Cruel Streets: Criminalizing Homelessness in San Francisco

By

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Abstract

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Over the past thirty years, cities across the US have adopted variants of "quality-of-life" policing. Central to these efforts have been local ordinances aimed at curbing visible poverty, suppressing "anti-social behavior," and removing the homeless from public space. My dissertation examines the causes, practices, and consequences of criminalizing homelessness in the contemporary metropolis. By relating ethnographic observations in the political and bureaucratic fields with those between interactions of state officials and homeless individuals, the dissertation reveals novel forms of the *criminalization of poverty*, tracing how homelessness is turned into a criminal activity by state classifications, institutional transformations, and populist politicization thanks to, rather than in-spite of, provisions of welfare and rhetoric of assistance. It also uncovers novel forms of the *penalization of poverty*, disclosing how policing can be directed by urban change, economic organizations, community groups, and agencies of poverty governance tangential to the criminal justice system. Expanding the conception of the criminalization of poverty, which is often centered on incarceration or arrest, the study reveals previously unforeseen consequences of move- along orders, citations, and threats that dispossess the poor of property, create barriers to services and jobs, and increase vulnerability to violence and crime.

Contents

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My fellow graduate students at UC Berkeley left a large imprint on this dissertation. Alex Barnard and Manuel Rosaldo, both of whom were part of Burawoy's ethnography practicum have provided guidance and feedback on this project since the start, often on long runs up

Introduction

Over the past thirty years, cities across the US, and increasingly across the globe, have adopted variants of "quality-of-life" policing. Central to these efforts have been local ordinances aimed at curbing visible poverty, suppressing "anti-social behavior," and removing the homeless from public space. My dissertation entitled *Cruel Streets: Criminalizing Homelessness in San Francisco* examines the causes, modalities, and consequences of criminalizing homelessness in the contemporary metropolis. The set of articles that comprise this dissertation bridges criminal justice and empirical legal studies with those of urban sociology to explain the contemporary dynamics of housing deprivation and the reproduction of poverty in San Francisco. By relating ethnographic observations in the political and bureaucratic fields with observations of the interactions between officials and people experiencing homelessness, the dissertation reveals novel forms of the *criminalization of poverty*, tracing how homelessness is turned into a criminal activity by state classifications, institutional transformations, and populist politicization thanks to, rather than in-spite of, the provisions of welfare and a rhetoric of assistance. It also uncovers novel forms of the *penalization of poverty*, disclosing how policing can be directed by urban change, private corporations, community groups, and agencies of poverty governance tangential to the criminal justice system and how this policing's infra-penal forms of punishments, such as citation, and move-along orders create detrimental consequences for the unhoused.

Fieldwork

This work draws on nearly six years of participant observation between 2014-2020 that triangulates enactive and observational methods of ethnography, braiding the standpoints of the unhoused and of those who manage them. One year was devoted to studying the field of homeless management from above through observations on ride-alongs with police officers, public health workers on street outreach, and sanitation workers tasked with encampment cleanings; sitting in office hours with shelter social workers; and working in city hall as the research assistant to the director of the Mayor's Office of Homelessness. Four subsequent years of less intensive fieldwork involved continued outreach, organizing, and following the trajectories of a core group of research companions as they navigated their way in and out of homeless, through the streets, shelters and homeless housing programs. Over these years I attended over 100 public forums, association meetings, and city-hall hearings, while serving as a key organizer with the Coalition on Homelessness' Human Rights Workgroup.

The multiple positions across the local state provided novel insights into the causes, practices, and consequences of *policies* aimed at homelessness missed in previous studies. Following Wacquant's prescription of the need to "reconnect social policies and penal policies and treat them as two modalities of poverty policy to grasp the new politics of urban marginality" (2009), my ethnography positions itself across the horizontal dimension of what Bourdieu characterized as the bureaucratic field, from the protective left hand of the state with its welfare operations (social workers, public health officials) on one end, to its repressive right

of the state with its penal operations (police officers, court officials, and sanitation teams) on the other.
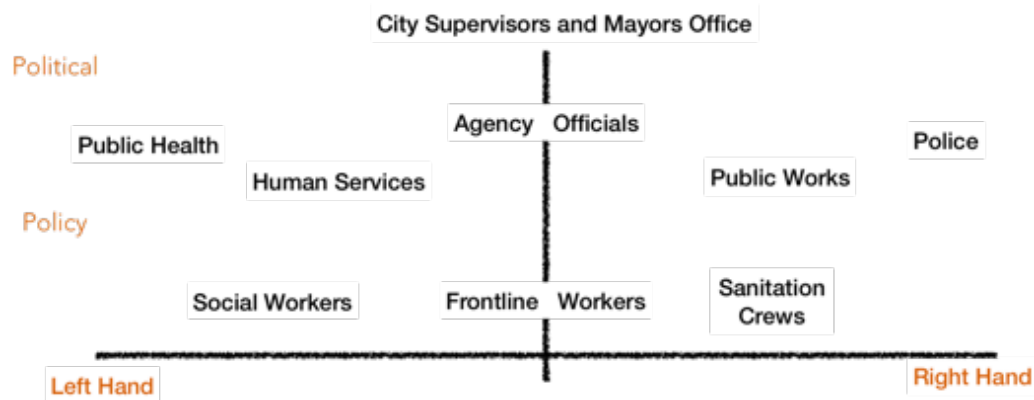
Diagram 1: Ethnographic positions and observations made across the Bureaucratic Field of Homeless Management

My observations also spanned the vertical dimension of this field. They focused on the front-line social workers, police patrols, and sanitation workers that feature as protagonists in most ethnographies of street-level bureaucracy (Brodkin 2012; Dubois 2016; Lipsky 1980; Prottas 1979; Watkins-Hayes 2009), but also on agency officials who managed policy. I made these observations through actively participating in struggles within the political field by both working in the Mayor's Office and as an organizer in the San Francisco Coalition on Homelessness at different times. These varied positions allow me to trace not only the (a) gaps and connections between the rhetoric of politicians, policy on paper, and policy in practice and (b) everyday impacts of law and policy on the indigent, which are both hallmarks of critical policy ethnography (Dubois 2009), but also enabled me to trace how policy practices in one arena (welfare and shelter) shape policies in another (criminal justice and the street) (see also Lara-Millán 2014, Seim 2017). Taking on a series of oppositional positions between officials/advocates, houseless/police officers, social workers/sanitation workers, etc. follows Duneier's (2011) call for "ethnographic trials" through "inconvenient sampling," where ethnographers broaden their observations by including the people and perspectives that are *least* convenient for the impressions developed in the initial phases of fieldwork, in the same way a prosecutor might call potentially hostile witnesses to the stand.

The observations from above are paired with an *enactive ethnography from below* (Wacquant 2015). Wacquant introduces the method of enactive ethnography as a 'brand of immersive fieldwork based on performing the phenomenon, (as) a fruitful path toward capturing the cognitive, conative, and cathectic schemata (habitus) that generate the practices and underlie the cosmos under investigation' (2015: 1). During this year I spent 229 nights embedded on the streets, in shelters, and in daily welfare hotels with those experiencing homelessness, and even more days accompanying people accessing services, courts, and hospitals, looking for jobs, and gathering resources through panhandling and recycling. Across these viewpoints I witnessed nearly daily interactions between police and the unhoused in the form of arrests, citations, and move-along orders on the streets as well as policy processes and struggles over the policing of homelessness in the halls

of power. The method not only revealed an embodied practical knowledge and social competency impossible to gain under traditional participant observation, but also brokered a trust and sense of solidarity between myself and research subjects.

In addition to this ethnographic fieldwork, the dissertation draws on two original community-based survey and interview studies with homeless San Franciscans (n=350 and n=600) that I supervised with Dilara Yarbrough and the San Francisco Coalition on Homelessness. The dissertation articles draw on public records requests across city agencies that provided thousands of emails of city officials as well as internal memos and reports involving shelters and camp clearances. I scrutinized these records to confirm and challenge "hearsay" and reports I'd heard from officials and those on the streets of agency actions and motives and contextualize the observations made in the field (see Lubet 2018). Two of the articles draw on quantitative geospatial analysis of nearly four million 911 and 311 call records of "homeless concerns."

Together these methods offer a uniquely relational approach to the dynamics between street and shelter that studies "fields rather than places, boundaries rather than bounded groups, processes rather than processed people" (Desmond 2014: 547). The methods provide both a transactional ethnography by analyzing the interactions and perspectives of the police and policed, and a structural ethnography by analyzing how, when, and why these interactions occur due to broader structures of state, market, and community institutions that constrain and enable these interactions (Burawoy 2018). This methodological synthesis of the micro-interactionist and structural traditions of ethnography allows me to mate the social theories of Bourdieu's (1994) bureaucratic field and symbolic domination with Lipsky's (1980) street level bureaucracy to unveil social determinations of interpersonal relationships between the poor and agents of the state as well as their broader social functions.

Outline of the Dissertation

The dissertation is composed of four articles. The first article entitled "Therapeutic Penal Populism: Criminalizing Poverty in the Progressive City" provides a theoretical and historical orientation to the other articles, by examining the shifting cultural politics and campaigns behind the passage and enforcement of anti-homeless laws. It addresses the question as to how San Francisco, a city considered at the vanguard of progressive urban politics, continues to pass anti-homeless ordinances and intensify policing amidst broader initiatives of criminal justice reform. The article examines historically and ethnographically how discourses and practices of welfare and medical provision for the extremely poor are used by politicians and policymakers to legitimate and enact increased policing of the city's unhoused. Building on Durkheim's conception of punishment as an emotive and communicative device and the criminological theory of "penal populism" that describes how electoral advantage of policy takes precedence over penal effectiveness, feeding off of "tough-on-crime" emotional reactions, this article develops the concept of *therapeutic penal populism*. I argue that punitive policies against the poor continue to be driven by a symbolic politics for electoral advantage, but increasingly require the rhetorical and policy accoutrements of therapy to make them palatable to a liberal citizenry. However, as the subsequent articles reveal, the welfare, medical, and social provisions with which these

penal policies are paired are wholly inadequate and result in increased criminalization, punishment, and deprivation of the unhoused.

Once anti-homeless measures are passed, how are they mobilized and enforced? While scholars have documented zero-tolerance policing and emerging tactics of therapeutic policing in these efforts, little attention has been paid to 911 calls and forms of third-party policing deployed to govern public space and the poor. The second article of the dissertation entitled "Complaint-Oriented Policing: Regulating Homelessness in Public Space" draws on an analysis of 3.9 million 911 and 311call records and participant observation alongside police officers, social workers, and homeless men and women residing on the streets of San Francisco. It elaborates a model of *complaint-oriented policing* to explain causes and consequences of policing visible poverty. By situating the police within a broader bureaucratic field of poverty governance, the paper demonstrates how policing aimed at the poor can be initiated by individual callers, private entities, and government agencies. Extending Bourdieu's theory of the bureaucratic field to cover the agencies of the state tasked with managing the destitute and applying the theories precepts to ethnographic analysis I track how police officers manage these complaints in collaboration and conflict with agencies of health, welfare, and sanitation.

