young adults up to 24 or 30 even."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

5.2 Understanding the 'Policing' of Youth Homelessness

Is this conflictual relationship best explained by factors internal to the street youth population (their delinquency), by the approach police take to street youth, or are broader structural factors, like social exclusion and neoliberalism, at play? Is the real or perceived criminality of the street youth population, regardless of its origins, a sufficient explanation for the degree of surveillance, interrogation and charges they receive at the hands of the police?

Certainly there is much research that explores the *criminality* of the street youth population (Baron, 2008; Baron and Hartnagel, 1997, 1998; Baron, et al., 2001; Hagan and McCarthy, 1997; McCarthy and Hagan, 1995; Tanner and Wortley, 2002). Our current research suggests that homeless youth who are involved in crime and are significant drug users do receive police attention. However, we also find that street youth in general – including those not involved in crime – are also likely to have encounters with the police. In particular, being young, male and homeless increases the chances of engaging with police, and being Aboriginal or black raises the odds of being issued a ticket. This suggests that for the street youth population, it is not their criminality alone cannot explain the large number of police encounters.

It can be argued that other interrelated factors are at play here. One must, for instance, explore aspects of police culture, such as the problematic and discriminatory generalizations and essentializing that contribute to police profiling based on assumed criminality; and the propensity to focus efforts on street-based crime that have profound effects on how police deal with minority and marginalized populations, and the approaches to law enforcement they deem to be preferable.

The practice of policing and the underlying perceptions that guide police actions, however, do not occur in a vacuum. We argue that the conflictual relationship between the police and homeless youth reflects a larger battle over individual rights and privileges regarding the use of public spaces. These interactions occur within the context of broader discourse which seeks to link the very experience and status of being homeless with criminality, and which frames the very presence of street youth on city streets as a reflection of growing urban disorder (Hermer and Mosher, 2002). Recent research on the social construction of space, in complex and socially divided societies, purports that *who* has access to and *how* public and semi-public spaces should be used is contestable (Lefebvre, 1996; Mitchell, 2003; Sibley, 1995).

As a recent example of how the use of public space can be contested, lawyer and activist Randall Amster (2004) documented his battle against a sidewalk ordinance in Tempe, Arizona. In this particular instance, police officials wanted to pass a law that would prevent people from sitting or sleeping on public sidewalks. While they did not say outright that this was aimed at homeless individuals, it was clear that most of the people sitting and sleeping on the sidewalks of Tempe were in fact homeless. The lack of shelters and drop-in centres meant homeless people had nowhere else to go and were forced to spend their days sitting outside. Despite this, local business owners fought for the ordinance to pass so that consumers would not have to encounter homeless persons while shopping. This is one such example of public space not being equally accessible (or welcoming) to all citizens and how police and the enforcement of certain laws are used to differentiate between those who belong and those who do not.

Engagement between homeless people (in this case street youth) and police thus raises questions about citizenship and social inclusion, in reference to: a) who does and does not receive fair treatment by the police, and more broadly, b) who has access to, and what activities are permitted in, public spaces (streets, sidewalks, parks) and semi-public spaces (doorways, shopping malls, unoccupied buildings) in major cities. This reflects a broader struggle about who has (and importantly, who does not have) a stronger voice in shaping public policy, dictating the terms of use of public spaces, and influencing the direction of law enforcement practices.

North American Research on Policing Homeless Persons

Our research is consistent with other studies in North America that address the criminalization of homelessness as a key statutory response to the issue over the past three decades. American research[27], for instance, chronicles how many cities in the United States have implemented laws and policies and utilized policing to limit the use of public space by people who are homeless, and thus decrease the visibility of this population. Consistent with our definition of the criminalization of homelessness, this has often involved the creation of new ordinances to target activities associated with homelessness, such as panhandling, squeegeeing, loitering or sleeping in public spaces (Amster, 2004; Foscarinis, Cunningham-Bowers, and Brown, 1999; National Law Center on Homelessness & Poverty, 2006, 2009). Policing practices can also involve more intensive use of existing laws through place-based policing, to target homeless people who are perceived to be disorderly or a public nuisance, in addition to potentially being criminal (National Law Center on Homelessness & Poverty, 2006, 2009; Harcourt, 2001; McArdle and Erzen, 2001). Finally, as Culhane (2010) points out, police have been deployed to clear homeless encampments and squatter settlements, often under the guise enforcing of health and safety standards (Guy and Lloyd, 2010; Katz, 2010; Wright, 1997). There are clear consequences to the criminalization of homelessness. In "*A Dream Denied: The Criminalization of Homelessness in U.S. Cities*" (2006) the authors point out that:

> "In some cities where a variety of "status" ordinances have resulted in large numbers of arrests, "habitual offenders" are given longer jail terms and classified as criminals in shelters and other service agencies because of their records." (National Law Centre on Homelessness and Poverty, (2009: 14).

Canadian research also focuses on the use of laws to target the homeless (Hermer and Mosher, 2002; Esmonde, 2002; Parnaby, 2003). In *Disorderly People*, Hermer and Mosher present a range of papers that focus on the legal and ethical implications of the imposition of the Safe Streets Act in Ontario. The most extensive Canadian research has been conducted by Celine Bellot and Marie-Eve Sylvestre, who look at the policing of homelessness in several Canadian cities (Bellot, et al., 2005, 2008, 2011; Sylvestre, 2010a, b, 2011). In particular, they explore the practice of ticketing, where through special legislation or merely through the selective enforcement of existing ordinances, the intensive policing of homeless persons used to control the perceived 'disorder' of public spaces. Sylvestre has more broadly reviewed the role of policing, discretionary practices, and how this relates to a broader public agenda of controlling public spaces used by disorderly people.

What are the outcomes of policing people who are homeless? Douglas (2011) has argued that:

> This targeting of homeless youth, which victimizes and marginalizes an already disadvantaged segment of the population, places financial burdens upon them that negatively impacts life opportunities, including credit, work and educational options, and adds unnecessary stress to an already stressful situation. (Douglas, 2011: 50).

There are clear social and emotional, as well as financial costs to the criminalization of homelessness. One must not ignore that this heightened level of police attention directed at homeless persons also increases the likelihood of jail time. A growing body of Canadian research focuses on the bidirectional relationship between homelessness and prison (Gaetz and O'Grady, 2006, 2009; Novac, Hermer, Paradis and Kellen, 2006, 2007; Kellen et al., 2010). That is, people who are homeless are more likely to become imprisoned, and are over-represented in the prison population. Additionally, because of the inadequacy of discharge planning and reintegration practices, both for those

27. For useful summaries, see the following studies: "*Homes Not Handcuffs: The Criminalization of Homelessness in U.S. Cities*" (2009), a Report by The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless; and "*A Dream Denied: The Criminalization of Homelessness in U.S. Cities*" (2006), a Report by the National Coalition for the Homeless and The National Law Center on Homelessness & Poverty.

who are convicted and those awaiting trial on remand, many ex-prisoners are discharged directly into homelessness. The high rate of incarceration amongst this population – a clear outcome of the criminalization of homelessness – is an extremely expensive feature of our societal response to homelessness.

This body of research points to the need to pay attention both to police practice relating to 'disorderly people' in recent decades, and the broader socio-political context that provides fertile ground for the criminalization of homelessness to take root and prosper.

How Police Practice Contributes to the Criminalization of Homelessness

The practice of policing – both in terms of more broadly sanctioned strategies to address urban crime, but also in terms of the discretionary practice of individual police officers – shapes how the criminalization of homelessness is operationalized. That is, in addition to the creation of new laws for police to enforce – such as the Safe Streets Act – it must be understood that the policing of homelessness is also an outcome involving the application of policy and the enforcement of existing laws to address what are deemed by the police and law makers as 'problematic' issues that can be resolved through law enforcement. Where there is popular support for a neoliberal "Law and Order" agenda, when politicians regularly remark on the need to control populations such as 'dangerous panhandlers', and when the public and news media appear to support a law enforcement response to homelessness, the police force may internally put into place practices that help fulfill this agenda. Some of these are likely the result of formal policy shifts (it is for instance unlikely that the increased application of the Safe Streets Act – from 782 tickets in 2000 to over 15,324 in 2010 –simply resulted from the actions of individual officers), whereas in other cases it may simply be a reflection of shifts and changes in police practice. Below we outline some of the factors that may be at play.

"Broken Windows" Policing.

There can be no doubt that operationally the criminalization of homelessness has been impacted by new approaches to policing over the past three decades, and in particular, place-based neighbourhood or community policing practices (Herbert, 2001). Many jurisdictions have adopted strategies that focus on more foot patrols and increased policing of small crimes and minor offences through a framework of 'zero tolerance'. The growing popularity of such approaches can be directly traced to the popularized work of several conservative American sociologists, in particular Wilson and Kelling. They strongly advocate for 'order maintenance' and 'broken windows' policing (Wilson and Kelling, 1982; Kelling and Coles, 1997), which is premised upon the notion that the failure to suppress low level symptoms of disorder as aggressively as major crimes can in fact lead to the escalation of crime and urban decay.

> If a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken ... [O]ne unrepaired broken window is a signal to potential criminals that no one cares, and so breaking more windows costs nothing. (Wilson and Kelling, 1982: 462)

That is, if a neighbourhood is rife with small scale crimes, graffiti and 'broken windows', this opens the door to much more serious crimes. Take care of the small stuff and you avoid the big problems, so to speak. Such practice, which has become popular in many jurisdictions since the mid-1980s, involves a more aggressive policing strategy, including the selective enforcement of generally applicable laws and targeted policing (by identifying particular areas and / or specific populations within them).

In outlining their theory, Wilson and Kelling (1982) make

clear that they are not just referring to inanimate objects – people could be broken windows (i.e. signs of disorder) as well. They write,

> The prospect of a confrontation with an obstreperous teenager or a drunken panhandler can be as fear-inducing for defenseless persons as the prospect of meeting an actual robber; indeed, to a defenseless person, the two kinds of confrontation are often indistinguishable (pg. 3).

As teenagers and panhandlers/squeegeers, homeless youth – to Wilson and Kelling – are doubly fear-inducing. According to the Safe Streets Act, the defenseless persons who may not be able to distinguish between homeless youth and robbers are the captive audiences at bank machines and transit stops. It is for the protection of these apparently vulnerable people that 80% of Safe Streets Act tickets are issued. Wilson and Kelling make it very clear that their approach to policing targets the homeless when they state, "The unchecked panhandler is, in effect, the first broken window" (pg.4). Not only are panhandlers a broken window – they are the first broken window, and therefore must be addressed by police quickly and swiftly before more serious disorder sets in.

Kelling and Coles (1997) expand on the broken windows theory and argue that police methods that distance officers from communities (the use of squad cars, rotating beats, and a 911 response system, for instance) are ineffective at combating crime. Instead they call for a return to community policing – although others argue that community policing is vastly different in philosophy and practice from broken windows (Herbert, 2001). Kelling and Coles (1997) argue that the key to reducing crime rates is to focus on low-level nuisance issues and the restoration of order. Although they claim to not target homeless persons they do write about homelessness frequently and with clear contempt. For example,

> ...given what we know about the nature of the 'homeless' population and many of those who engage in disorderly behavior on our streets: while some may be passive or benign in their speech and acts, many more are scam artists, substance abusers feeding alcohol or drug habits, mentally ill, or have criminal records. Furthermore, we know that the speech and behavior of many in this population are intimidating and even threatening, and may become even more so depending upon the context in which they take place (pg.230).

In broken windows policing the emphasis is on distinctions between those who seek to live peacefully in urban communities and those who are said to disrupt that peace, thus justifying ticketing, arrests, and/or their removal from public spaces (Herbert, 2001). This is evident in Kelling and Coles (1997) discussion of broken windows as they establish early on a distinction between "respectable people" and "street people" (pg.17) without any consideration that these need not be mutually exclusive categories.

Does Broken Windows Policing Work?

A broken windows approach to policing widely criticized as being ineffective and based on flawed logic. Convincing evidence from a range of researchers supports this position (Lippert, 2007; Douglas, 2011; Herbert, 2001; Harcourt, 2001; Harcourt and Ludwig, 2006; Taylor, 2001). It is also worth pointing out that 'broken windows' implicitly relies on the practice of police profiling; the use of discretionary power to identify, interrogate, and charge those 'suspected' of being potential (or petty) criminals. Douglas argues that:

> the emphasis on the value of safety and security and the resultant zero-tolerance of minor infractions threatens the general societal tolerance of cultural pluralism and helps to legitimize extreme measures in keeping and/or restoring order to communities. (Douglas, 2011:54)

Recent research attempts to address whether the use of 'skid row' community policing to target homeless populations in particular has actually had an impact on reducing crime. Authors Berk and MacDonald (2010) claim that 'skid row' place-based policing in Los Angeles correlate\s with a reduction in violent, property and nuisance street crime. Others suggest that crime rates in Los Angeles were already on the decline and that other factors need to be considered (Rowe & O'Connell,

2010). It is also suggested Berk and MacDonald have not been able to demonstrate causal effect (Piquero, 2010) and that the shift – including the use of policing in the first place – is better understood as part of a broader strategy of gentrification (Vitale, 2010). Finally, Dennis Culhane (2010) points out that Berk and MacDonald (2010) conclude that reductions in crime by people who are homeless was modest, and that most of the crime in the area was not caused by homeless people:

> The area itself may have remained a place that attracts or is home to perpetrators of crime, regardless of the visible presence of people who are homeless. Moreover, as the authors note, because people who are homeless are more likely to be victims of some crimes, especially violent crimes, some of the crime reduction may be attributable to the removal of potential victims, not just perpetrators. (Culhane, 2010: 851)

Despite the broad based concerns about the efficacy of 'broken windows', it has nevertheless been popular with police forces across North America, perhaps because it reinforces approaches to policing already well-established in contemporary police culture. Hebert (2001), for instance, argues that contemporary police culture in North America is characterized by an emphasis on adventure/machismo on the one hand, and a pronounced sense of moral purpose, on the other. In his study of the Los Angeles Police Department, he argues that this morality leads officers to "constantly invoke the term 'bad guy' to describe the 'evil' that pollutes the streets. The police are simultaneously constructed as the good guys who cleanse the streets" (Hebert, 2001: 453). It is this sensibility that gets produced and reproduced daily, and leads police officers to emphasize "aggressive patrolling and frequent arrests" rather than community policing approaches (Clear and Karp, 1999; Fielding, 2005).

While we do not have evidence that the Toronto Police Service has 'officially' endorsed broken windows policing at any point in their history, the popularity of the model (despite its clear limitations) and a presentation made by broken windows advocates in Toronto in 1996 is seen to have had an impact on policing strategy. One result is the implementation of 'Community Action Policing" (CAP) in 1999. The name suggests community policing, but in fact is characterized more by the aggressive policing strategy of 'broken windows'. Under CAP, the police received extra funding to provide more targeted policing in specific areas of the city to aggressively eradicate crime, including the downtown area. At the time, many activists proclaimed that this policy's unofficial goal was to use extraordinary police interventions to target marginalized populations such as the homeless.

One might question, then, whether the application of the Safe Streets Act at a time when panhandling is on the decline, is a reflection of the adoption by the Toronto Police Service of place-based zero tolerance policing and the 'broken windows' philosophy. Arguably, this research demonstrates how the Ontario SSA is an example of broken windows policing, which employs discourses of public fear and protection of the vulnerable in order to justify targeted legislation aimed at marginalized populations – in particular, homeless youth. As the SSA illustrates, the preoccupation of broken windows policing with public disorder reinforces a neoliberal model of policing that instructs police officers to see social issues (like homelessness, poverty, and addictions) not only as individual and private matters (Berti and Sommers, 2010) but as arrestable offences.

The criminalization of homelessness, as we have outlined it in this report, masks the greater structural sources of vulnerability that get created when neoliberal policies reduce funding to education, housing, health care, and employment supports. Without these resources some people are socially excluded and become marginalized. Neoliberal approaches, like broken window policing and the enforcement of the SSA, do nothing to address the root social causes of issues like poverty and homelessness. This virtually ensures that while some people are removed from the streets, other "disorderly" people will arrive to take their place (Sanders, 2006). When taken all together, Mosher (2002) writes,

> ...the legislative framework, the policies, the practices and the accompanying discourse operate to construct the poor as persons who don't deserve to be in control of anything; rather they are persons who need to be controlled, disciplined and reformed by others (pg.49).

Social Profiling - Housing Status as an Extra-Legal Factor

What does the person who represents the metaphorical 'broken window' look like? Policing, far from being an 'objective and neutral' practice, inevitably involves a degree of discretionary decision-making. This is influenced in subtle and complex ways by individual perceptions on the nature of criminality, the 'culture of policing', and both overt and implicit political direction to engage particular sub-populations who are perceived to be more criminally involved (Sylvestre, 2010).

A key factor which may explain why the policing of *homeless youth* is undeveloped in the research literature is that past studies on delinquency and police discretion have not taken into account housing status as an extra-legal variable. In the area of youth and policing (e.g., Carrington and Schulenberg, 2005), a distinction is often made between two sets of factors which have been associated with police discretion and decision making: "legal" and "extra-legal" variables. The former refer to variables such as the severity of the offence and whether or not the youth has a previous record. Obviously, if a suspect is alleged to have been involved in a serious crime and has a previous record, there is a high probability that a charge will be laid. On the other hand, if the youth is suspected of committing a minor offence and has not been in previous contact with the police, the odds of this youth being charged are low. Within a Canadian context and since the introduction of the Youth Criminal Justice Act in 2003, offences that are minor would normally result in youth receiving extra-judicial measures[28]. There is a solid body of evidence to support the idea that such legal factors greatly influence police charging practices (ibid.). There is much greater controversy, however, on the role played by extra-legal factors. Decision-making by police officers' is also found to be associated with "extra-legal" factors such as (Bell, 2012):

- Demeanor of suspect
- Race of suspect
- Social class of suspect
- Age of suspect
- Gender of suspect
- Family and community characteristics
- Differences in charging practices between police departments

The literature on 'police profiling' suggests that with or without explicit approval (through policy, for instance) it is not unusual for police to generalize and essentialize criminality across population groups, particularly people who are visible minorities – a practice known as racial profiling (Weitzer, 2000). We are unaware, however, of any research that studies the role homelessness plays as an extra-legal factor in influencing police discretion.

In Chapter 2, we introduced the notion of ***social profiling of homeless persons***. This refers to a range of actions initiated under the guise of public safety, security, or protection, and generally in response to public fears. This kind of profiling relies on stereotypes about the danger and criminality of people who are homeless and their uses of public space (for money making, sleeping or resting) and does not demand reasonable suspicion, to single individuals out for greater scrutiny or differential treatment.

Unless checked by deliberate policy and training, police attitudes regarding the reputation of marginalized groups can be based on perceptions that may be inaccurate, biased, and generalize notions of criminality broadly within groups and categories of persons, well beyond those who are actually engaged in criminal acts. This may result in more frequent stop and searches, and differential treatment in terms of how information is gathered from suspects, victims and witnesses, and how justice is meted out through decisions to arrest (or not) and court proceedings. The perception and identification of street youth as 'potential or actual' criminals by police may cause well-meaning street youth, who are not criminally involved, to nevertheless have difficulty avoiding confrontational engagements with police.

28. Under the YCJA, this refers to processing accused youth by means other than the court system, before or after being charged with an offence. If a youth acknowledges their involvement in an offence (non-violent and normally a first offence), then they are eligible for diversionary methods from the judicial system such as warnings or programs within the community (e.g., drug and alcohol awareness program). If the youth successfully completes the requirements of the warning or program, then the police or prosecutor may cease continuing the judicial process.

The Socio-Political Context for the Criminalization of Homelessness

Understanding police practices helps make partial sense of the high level of attention paid to street youth by police in this study. However, police officers and police services in general operate in a much broader socio-political context, which frames how homelessness gets discussed and thought about by the general public, the news media, politicians and ultimately the police. That is, we cannot make sense of the criminalization of homelessness by merely exploring the behaviours of people who are homeless, or simply by exploring the ways in which individual police officers carry out their duties.

The research literature on youth homelessness, poverty, public space, and the policing of homelessness gives us broad insight into the factors that both shape and reflect the criminalization of homelessness. The research tells us not just what is going on but also why. In this report, we argue that in addition to issues relating to police discretion and police practices, the criminalization of homelessness must be more broadly understood in the context of neoliberal government policy as well as public and political pressure to 'do something' about homelessness. In other words, we are talking about a convergence of actions on the part of the general public, government, and police, all directed towards framing and controlling how, when and under what circumstances public space is utilized by people who are homeless.

Sylvestre, in her research on policing in Montreal, identifies that policing disorder is directly influenced by community politics and institutional demands, as well as officer's discretion (2010:811). She argues that in enforcing policies and bylaws that govern public spaces, police must accept and internalize broader understandings of poverty, homelessness, and disorder that are dictated by the orientations of local authorities. City officials, mindful of what they perceive to be community concerns (though one may question how truly broad the support for the criminalization of homelessness is), may be very proactive in urging police to respond to the visibility of homelessness. Sylvestre recalls:

> after I commented on the impact of the antisocial behavior policy on the homeless, one police official once asked out of exasperation, 'but what can we do when the mayor's office calls us and tells us to clean up the park?' (Sylvestre, 2010:816)

Our research does not included interviews with the Toronto Police Service, but rather focuses on the experiences of young people who are homeless. However, we are clearly aware of a broader political context that has, since the 1990s, continued to frame homeless people – especially street youth – as signs of urban disorder; a type of disorder that needs to be responded to. For instance, a recent poll by Leger Marketing, as reported in the Toronto Sun, indicated that: "almost one-half (48%) of Canadians feel the police should crack down harder on aggressive panhandlers even if it results in jail time"(Yuen, 2011). Things have certainly shifted since Canada abandoned vagrancy laws in the 1970s. So how do we understand this shift?