The third article entitled "Complaint-Oriented Services: Shelters as Tools for Criminalizing Homelessness" examines how similar urban and bureaucratic factors driving the policing of homelessness covered in the previous article infect social service provisions toward the unhoused within the welfare side of the state. Over the course of my fieldwork, shelters increasingly became instrumentalized to intensify and legitimize policing on the streets. Although shelter development and the rise of anti-homeless laws have been well documented by social scientists, the scholarship is much less clear about the relationship *between* the growth and policies of *homeless services in shelter* and the growth and policies of *homeless criminalization on the streets*. I explain how the expansion of shelter supports and directs the increased criminalization of homelessness in public space, further untangling the relationship of the penal and welfare wings of the state developed in the first two articles. First, I document how police repression increases immediately following the opening of new shelters in the neighborhood's in which they open. Second, I show how shelters are used to clear mass encampments. Third, I reveal how shelter beds are placed into the hands of police so that they may arrest, cite, and confiscate property of the unhoused. The article concludes by disclosing how these enforcement practices collectively work to produce the territorial stigmatization of the homeless on the street as undeserving and "shelter resistant" to further weaponize shelters as tools to extinguish visible homelessness in public space.

The final article of the dissertation focuses squarely on the impacts of criminalization on the unhoused. A growing literature is looking beyond incarceration to understand the extent to which the criminal justice system perpetuates poverty and inequality. Co-authored with Dilara Yarbrough and Lisa Marie Alattorre, this paper examines how anti-homeless laws produces various forms of police interactions that fall short of arrest, yet have wide-ranging impacts on the urban poor. Because such interactions are largely untracked by the state, and in turn under-scrutinized by scholars, our study provides one of the first assessments of the effects of quality-of-life policing on marginalized groups drawing on a participatory action research study that included a citywide survey

of those who have recently experienced homelessness along with 43-in-depth interviews.

Expanding the conception of the criminalization of poverty, typically centered on incarceration or arrest by police, the study reveals previously undetected consequences of move-along orders, citations, and their threats that dispossess the poor of property, create barriers to services and jobs, and increase vulnerability to violence and crime. It captures *infra-punitive forms of police action* that destabilize the unhoused and further entrenches marginality. Our findings also suggest that anti-homeless laws and their enforcement fail to deliver on their promise of reducing urban disorder, instead creating a spatial churn in which homeless people circulate between neighborhoods and police jurisdictions rather than leaving public space. We argue that these laws and their enforcement, which affected the majority of study participants, partake of a larger form of *pervasive penality* - consistent punitive interactions with state officials that most often do not result in arrest, but nonetheless exact widespread and deep material and psychological harm. This process not only reproduces homelessness, but also deepens racial, gender, and health inequalities among the urban poor.

The four articles published in this dissertation have been composed as stand-alone manuscripts. For that reason, each include literature reviews, methodological sections, and background context that overlap in certain places. However, they are also intimately interconnected as each elaborates different sets of causes, practices, and consequences of the broader process of criminalizing homelessness from distinct theoretical vantage points, pools of empirical sources, and varying ethnographic standpoints. The key findings across these four articles are synthesized and discussed in a brief conclusion that also spotlights overarching theoretical and policy implications that relate more generally to the social scientific literatures of urban change, criminal justice, poverty, and social theory. "Complaint-Oriented Policing" and "Pervasive Penality" have been published in the *American Sociological Review,* and *Social Problems* respectively. A highly abridged version of "Complaint-Oriented Services" is forthcoming in the *Annals of the American Academy of Political and Social Science*. A book length manuscript expanding on each of these works and integrating new material is currently in progress.

1

Therapeutic Penal Populism and the Criminalization of Poverty in the Progressive City

San Francisco has been characterized as the premiere progressive US city, at least since the mid-20th century (Bell 2010, Clavel 1986, Mollenkopf 1983). The 'Left Coast City' (DeLeon 1992), has been at the forefront of social justice movements of sexual and gender rights, racial and economic equality, and organized labor rights (Armstrong 2002, Issel 1991). It has also long been a national leader in progressive criminal justice reform. It was one of the first cities to implement a pre-trial diversion program in 1976 and declared itself a sanctuary city in 1989. In just the past five years the treasurer's office has eliminated criminal justice and administrative fees, waved tens of millions of dollars in court and citation debt, cleared nearly 100,000 holds on driver's licenses, and dismissed tens of thousands of bench warrants for unpaid fines and missed court dates (Financial Justice Project 2020). In 2015, City Supervisors voted against the opening of a new jail and five years later closed a jail and the city's Juvenile Hall. In 2020 the newly elected district attorney ended cash bail for all criminal cases.

Yet during this same period the criminalization of homelessness not only persisted, it intensified. As judicial and legislative efforts reduced jail detention, arrests, fines and fees in San Francisco the city expanded its police response to homelessness. Most recently, in 2016, two members of the board of supervisors brought a ballot initiative to ban tents to the voters of San Francisco. The ordinance, which made it illegal to have a tent in public space became the city's twenty-fourth anti-homeless ordinance, more than any other county in California and possibly the US (Fischer 2016). And although unsheltered homelessness increased by less than 1 percent between 2013 and 2017 in the city of San Francisco, 911 dispatches for homeless complaints increased seventy-two percent (Herring 2019).

How is it that progressive cities such as San Francisco come to pass time and time again laws that have been deemed "ineffective" "counterproductive" "cruel and inhumane" by the Obama Administration's Department of Justice (DOJ 2015, USICH 2012)? Why has police enforcement of these ordinances skyrocketed in the past decade? One of the most prominent theories explaining the political motives behind the punitive turn towards the impoverished is "penal populism" to explain political and social forces that have driven the adoption by most western liberal democratic governments of increasingly punitive penal policies and sentencing laws since the 1980s (see Bottoms 1995, Pratt 2007). The criminologist David Garland characterizes penal populism as when "instead of deferring to what the evidence, research or the experts believe is the right sort of policy, politicians refer to what the public wants, what the public knows, what common sense demands" (2015). In the face of crime or disorder, even when declining, liberal and conservative politicians alike outdid themselves playing to the expressions of anger and frustrations by supporting mandatory sentencing, restrictions on parole, harsher sentencing, three strikes laws, and broken windows policing (Forman 2017, Freiberg and Gelb 2014, Kohler-Hausmann 2018). This penal populism played to this period's perception that criminal and prisoner rights were being favored at the expense of victims and the law-abiding public (Roberts et al. 2002), or in the case of homelessness, that the rights of the unhoused were being valued at the expense of the housed (Gowan 2010, Smith 1996, Vitale 2008). Most of all, the sentiments in this wave of penal populism extended little sympathy towards the perpetrators nor aspirations for their rehabilitation or social reintegration (Wacquant 2009).

The case of San Francisco's continued criminalization of homelessness amidst broader criminal justice reform is certainly driven by a populist force. After all, the ban on tents had to be brought to a popular ballot measure, namely because the city's board of supervisors and own experts from the Department of Public Health, Homelessness, Human Services and even Police thought it was redundant and would be ineffective. However, the tent ban's populist articulation differs in important ways from those of the previous era. Consider for example the television ad that aired widely leading up to the November vote, which concludes with City Supervisor Mark Farrell, one of the co-authors of the bill, stating that "I wrote Prop Q. because tent encampments are incredibly dangerous and unhealthy places to live. . . Please help me in voting Yes on Proposition Q: Housing Not Tents" (Yes on Q 2016). At one community meeting I observed Farrell completely reject the accusation that the law would criminalize homeless. In response to the accusation he insisted, "This is about rejecting dangerous living environments and prioritizing housing."

Although the ordinance had no provision of additional housing, shelter, or services and merely changed the police code to ban camping, the discursive framing of the entire campaign was centered on therapeutic themes of assistance, albeit one that required a use of force. This framing of anti-homeless laws as punitive means towards welfare ends suggest a different cultural politics of policing poverty is at work, which I term *therapeutic penal populism*. It differs from traditional notions of penal populism in two important ways. First, rather than portraying efforts to criminalize homelessness as explicitly punitive zero-tolerance policing aimed at protecting the law-abiding residents and businesses from the scourge of homelessness, laws criminalizing poverty and their enforcement have increasingly been portrayed as therapeutic efforts aimed at assisting the down-and-out themselves. Second, while the concept of penal populism has been exclusively considered as a force in the realm of legislative and judicial struggles, therapeutic penal populism considers how practices of enforcement are also shaped by bottom-up populist initiative, often in the same therapeutic register propagated by city officials.

Drawing on an ethnographic study of the field of homeless policy and analysis of administrative data in San Francisco this article puts forward a new explanation of the cultural politics driving the criminalization of homelessness in the progressive city in three steps. The first part of the paper places therapeutic penal populism in a broader historical context, by situating my own ethnographic on earlier fieldwork carried out in the city during the 1990s and early 2000s by sociologists Teresa Gowan (2010). Whereas criminalization of the 1980s – early 2000's was marked by a *punitive rhetoric* of politicians and a *hardening of welfare* towards the unhoused, I elaborate how new forms of criminalization have moved forward through *therapeutic rhetoric* of politicians and a *"softening" of criminal justice*, blending rhetoric's and practices of health and social services into policing and criminal justice processing.

The second section of the paper examines how legislative campaigns to criminalize homelessness are fueled by populist strategies of electoral advantage and framed as efforts of homeless assistance through two case studies: San Francisco's ban on tents and California State Assembly's Right to Rest Act. The third section examines how enforcement is largely driven by populist outrage vis-à-vis individual and organized complaints, while often being wrapped in discourses and tactics of care of assistance. The paper concludes considering the implications of my findings for rethinking the politics of punishment amidst growing calls of criminal justice reform and a resurgence of progressive municipal governments.

Policing Marginality and Penal Populism

Jim Crow, anti-Okie, "ugly" and vagrancy laws have long empowered police to manage the down-and-out (Ortiz et al. 2016). Over the past 30 years, police forces across the United States have adopted new forms of quality-of-life policing as a renewed commitment to addressing order maintenance as a policing priority and an instrumental crime-control strategy (Harcourt 2009, Kelling and Coles 1997, Kohler-Hausmann 2018). Central to these efforts have been the passage of local ordinances aimed at curbing visible poverty, "anti-social behavior," and homelessness (Beckett and Herbert 2009, Vitale 2008). These laws have been spreading at an unprecedented rate in the United States and increasingly across the globe. A recent report by the National Law Center on Homelessness & Poverty found that half of the 187 cities in its study banned camping and sitting, lying down in public or loitering and begging in particular places (2019). Between 2006 and 2019, the number of bans on sitting and lying down increased by 44 percent, citywide camping bans by 70 percent, prohibitions on loitering and loafing citywide by 78 percent, and laws against living in vehicles by 213 percent, with the greatest growth occurring over the past three years (NLCHP 2019).

Why are such punitive measures passed and how are they legitimized in progressive cities like San Francisco? Despite cross-disciplinary attention to laws targeting homeless behavior in cities, analysis of the power dynamics and cultural politics behind the adoption and implementation of such laws is scarce. As May and Cloke note, "there are in fact remarkably few detailed studies of precisely how such policies come in to being, of the make-up of the coalitions (of private businesses, the local state and police) that lie behind them, or of the practices through which they are enacted on the ground" (2013: 896).