Contemporary social theory helps make sense of this. Several theoretical approaches explore how social and economic changes over the past forty years have created a context whereby many members of the public (as well as politicians) have become more and more comfortable with the use of law enforcement as a key strategy to address difficult and visible social problems such as homelessness. Much of this can be linked to the increasingly neoliberal political environment in Canada. Recall that through neoliberal policies and practices social supports are reduced, policing is enhanced, and those in need are blamed for what are perceived to be personal failures.

The criminalization of homelessness can be understood as part of this neoliberal shift whereby we have increasingly moved from a framework of collective responsibility for economic and social well-being (particularly of those living in poverty), to one in which notions of risk and responsibility lie more and more with individuals. One of the manifestations of neoliberalism is the very visible and marked expansion of the role of both government (through police and courts) and private security in regulating the behaviour and use of public space by marginalized individuals and populations (especially youth) perceived to be sources of 'risk' for society (Giroux, 2008). Johnson and others argue that under welfare

liberalism, individuals living in poverty tended to be responded to through government and social services, whereas under neoliberalism, "those framed as problematic have been increasingly governed through security, policing, and criminal justice ideas and practices" (2010: 20).

Researchers studying police crackdowns on homeless youth in the United States (Ruddick, 1996) and in Canada (Hermer and Mosher, 2002; Sylvestre 2010a, b, 2011) speak about this risk in terms of 'disorderly people'. That is, as social and welfare supports are dismantled (demonstrated most clearly in Canada by cutbacks to social spending and housing in the 1990s), and as the income and wealth of middle and lower income persons decline, marginalized persons more and more came to symbolize urban disorder, and become framed, as Hermer and Mosher describe (2002), as "disorderly people". Such populations include those defined in the media and in policy contexts, as 'welfare cheats', 'coddled prisoners', and 'violent youth.' It is through this lens that homeless persons – and in particular, those who squeegee and panhandle – are considered to embody disorder; a disorder that is seen to be delinquent and criminal, and therefore requiring a neoliberal law and order response.

Revanchism, Gentrification, Public Space, and Policing.

The criminalization of homelessness in the United States has often been explained through the application of what is referred to as the 'Revanchist' thesis. The concept of 'Revanchism' was introduced by Neil Smith (1996), an urban geographer who was exploring the spatial and economic processes of social exclusion in New York at that time. Smith coined the concept of the 'revanchist city' to frame gentrification as a political and economic strategy to reclaim and recapture urban cities and spaces for those with capital, supported by an underlying discourse of revenge against minorities and other marginalized populations who are framed as 'public enemies'. Revanchism then becomes part of a broader strategy to sanitize modern cities; to help engender a more positive image of the city and its 'citizens' in order to attract industry, capital, and creative persons in an increasingly competitive global market. DeVerteuil (2006) describes the concept of "revanchist urbanism" as one where marginalized populations become more and more controlled by the state in order to serve the interests of gentrifiers and higher income persons, who seek to 'take back the city'.

Several studies have used the Revanchist thesis to explain the criminalization of homelessness in American cities (Mitchell, 2001; Amster, 2003). However, these studies have been critiqued by Johnsen and Fitzpatrick (2010) for their overly polemical use of language and their lack of balance (for not addressing the positive responses to homelessness that can occur alongside criminalization). We must then ask: does the Revanchist thesis make sense in the less politically polarized (relative to the United States) Canadian context?

One cannot dismiss that the gentrification of Canadian cities, such as Toronto, contributes to the broader social and political context that underlies the criminalization of homelessness. Hulchanski recently released a number of reports that demonstrate the rapidly changing nature of Toronto, which has become, as he describes, a 'city of disparities'. Using census data, "The Three Cities Within Toronto" report maps Toronto's increasing income disparity (between 1970 and 2000), it becomes evident that Toronto has become a very polarized city with three distinct regions. At one extreme is an area defined by great wealth (the central part of the city) and at the other extreme the surrounding suburbs, characterized by a shrinking middle class and more clearly defined by great poverty.

While Hulchanski does not explicitly address homelessness in his work, his general findings, along with those of others who look at the gentrification of downtown Toronto, highlight important changes that shape the current economic and political context. As the downtown area of Toronto has transformed over the past 20 years – more condos are being built, old neighbourhoods become gentrified, rooming houses disappear, business and shopping districts expand – there is new and greater pressure placed on low income individuals, such as the homeless and those who provide services for them. At the same time, the majority of people who are homeless still live in this same downtown core. This is where homeless services are largely concentrated, and where economic opportunities exist. While there has been some expansion

of homeless services into suburban areas, resident resistance (NIMBYism[29]), as well as the challenges of being homeless in a low-density, suburban environment where transportation and access to services is a challenge, means that the downtown core remains the primary location where people who are homeless reside.

In our discussion of the Places and Spaces of Policing (section 4.4), we highlight the fact that there are clearly parts of Toronto where police contact with homeless youth is much greater. Both the perceptions and experiences reported by the youth we interviewed showed that the downtown area was where most contact between the police and street youth occurred. There are at least two possible explanations, which may account for this finding. First, street youth services in Toronto are concentrated in the downtown core (where 51 and 52 Divisions are located), and thus street youth spend a good deal of their time in this region of the city.[30] Therefore, given their relatively high levels of public exposure and public use of drugs and alcohol, they are easy targets for police enforcement.

A second explanation which also needs to be considered is the fact that this area of the city has been rapidly gentrifying, including a high concentration of shopping, condo development, entertainment, tourists, and security. Over the years, public spaces in downtown Toronto have increasingly become commodified and physically secured by private interests. At the same time, individuals who lack purchasing power—such as the homeless—have grown in numbers. This group has arguably become more marginalized due to their being perceived as security risks, undesirable and unwelcome in places that are frequently colonized by consumers.

Parenti (2000) explores the paramilitary style of police enforcement that has emerged in inner city areas in the United States over the past decade. It has been suggested that this phenomenon is directly tied to a shift that has taken place in cities where service sector industries have long eclipsed manufacturing industries. In order to draw and maintain a consumer presence in these re-structured inner city areas, zero tolerance and quality-of-life policing has grown, which targets minority groups, such as the homeless. Policing of tourist areas, for example, is used to maintain an image or aesthetic attractive for public consumption within what is promoted as a secure space. However, the control of space goes beyond surveillance, the use of local police, private security, and target hardening. In "post-modern" cityscapes, it also involves the use of these strategies against specific sub-populations who become framed as a threat to the common good and whose right to the use of such public spaces is challenged. As summarized by this excerpt:

> Those who are poor and on the street are constructed as 'Others,' as persons who stand outside of, and thus constitute a threat to the existing order. As such, they are persons who are seen to have no legitimate expectations of privacy that need to be respected. They are excluded from public space and only enter the public consciousness as a perceived threat to safety and order (Mosher, 2002: 52).

David Garland (2001) and others (e.g., Wacquant, 2009) have brought attention to the rise of punitive responses to crime and crime control culture, which legitimates anti-welfare policies and conceptualizes the poor as an undeserving underclass.

By no means is Toronto immune from these sorts of social forces. As this study demonstrates, police surveillance and control lead to confrontations between those who have been given the responsibility to ensure that shoppers, tourists, and service labourers are safe to consume and work in aesthetically pleasing, safe environments and those—the homeless—who are seen to pose a threat to the new urban landscape. Police play a key role in keeping shoppers, tourists, conference delegates, and sports and entertainment fans safe from panhandlers, squeegee cleaners, street drinkers, prostitutes and other disorderly people (cf. Hermer and Mosher, 2002).

---

29. NIMBY stands for "Not in my backyard"
30. While this may be the case, recent research has shown that some street youth are shifting their daily routines away from the downtown core (51 and 52 Divisions) to neighbourhoods in western sections of the city due to police pressure or being banned from downtown areas (Yonge Street Mission, 2009).

The clash between the interests of middle income and wealthy downtown dwellers, people who work in the inner city, business owners, shoppers, and the politicians who represent all of these groups, on the one hand, and people who are homeless and under housed, as well as their advocates, on the other, may explain the political and public appetite for the criminalization of homelessness. The very existence of a broad range of supportive services for people who are homeless may in fact bolster support for criminalization, as it may underline a perception that some homeless people are 'deserving' of support (those who use services and don't cause trouble) while others are not (people who beg, or sleep in public places). This is of course the broader socio-political context in which policing operates.

Why street youth?

It is in this context that young people who are homeless become doubly marginalized, due to their youth and poverty. They experience ***social exclusion*** in terms of their restricted access to material and cultural resources and opportunities, and to the broader structures of community participation and public consultations and action, which most people in society take for granted as a right of citizenship. This social exclusion is experienced across several intersecting domains, and increases the longer they are homeless. It is most clearly manifest in their lack of access to stable, safe, and affordable housing, which compromises their right to privacy, safety, food security, and a healthy lifestyle. Without adequate shelter and housing, street youth are thrust into a situation where their day-to-day activities – like eating, sleeping, making money, and recreation - occur for the most part in highly visible public spaces. The inability of many street youth to consistently obtain and maintain employment in the formal economy forces many to engage in illegal and quasi-legal income generating strategies in order to earn cash in hand to meet day-to-day needs. A consequence of this is the increased likelihood that street youth will be more criminally involved than domiciled youth.

But as we have seen, criminal involvement alone does not explain street youth encounters with police. The point to be made here is that one of the clearest manifestations of their social exclusion is their lack of access to fair treatment in the criminal justice system. One must look beyond the characteristics of street youth themselves to make sense of this and look to the systemic and cultural factors that shape the way the police - and the public - come to identify the status of being homeless with danger, delinquency, disorder and ultimately, criminality.

That street youth are highly visible, and a percentage of them are criminally involved, means they become an identifiable population of 'disorderly people' stigmatized with a criminal reputation. As a result, young people, whose identity becomes defined by their homelessness, are increasingly framed by politicians, the media, many members of the general public and ultimately, by the police as representing a form of urban disorder that can and should be contained and controlled. As a consequence of such essentializing practices, street youth become more marginalized and experience social exclusion both in terms of their engagement with the criminal justice system, and more broadly, in terms of increasing restrictions on where and how they are able to use public spaces.

5.3 Conclusion

The criminalization of homelessness in Canada has had a profound impact on the lives of street youth. For a population of young people who have left home and often arrive on the streets having experienced trauma, the encounters with police can add to their problems. The outcomes of such encounters are expanded on below. The main point is that the criminalization of homelessness, now arguably a central feature of the Canadian response to homelessness, is highly counterproductive and in fact creates barriers for people living in poverty who are attempting to move forward with their lives.

The Outcomes of Encounters with Police

> "What one can see happening in the long run in cases like this is that when this youth eventually does get housing, education, and a part time job, the collection agency comes knocking, and that's the city, saying "You owe us". It is an incredibly destabilizing moment when the young person says, "OK, I've got it together, I've got a minimum wage job, I can pay my rent, make my bills, and now I've got this debt". Whether its $4,000 dollars, maybe others have $400 debt, it is devastating – too much for someone who is just trying to get back on track and live month to month. And so that has had a big negative impact on some of my clients, and has exacerbated some of their mental health issues."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

The seemingly inordinate amount of attention homeless youth receive from police is not without its consequences. These are worth pursuing in greater detail, because from a policy perspective, it is worth asking how and whether such police attention actually makes our cities safer, thus contributing to our solutions to homelessness.

There is research that attests to the negative impact of repeated encounters with police, especially if these interactions are seen to be unwarranted. Skogan (2006), for instance argues that when young people engage the police "the impact of having a bad experience is four to fourteen times as great as that of having a positive experience" (Skogan, 2006). In fact, the Ontario Ministry of Children and Youth Services (2010) advises that "get tough" policing often results in negative encounters that may have "deleterious and irreversible effects on policing legitimacy and ultimately impair their main functions." They argue that evidence supports the hypothesis that: "the less respectful police are towards suspects and citizens generally, the less people will comply with the law" (ibid). There is a need, then, to reflect on the practice of "getting tough on crime" through ticketing, stop and searches, and encountering street youth with the assumption that they may be criminally involved, even when it is clear that many are not.

We are not questioning the right and obligation of the police to carry out their jobs in enforcing laws in a just way. We are also not suggesting that homeless youth are never criminally involved and therefore should never have run-ins with police. Rather, if it becomes clear that the amount of police attention received by these youth is not so much related to their criminality, but rather, is a reflection of the degree to which the criminalization of homelessness has become entrenched as part of our broader response to homelessness in many jurisdictions in Canada, it is worth looking at the outcomes of this practice. Some of the consequences of police engagement with homeless youth include:

Encounters with police are experienced as harassment.

Young people who are homeless are marginalized by their age, their poverty, and the visibility of their homelessness. For those experiencing racism (Black and Aboriginal youth), this marginalization is compounded. When young people regularly encounter police for stop and searches, and receive tickets for what are perceived to be frivolous charges, this becomes a clearly felt expression of their social exclusion. The fact that they are a highly victimized population (in terms of assault and other crimes) further underscores a perception that the police are not there to help them. All of this creates further challenges for young people attempting to move forward with their lives.

Homeless youth develop very negative attitudes about police, policing and the criminal justice system.

When compared to young Canadian who are domiciled, street involved youth are much more likely to view the actions of the police in very negative terms. This finding is not surprising, given the level and types of experience that many in our sample had with the police. Interestingly, holding negative views about the police were not only predicted by drug use

and criminal behaviour, but by gender (male) and the amount of police contact a street youth had with the police.

In recent years there has been an increase in the number of homeless youth who report being harassed and even physically assaulted by police and security guards in Toronto (Karabanow, 2004). Consequently, this has left many homeless youth considerably untrusting and fearful of police encounters (Khandor and Mason, 2007; Novac et al., 2009; Zakrison et al., 2004). Berti and Sommers (2010) explain that, "[f]rom the point of view of a homeless person the law is to protect other people from them, not to protect them from other people" (pg.71).

It appears that an environment has been created in Toronto where street youth have totally lost trust with the police. Rather than being viewed as vulnerable young citizens who are in need of added protection, an ethos of control has been created where street youth, as a group, have been vilified. If the policing of street youth is to be informed and understood within this context, then it becomes clear that criminalizing homelessness is not the solution to the problem, but rather an expensive catalyst.

Excessive ticketing can lead to debt.

Young people who receive tickets are expected to pay them. However, being homeless means living in poverty, and in general the experience compromises one's ability to obtain and maintain steady employment. The continuous issuing of tickets for provincial offences and municipal bylaw infractions[31] can therefore lead to the accumulation of debt.

Our analysis of the Ontario Safe Streets Act (Chapter 3) is a case in point. The total value of SSA tickets issued in Toronto between 2007 and 2010 was $3,790,380. A conservative estimate of how much it cost the Toronto Police Service to issue such tickets was $877,472 over this period.

The tickets issued to homeless youth go well beyond Safe Streets Act violations, and include a broad range of provincial offences and municipal bylaw infractions. While we are unable to estimate the total value of the tickets issued to homeless youth during the same period, data gathered through a freedom of information request suggests that the value of SSA tickets for people under 25 was $723,068 (between the years 2004-2010). When one considers that SSA tickets only comprise a small percentage of the overall tickets for minor offences issued to homeless youth, one can speculate the debt load to be much greater than that.

The costs of issuing a large number of tickets to an impoverished youth population, with minimal income, are important to consider. Saddling young people with debt early in life does not help them move forward with their lives. At the same time, the cost of issuing large numbers of tickets for minor offences (where there is little likelihood of repayment) is also an important policy consideration question. Indeed, as we pointed out earlier, the criminal courts in Canada are very reluctant to fine poor and youthful offenders who are found guilty of breaking criminal code violations.

Excessive ticketing can lead to prison.

Tickets issued for minor offences technically do not lead to jail time. However, non-payment of tickets may. If an individual accumulates a large number of unpaid tickets they may result in jail. In such cases one may be processed through PART III of the Provincial Offences Act, whereby they are issued a summons to go to court. One can be sentenced to jail time in such cases (this is made clear in the language of the Safe Streets Act, for instance). If one fails to appear in court and fails to pay their fines, they are issued a 'bench warrant', which means the homeless person in question can be picked up by police and delivered straight to jail.

31. Provincial offences derive from quasi-criminal legislation passed by the Province such as the SSA, Liquor License Act, Trespass to Property Act. The Acts can be enforced by police officers and other designated officers, and offences attract penalties of fines and incarceration. Bylaws infractions derive from bylaws created by City Council. Bylaws can attract penalties of fines and incarceration in limited circumstances.

Ticketing and harassment of homeless youth presents clear barriers to moving off the streets

As we remark earlier in the report, the issuing of tickets and fines to (young) people who are homeless, living in poverty, and who have a limited ability to pay, goes against the spirit of both the Criminal Code of Canada and the Youth Criminal Justice Act, both of which recommend leniency in such situations. There are options for a young person to request a reduction of the fine amount, or to ask for a trial date for the state to prove that they committed the offence. We do know that one third of street youth obtaining tickets believed the ticket to be frivolous, or unwarranted. Despite this, street involved youth rarely request a trial date or ask for a reduction in the fine amount. Often, street youth feel so completely incapable of making any sort of fine payment, that they feel hopeless at the prospects of challenging the ticket in any way. Each day, street youth are focused on the immediate concern of finding enough food, clothing, and safe shelter. They are also profoundly alienated from, and distrustful of, both police and the court system. Challenging tickets, asking for reductions, or paying any fine amount, is perceived as a hopeless and non-urgent concern for street youth.

The outcome of negative encounters with police is very clear. Virtually all street youth want to move off the streets at some point. Unfortunately, even those who are in the process of becoming more stable – obtaining an apartment, getting a job or attempting to finish school - still carry with them the debt load from their time on the street, and must endure that moment when the collections agency comes calling. The devastation of accumulated debt – largely the result of being visibly homeless and engaging in survivals strategies to get by day-to-day – becomes an additional burden that can cause mental health stress and an obstacle to their housing stability, and can result in a return to the street.

The criminalization of homelessness is not a well thought out response to this crisis. In fact, one could argue that it exacerbates the problem and creates significant barriers for people struggling to get off the streets and move forward with their lives.

> "The police can do all sorts of things with more of a public safety focus. They have the laws at their disposal. But the creative solutions that might be best for our city are also at their fingertips in their enforcement tactics. The Provincial Offences Act, Criminal Code, and Youth Criminal Justice Act all have enabling provisions that permit police and prosecutors to create effective diversions from the criminal justice system. Instead of ticketing they can create diversion and warning programs if they want to do this during their patrols. This requires leadership to make this happen. The actual practices will be more conducive with a supportive public safety response that has the intent of decreasing the number of people living on the streets; that will decrease any sort of anti-social behaviours that our police officers are now criminalizing. And it is looking to a different way to deal with homeless youth who are engaging in survival techniques like panning, antisocial behaviours, drinking in public parks, or minor crimes – again for survival - like thefts."
>
> (Johanna Macdonald, Lawyer,
> Street Youth Legal Services, JFCY)

6 Conclusion and Recommendations

This report documents how the ***criminalization of homelessness*** in Canada has become a key feature of our response to homelessness. By exploring the relationship between homeless persons – in particular, street youth - and law enforcement officials (both the police and private security), we highlight the use of laws and practices to restrict the activities and movements of people who are homeless, often with the outcome being fines and / or incarceration. The key here is that people who occupy public spaces (because they lack private ones), and whose poverty is highly visible, are subject to extra attention by the criminal justice system not so much for ***what*** they do, but for ***who*** they are and ***where*** they are.

Our analysis of Ontario Safe Streets Act records in the City of Toronto produces some troubling findings. For instance, the number of SSA tickets issued by the Toronto Police Service has risen dramatically over the past eleven years, from 710 in 2000, to 15,551 in 2010. This increase of over 2000% is difficult to explain, given that there is no evidence of a huge increase in squeegeeing and panhandling during this period – aggressive or not. At the same time, effective strategies employed by the City of Toronto's Streets to Homes program (a Housing First program) to reduce street homelessness and work collaboratively with police, seem to have had no impact on the number of charges issued.

Our research with homeless youth further illuminates the degree to which the criminalization of homelessness has become an established feature of our response to homelessness. As revealed through our extensive interviews, it is clear that street youth receive an extraordinary amount of attention from the police, with the majority reporting engagement under a variety of circumstances. While these encounters do include instances where police were helpful (including when the youth were victims of crime), it is more typical for youth to encounter police when they are being framed as a potential 'offender'. Though arrests are certainly common amongst street youth, they also describe the many situations in which police are seen to be 'harassing' them through frequent stop and searches, and directives to leave public spaces such as sidewalks, benches, and parks. Street youth also report being regularly given tickets for what they perceive to be frivolous offences such as jay-walking, trespassing and 'spitting in public'. While such ticketing by police may technically be in response to law-breaking behaviour by street youth (that is, the police are merely enforcing existing laws), the frequency of such occurrences is seen by many street youth as another manifestation of harassment based on their marginalized status.

> "The police should stop picking on easy targets. They need to focus on the real criminals."
>
> Ethan, 19

Finally, a number of street youth make allegations of police misconduct, including accusations that the police often use excessive force when enforcing the law. In most cases, the range of encounters described by street youth take place in the open and are witnessed by members of the public, including other street youth. The stories of harassment and misconduct also circulate broadly amongst street youth, so that even those who have not been directly affected by such events may begin to formulate negative attitudes about the police.