Within the scholarship of policing marginality, the most prominent explanations of the rise of anti-homeless laws are economic imperatives in articulations of Marxist theory (Harvey 1989) and urban regime theory (Logan and Molotch 1987, Stone 1989). Geographer Don Mitchell who has tracked the rise of anti-homeless laws over the past thirty years asserts that "the reason anti-homeless laws continue to persist is primarily *not* a question of social psychology . . . but is rather a very real, material response to very real, material process of accumulation in the built environment that require the production of city-space as abstract space" (2018: 101). Homeless people "offend the senses" of potential buyers in shopping districts, block the circulation of pedestrians commuting to work, and depress property values around which they locate (Gerrard and Farrugia 2015, Kawash 1998, Walby and Lippert 2012). Neil Smith's analysis of the police crackdown against the marginalized factions of New York City in the late 1980s and early 1990s attributes "a narrow group of political and corporate leaders who really do constitute, with others, a ruling class" (1996: 16) as the culprits. Business Improvement Districts in particular have been found to regularly lobby local and state lawmakers to enact, preserve, and strengthen laws aimed at clearing public spaces of homelessness (Duneier 1999, Garnand 2016, Selbin et al. 2018, Stefen 2012, Vitale 2008). Others provide more pluralistic coalitions of anti-crime activists, neighborhood groups, middle-class residents, and city voters - albeit most often homeowners, small business owners, and gentrifiers (Amaral 2020, Beckett and Herbert 2010, Gowan 2010, Huey 2007 , Vitale 2008) - and even social service providers (Herring and Lutz 2014, Stuart 2016, Willse 2018) playing roles in the passage and enforcement of anti-homeless laws. In short, anti-homeless laws serve a class-strategy, organized through the state, aiming to curb visible homelessness, which is a threat to continued capitalist accumulation in the city.

While there is no denying that such economic imperatives are prominent in the passage of anti-homeless laws, yet, scholars have also drawn attention to cultural and political imperatives behind the criminalization of homelessness. Even the Marxian renderings of policing marginality

highlight the role of reactionary populist frustrations. Smith compares the early 1990s New York with nineteenth-century Paris after the Commune, in which middle-class residents reacted against progressive movements that they blamed for destabilizing society. Smith describes this politics of "revanchism," which "represents a reaction against the supposed 'theft' of the city, a desperate defense of a challenged phalanx of privileges, cloaked in the populist language of civic morality, family values and neighborhood security" (1996: 211). Sociologist Teresa Gowan (2010) documents a resurrected discourse of "sin-talk," that rendered homelessness as a product of individual moral failure in need of punitive treatments, which came to displace discourses of "system-talk" that had understood homelessness as a product of social structure within a new configuration of welfare, policing, and community action.

  These political and cultural imperatives undergirding the rise of the criminalization of homelessness documented by urban scholars' map onto a broader movement of "penal populism" traced by criminologists. The concept refers to a politics of punishment that supported a "punitive turn" in social policy in the 1980s and 1990s from socially inclusive, rehabilitation-oriented policies to socially exclusive, punitive ones (Garland 2001, Young 1991, Wacquant 2009). On the one hand, penal populism builds on Durkheim's idea that "in the first place, punishment constitutes an emotional reaction," (1893: 44) and that the urge to punish is driven by a collective desire in avenging the societal outrage of morality rather than the individual victim herself (Bottoms 1995, Garapon and Salas 1996).[i] The sentiment of vengeance towards the perpetrators of crime within the historical context of the 1980s and 1990s also reacted against a backdrop of urban liberalism shaped by grassroots social movements protecting the rights of the marginalized, which seemed to ignore populist sentiments of growing insecurity. As the criminologist John Pratt writes (2007: 12):

> Penal populism speaks to the way in which criminals and prisoners are thought to have been favored at the expense of crime victims in particular and the law-abiding public in general. It feeds on expressions of anger, disenchantment and disillusionment with the criminal justice establishment. And as with populism itself, takes the form of feelings and intuitions rather than more quantifiable indicators.[ii]

  While penal populism may take on Durkheim's emotive conception of punishment against thinkers who conceived punishment as a rational response to disorder, or structuralist explanations of class domination, it does not render punishment as a mere anthropological, symbolic reflection of culture. Instead punishment is recognized as a potent political tool. Rather than deferring to the expertise of academics and civil servants "penal populists allow the electoral advantage of policy to take precedence over its penal effectiveness" (Roberts et al. 2003: 5). Public inputs into crime control seemed to be growing rather than shrinking as Foucault (1972) and much critical theory predicted. There was dissatisfaction with experts and pressure for politicians to "do something" about deviants. The most well-known examples of these political contests in the US occurred during the Clinton-Bush era during which bipartisan one-upmanship of being "tough on crime" led to ever increasing mandatory sentencing, restrictions on parole, harsher sentencing, three strikes laws, broken windows policing, and aggressive elected District Attorneys (Forman 2017, Kohler-Hausman 2018, Pfaff 2017).

  According to sociologist Loïc Wacquant (2009), politician's wielding of penal populism against the down-and-out is especially important in diverting diagnoses away from the state's role in declining welfare and eroding wages onto law enforcement, to tame the social disorder it creates. As Wacquant asserts (2009: 299):

By elevating criminal safety to the frontline of government priorities, state officials have condensed the diffuse class anxiety and simmering ethnic resentment generated by the unraveling of the Fordist-Keynesian compact and channeled them toward the (dark-skinned) street criminal, designated as guilty of sowing social and moral disorder in the city, alongside the profligate welfare recipient . . . Most importantly, it has allowed the politicians to make up for the deficit of legitimacy which besets them whenever they curtail the economic support and social protections traditionally granted by Leviathan [ie the State].[iii]

This raises the question as to whether the rise of therapeutic ideals within criminal justice reforms among a new generation of progressive mayors and lawmakers marks a decline in the salience of penal populism tracked by criminologists and a reversal of the neoliberal reactionism traced by urban scholars of homelessness. This article asserts that the persistence of anti-homeless laws and their enforcement continues to be perpetuated by a penal populism, albeit with a distinct articulation in a new era of urban progressivism. Through the case study of policing homelessness in San Francisco this article reconstructs the concept of penal populism through two theoretical extensions. First, rather than portraying efforts to criminalize homelessness as vengeful acts of rote retribution aimed at protecting the law-abiding residents and businesses from the scourge of homelessness, laws criminalizing poverty and their enforcement are increasingly portrayed by politicians and officials as therapeutic efforts aimed at assisting or fixing the down-and-out themselves. Although recent studies have highlighted therapeutic trends in enforcement practices towards the unhoused (Johnson and Fitzpatrick 2010, Stuart 2016, Herbert et al. 2018) these works provide little in the way of ethnographic analysis of the political and policy struggles from which they emerged or the cultural politics underlying them. Drawing on observations from the political and policy fields of homeless management, this article fills this empirical gap to show how penal populism remains a salient political strategy to pass and mobilize anti-homeless laws, albeit within an entirely different framing of assistance and aid rather than retributive justice.

Second, while the concept of penal populism has been exclusively considered as a force in the political arenas of legislative and judicial struggles, this article considers how practices of enforcement are also shaped by bottom-up populist initiative, often in the same therapeutic register propagated by city officials. Elsewhere I discuss the role of 911 calls and forms of third-party policing in governing public space (Herring 2019). In this article, I focus specifically on how populist mobilization of anti-homeless enforcement are legitimated through therapeutic discourses and assumptions. The efforts made by individuals, community associations, and Business Improvement Districts to mobilize the policing of enforcement under the pretenses of aid and assistance as well as the government's portrayal of therapeutic policing responses covered in this section also provide a fuller picture of how and why the passage of anti-homeless laws covered in the preceding section remain such potent tools for building political capital. The concept of *therapeutic penal populism*, not only helps explain the continual criminalization of homelessness, but also provides a framework for understanding broader trends in the progressive city including the spread of community courts, conservatorship of the mentally ill, community and homeless policing units, and other instances of criminal justice expansion that integrate therapeutic elements.

Parameters of Fieldwork

To probe the political struggles behind legislative efforts to criminalize homelessness, populist policy processes triggering enforcement, and the therapeutic conceptions and representations of these efforts, I draw on an *ethnography of the bureaucratic field* of homeless management in the city of San Francisco, and an *enactive ethnography* of homeless survival. The study was carried out between the fall of 2014 – spring of 2020. On the one hand I completed an ethnography of the field of homeless management. This includes observations from ride-alongs with police officers addressing homelessness, public health workers on street outreach, and sanitation workers clearing encampments; sitting in office hours with shelter social workers; and working at the Mayor's Office of Homelessness. It also draws on observations from community associations, including working as an organizer in the city's homeless advocacy group and participating in over 100 public forums including district police meetings, homeowner and merchant association meetings, and hearings at city hall.

Most central to this article, which attempts to provide a synthetic theory of therapeutic penal populism that connects the policy formation of legislation to ground-level policy implementation are that my observations spanned the full-scope of the vertical dimension of the bureaucratic field: focusing not only on the ground-level social workers, police patrols, and sanitation workers that feature as protagonists in most ethnographies of street-level bureaucracy (Brodkin 2012, Dubois 2016, Lipsky 1980, Seim 2018, Watkins-Hayes 2009), but also the upper echelon of agency officials who managed these workers and designed policy implementation and participating in struggles within the political field. While my method of observation with frontline workers was one of passive observation (See Herring 2019, Herring forthcoming), my observations of the legislative process and policymaking processes in the political field that are the focus of this article was one of interventionist participatory observation, through which I took active involvement in agency hearings and meetings, working in the Mayor's Office and as an organizer in the San Francisco Coalition on Homelessness.

Managing to gain entry and participate in the political field as both advocate and city official was challenging and premised on my unique background. Both before and after my undergraduate education I worked as an organizer and researcher with the National Coalition on Homelessness in Washington DC with links to the San Francisco Coalition on Homelessness in San Francisco. Not that the SF Coalition was by any means an exclusive group, but my background in community organizing paved a path of trust and more importantly an awareness of how to work effectively as a contribute with workgroups rather than simply an extractive researcher. Within a few months I was coordinating actions, participating on weekly citation defense outreach, meeting with city supervisors, and drafting policy memos, press releases, and eventually even legislation.

Gaining entry as an official research intern to the Mayor's Office of Homelessness also benefited from past experiences and connections. In 2008 I worked in New York City government as a Project Manager at the Department of Housing Preservation and Development. Two years before I started fieldwork a new San Francisco city worker at the Department of Public Works leading homelessness efforts at the agency read an academic paper of mine on large scale homeless encampments. Discovering that we were neighbors and had worked in New York City government at the same time we began meeting for coffee. Years later during my fieldwork he would become the director of the Mayor's office on Homelessness through which I was invited to work as a researcher. For three months in the summer of 2016 I worked in the

same office suite within city hall as the director and small staff supporting the office's projects, four days a week. These varied positions allow me to trace the gaps and connections between the discourses of politicians, policy on paper, and policy in practice that underlie the workings of *therapeutic penal populism*.[iv]

These observations from above were paired with an enactive ethnography from below (Wacquant 2015). Over the course of a year, nine full months were spent immersed living on the streets, in the shelters, and daily/weekly "welfare hotels" alongside those experiencing homelessness. While this article does not draw directly from this set of observations, they deeply informed my line of inquiry. Many of the motivating questions of this article emerged from my fieldwork experiences residing on the streets in encampments, which I carried out a year before moving my ethnographic lens more firmly into the the political and policy arenas.[v] After slightly more than two years of intensive and immersive fieldwork (2014 – 2017), I continued to participate as an organizer with the San Francisco Coalition on Homelessness, followed-up with research companions, and carried-out targeted observations. Finally, this paper draws on a host of archival and administrative data. The historical section of this paper draws heavily from the archives of the San Francisco Coalition on Homelessness and the "Street Sheet" newspaper, which the organization has published since 1989. It also draws on an analysis of 911 and 311 call data and mobile app reports I acquired through a public records act request from the San Francisco Department of Emergency Management (DEM 2018).

A Brief History of Criminalizing Homelessness in San Francisco

It is first useful to situate the rise of therapeutic penal populism within the broader historical scope of managing homelessness in San Francisco. Since the rise of advanced homelessness in the late 1970s and early 1980s there are a number of continuities in the criminalization of homelessness that persist up to the present. First, while the penal crackdowns on homelessness in terms of arrest and citations ebb and flow depending on the political climate, shifting agency priorities, and election seasons, the restrictions on public spaces and the criminalization of life-sustaining activities homeless people have increased constantly over the past forty years. Second, across all mayoral administrations there has never been a concerted effort to decriminalize homelessness, roll-back enforcement, or approach quality of life laws from a civil rights or human rights perspective. Third, new policies and practices of criminalization have almost always been packaged with new provisions or reforms of welfare assistance for homeless people.