As a group, street youth generally hold negative opinions of the police, based on the perception - and indeed, in many cases their experience - that the police, and justice system in general, treat them unfairly. These negative attitudes are grounded in a widely held belief that they are targeted for police action because they are young and homeless. Many street youth express a not unjustified belief that domiciled youth in general do not receive this sort of attention from police.

Our research shows that the vast majority of encounters between street youth and police occurred when they were perceived as being a public nuisance, and / or a suspect of a crime. Street youth feel that they receive so much attention because of how they look and the fact that they are homeless. This has a profound impact on their perspectives regarding how police perform their duties.

It is not that homeless youth see no role or need for policing. As a population that regularly experiences criminal victimization (at rates much higher than the general public), street youth overwhelmingly see a role for law enforcement. Again and again young people told us that police should be focusing on more serious crimes instead of spending time, energy, and resources on the routine surveillance of young people who are homeless, stop and searches, and what they perceive to be 'harassment'.

There is no doubt that street youth are a highly victimized segment of the Canadian population. As a group, street youth consider the actions of the police to contribute to this victimization, which undoubtedly further marginalizes them and alienates them from mainstream society.

> "The problem with the criminalization of homelessness is that it's not resolving the roots of homelessness but causing more problems for young people who are homeless. There are so many other social services that could be provided; so many other legal problems to resolve like family and housing issues. I get so bogged down in the tickets and in the heavy policing, that we sometimes don't get to work through the deeper legal problems of their homelessness. The harm that youth are feeling when they get involved with police, it is devastating for them."
>
> (Johanna Macdonald, Lawyer, Street Youth Legal Services, JFCY)

Social Profiling and Human Rights

Over the past ten years, the growing presence of homeless people in urban areas (in this case, street youth), and the activities they engage in, has become the focus of public debate over who has the right to occupy and use public space. As the existence of homeless people in public spaces becomes increasingly visible and subject to public scrutiny, a consequence is often the active criminalization of homelessness. The experience of how and why street youth engage the police thus raises questions regarding citizenship and social inclusion, in reference to who has access to and what activities are permitted in public (streets, sidewalks, parks) and semi-public spaces (doorways, shopping malls, unoccupied buildings) in major cities.

Current concerns about disorder, crime and safety in Canada occur at a time when crime rates are dropping, and where it is well established that Toronto, in spite of being the Canadian largest city , regularly has the lowest crime rate. Using the cover of populist notions of 'civility', 'responsibility', 'community safety', many Canadians with a law and order agenda have been able to successfully frame laws and practices (what we describe as the criminalization of homelessness) as necessary for the public good. The calls for a crackdown on youth panhandlers, especially after an incident where a member of the public reports being attacked, demonstrate the ease with which single incidents become generalized to entire populations. When one applies this strategy of linking the behaviour or action of one individual to an entire group; of symbolizing something as an essential characteristic of that group, is called ***discrimination***. When, in response to calls by the public, news media, and politicians, police apply these perspectives in determining that people who are homeless are more deserving of police attention, this is what we refer to as ***social profiling***. The well-being of the public, then, has come to depend upon a mentality of exclusion – the public safety and security depend upon finding, punishing, and excluding people we frame as essentially different because of their homelessness.

In our research with homeless youth, we find evidence of social profiling. While young people who are criminally involved and / or are heavy drug users do receive a lot of attention from

police, other young people who are not criminally involved also do. Young males, in particular, are more likely to engage police, regardless of their criminality. In addition, there is evidence that Black and Aboriginal youth are more likely to be ticketed while "walking down the street" or when simply "hanging around with friends."

This then brings us to the question of homelessness and rights. What are the conditions that allow for the f rights of people living in extreme poverty to be restricted? What underlies the State's decision to ignore its obligations to international conventions on human rights? The key point here is that, under neoliberalism, discourses that frame people who are homeless as marginal, dangerous, and undesirable makes possible the reformulation of who has access to rights, and who does not. A central feature of neoliberalism is that the protection of individual rights gets conflated with the notion of enhanced individual obligations. The circumstances that produce poverty and marginalization, for instance, are often interpreted as individual rather than structural, and the solution is to oblige persons to develop their own self-sufficiency, as long as it is in compliance with other laws and restrictions of the State. Exclusionary practices become 'justifiable' when people are framed as undesirable, disorderly, and a threat to the public good. That this ascription of who is considered desirable – and thus worthy of the protection of rights – is often seen through a racialized, class-based lens is not incidental to the process of social exclusion.

However, our analysis of the criminalization of homelessness does not and cannot focus only on the activities of police services. Such efforts to criminalize homelessness must be seen as part of broader efforts designed to contain, control, and potentially 'rid' gentrifying cities of undesirable people and behaviours. These strategies are operationalized not only through zoning and recapitalizing of urban centres, but also through exclusionary laws and policing practices that criminalize what are otherwise considered to be acceptable behaviours. That is, law enforcement becomes a means to enact social exclusionary practices that have the outcome of reinforcing social and physical boundaries between the homeless urban poor and others who use the city. This raises all kinds of legal and ethical questions regarding rights. Can sleeping in public be an offence when sleeping in safe, private spaces is not possible? Is the ability to occupy and control private spaces not considered a right except for those who are able to own or rent property? Are street level entrepreneurial activities only permissible when the entrepreneur is deemed to be worthy and acceptable? It is not the *practice* that is under scrutiny, but, rather, *who* engages in it that is problematic. For instance, prohibitions against begging often have a proviso that allows charities to continue their work at the street level and other entrepreneurs to solicit business.

While many Canadians – including politicians – have become comfortable with the criminalization of homelessness as a strategic response to a seemingly intractable problem, we argue that we need to find another way. The criminalization of homelessness is not merely about policing and policing practice, but reflects a broader concern with making this form of extreme poverty less visible. When our response to homelessness does not adequately provide for people so that they can avoid homelessness, or conversely help those in crisis move out of homelessness quickly, then we are left with a visibly impoverished population. Criminalizing that population is not the answer. A more effective strategy of housing and supporting people living in poverty is a more humane and arguably cost effective solution.

Recommendations

There are alternatives to the active criminalization of homelessness; alternatives that focus on the betterment of the lives of people living in extreme poverty, and which make for safer and more livable cities. With this in mind, we have crafted recommendations for the Federal and Provincial governments, Municipal governments (the City of Toronto) and Toronto Police Services. Though the recommendations focus on the Toronto context, they can be adapted to other settings as well.

1 FEDERAL AND PROVINCIAL GOVERNMENTS

1.1 The Government of Ontario should immediately repeal the Safe Streets Act, and instead invest in more effective strategies to end homelessness.

The Ontario Safe Streets Act is law based on bad policy, one that criminalizes homelessness and saddles people living in poverty with debt. It does nothing to reduce homelessness or support people leaving the streets. It does not make communities safer, because the risks posed by aggressive panhandling can be dealt with through other laws. Implementing such laws is an expensive use of government resources (police and courts), and also has a profoundly negative social and financial impact on homeless people living in poverty. This law should be repealed.

1.2 Other provincial governments must refrain from implementing their own version of the Ontario Safe Streets Act.

In 1999 Ontario became the first province to adopt Safe Streets legislation. Five years later British Columbia passed a Safe Streets Act which was nearly identical in content and wording. Following this, in 2005 Nova Scotia considered but ultimately rejected the implementation of Safe Streets legislation despite the strong support of city councilors from the Halifax Regional Municipality. The adoption of Safe Streets legislation is an on-going issue across Canada. We strongly urge not only that Ontario (and British Columbia) repeal Safe Streets legislation but that all other provinces and territorial governments refrain from implementing their own Safe Streets Act.

1.3 The Government of Canada, through the Homelessness Partnering Strategy (HPS), must develop and implement strategies to end youth homelessness that focus on prevention and rapid rehousing.

An alternative to the criminalization of homelessness is to address the roots of the problem. In other words, address *homelessness*. A strategic response to youth homelessness must emphasize prevention and quick transitions out of homelessness, in addition to emergency services. The Government of Canada, through its Homelessness Partnering Strategy, should also require that all designated communities develop a similar strategy, and that sufficient funds be put in place to operationalize such plans. Effective cross-departmental collaboration should include: Ministry of Health; Ministry of Labour, Ministry of Human Resources and Skills Development, and National Council of Welfare.

1.4 Provincial governments should establish inter-ministerial committees to develop effective intervention strategies to reduce and end youth homelessness.

Provincial governments, as a major funder and provider of services for people who are homeless or who are at risk of homelessness, including health, housing, education, employment, child welfare services and corrections and justice, should also develop integrated plans to address youth homelessness. Working in concert with the homeless youth sector and the Provincial Child Advocate, an inter-ministerial agency should bring together key players from child welfare and community services, housing, health, corrections and education to address the problem of youth homelessness. An effective intervention should focus on preventive strategies, address the problems in the current child welfare system that lead young people to flee care, and include effective client-based interventions to help young people who become homeless find the kinds of supports that meet their housing, health (including mental health), educational and developmental needs.

1.5 The Government of Canada and all provinces must ensure that effective discharge planning supports are available for all inmates leaving correctional facilities.

The vast majority of prisoners in Canada will eventually be released. Discharge planning and transitional supports help prisoners reintegrate into society. Extensive research by the John Howard Societies of Toronto and Ontario reveal that inadequate supports for prisoners (those held on remand are usually not entitled to any transitional supports) can often lead to homelessness. Ex-prisoners who become homeless and/or were relying on the shelter system face a number of barriers to their successful community reintegration and are at increased risk for reoffending. Effective discharge planning not only helps prisoners reintegrate, it makes for safer communities.

1.6 All levels of government – and the police services they employ – should cease using the practice of ticketing homeless persons as a way to control their behavior or to encourage them to move from public spaces.

The practice of ticketing – whether under authority of laws like the Safe Streets Act that target homeless persons, or through enforcing existing laws – is one of the worst examples of the criminalization of homelessness. It is a strategy that may be effective in harassing people who are homeless, but it is also one that leaves people living in poverty with debt they cannot pay. This is largely a question of rights. It is argued here that this practice contravenes both provisions in the Criminal Code of Canada and the Youth Criminal Justice Act, that encourage discretion and leniency in levying fines on people with limited ability to pay. In fact, the criminalization of homelessness accomplishes the opposite – the assertive use of ticketing, and the levying of fines upon people who clearly do not have the ability to pay.

1.7 Provincial courts should refrain from issuing bench warrants and imprisoning homeless persons who do not pay fines such as Safe Streets Act tickets.

The vast majority of homeless persons do not pay fines, and we know that over 99% of Safe streets Act tickets issued to youth in Toronto go unpaid. Issuing fines to people who are homeless is inherently problematic because their experience of poverty leaves them unable to pay. Jailing people who are unable to pay because they are homeless is highly counterproductive, and contributes to the cycle of homelessness /prison / homelessness. This too is a question of rights. The Criminal Code of Canada states that if an offender does not have the ability to pay a fine immediately, they should be allowed a reasonable time to do so (Criminal Code, 1985). It should be assumed that as long as one is homeless, they do not have the ability to pay.