However, within this continual roll-out of criminalization towards the unhoused there have been notable shifts. Sociologist Teresa Gowan's (2010) study of homelessness in San Francisco during the 1990s and into the early 2000s in San Francisco characterize a period of reactionary conservative cultural politics against the previous era of urban liberalism, marked by increasing policing towards the poor fueled by a *punitive rhetoric* of politicians and a *hardening of welfare* in shelters and aid, which tied punitive sanctions, surveillance, requirements, and limits to assistance. In contrast, my fieldwork took place in a period that saw the rise of a progressive urbanism. Although policing towards the poor and the hardening of welfare assistance further expanded during my time in the field, it was shaped predominantly by a *therapeutic rhetoric* of politicians and a *"softening" of criminal justice*, wherein courts and the police integrated principles of rehabilitative jail-diversion and social outreach as part of a broader roll-out of criminal justice reform. It is within this shift in discourses and policies that we can locate the rise of therapeutic penal populism.

Penal Populism and the Hardening of Welfare: 1991 – 2003

Penal populism came to dominance in San Francisco in the 1991 Mayoral race where former police chief Frank Jordan took on the incumbent Art Agnos, who had been a social worker of the San Francisco Housing Authority before entering politics. Jordan campaigned on a platform of retaking control of the city from welfare recipients, criminals, and the homeless, whom liberal politicians like Agnos had "coddled" with poorly designed social programs.[vi] During this time there was a shift in the center of gravity from unions and grassroots organizations who developed a diverse, cross-class conception of community and neighborhood, which asserted the rights of the poor, minority groups, and disabled towards new organizations of homeowners, merchants, and "stakeholders" making calls from the "community" for a broken windows policy of zero tolerance policing. It's during this period that Teresa Gowan pinpoints a discursive shift among officials and the media away from the "system-talk" with its consensus of reintegration towards the *punitive rhetoric* of "sin-talk" by "advocates of clearance who focused their rhetoric on the noxious street-person, the revised version of the predatory tramp of the 1870s . . . The primary object of sympathy was no longer the homeless themselves, but the decent citizen threatened by crime and unsightly disorder" (51).

Once elected mayor, Frank Jordan implemented a series of punitive policies towards the unsheltered under a Quality of Life Enforcement program that became known as the "Matrix Program," during which more citations for sleeping camping in the parks, drinking in public, obstructing the sidewalks and sleeping in doorways were issued in the first month than in the previous five years. Jordan arrested members from Food Not Bombs hundreds of times for feeding those unhoused, spearheaded a successful ballot measure against panhandling, and enacted park evening closures citywide. Following Mayor Jordan, Mayor Willie Brown tempered some of the most unashamed sin-talk from his predecessor but carried out an even more intensely punitive campaign towards the unhoused.[vii] Not only did citations for anti-homeless laws increase, the District Attorney began prosecuting people for illegal lodging. Brown also carried out theatrical attacks on the unhoused, which included asking the Oakland Police Department for a helicopter with night vision to locate encampments in Golden Gate Park and ordering felony charges for anyone found in possession of a shopping cart.

During this roll-out of policing both Mayor Jordan and Brown simultaneously expanded social services and shelters. However, the new services and shelters that came to replace the volunteer-run ones of the 1980s became professionalized facilities that included punitive elements and mandates, orienting shelters towards the discipline of work and/or mental and substance use rehabilitation. Like the poorhouse of previous centuries, the tools of expulsion and punishment are ever-present, turning places of relief into places of policing. It was during these years, shelter beds became means-tested and time limited, requiring "clients" to enroll in "care management," and limited to 1-night, 30-day, and 90-day stays depending on people's willingness to work or engage in behavioral health treatments. Shelters began using digital fingerprinting for check-ins, metal detectors, and security guards, casting a carceral ambience. Teresa Gowan who was studying San Francisco's shelters during this time characterized this *hardening of welfare* institutions to reflect an "authoritarian medicalization." This hardening was marked by a conversion of previously voluntary job training, behavioral health, and substance use programs to mandated requirements of work and surveillance in order to receive cash assistance or a shelter bed, under the presumption that much homelessness was a product of individual pathologies, mental health, and addiction in the first place.

Therapeutic Penal Populism and the "Softening" of Criminal Justice: 2004 – present

The harder-edged cultural politics of penal populism began taking a turn toward a therapeutic penal populism during the Mayoral administration of Gavin Newsom who served as Mayor from 2004-2011 but came to fruition in the Mayoral administrations, which followed during my fieldwork. Before noting the differences between these paradigms, it is first important to acknowledge the continuities. First, the passage of anti-homeless laws and their enforcement continually increased. Gavin Newsom championed a sit/lie ban and tightened an anti-panhandling ordinance, which like earlier ordinances, were driven by populist ballot-initiatives. Newsom also increased park restrictions and continued prosecuting cases of illegal lodging. As I document in the subsequent sections of this article, after Newsom, Mayors Ed Lee, Mark Farrell, and London Breed supported a camping ban, doubled the number of police officers dedicated to addressing homeless complaints, and intensified the frequent confiscation of tents and property. Services and shelters were continually expanded, but so did their hardening through "authoritarian medicalization." At the centerpiece of Newsom's mayoral campaign for instance was "Care Not Cash," which abolished General Assistance entitlements and diverted the money to investments of supportive housing that reached a small minority of the city's unhoused. Such assistance still depended on workfare requirements and caseworker appointments and left its recipients dependent on foodbanks and soup kitchens in drastically reducing their cash payments (see Murphy 2009).

The rise of therapeutic penal populism that came to eclipse the more traditional penal populism during this time can be traced to three historical breaks. First, is *the rise of a new urban progressive politics*. The reactions against the issues of urban decline, high crime, and crack pandemic that had initially swept Mayor Jordan into power significantly smoldered and the unashamed "tough on crime" politics of the previous era proved less salient. Second, is *the rise of therapeutic framings* of new policies of criminalizing homelessness. Like the previous period, the politics of punishing the poorest still relies on a hybridized "sin-talk" and "sick-talk," however "sick-talk" increasingly came to play the leading role and in some cases, as I'll go onto illustrate, completely obscured "sin-talk" altogether. For instance, unlike the previous anti-homeless campaigns, in 2004 Newsom claimed a new anti-panhandling ordinance was necessary to push violators into substance abuse or mental health treatment, although in the end the treatments were actually cut, and the results were more often fines and arrest than rehabilitation. Newsom also launched a special SFPD unit assigned to handling homelessness called "Operation Outreach," although police had limited supportive services to offer the unhoused. Nonetheless, Newsom would describe these efforts in a therapeutic register: "The idea is not just to throw the homeless into cells, but to help them. The main thing is we don't want them suffering on the streets, and if they're not suffering it's better for everyone, including them" (Fagan 2004).

Third, was *the "softening" of criminal justice*. Whereas the hardening of welfare, integrates punishment and surveillance into the provision of social aid, the "softening" of criminal justice integrates therapeutic practices and ideals into policing and the courts. During this period emerged a wave of criminal justice reform. While sentencing reforms and reductions in the numbers of those incarcerated in state prisons marked an initial roll-back of the carceral state during these years, police budgets, courts, and jails continued to expand in the US and in San Francisco. However, as these institutions of criminal justice expanded in budgets and personnel, they often integrated light-touch elements of workfare, rehabilitation, and partnerships with welfare organizations that had previously been lacking. Along with SFPD's "Operation

Outreach," Newsom launched a Community Justice Center that sentenced a very select number of low-level offenders, including several violators of anti-homeless ordinances, to drug treatment, mental health programs, support groups, counseling, and job training rather than jail. Such special policing units and courts aimed at homelessness reflect what sociologist Forrest Stuart characterized in his ethnography of LA's Skid Row as "therapeutic policing," which "leverages the coercive power of the criminal justice system to correct the attitudes, behaviors, and lifestyle choices of the urban poor" (2016: 39).

The following sections elaborate how progressive politics, therapeutic discourses, and the "softening" of criminal justice have further evolved since Newsom during the time of my fieldwork. As critiques of the criminal justice system and policing mounted and increasingly progressive politicians came to power, the efficacy of these legislative and enforcement efforts required ever greater "therapeutic" legitimations. Although discourses of "tough love" remain salient within a large segment of the electorate, in reaction to these new progressive demands for criminal justice reforms politicians and officials now also aim to (a) portray policing itself as a legitimate social service outreach or (b) hide the policing of homelessness altogether behind a façade of assistance, sanitation, and public health.

Legislating Punishment: Proposition Q and the Right to Rest

Populist Political Imperatives

In 2016, the ballot initiative Proposition Q was placed before the voters of San Francisco to decide whether they wished to create a new municipal ordinance to ban tents from sidewalks and public space across the city through a change in the police code. Although many cities have passed this increasingly popular ordinance to curb visible homelessness (NLCHP 2019), in San Francisco, with twenty three anti-homeless ordinances already on its book, it was particularly redundant (Fisher et al. 2015).[viii] While residing in encampments I witnessed a whole variety of citations being issued for the exact same camping offense prior to the ordinances passage. One morning on a ride-along with SFPD officers' a year before the initiative's proposal, I asked why they had issued a ticket to a man who had set up a tent on the sidewalk for "blocking a sidewalk" as opposed to "illegal lodging:"

> I mean it doesn't really matter. For that guy we could have ticketed him for blocking a sidewalk, illegal lodging, sit-lie. For trespassing there has to be a sign posted. We typically don't do sit-lie unless they're not doing the other stuff. I mean if they're on a sidewalk they're always blocking to some extent, but it's like if they're going to get into it about how there's plenty of room to pass then why bother getting into an argument.

The commanding officer of the SFPD Homeless Outreach Unit admitted to me in a casual conversation on the streets one day before the vote that he was never consulted about the ordinance and that, "I don't really understand what it means to ban tents, I mean we already have laws banning the obstruction of passage, sitting and lying on sidewalks, trespass, and loitering." While law enforcement agents tended to see the ordinance as pointless, the social workers I was spending time with thought it dangerous. As one department of health homeless outreach team member told me, referring to a previous ballot initiative to ban sitting on sidewalks "This is just like sit-lie. Politicians see this as a wedge issue. Homeless people are the scapegoats. It fuels

hate." During my time residing with those on the streets I witnessed and experienced a range of negative actions towards the unhoused from daily micro-aggressions to serious threats of violence from the broader public: slurs of insults by passerby's, "trucker bombs" of urine in plastic bottles launched on our tents, belligerent confiscation of property by store owners, and threats of burning our tents or beating us up if we didn't relocate. So, it is no surprise that outreach workers perceived the danger of a ballot-initiative campaign aimed at criminalizing homelessness, with its television ads, phone-banking, placard posting, and canvassing would enflame not only a passionate public debate, but also emotional reactions towards the unhoused.

As theories of penal populism would predict, the new anti-homeless ordinance did not emerge from demands of experts or civil servants. Not one of the dozens of officers, social workers, and agency officials I was observing at the time expressed support for the ordinance during my observations, nor said it would be effective when I asked. Most concluded that it would neither increase enforcement nor decrease the number of tents on San Francisco's streets. The consensus among academics and experts that the law was redundant at best and counterproductive at worst was so strong that a debate I was invited to participate on by a local planning association was changed to a "discussion" because they were unable to find a single academic or expert in the Bay Area in support of the measure. At the same time, the law was not directly requested or initiated by business or resident associations mobilizing a signature campaign or lobbying effort to get the bill on the ballot. Instead, the initiative was authored and placed on the ballot at the eleventh hour by a set of city supervisors.