1.8 Funding and support for programs such as Justice for Children and Youth's Street Youth Legal Services (SYLS) program should be made available through legal aid in provinces across Canada.

Young people who are homeless routinely have to deal with complex legal and justice issues, including their own criminal victimization. These same young people are often reluctant to try to access conventional legal services if they are available. They may have previous bad experience or may have mental health or addiction issues that interfere with the ability of conventional legal services to help. SYLS has been helping young people for 11 years. The affected young people and the agencies that serve them count on SYLS and its continued existence, yet it has no stable funding and its future is always uncertain. It is a trusted and valued legal service whose future should not depend on project funding or private donations. In order to ensure that a homelessness strategy is accountable and works as intended, legal services for homeless youth must be certain and available. Street-involved youth are both poorer and more vulnerable than other Ontario populations; their legal needs are greater than other groups and are distinct to them; yet legal aid does not currently fund legal services specifically for them.

2 MUNICIPAL GOVERNMENT

2.1 The city of Toronto should refrain from establishing bylaws that criminalize people who are homeless.

In a proposed amendment to the City of Toronto Municipal Code Chapter 743, Use of Streets and Sidewalks, City of Toronto councillors are currently considering a ban on camping, dwelling or lodging on the street, ignoring the advice of staff experts on street youth management. Bylaws that target homeless persons, the activities they engage in (begging, sleeping in public) should not be introduced or supported. Such bylaws criminalize the behaviours, activities, and movements of people who are homeless. The goal of a thoughtful and effective response to homelessness is not to render it invisible by harassing such persons, but rather, to provide people with the supports they need to help them move off the streets, and / or prevent them from becoming homeless in the first place.

2.2 Toronto City Council should order a review of police practices in dealing with people who are homeless, and mandate appropriate diversion programs to reduce the harms caused by the criminalization of homelessness.

The criminalization of homelessness is a failed practice that is expensive, causes harm to people who are homeless, and does not improve public safety. The City should investigate police practices and identify alternative strategies that would have a more positive outcome on the lives of people who are homeless, and which would make the streets safer for all citizens. Diversion strategies that do not produce a financial penalty, that avoid entanglement in courts, and which give homeless persons opportunities to improve their lives should be prioritized.

2.3 The City of Toronto, in concert with the Province of Ontario, should develop an amnesty program whereby people who are homeless are able to clear their records.

The accumulation of minor charges becomes a barrier to helping people move off the streets. Many people who are homeless accumulate large debt loads that can amount to thousands of dollars. In some jurisdictions in the United States, 'homelessness courts' have been established where, similar to 'drug courts', people can have charges reduced or dismissed in exchange for community service. We argue for an amnesty program instead, as many of the charges people who are homeless accumulate are considered to be frivolous and / or a product of the experience of being homeless. Provincial Prosecutors and City Prosecutors should work together to create policies and diversion strategies – including withdrawing charges outright – to help people leaving homelessness reduce or eliminate their debt accumulated from ticketing. Such a strategy should include rigorous pre-screening & discussions with Police Divisions).

2.4 Shelters for homeless people should be funded to remain open to young people twenty four hours a day.

Most shelters close during daytime hours, and residents are forced to leave the premises. Allowing young people to stay in the shelter or day programs will reduce risks associated with loitering, including encounters with police. This will also be of benefit to those who fear for their safety, or who require care to deal with trauma. The City should end per diem funding for shelters and move to a base funding model, to give shelters the flexibility to protect clients and develop appropriate programs (including day programs) to help them move forward with their lives. This approach has been adopted in several jurisdictions in the United States.

2.5 The City of Toronto's Streets to Homes Outreach Program should involve more collaboration with Toronto Police Services.

The successful Streets to Homes program operated by Shelter, Support and Housing should expand its mandate to work in collaboration with police so that the use of law enforcement is minimized and focused on addressing serious criminal acts. Given the fact that many who panhandle and squeegee suffer from mental health problems and / or other disabilities, this approach will produce better outcomes in terms of the well-being of homeless persons and public safety.

2.6 The City of Toronto (and other municipal governments across Canada) must develop a strategy to end youth homelessness.

Working collaboratively with street youth serving agencies in Toronto and mainstream services (including the Toronto Police Service), the City should develop a comprehensive community plan and integrated service delivery model that focuses on prevention and transitions out of homelessness. Such a strategic response is being implemented in the City of Calgary, and can be a model of how to effectively respond to youth homelessness.

3 THE TORONTO POLICE SERVICE

3.1 The Toronto Police Service should stop the practice of regularly stopping and searching young people who are homeless.

This activity of stopping and searching homeless youth – particularly those who are not criminally involved – has a negative impact on young people who are homeless. There is evidence that this practice is a result of social profiling. For young people who are regularly victimized, such practices further alienate them from the police services that should be there to protect them. There is also the question of whether such activities are in fact an infringement of their charter rights.

3.2 The Toronto Police Service should establish a Homelessness Policing taskforce to develop a more effective response to homelessness.

Central to this effort should be an examination of existing practices (including ever increasing use of SSA) that target people who are homeless for extra attention by police, including stop and searches, issuing of tickets for minor offences and arrest. While the police should enforce the law when crimes are being committed, evidence from our research suggests that policing is also being used to address a broader social and economic problem. Because there is evidence of social profiling, measures should be taken to ensure that the Toronto Police Service does not proactively target homeless people for enforcement. A cultural shift is needed so that Police view homeless people (including homeless youth) as being "In Need of Housing" as opposed to having "No Fixed Address".

3.3 The Toronto Police Service should work more closely with the division of Shelter, Support and Housing to develop alternatives to interventions that criminalize homelessness.

The practice of regular stop and searches, using SSA tickets and ticketing homeless persons for other minor offences is counterproductive and may impede the ability of people who are homeless to live safely, and eventually move off the streets. TPS should reduce the use of these measures to address the problem of homelessness in Toronto, and work collaboratively with other stakeholders, create alternative approaches to reducing panhandling and sleeping rough, for instance, but which also provide people with supports to move on with their lives.

3.4 The Toronto Police Service should establish a "homelessness community policing unit".

As part of its approach to fair and equitable policing, the Toronto Police Service should work with a coalition of agencies serving homeless persons to develop a more positive strategy for working with homeless youth in order to ensure that their safety becomes a priority. The strategy should include the development of a "homelessness community policing unit" with a mandate to work with the City of Toronto Shelter, Housing and Support administration and street youth agencies to develop strategies to enhance the safety of homeless persons, reduce negative encounters with police and build stronger relationships with service providers and people who are homeless by addressing their concerns. The police should establish an ongoing 'homelessness community consultative committee' similar to those established for working with other marginalized communities.

References

Alcoba, N. (2011, June 2). Q&A: Doug Holyday on the city's panhandlers. National Post.

Amster, R. (2003) Patterns of exclusion: Sanitizing space, criminalizing homelessness. Social Justice, 30, 195–221.

Amster, R. (2004). Street people and the contested realms of public space. New York: LFB Scholarly Publishing LLC.

Baron, S. W. (2008) Street youth, unemployment, and crime: Is it that simple? Using general strain theory to untangle the relationship. Canadian Journal of Criminology and Criminal Justice, 50(4), 399-434.

Baron, S. W., Forde, D., & Kennedy, L. W. (2001). Rough justice, street youth and violence. Journal of Interpersonal Violence, 16(7), 662-678.

Baron, S. W., & Hartnagel, T. (1997). Attributions, affect, and crime: Street youth's reaction to unemployment. Criminology, 35, 409-434.

Baron, S. W., & Hartnagel, T. (1998). Street youth and criminal violence. Journal of Research in Crime and Delinquency, 35(2), 166-192.

Bell, S. J. (2012). Young offenders in Canada: A century after the fact (4th ed.). Toronto, ON: Nelson College Indigenous.

Bellot, C., Chesnay, C., Royer, M. N., Véronique, L., Greissler, E., & Sylvestre, M. E. (2008). La judiciarisation des personnes itinérantes en Ontario. ON: Rapport au Secrétariat des partenariat pour la lutte contre l'itinérance.

Bellot, C., Raffestin, I., Royer, M. N., & Noël, V. (2005). Judiciarisation et criminalisation des populations itinrantes Montreal. Montreal, QC: Rapport de recherché pour le Secretariat National des Sans-Abri.

Bellot, C., Sylvestre, M., St. Jacques, B. (2011) Commitment and participation in research: a collective action to defend the rights of homeless people against anti-disorder policing practices in Montreal. Forthcoming: UBC PRess

Berk, R., & MacDonald, J. (2010). Policing the homeless: An evaluation of efforts to reduce homeless-related crime. Criminology and Public Policy, 9(4), 813-840.

Berti, M., & Sommers, J. (2010). "The streets belong to people that pay for them": The spatial regulation of street poverty in Vancouver, British Columbia. In D. Crocker & V. M. Johnson (Eds.), Poverty, regulation and social justice: Readings on the criminalization of poverty (pp.60-74). Halifax & Winnipeg: Fenwood Publishing.

Bonnar, J. (2011, August 18). Toronto considers a complete ban on panhandling. Rabble.

Carrington, P., & Schulenberg, J. (2005). The impact of the youth criminal justice act on police charging practices with young offenders: A preliminary statistical assessment. Ottawa, ON: Report to the Department of Justice.

CBC Radio. (2011, July 26). City must act after squeegee attack: Holyday. Toronto: CBC News.

City of Toronto. (2007, May 14). Strategies to address panhandling within specified areas of the city: City of Toronto staff report action required. Toronto: City of Toronto.

City of Toronto. (2008, April 21). Enhancing streets to homes service to address the needs of people who are street involved, including those who panhandle: City of Toronto staff report action required. Toronto: City of Toronto.

City of Toronto. (2011). Streets by-law, appendix no. 3, proposed amendments to chapter 743, use of streets and sidewalks. Article II, § 743-12.

City TV News. (2006, September 18). Mayoral hopeful wants to ban panhandling. CityNews.ca.

Clear, T. R., & Karp, D. R. (1999). The community justice ideal: Preventing crime and achieving justice. Boulder, CO: Westview Press.

Culhane, D. P. (2010). Tackling homelessness in Los Angeles' skid row: The role of policing strategies and the spatial deconcentration of homelessness. Criminology & Public Policy, 9(4), 851-857.

Crocker, D., & Johnson, V. M. (Eds.). (2010). Poverty, regulation and social justice: Readings on the criminalization of poverty. Halifax & Winnipeg: Fenwood Publishing.

Deuchar, R. (2010). 'It's just pure harassment...as if it's a crime to walk in the street': Anti-social behaviour, youth justice and citizenship – the reality for young men in the east end of Glasgow. Youth Justice, 10(3), 258-274.

DeVerteuil, G. (2006). The local state and homeless shelters: Beyond revanchism? Cities, 23(2), 109–120.

Doob, A. N., & Cesaroni, C. (2004). Responding to youth crime in Canada. Toronto, ON: University of Toronto Press.

Douglas, J. (2011). The criminalization of poverty: Montreal's policy of ticketing homeless youth for municipal and transportation by-law infractions. Appeal. 16(1), 49-65.

Esmonde, J. (2002). Criminalizing poverty: The criminal law power and the safe streets act. Journal of Law and Social Policy, 17, 63-86.

Fielding, N. (2005). The police and social conflict (2nd ed.). New York, NY: Routledge.

Foscarinis, M. (1996). Downward spiral: Homelessness and its criminalisation. Yale Law & Policy Review, 14(1), 1–63.

Foscarinis, M., Cunningham-Bowers, K., & Brown, K. E. (1999). Out of sight – out of mind? The continuing trend toward the criminalization of homelessness. Georgetown Journal of Poverty Law & Policy, 6(2), 145-164.

Gaetz, S. (2002a). Street justice – the legal and justice issues of homeless youth in Toronto. Toronto: Justice for Children and Youth.

Gaetz, S. (2002b). Street youth agencies and the legal and justice issues of homeless youth in Toronto. Toronto: Justice for Children and Youth.

Gaetz, S. (2004). Safe streets for whom? Street youth, social exclusion and criminal victimization. Canadian Journal of Criminology and Criminal Justice, 46(4), 423-455.

Gaetz, S. (2009). Whose safety counts? Street youth, social exclusion, and criminal victimization. In J. D. Hulchanski, P. Campsie, S. Chau, S. Hwang, & E. Paradis (Eds.), Finding home: Policy options for addressing homelessness in Canada (e-book), Chapter 3.2. Toronto: Cities Centre, University of Toronto.

Gaetz, S., & O'Grady, B. (2002). Making money: Exploring the economy of young homeless workers. Work, Employment and Society, 16(3), 433-456.

Gaetz, S., & O'Grady, B. (2006). The missing link: Discharge planning, incarceration and homelessness. Toronto, ON: The John Howard Society of Ontario.

Gaetz, S., & O'Grady, B. (2009). Homelessness, incarceration, & the challenge of effective discharge planning: A Canadian case. In J. D. Hulchanski, P. Campsie, S. Chau, S. Hwang, & E. Paradis (Eds.), Finding home: Policy options for addressing homelessness in Canada (e-book), Chapter 7.3. Toronto: Cities Centre, University of Toronto.

Gaetz, S., O'Grady, B., & Buccieri, K. (2010). Surviving crime and violence: Street youth and victimization in Toronto. Toronto, ON: Justice for Children and Youth and The Homeless Hub.

Garland, D. (2001). The culture of control: Crime and social order in contemporary society. Chicago, IL: University of Chicago Press.

Giroux, H. A. (2008). Against the terror of neoliberalism: Politics beyond the age of greed. Boulder, Colorado: Paradigm Publishers.

Glasbeek, A. (2010). Apprehensive wives and intimidated mothers: Women, fear of crime, and the criminalization of poverty in Toronto. In D. Crocker & V. M. Johnson (Eds.), Poverty, regulation and social justice: Readings on the criminalization of poverty (pp.123-138). Halifax & Winnipeg: Fenwood Publishing.

Golden, A., Currie, W. H., Greaves, E., & Latimer, E. J. (1999). Taking responsibility for homelessness: An action plan for Toronto. Report of the mayor's homelessness action task force. Toronto, ON: City of Toronto, Mayor's Homelessness Action Task Force 1999.

Government of Ontario. (1999). Safe Streets Act, 1999. S.O. 1999, CHAPTER 8.

Greene, J. A. (1999). Zero tolerance: A case study of police policies and practices in New York City. Crime & Delinquency, 45(2), 171-187.

Guy, J., & Lloyd, P. (2010, January 28). Homeless evicted from downtown Fresno camp. Fresno Bee.

Hagan, J., & McCarthy, B. (1997). Mean streets: Youth crime and homelessness. Cambridge: Cambridge University Press.

Harcourt, B. E. (2001). Illusion of order: The false promise of broken windows policing. Cambridge, MA: Harvard University Press.

Harcourt, Bernard E.; Ludwig, Jens (2006). "Broken Windows: New Evidence from New York City and a Five-City Social Experiment". University of Chicago Law Review 73

Herbert, S. (2001). Policing the contemporary city: Fixing broken windows or shoring up neo-liberalism? Theoretical Criminology, 5(4), 445-466.

Hermer, J., & Mosher, J. (Eds.). (2002). Disorderly people: Law and the politics of exclusion in Ontario. Halifax, Nova Scotia: Fernwood Publishing.

Hulchanski, J. D., Campsie, P., Chau, S. B. Y., Hwang, S. W., & Paradis, E. (2009). Homelessness: What's in a word? In J. D. Hulchanski, P. Campsie, S. Chau, S. Hwang, & E. Paradis (Eds.), Finding home: Policy options for addressing homelessness in Canada (e-book), Introduction. Toronto: Cities Centre, University of Toronto.

Johnsen, S, & Fitzpatrick, S. (2010). Revanchist sanitisation or coercive care? The use of enforcement to combat begging, street drinking and rough sleeping in England. Urban Studies, 47(8), 1703-1723.

Johnson, V. M. (2010). Reading the criminalization of poverty. In D. Crocker & V. M. Johnson (Eds.), Poverty, regulation and social justice: Readings on the criminalization of poverty (pp.13-32). Halifax & Winnipeg: Fenwood Publishing.

Karabanow, J. (2004). Being young and homeless: Understanding how youth enter and exit street life. New York: Peter Lang Publishing Inc.

Katz, M. (2010, January 28). Homeless evicted from downtown Fresno camp. Fresno Bee.

Kellen, A., Freedman, J., Novac, S., Lapointe, L., Maaranen, R., & Wong, A. (2010). Homeless and jailed: Jailed and homeless. Toronto, ON: The John Howard Society of Toronto.

Kelling, G. L., & Coles, C. M. (1997). Fixing broken windows: Restoring order and reducing crime in our communities. New York: Touchstone.

Kennelly, J. (2011). Policing young people as citizens-in-waiting: Legitimacy, spatiality and governance. The British Journal of Criminology, 51(2), 336-354.

Khandor, E., & Mason, K. (2007). The street health report 2007. Toronto: Street Health.

Lamberti, R. (2011, August 9). Street sweep: 15,551 charges laid against T.O. panhandlers. But is the law toothless? Toronto Sun.

Lefebvre, H. (1996) Writings on cities. Oxford: Blackwell.

Levy, S. A. (2011, June 1). Buddy can you spare a crime. Toronto Sun.

Lippert, R. (2007). Urban revitalization, security, and knowledge transfer: The case of broken windows and kiddie bars. Canadian Journal of Law and Society, 22(2), 29-53.

McArdle, A. & Erzen, T. (2001) Zero tolerance: Quality of life and the new police brutality in New York City. New York, NY. New York University Press.

McCarthy, B., & Hagan, J. (1995). Getting into street crime: The structure and process of criminal embeddedness. Social Science Research, 42(4), 805-837.

Mitchell, D. (2001) Postmodern geographical praxis? The postmodern impulse and the war against homeless people in the 'post-justice' city. In C. Minca (Ed.), Postmodern geography: Theory and praxis (pp.57–97). Oxford: Blackwell.

Mitchell, D. (2003). The right to the city: Social justice and the fight for public space. New York, NY: The Guilford Press.

Mosher, J. (2002). The shrinking of the public and private spaces of the poor. In J. Hermer & J. Mosher (Eds.), Disorderly people: Law and the politics of exclusion in Ontario (pp. 41-53). Halifax, Nova Scotia: Fernwood Publishing.

National Coalition for the Homeless (2003) Illegal to Be Homeless - The Criminalization of Homelessness in the United States. Published by the National Coalition for the Homeless with outreach and organizing by the National Homeless Civil Rights Organizing Project.

National Law Center on Homelessness & Poverty. (2006). A dream denied: The criminalization of homelessness in U.S. cities. Washington, DC: The National Coalition for the Homeless and The National Law Center on Homelessness & Poverty.

National Law Center on Homelessness & Poverty. (2009). Homes not handcuffs: The criminalization of homelessness in U.S. cities. Washington, DC: The National Coalition for the Homeless and The National Law Center on Homelessness & Poverty.

Novac, S., Hermer, J., Paradis, E., & Kellen, A. (2006). Justice and injustice: Homelessness, crime, victimization and the criminal justice system. Toronto, ON: Centre for Urban and Community Studies.

Novac, S., Hermer, J., Paradis, E., & Kellen, A. (2007). A revolving door? Homeless people and the justice system in Toronto (Research Bulletin #36). Toronto, ON: Centre for Urban and Community Studies.

Novac, S., Hermer, J., Paradis, E., & Kellen, A. (2009). More sinned against than sinning? Homeless people as victims of crime and harassment. In J. D. Hulchanski, P. Campsie, S. Chau, S. Hwang, & E. Paradis (Eds.), Finding home: Policy options for addressing homelessness in Canada (e-book), Chapter 7.2. Toronto: Cities Centre, University of Toronto.

O'Grady, B., & Bright, R. (2002). Squeezed to the point of exclusion: The case of Toronto squeegee cleaners. In J. Hermer & J. Mosher (Eds.), Disorderly people: Law and the politics of exclusion in Ontario (pp. 23-39). Halifax, Nova Scotia: Fernwood Publishing.

O'Grady, B., & Greene, C. (2003). A social and economic impact study of the Ontario safe streets act on Toronto squeegee workers. Online Journal of Justice Studies, 1(1), n.p.

O'Grady, W. (2011). Crime in Canadian context: Debates and controversies (2nd ed.). Toronto: Oxford University Press.

Ontario Human Rights Commission. (2011). What is racial profiling? Retrieved from http://www.ohrc.on.ca/en/resources/factsheets/whatisracialprofiling

Ontario Legislative Assembly (1999) Debates (2 November 1999) at 13:32 (Hon. J. Flaherty)

Ontario Ministry of Children and Youth Services. (2010). Review of the roots of youth violence: Literature reviews (volume 5). Retrieved from http://www.children.gov.on.ca/htdocs/english/topics/youthandthelaw/roots/volume5/preventing02_policy_strategiesi.aspx

Parenti, C. (2000). Lockdown America: Police and prisons in the age of crisis. London and New York: Verso.

Parnaby, P. (2003). Disaster through dirty windshields: Law, order and Toronto's squeegee kids. The Canadian Journal of Sociology, 28(3), 281-307.

Peat, D. (2011, June 9). City vows to clean up panhandling 'crisis.' Toronto Sun.

Piquero, A. (2010). Policy essay on "policing the homeless…". Criminology & Public Policy, 9(4), 841-849.

Roschelle, A. R., & Kaufman, P. (2004). Fitting in and fighting back: Stigma management strategies among homeless kids. Symbolic Interaction, 27(1), 23-46.