At the time of the ballot initiative's announcement I was working in the Mayor's Office of Homelessness. The office's director explained that the supervisors didn't consult him as much as alert him of their proposed policy. When I later asked him in an interview what he thought was behind the initiative, he said:

> Look, these initiatives are always popular, they always win, and these politicians want a win and to make it look like they're doing something about the issue. Even though it won't really create any new police power it will allow them to say that their opponents not in support are tolerating tents. People are fed up with the proliferation of tents on the streets, they're fed up with the hundreds of millions being spent on homelessness, and this is a feel-good thing that's going to score political points.

Regardless of the true motivations of the initiative's authors the camping ban campaign improved their popular positioning within the political field. First, the proposed ordinance worked to *sharpen political distinction* between the liberal and progressive wings of city supervisors, a number of whom were in battle over higher positions of power. In particular were the initiative's co-authors, Scott Weiner who was running for a state senate seat looking to differentiate himself from his more progressive rival who he would portray as "soft on crime" and "a supporter of homeless camps," and Mark Farrell looking to raise his profile and funds for a possible mayoral run in the upcoming election.[ix] In one radio interview, Supervisor Farrell called the camping ban "a policy response to the ideas of some of my colleagues on the Board of Supervisors that I thought would take the city in the wrong direction" (Veale 2016). A month before the camping ban was introduced, I had authored legislation with the San Francisco Coalition on Homelessness and another city supervisor designed to align the city's camp clearances with federal guidelines, providing a 30-day notice of removal, protections against property confiscations, and additional sanitation services. I even met the Supervisor and his staff to discuss this legislation prior to working in the Mayor's Office. During the meeting he raised

concerns that the policy would encourage more people to come to San Francisco, expressed that his constituents felt as if the police and sanitation response was already too slow, but made no threat or mention of raising a counterproposal.[x]

Second, the ordinance played to *popular polling and fears of crisis*. When I asked a staff member of the Mayor's Office on Homelessness where I was working at the time, in the days between the proposal and approval of the budget measure whether there'd be any possibility of convincing the supervisors to withdraw the measure, they told me "There's no getting them to back down now. Their (one of the supervisors) consultants commissioned a poll and it was extremely popular. A slam-dunk." Although homelessness had not increased for nearly a decade according to city data, it had taken on a new sense of crisis with increased 311 and 911 complaints, apocalyptic headlines in the news media, and a declaration of a "shelter crisis" by the Board of Supervisors earlier the same year. In the perspective of this city hall official, the popularity from polling, regardless of the measure's effectiveness or counter-bargaining by other parties, made it effectively bullet-proof.

Third, the camping ban worked as vehicle toward broader *political amplification* for the initiative's prime supporter, Supervisor Mark Farrell. Although supervisor and mayoral campaigns have strict limitations on how much donors can give to a candidate's campaign, no such limitations are placed on ballot initiatives. The campaign for the ban raised nearly one million dollars, largely from tech CEO's and developers who seemed more interested in promoting the candidate backing the initiative than the specific ordinance itself and helped fuel a wide-ranging TV advertising effort (Wong 2016). High-end political campaign consultants opened up shop running paid and volunteer phone-banking operations and door-to-door canvasing, especially to local merchants. In these ways, the ballot initiative became a key vehicle for extending funds, airtime, and canvassing with Supervisor Farrell's name and face on the issue of homelessness, which ranked as the #1 election issue that year ahead of affordable housing and education.[xi] The initiative passed with a slim 53% majority. In 2017 after the sudden death of Mayor Ed Lee, Mark Farrell would become interim Mayor of the City of San Francisco. Deriving from politics, rather than the market, and aimed more at arousing the frustrations and fantasies of order than any actual belief among the bill's authors of effectively clearing spaces for capitalist consumption, anti-homeless laws increasingly function as means to stoke the emotions of the electorate for popular positioning within the political field.

Therapeutic Rhetoric

Although the ballot initiative was purely penal, simply amending the police code to ban tents from public space, it was couched almost entirely in a therapeutic discourse of compassion and care. The television ad for the anti-camping ban that aired widely leading up to the November vote utilized a number of facts that played off traditional social anxieties associated with penal populism from the 1990s, such as urban decline and disorder, drug use, and crime. It highlighted the taxpayer cost of removing 12.5 tons of trash from encampments each week and how "encampments are being used for drug dealing, prostitution, and other criminal activity." However, rather than framing the victims as the housed citizens and business owners it instead focused on these as dangers to the unhoused. The advertisement included an LGBTQ Rights leader reporting that "an average of two women a month report being raped in tent encampments."[xii] The advertisement concludes with Supervisor Farrell explaining, "I wrote Proposition Q because tent encampments are incredibly dangerous and unhealthy places to live," before flashing to the campaign's logo and slogan "Housing not Tents."

Most importantly, the TV advertisement and campaign materials never even mentioned policing or punishment. This is a marked shift from the last anti-homeless ordinance against sitting and lying on public sidewalks passed in 2010. Mayor Newsom and the propositions supporters branded this ordinance "Civil Sidewalks." Drawing on a discourse of civility rather than the tougher sin-talk of "the Matrix" campaign, it still stressed the responsibility of the misbehaving and unruly unhoused for upholding their end of the social contract or face a police response. "Housing not Tents" on the other hand (a) obscured the role of policing altogether and (b) drew heavily on a discourse of care and compassion to aid the unhoused. The deception of the initiative cannot be understated. Working as an organizer on the "No on Q" campaign I visited numerous shops that had "Yes on Q" signs posted. Most of those I spoke with had no idea that the proposition was for increased policing and that it included no provision of housing. Although, many merchants still liked the proposition and kept up the signs, we collected dozens from those who felt they had been deceived and didn't want to advertise the initiative.

While there is still a large and outspoken faction of San Francisco voters who express disgust and resentment towards the unhoused, presenting the anti-homeless ordinance as a housing initiative gave the proposition wider appeal among a liberal and progressive citizenry. Although it is unclear if any of those who volunteered for the campaign, or how many actually even volunteered and were not paid, Supervisor Farrell was able to utilize the therapeutic framing to portray it as a civically engaged grassroots campaign aimed "to help get the homeless out of tents and into housing," as seen in the Facebook post by the Supervisor inviting San Franciscans to "volunteer and make a difference" in Figure 1.

Figure 1. Facebook Post by Supervisor Mark Farrell announcing the tent ban campaign

When pressed by journalists who would point out that the measure did not provide any additional provision of shelter and housing. Farrell and the law's supporters depicted those on the street as service resistant: too comfortable on the street and regularly refusing the shelter on-hand within the city. As he explained at one neighborhood association meeting, "I strongly believe that it is not compassionate to allow human beings to live on our city streets. We're investing a lot more money in services, and we need to encourage people to utilize them and be clear that camping is unacceptable." What Farrell and the law's supporters failed to acknowledge was that there was a wait list of over 1,000 people for a 90-day shelter bed, that took over a month to access or that most evenings shelters would turn people away for a one-night bed due to full capacity (see Herring forthcoming).

The arguments of "coercive care" - that punitive ultimatums are necessary to prod the unhoused to accept shelter and services - were similarly levelled to preserve anti-homeless ordinances. This became evident in a struggle waged by advocates to nullify these laws at the State level that I participated in and observed. In April of 2015 "Right to Rest Acts" were presented in both the California and Colorado State Assemblies. Embedded with organizers I attended committee hearings in both states and visited Sacramento multiple times on lobby days to meet with assembly representatives. In California, Carol Liu (D – LA Canada Flintridge) worked with advocates to develop the bill that would "afford persons experiencing homelessness the right to use public space without discrimination based on their housing status" (Liu 2015). Much of the opponent's arguments were couched in therapeutic terms, either diverting the attention to housing or noting the need of policing for increased social outreach.

Many of those testifying and in public comment against the bill agreed with advocates that structural solutions of care and compassion were the real solution as opposed to decriminalization, skirting the negative impacts of the policing on which the bill was focused. As the spokesperson for the California League of Cities, one of the bills primary opponents, told the Assembly:

> I think the last witness from the supporters really captures our position on this measure. We think that we should be providing housing for people which this bill doesn't do, which doesn't really do anything, it doesn't build any additional units and help in that way. . . There is a major package of affordable housing that are in the assembly if it passes that will be a billion dollars in affordable housing. Let's do that. Allowing some people to stay out longer in the cold doesn't help anybody. So that's the reason we oppose the bill, we think we should be working on constructive solutions, thank you.

A city council member from Arcata, California who identified on the stand as a progressive politician, similarly argued that the bill "legitimizes putting people in sub-standard housing and that is not the solution."

Others argued the bill would reduce social outreach towards the unhoused, since police officers and private security are cities' most common first responders to homelessness. A representative from the Center City Association, a downtown Los Angeles business organization associated with several downtown Business Improvement Districts told assembly members:

> (The bill) will not provide any resources to help homeless individuals. . . The impact it will have on business improvement districts and municipalities has not been stated as clearly as I think it needs to be. Business improvement districts and law enforcement

officials are often the first responders to homeless individuals and connect them with services. If this bill is approved, it will greatly compromise their ability to provide that outreach and will expose them to additional liability and litigation.

Even those who highlighted the need for policing homelessness to control criminality, abstractly drew on compassionate discourses. A spokesperson from Cal Small Biz, that works on behalf of taxpayers for improving public space testified:

> One of my concerns is we have the very real threat of a certain population mingling in with the homeless, we have about 30,000 unregistered homeless sex offenders. We don't know where they are, but we do know they're homeless and they're out there. . . We need to make sure we have appropriate places to help the homeless. For people who want to be helped. Transients, homeless, whatever you want to call them, many of them want to improve their lives.

Similar lines of therapeutic discourses were drawn on in the state hearing in Colorado, and in the end, both bills faced defeat.

Mobilizing Enforcement in a Therapeutic Key: 311 Complaints, Community Meetings, and Business Improvement Districts

While existing criminological theory has considered the legislative and electoral advantages of penal populism, it also plays an important role in enforcement. Elsewhere, I elaborate how bottom-up third-party policing is a major mobilizing force behind policing public space and the poor in San Francisco (see Herring 2019). In San Francisco the primary trigger of policing is not rooted primarily under police command, nor does it hinge significantly on officer discretion. Instead police interactions towards the homeless are primarily initiated by complaints waged by callers, organizations, and a host of government agencies through what I term "complaint-oriented policing." Adding to this account of populist enforcements, this section focuses specifically on the therapeutic discourses, framings, and tactics utilized both by those waging complaints and those responding to those complaints through enforcement in the cases of 311 complaints, community meetings, and Business Improvement Districts.

311 Complaints: Amplifying Police Dispatch Through Non-Emergency Calls

311 is a non-emergency phone number that people can call in many cities to find information about services or report problems like graffiti or road damage. In cities across the US, 311 is the moniker for non-emergency phone systems.[xiii] Part of its goals were to divert unnecessary calls from 911 systems. A study of Baltimore's 311 system, the first in the US, found a 30% reduction in 911 calls after the implementation of the system (Mazerolle 2005). However, San Francisco saw both a continual increase of 911 calls related to homelessness and even had thousands of police dispatches to address homelessness directed directly through 311 complaints. In 2012, 57,374 911 calls for quality-of-life violations involved the unhoused. By 2017, the last full year of data collection, there were 98,793 police dispatches for homeless

complaints. This same period saw even greater increases in complaints to the city's 311 service request line. Reports categorized as "homeless concerns" grew from 9,590 in 2012 to 84,486 in 2017 (DEM 2018).

Figure 2. 311 reports of "homeless concerns" 2008 – 2019

One of the key drivers to the increased 311 complaints was the introduction of a new category of complaint on the mobile 311 app. Initially developed to allow residents to report potholes, graffiti, and vehicles blocking driveways in 2015, the agency added "homeless concerns" as a category of complaint. The app allows citizens to take photos of the "concern" and choose from a menu of subcategories, including "well-being check," "encampment," and "clean up." As seen in figure 2, the addition of this new function turn resulted in thousands of additional homeless related complaints each month as San Franciscans were "empowered" through the convenience of snapping geocoded photos of tents and homeless persons laying on sidewalks with a smartphone to request a response from their government.

The system is assumed by many to be a non-emergency line and alternative to calling on 911 for a police response. The addition of the new button on the app to report homelessness was heralded by a press conference that I attended, where Mayor Ed Lee presented the new application as a means for everyday citizens to assist the unhoused: "Today, we take a step forward as a compassionate city, providing this new way for constituents to let us know about a person who needs a well-being check. . . Our residents want to help, and we are providing easy ways for them to do that." The Director of the Department of Public Health said the app would lead to improved assistance: "I don't believe criminalization is the direction that we are going. It is the direction of care. Every one of these individuals has a right to care." The media

widely publicized the app as a way for San Franciscans to call on social workers when they see a person in the distress (see figure 3).

Figure 3. News Headline from ABC 7 portraying new 311 app as a tool "to help homeless"

Yet despite this presentation of 311 as a means to call on care for the unhoused or a cleaning of camps, a police and/or punitive response is triggered by both the 311 app and calling system in nearly all cases. City records show that out of the 1,945 311 app reports involving wellness checks the Department of Public Health's Homeless Outreach Team (HOT) was dispatched only sixty-four times, or 3% of the time (DEM 2017). Instead, nearly all reports were dispatched to sanitation teams and police patrols. First, all complaints for "well-being checks" selected on the app were dispatched directly to police, which amounted to between 4 and 9 percent of reports each week in 2017.[xiv] This was because sanitation workers lack skills to check on a persons, and while social workers would be preferred, outreach workers are too few and understandably do not think it's makes sense to direct their scarce case management resources on the whims of complaints by commuters and residents passing by the unsheltered.
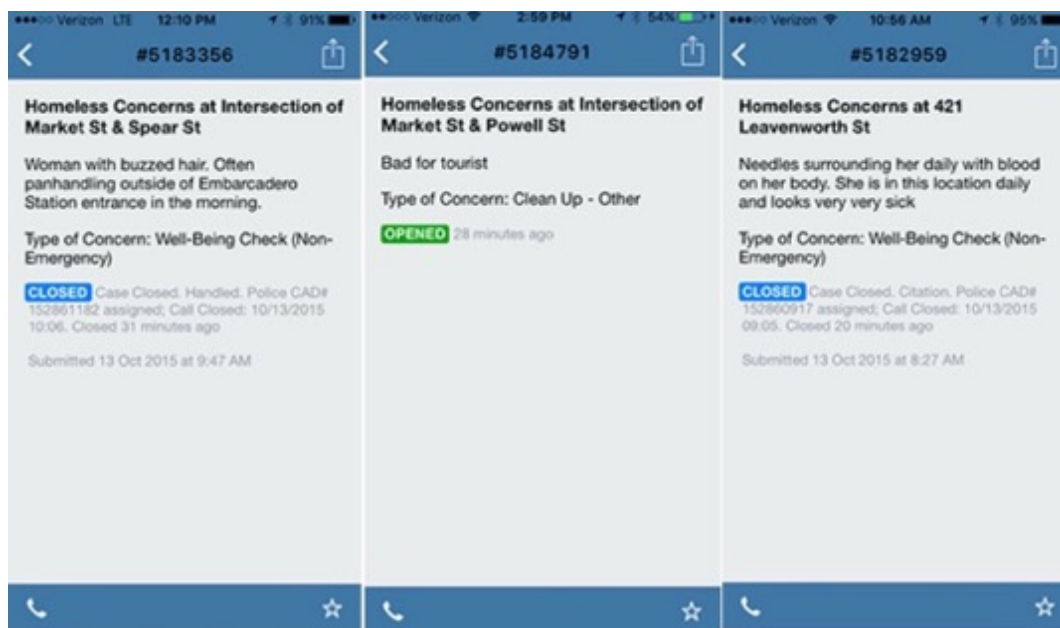
Figure 4. Screenshots of Reports of "Homeless Concerns" on the 311 Mobile App

As seen in Figure 4, a caller requested a "well-being check" for a woman reported as having "blood on her body" and who "looks very sick"; the woman was not issued an ambulance, however, but a citation.[xv] Many users may have never viewed the 311 app as a means to assist the unhoused, but simply an additional method to resolve visible homelessness. For instance, the other two posts in Figure 4 do not mention any medical or health issues and instead merely provide a physical description of a person. Reviewing the nearly 2,000 "well-being check" submissions in the app's first two years, the most common complaints are of people "passed-out," sleeping, and/or references to drug use. However, a large number of user's cause for concern involve mental health issues and make explicit calls for help just as the app was advertised (DEM 2017):

> Homeless man partially unclothed disoriented and talking to himself may need help – is there a homeless patrol that is available to help him?

> Woman seems distressed and confused, wearing only a large green t-shirt.

> Naked man on Hermann Street between Fillmore + Steiner screaming at the top of his lungs.

> Worried for this lady. Needs help.

> Woman asking for HOT [Homeless Outreach Team] team pickup. Sitting on bleachers. Says she needs to go to hospital. Name is Theresa.

> Woman asking for money for a blanket. SF HOT can give them out, right?

Each of these cases were subsequently "closed" after being responded to by police. The other means 311 diverted calls to the police was through the far more frequent "homeless concerns" tagged "encampments," which most often resulted in a response by Department of Public Works sanitation teams. However, as I elaborate elsewhere, these efforts to sanitize homelessness effectively function as criminalization and often include police patrol escorts (Herring 2019, Herring forthcoming).

Finally, the presentation that such non-emergency reports resulted in offers of shelter and service provision were also communicated to the citizenry on the 311 app itself. From its inception 311 was not only seen as a means to increase the efficiency and speed of government response to citizen concerns and collect a wealth of data to improve city management, but also a means for the local state to assure constituents that their concerns are being addressed (Mazerolle et al. 2006). In the case of homelessness, the mobile app was a communicative tool to depoliticize homelessness by shifting blame from state policy and onto the individualized pathologies of its homeless subjects. Consider the example of a 311 mobile-app complaint in Figure 5.

Rather than simply listing "Closed. Encampment removed" the SFPD response details "Subject broke down encampment. All city services refused. Subject going to self-medicate with legal personal use of heroin and will be back to move all items." Although, the most likely service offered was a single-night shelter bed, of which the person would have to forfeit their tent, and being put back onto the street the following day – a senseless bargain – the SFPD use the 311 app to present a punitive move-along order as a denial of care and assistance, alongside a comment of the subject's drug-use.[xvi] Although most reports did not reference individual drug use, the reporting of "services refused" was commonly included in reports after 2018.
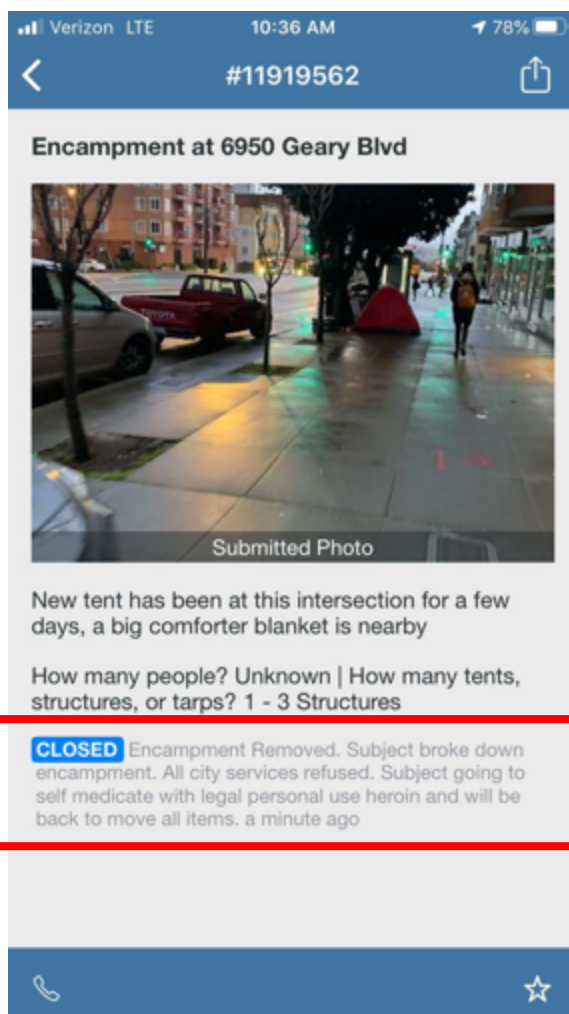
Figure 5. 311 app complaint and police officer's response

Community Meetings

Another mechanism mobilizing enforcement against homelessness were monthly community police meetings held in each city district. In the eleven police meetings I attended across central city police districts, no issue was more frequent, time-consuming, cathartic, and vitriolic than homelessness. Most meetings were filled with hateful slurs against "the homeless" "bums" "street-bound people" in the neighborhoods and calls for public order that map onto the "revanchist" script of reclaiming public space from the marginalized and their advocates for the law-abiding residents and businesses. Nonetheless, there was often an equal amount of concern for unhoused individual's well-being and ability to receive services.

Many at the meetings would acknowledge the humanity of the unhoused and their care for them, while simultaneously calling for enforcement. As one local merchant from the Castro neighborhood told the district captain:

> I have a business at 2299 market so we have a similar challenge where someone will be moved from the library and then they end up in front of our store. . . I feel for those

people. Its inhumane for them to live on the street and by the way I have a business, and so people don't walk in front of my business sometimes. And I call 311, but by the time there's a response, that guest who might have come to my business of walk by traffic can't get into my store. It scares people away. I care for all of those people and I want them to get help, but I don't want them in front of my store because its scaring customers away.

Residents would often acknowledge the need for treatment within their complaint's disturbances from psychotic episodes, intravenous drug use in public, and needles on sidewalks and in parks.

A common response by police captains and politicians or other agency officials who would often attend as guest speakers was diversionary: shuffling the burden of homelessness onto another agency that would presumably be able to provide care, most often through 311. At one meeting a city supervisor told the audience that they should now feel emboldened to call 311 when they see homelessness since a new shelter had just opened: "As you all know we've now got a navigation center [a new shelter] in our community. So, if you see someone who needs assistance, who we can work with to get inside call 311 so we can begin that process." At a meeting in another neighborhood with a new shelter, a police captain similarly encouraged those in audience, "You can call 911 and we will address it, but there's not much we can do beyond moving people along. If you call 311, then HOT [Department of Public Health Homeless Outreach Team] can help get that person into the navigation center." They gave this recommendation despite the fact, as already discussed, only 3% of 311 calls received a social service response.

Police captains would also present much of their own policing as forms of social outreach. In his ethnography of LA's Skid Row, sociologist Forrest Stuart characterizes this approach as "therapeutic policing" (2016), where officers use the threat of citation or arrest to try to compel individuals to avail themselves to various social services while courts are reformatted to funnel people into shelters and programs as opposed to jails. Although I witnessed little of this sort of policing among the frontline officers I observed responding to homelessness and found very few cases where police understood their enforcement in this role, it was a common discourse in the presentations by upper brass commanders, agency officials, and politicians made to the public.