Rowe, M., & O'Connell, M. (2010). Policy essay on "policing the homeless: An evaluation of efforts to reduce homeless-related crime". Criminology & Public Policy, 9(4), 875-881.

Ruddick, S. M. (1996). Young and homeless in Hollywood: Mapping social identities. New York: Routledge.

Sanders, T. (2006). The risks of street prostitution: Punters, police and protesters. In A. Collins (Ed.), Cities of pleasure: Sex and the urban socialscape (pp.73-87). London: Routledge.

Satzewich, V., & Shaffir, W. (2009). Racism versus professionalism: Claims and counter-claims about racial profiling. Canadian Journal of Criminology and Criminal Justice, 51(2), 199-226.

Sibley, D. (1995). Geographies of exclusion: Society and difference in the west. London and New York: Routledge.

Skinnider, E. (2005). Canada's approach to minor offences, behavioural problems and administrative detention. Vancouver, BC: International Centre for Criminal Law Reform and Criminal Justice Policy.

Skogan, W. G. (2006). Asymmetry in the impact of encounters with police. Policing and Society, 16(2), 99–126.

Smith, N. (1996). The new urban frontier: Gentrification and the revanchist city. New York: Routledge.

Sommers, J., LaPrairie, C., Berti, M., Laviolette, T., Felix, V., & Millar, S. (2005). Policing homelessness: The report on the research project on the regulation of public space and the criminalization of homelessness in Vancouver. Vancouver, BC: Strathcona Research Group/PHS Community Services Society.

Sossin, L. (1996). The administration and criminalization of the homeless: Notes on the possibilities and limits of bureaucratic engagement. Review of Law & Social Change, 22, 623-700.

Statistics Canada. (2004). General social survey on victimization, cycle 18: An overview of findings (Catalogue no. 85-565-XIE). Ottawa: Statistics Canada.

Sylvestre, M. E. (2010a). Disorder and public spaces in Montreal: Repression (and resistance) through law, politics and police discretion. Urban Geography, 31(6), 803-824.

Sylvestre, M. E. (2010b). Policing the homeless in Montreal: Is this really what the population wants? Policing and Society, 20(4), 432-458.

Sylvestre, M. E. (2011). Affidavit of Marie-Eve Sylvestre (pp.1-39).

Tanner, J. (2010). Teenage troubles: Youth and deviance in Canada (3rd ed.). ON and NY: Oxford University Press.

Tanner, J., & Wortley, S. (2002). The Toronto youth leisure and victimization survey: Final report. Toronto, ON: University of Toronto.

Taylor, R.B. (2001), Breaking Away from Broken Windows: Baltimore Neighborhoods and

the Nationwide Fight against Crime, Guns, Fear, and Decline Boulder: Westview Press

Thornberry, T. P., & Krohn, M. D. (2000). The self-report method for measuring delinquency and crime. Criminal Justice, 4, 33-83.

Toronto Police Service. (2011). Salary and Benefits. Retrieved from http://www.torontopolice.on.ca/careers/salaryandbenefits.php

Toronto Police Services Board. (2008, April 17). Minutes of the public meeting of the Toronto police services board. Toronto, ON: Toronto Police Services Board.

Vitale. A. S. (2010). The safer cities initiative and the removal of the homeless: Reducing crime or promoting gentrification on Los Angeles' skid row? Criminology & Public Policy, 9(4), 867-873.

Wacquant, L. (2009). Punishing the poor: The neoliberal government of social insecurity. Durham, NC: Duke University Press.

Weitzer, R. (2000). Racialized policing: Respondents' perceptions in three neighborhoods. Law & Society Review, 34(1), 129-155.

Wellesley Institute. (2011, September 12). Proposed new streets by-law targets homeless with sweeping 'anti-camping' ban. Toronto: Wellesley Institute.

Wilson, J. Q., & Kelling, G. (1982). Broken windows: The police and neighborhood safety. The Atlantic Monthly, 3, n.p.

Wortley, S., & Tanner, J. (2003). Data, denials, and confusion: The racial profiling debate in Toronto. Canadian Journal of Criminology and Criminal Justice, 45(3), 367-389.

Wright, T. (1997). Out of place: Homeless mobilizations, subcities, and contested landscapes. New York, USA: State University of New York Press.

Yonge Street Mission. (2009). Changing patterns for street involved youth. Toronto, Ontario: Yonge Street Mission.

Yuen, J. (2011, September 14). Poll calls for tougher panhandling laws. Toronto Sun.

Zakrison, T. L., Hamel, P. A., & Hwang, S. W. (2004). Homeless people's trust and interactions with police and paramedics. Journal of Urban Health: Bulletin of the New York Academy of Medicine, 8(1), 596-605.

Appendix A

Multiple Regression Analysis and Tables

Explanation: Most reports of this kind report quantitative data in a uni-variate or bi-variate format. Examples of uni-variate measures would include the average age of a sample, the proportion of males versus females and the levels of formal education. Uni-variate measures are very useful for describing the various attributes of a sample. However, analyses which rely solely on un-variate statistics are limited because they are unable to address key research questions or test hypotheses. For instance, if a researcher is interested in knowing if the level of formal education that a young person has is linked to their current income/wages, then a bi-variate analysis is necessary. A very simple example of a bi-variate analysis which tests the impact that education (Independent Variable) has on income (Dependent Variable) is displayed in the table below. Here we see that 80% (8 out of 10) youth who have less than a grade 12 education earn under $12.00/hr. Alternatively, for those youth who graduated high school, only 30% (3 out of 10) earn under $12.00 per hour. Therefore, using simple cross tabular analysis, we are able to show that educational attainment is linked to income.

Table A-1

Educational Level and Hourly Wage

	Under $12.00/hour	Over $12.00/hour	
Less than Grade 12	8	2	10
More than Grade 12	3	7	10
n=20	10	10	20

Oftentimes cross tabular analysis needs to move from a bi-variate to a multi-variate level. Keeping with the example used above, a researcher may be interested in knowing if factors such as age or gender are able to predict income independent of educational level. In other words, if a 18 year old and a 40 year old both have less than a grade 12 education, it would be reasonable to assume that, due to labour market experience, 40 year old workers with less than grade 12 would earn more than 18 year olds with the same level of education. To address this question, a multi-variate (three variable: education, income and Age) is executed.

Table A-2

Educational Level by Hourly Wage Controlling for Age

	Workers 18-39		*Workers 40+*		
	Under $12.00/hr.	Over $12.00/hr.	Under $12.00/hr.	Over $12.00/hr.	
Less than grade 12	4	1	1	4	10
Grade 12 or higher	3	2	0	5	10
n=20					

From this table we see that Age does affect income independent of Level of Education, as 80% (4/5) of the workers who were over 40 who had less than grade 12 earned over $12.00/hr., compared to only 20% (1/5) of the 18-39 year old group of workers. Alternatively, only 40% (2/5) younger workers who had grade 12 or higher were earning over $12.00/hr compared to 100% (5/5) of the workers who were 40 and over.

Age, or the third variable in the analysis, was clearly an important predictor of the hourly wages in the sample. Several other variables come to mind which may also play a role in predicting hourly wages including, gender, industry sector and perhaps region of the country. However, in order to determine what independent affects these variables would play in predicting hourly wages, in addition to age and level of education, a multi-variate cross-tabular analysis is no longer a useful method to employ. If more than three independent variables are used in a quantitative analysis, the researcher needs to select a technique with more power. A common technique which is capable of measuring the separate influences that several independent variables may have on predicting change in the Dependent Variable is Multiple Regression. This technique is used when a researcher is interested in predicting change in continuous dependent variable (containing more than 3 attributes at the interval or ratio level) from a set of several independent variables. For a more detailed description of this technique refer to:
http://dss.princeton.edu/online_help/analysis/regression_intro.htm

Table 7 - Multiple Regression of Selected Variables predicting Contacts with the Police

	Asked for ID		CPIC		Arrested		Asked to "move on"		Got a ticket		Appearance		Victim of Crime		Thought was homeless		Witness of Crime		Stopped to help		Pan/ Squeegee	
	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE
Crime Scale	.459 ***	.008	.449 ***	.108	.542 ***	.084	.385 ***	.090	.487 ***	.007	.508 ***	.009	.086	.008	.286 ***	.007	.028	.005	.071	.005	.290 ***	.005
Male	.284 ***	.170	.201 **	.197	.077	.154	.130 *	.159	.082	.150	.150 *	.188	.093	.127	.099	.159	-.188	-.096*	.081	.103	.070	.099
Race																						
White	-0.91	.240	.044	.256	-.163	.200	.073	.218	-.158	1.96	-.112	.264	-0.91	.166	.055	.203	-.173	.126	.060	.136	.085	.131
Aboriginal	-1.58	.296	.306	.321	.136	.249	.224	.269	-.084	.242	-.047	.332	-1.58	.206	.306	.321	-.033	.156	.099	.169	.039	.162
Black	-.073	.273	.096	.293	-2.05	.229	.196	.249	-.091	.224	-.035	.303	-.073	.191	.082	.238	-.274 *	.143	-.109	.155	.008	.149
Age	.019	.169	.103	.184	-1.48	.143	-.056	.153	-.042	.140	.056	.190	.019	.169	.012	.147	-.188 *	.156	-.228 *	.096	-.042	.140

*p<.05; **p<.01;***p<.001

Table 9 - Multiple Regression Analysis of Types of Tickets by selected Variables

	Drinking		Hanging with Friends		Walking Street		Sitting in Park		Doing Drugs		Jaywalking		Sitting on Sidewalk		Pan/ Squeegee		Sleeping in Public Places	
	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE	Beta	SE
Crime Scale	.355 ***	.005	.371 ***	.006	.214 **	.006	.226 ***	.005	.380 ***	.004	.094	.004	.235 ***	.004	.121	.005	.229 ***	.008
Male	.003	.115	-.011	.123	.122 **	.148	.057	.098	.082	.086	.136 *	.076	-.098	.069	.171 *	.092	.068	.166
Race																		
White	.001	.151	-.194 *	.166	-.022	.155	-.209	.131	-.124	.117	.141	.099	-.103	.098	-.064	.131	-.180	.217
Aboriginal	.103	.187	-.007	.201	.161 *	.191	.095	.162	-.144	.146	.055	.124	.150	.191	.095	.162	-.056	.269
Black	-.090	.173	-.065	.186	.170 *	.178	-.043	.150	.090	.134	.034	.114	-.112	.112	-.084	.149	-.105	.250
Age	-.111	.107	-.013	.118	-.090	.110	-.103	.092	-.183 *	.083	-.044	.070	.003	.074	-.069	.084	-.066	.154

*p<.05; **p<.01;***p<.001

Table 12 - Multiple Regression: Attitudes Towards the Police by Selected Independent Variables

	Beta	SE
Crime Scale	-.341***	.023
Police Contact	-.182*	.567
Age	.024	.469
Race		
White	.014	.681
Black	.024	.832
Native	.011	.827
Gender	.185*	.540

*p<.05; **p<.01;***p<.001