First, like a number of US cities, San Francisco has a special unit of patrol officers assigned to addressing homelessness, that was comprised of 23 officers during the time of my research. This "Homeless Outreach Unit" addressed homeless complaints full-time. At community meetings and other public presentations this special unit was portrayed as a specially trained team coordinating with social service agencies. According to the SFPD website:

> The mission of Operation Outreach is to locate the homeless wherever they might be and to determine their needs. Outreach Officers work with city agencies, such as the Department of Public Health, the Community Justice Court, the Serial Inebriate Program, the Human Services Agency, and the Department of Public Works to provide targeted services for those in need while addressing quality of life concerns in the communities we serve.

Second, in a later period of my fieldwork in 2018, the unit was folded into an interdepartmental unit called the Healthy Streets Operation Center (HSOC). At one Police

Commission meeting in which I presented my own research as an expert witness, an official from the Department of Public Works explained, "The Center coordinates and supports efforts to offer services and resources to residents that may be unsheltered or engaged in unhealthy street behavior." The presentation time was primarily filled by agency heads from the departments of public health, homelessness, and sanitation, rather than the SFPD. However, despite its presentation as being a "service-led" initiative, the "operations commander" of the center was not an official of the homeless agency, but of the SFPD, and the center enrolled up to 58 officers escorting sanitation teams and responding to 311 and 911 calls involving homelessness.[xvii]

Third, was "Homeward Bound," a program that provides a greyhound bus ticket out of town for any individual experiencing homelessness to any destination in the continental US. The program is portrayed as a family reunification program and counted in the city's reporting data as people housed through city efforts. However, when observing social workers assigned to the project I realized the only requirement was that a person on the other end of the phone line confirms that the departing unhoused person is in fat welcome (see Gee 2018). On my ride-along with officers on "Operation Homeward Bound," where teams of officers spend hours doing targeted outreach offering bus tickets, I learned that the program was established by the Police Department, not an agency of welfare. For those who took up the offer, we were able to provide sandwiches prepared by the "Friends of the SFPD" volunteer group who also provided clothing donations so that travelers could bring a snack and wear a clean outfit on their journey out of town.

Finally, anti-homeless laws are not only mobilized through individual residents and workers, but organizations as well. Business Improvement Districts (BIDs) garner an additional property tax from all businesses in their area primarily to fund increased sanitation and security services. In San Francisco 15 BIDs exist providing additional security and sanitation staff to hundreds of square blocks of the city. These organizations are perhaps the largest actors in third-party policing, which comprise "a third governmental sector. . . positioned between the state and civil society, connecting the criminal justice agencies with activities of citizens, communities and corporations" (Garland 2001: 170). Like the SFPD, much of their public relations material and community presentations cast this work in a therapeutic light (See also Garnand and Herring, 2019).

BID annual reports are increasingly replete with references to how many people they steered to services and their partnerships with non-profits. [xviii] Many BIDs hire formerly homeless people, often at bare minimum wages, as "community ambassadors," of which one of their primary tasks is to ask the unhoused to move along. Not only did BIDs promote these programs as social entrepreneurship and ending homelessness through employment, but also social outreach (see also Willse 2015). The primary form of outreach described by BIDs are ambassadors distributing pamphlets and fliers that list resources and contact information. Many quantified these efforts and presented them as referrals to services in their annual reports as in the example in figure 6, where the BID labels the number of threats by Ambassadors to call the police on the unhoused as "Ambassador Advised" with a graphic suggesting charity. The same annual report highlighted the amount of money raised for homeless assistance and job opportunities given to the unhoused, adjacent to far greater charitable donations for "security enhancements" and "needles removed," a primary metric of the homeless workforce staff effectiveness.

Figure 6. Graphics from Union Square BID annual report.

These efforts of therapeutic policing would frequently be brought up in meetings by officials to legitimate the move-along orders, citations, and arrests. Yet despite these claims, colleagues and I found very little evidence of offering services the first place, and that when they were, rarely provided meaningful aid (see Herring 2019, Herring et al. 2020). For example, in a community-based survey of 350 unhoused San Franciscans we asked if services were offered in their last interaction with the police. Only 24 of our 350 respondents reported being offered services by the SFPD, all of which were short-term and palliative; five were referred to the Department of Public Health outreach team, six taken to detox, three given sandwiches, and ten given a one-night shelter bed (Herring and Yarbrough 2015). In 2018, officers began offering shelter to those faced with move-along orders more regularly typically for single- or seven-night beds that nearly always resulted in a return to the street and held requirements. They typically required individuals to give up personal property and their tent, abandon their partner or pet, or were simply inappropriate and inaccessible. Instead, our study in San Francisco as with other studies in in LA (Blasi and Stuart 2008, Stuart 2016), Seattle (Beckett and Herbert 2009) and Denver (Robinson 2017) found that policing, regardless of the therapeutic ideals, are ultimately ineffective at providing care, and often lead to outcomes that prolong homelessness, deprive people of property, stress social ties, and aggravate mental and physical disabilities.

Conclusion: Therapeutic Penal Populism and the "Care-washing" of Criminalization

This article has traced the cultural politics behind the passage and protection of anti-homeless laws and their enforcement. In doing so it reconstructs a theory of penal populism. It makes contributions to both the existing scholarship on policing marginality and criminological

theory. These findings also hold important policy implications during our current conjuncture in the resurgence of the Movement for Black Lives as discourses in many progressive cities shift from one of "police reform" to "police defunding."

This article also revises and extends the concept of "penal populism" in two directions. First, whereas penal populism has been exclusively considered as a force in the realm of legislative and judicial struggles, I assert that it is also a central force in triggering and shaping the enforcement of punitive sanctions by the police and the citizenry. This article highlighted three mechanisms of bottom-up third-party policing by which 911 and 311 calls, community meetings, and Business Improvement Districts initiate the enforcement of anti-homeless laws. In one of the earliest treatise on "penal populism," Bottoms (1995) drew attention to late modernity's growing "consumerism" whereby managers tend to become increasingly interested in the views of those to whom services are delivered, to test whether, in their view, the services are being delivered satisfactorily: "with accelerating tendencies towards consumerism and marketization taking place across modern societies there is no reason to expect criminal justice systems to be immune from such developments."

While Bottoms and subsequent criminologists considered this growing consumerism in terms of the citizenry's demands for harsher punishments in the form of new laws and harsher sentences, it is also applicable to demands of enforcement in action. Although initial hopes that 311 might act as the "front door for citizen access to government" (Fleming and Grabosky 2009), and a "gateway for civic engagement" (Johnson 2010), flipping through the 311 app reports more closely resemble a yelp review page of a poorly maintained hotel than any civic forum. And while monthly community police meetings emerged in San Francisco in the wake of police shootings of black men as a means to bridge the police and community divide in neighborhoods of color, they far more frequently proved as venting sessions of aggrieved residents and businesses demanding the removal of homeless bodies, which were more often than not people of color. Rather than "civic engagement" the discourses and practices documented in this article instead show policing homelessness as being instead more closely tied to the increasingly popular brand of urban consumer citizenship that envisions the government as corporation, businesses as clients, desirable residents as customers and clients, and the city itself as a product (Brash 2011).

Second, rather than portraying efforts to criminalize homelessness as explicitly punitive zero-tolerance policing aimed at protecting the law-abiding residents and businesses from the scourge of homelessness as under the traditional rubric of penal populism, laws criminalizing poverty and their enforcement have increasingly been portrayed as therapeutic efforts aimed at assisting or fixing the down-and-out themselves. Although both the demands for "services" to clear homelessness from the public and city officials responses frequently drew on discourses that perceived homelessness through the stigmatized lenses of mental illness, drug use, and criminality in need of "tough love" and "law and order," this article has documented the number of ways the public couches their calls for policing in a therapeutic frame and how city officials legitimize their policing of homelessness in therapeutic terms. Although I found few cases of "therapeutic policing" in street-level enforcement or subjective understandings of such policing among front-line patrol officers or the unhoused in my fieldwork, it was a strong "grammar of action" (Gowan 2010) deployed by agency officials and the citizenry in legitimating anti-homeless laws and their enforcement. Even though the outcomes of enforcement are extremely punitive as I detail in greater depth elsewhere (Herring et al. 2020, Herring and Yarbrough 2015, Herring 2019), there is increasing pressure to portray policing marginality as therapeutic in

municipalities, especially those that include progressive political challengers and movements for criminal justice reform.

Furthermore, in contrast to scholarly accounts that attribute the passage of anti-homeless laws and the policing of public space primarily to economic imperatives, this article spotlights the political and populist imperatives behind such measures. Anti-homeless laws and their enforcement do not only serve the function or interests of cleansing public spaces of the down-and-out due to capitalist pressures and interests, as Marxian strands of analysis have clearly shown. These laws and their policing also work as emotive and communicative devices in the Durkheimian sense, where electoral advantage of policy takes precedence over penal effectiveness, feeding off the emotional reactions of the citizenry. It was true that the revanchist amalgam of market and police power mapped perfectly onto the ballot initiatives supporters' in city hall. The three city supervisors supporting the anti-homeless law, were also the staunchest supporters of expanding the police budget and pro-gentrification development policies. However, the anti-homeless law's initiation and support was not simply or even mainly a choice by a "a narrow group of political and corporate leaders who really do constitute, with others, a ruling class," as Smith put it (1996: 16). Instead, the tent ban depended on the populist appeal of a ballot initiative playing on the diffuse class anxiety and simmering resentment of the unhoused among the wider citizenry: a citizenry increasingly white and well-to-do in a rapidly gentrifying city (see Walker 2018).

The camping ban analyzed in this article, and much of the rise of anti-homeless laws in the 2000's and 2010's could be considered textbook cases of what Wacquant has called the *staging of sovereignty*: "the ritual reassertion of the state, in the narrow, theatricalized domain of law enforcement" (2009: 299). In the face of ongoing "homeless crises" politicians must "do something" and put forward concrete "solutions," of which anti-homeless laws are perennial and widely popular. Like several cities, particularly on the West Coast, which have experienced historic economic growth and spiraling inequality over the past decade alongside continual increases in homelessness, a policing response becomes a way to both assert a sense of control over homelessness and divert blame away from a social malady firmly rooted in state and economic policies and onto individual criminality and pathologies. And no matter how ineffective, expensive, and redundant such laws may be in resolving visible homelessness, they continue to prove stunningly effective at building political capital, funds, and electoral support from the populace.

These findings also hold important policy implications. The concept of *therapeutic penal populism*, not only helps explain the continual criminalization of homelessness, but also provides a framework for understanding broader trends of criminal justice reform including the spread of community courts, jail diversion programs, conservatorship of the mentally ill, community and homeless policing units, and other instances of *criminal justice expansion* that integrate therapeutic elements that are spreading in both progressive and conservative cities alike. And although San Francisco is an exemplary progressive municipality to demonstrate the potency of therapeutic penal populism, therapeutic penal populism is arguably a key pillar of the new urban progressivism on the rise across a number of US cities and Counties. Especially after the election of Bill De Blasio in New York City in 2013, a new brand of progressive mayor has been established in numerous cities, a trend further propelled by the presidential campaigns of Bernard Sanders in 2016 and 2020. New liberal-progressive coalitions have come to prominence in such major cities as Seattle, Minneapolis, Chicago, Austin, Portland, Los Angeles, and dozens of smaller cities and counties across the US where democratic socialist candidates and others more

tightly connected with grassroots community organizations have gained footholds, winning seats or at least pushing more establishment democratic candidates towards the left (Gonzalez 2017). Yet, while the concept and workings of therapeutic penal populism sketched in this paper holds implications among this growing array of criminal justice experiments and across numerous municipal contexts, further research is required to understand its diverse and particular articulations.

Just as "compassion fatigue" towards the unhoused settled in during the late 1980s and early 1990s (Wagner and Gillman 2012), we may be nearing a new turn of "punishment fatigue" in the 2020's. In this moment there is an urgent need for further critical analysis on the role of therapeutic penal populism as well as the efforts to challenge it in other urban and national contexts as new calls to reform are urged and will likely proceed under paradigms of coercive care. However, cracks in this paradigm are already becoming apparent. For instance, in the recent case of the murder of George Floyd by a Minneapolis police officer, it was widely noted that this killing occurred in a progressive city that had implemented nearly all the police reforms on the existing policy menu. The findings of this article point to the limits of integrating welfare elements into policing and how agency officials and politicians are incentivized to present new policing efforts in the guise of care and compassion in order to intensify punishment towards the unhoused. Unfortunately, as scholars consistently find, these efforts are ineffective and often counter-productive, pointing instead towards the necessity of de-funding and abolition of policing homelessness. Without the quick-dial and deceptively "feel-good" ability to call on police to resolve homelessness, politicians and the public may then be finally forced to address homelessness in the systemic ways that the problem demands.

2.

Complaint-Oriented Policing: Regulating Homelessness in Public Space

It's 6am and officers Rodriguez and Sharkey are beginning their morning shift from San Francisco's Mission Police Station. "Alright, let's see where we're off to this morning," Rodriguez says, switching on the patrol car's dashboard. The screen wedged between the passenger and driver's seat lights up a list of 36 calls listing the time, a numeric code delineating the type of call, and a street address. "Hey, not so bad! It's still early though." Of the calls on the screen, twenty-one are coded 915, or what is officially called "homeless complaints." If the 911 dispatcher receiving the call concludes that the reported violation covers one of the city's 24 anti-homeless laws and does not involve a more serious crime, or a nuisance violation involving a housed person, they dispatch the call as a homeless complaint.

Officers Rodriguez and Sharkey respond to the calls in the order received. Driving to the first call, a mere five minutes from the station, we pass eleven tents and several more bodies laid out on cardboard, piles of blankets, and the hard-damp concrete, all violating the exact same ordinance we're chasing after, "illegal lodging." We pull up to a single tent, tied between two large pillars of the 101 highway overpass across from a 24-hour Fitness club. "They always call" referring to the club, "And of course he's back!" Rodriguez explains, "There was a big sweep last week on the other side of the thoroughfare by Southern," referring to the eviction of an encampment carried out by the adjacent police precinct from where this person had migrated.

Rodriguez parks the car, both get out, and Sharkey takes out his baton to tap on the tent pole as if knocking on a door. TAP TAP TAP TAP TAP, "Good Morning. SFPD. Can you pop your head out for a minute?" The fly unzips and a tired face emerges, unfazed. "Hi good morning sir, how are you doing?" Sharkey asks. "Good, thanks," the man calmly replies. Sharkey continues, "So I guess someone called this morning and complained about lodging here. So, I guess you set up here last night?" The man nods. "You know business is getting started and would be great if you could just you know move-along, otherwise they're going to just call again, and we're gonna have to respond." Without resistance or attitude the man replies, "Yeah ok, I'll get moving."

Rodriguez and Sharkey return to the car, clear the run, and drive onto their next call. Already two more homeless complaints have hit the dashboard since arriving at this one. Over the next three hours, the two officers clear ten homeless complaint calls, three of which they simply drove by as the person had moved on by the time we responded. Except for one a man who refused to move-on and took a citation for blocking a sidewalk, the others followed the same course as the first; the officers explained someone had called to complain and the person residing on the sidewalk, vacant lot, or park agreed to move-along.

As we pulled back into the station for lunch, I ask the officers how they thought the morning went. Sharkey admitted, "Look we're not really solving anybody's problem. This is a big game of whack-a-mole. I'll clear one run, get a person to move, but by doing that I'm just creating another call, right? If we arrested a guy, we'd never clear these calls, and when we cite them, they won't be able to pay and they'll just be out here longer and less willing to cooperate." Rodriguez, grasping for some sense of redemption. "Look, I get it if you're paying two million dollars for a house and how much are you paying for property taxes, and then you have to walk past this guy that's taking a crap right in front of your house, or you're walking with your kid and you see someone shooting up in the middle of the street or peeing or knocked out, like you don't want your kid seeing that. So we get why people call, because it's a quality of life issue for them. . . But then our end, it's like where are they supposed to go? The shelters are full. What are we supposed to do with them?" (fieldnote May 2016)

<div align="center">*</div>

Over the past thirty years, police forces across the US have adopted forms of quality of life policing as a renewed commitment to addressing order maintenance as a policing priority and an instrumental crime-control strategy (Harcourt 2009, Kelling and Coles <u>1997</u>, Kohler-Hausmann 2018). Central to these efforts have been the passage of local ordinances aimed at curbing visible poverty, "anti-social behavior," and homelessness (Beckett and Herbert 2009, Vitale 2008). These laws are currently spreading at an unprecedented rate in the US (NLCHP 2017) and increasingly across the globe (Fernandez Evangelista 2013). The National Law Center on Homelessness and Poverty found that more than half of the 187 US cities in its study banned camping, sitting, and lying in public, and over two-thirds carried bans on loitering and begging in particular places (NLCHP 2017). Between 2006 and 2016, bans on sitting and lying increased by 52%, city-wide camping bans by 69%, prohibitions on loitering and loafing citywide by 88%, and bans on living in vehicles rose 143%, the fastest increases of such ordinances in US history. Recent statewide studies by legal scholars have shown that most cities have multiple ordinances on the books (Adcock et al. 2016, Frankel et al. 2016, Marek et al. 2017, Olson et al. 2015). For instance, California cities have an average of nine anti-homeless laws, while Los Angeles and San Francisco each have 21 and 24 respectively (Fisher et al. 2015). While each law taken on its own may seem limited in its strictures on targeted behaviors, collectively, they effectively criminalize homelessness and in doing so create an impossible situation for policing as described in the opening fieldnote.

While legal scholars have tracked the spread of these laws, we know much less about their on-the-ground implementation and impacts. In the existing scholarship we see two general characterizations of policing marginality (Herbert et al. 2017). On the one hand, is an approach of "aggressive patrol," leveraging citations and arrests to curb low-level criminality, guided by campaigns through quotas or directives from *police command* (Beckett and Herbert 2009, Mitchell 1997, Moskos 2008). On the other hand, is an approach of "therapeutic policing" (Stuart 2016), that combines the stick of legal punishments with the carrot of rehabilitative services where officers utilize *discretionary enforcement* to compel wayward citizens towards self-reform (see also Johnsen and Fitzpatrick 2010). Missing from these accounts however is an assessment of the role of citizen complaints through 911, the primary trigger for police response in US cities, and other means of third-party policing (Garland 2001, Desmond and Valdez 2013). As illustrated in the opening vignette, complaints that result in dispatches create a unique set of

dilemmas, dynamics, and outcomes between the police and the policed as well as residents and business owners calling for policing. It is also a policing of growing importance, at least in San Francisco where the unsheltered homeless population grew less than 1% between 2013 – 2017 (ASR 2017) while 911 police dispatches for "homeless concerns" have increased by 72% over the same period. Although police command and officer discretion analyzed in existing accounts remain key aspects of policing marginality, this paper addresses these empirical gaps by elaborating an additional approach I call *complaint-oriented policing*.

The article evaluates the sources, enforcement, and impacts of complaint-oriented policing in three steps. Through an analysis of nearly four million 911 and 311 records and a variety of ethnographic observations the first part of the paper argues that "homeless crises" are not only produced by increased homelessness, but also by a *crisis of complaints*. Rather than finding a command-control system of orders and quotas or an enforcement primarily driven by officer discretion, the study identifies various ways the policing of poverty are products of third-party complaints. The second part of the paper explains how police officers resolve these complaints in conflict and collaboration with a host of other street-level bureaucrats through a process of *burden shuffling*. Rather than locking up petty criminals (aggressive patrol) or pushing people into services (therapeutic policing), officers resolve complaints by displacing them spatially, temporally, or bureaucratically– forcing homeless people into new spaces for periods of time or reclassifying the "homeless problem" as the issue of another agency or institution. The final section considers the impact of these policing practices on the survival and subjectivities of homeless individuals. I illustrate how the frequent and continual policing through move-along orders and citations amounts to a *pervasive penalty* that deepens poverty and suffering as well as how homeless campers come to resist and adapt to this form of policing to secure their survival. Building on the works of others who have revealed how the ubiquitous policing of marginal groups has detrimental impacts beyond incarceration (Goffman 2014, Rios 2011, Desmond and Valdez 2013), this research uncovers novel mechanisms through which the marginalized are further criminalized on accounts of their housing and shelter status. Through police interactions that fall short of arrest, move-along orders and citations collectively work to dispossess the poor of their property, create barriers to accessing services, housing, and jobs, and increase vulnerability to violence and crime by stressing the already tenuous social ties between those residing in public space. The paper concludes discussing the study's contributions to broader theories of poverty governance, urban sociology, and citizenship.

Policing Extreme Poverty in the City

Two general accounts currently exist in the scholarship on policing social marginality (see Herbert et al. 2017).[xix] A number of scholars have characterized quality of life ordinances and their associated policing as cornerstones of the carceral city (Davis 2006) and urban revanchism (Smith 1996) aimed at purifying the streets and sidewalks of visible poverty for businesses, tourists, and wealthier residents under the banner of reclaiming public space for bourgeois consumption (Mitchell 1997). Absent a welfare response, a policing approach of "aggressive patrol" has been adopted to invisibilize the social problem of homelessness through banishment (Beckett and Herbert 2009). Underlying this policing philosophy are the variants of broken windows policing (Wilson and Kelling 1982), packaged as "order maintenance," "quality of life policing" "zero tolerance," or "stop and frisk." This is grounded in the faith in deterrence

to curb low-level criminality on the one hand or as aesthetic interventions designed to signal order and police presence to criminals. Most often, these initiatives are depicted as top-down, command and control policing "campaigns," engineered and directed by police chiefs seeking arrest and citation quotas, most famously by Police Chief William Bratton under the command of then Mayor Rudolph Giuliani in New York City during the early 1990s (see Harcourt 2009, Vitale 2008, Wacquant 1999). For a range of scholars, the recent intensification of anti-homeless laws reflects a "punitive turn" (Garland 2001, Wacquant 2009) in the criminal justice system, under which any previously-existing impulses to rehabilitate and reintegrate criminals has been supplanted by more aggressive and intolerant aims of exclusion.

More recently has emerged a critique of the assumption presented in these academic accounts that the policing poverty is uniformly hostile, punitive, and exclusionary (see DeVerteuil et al. 2009). In his ethnography of policing LA's Skid Row, Forrest Stuart (2016) has presented an alternative policing approach towards these ordinances, which he terms "therapeutic policing." Rather than rote retribution, strong-armed rehabilitation through coercive benevolence was the underlying philosophy of policing in Skid Row. As opposed to command-control directives, officers use discretionary enforcement through the threat of arrest and citation to try to compel individuals to avail themselves of various social services that might alleviate their poverty and/or reduce their dependence on controlled substances (See also Johnsen and Fitzpatrick 2010). According to this set of scholars, policing is not solely directed in service of business elites, tourists, and residents, but rather at "fixing" the down and out themselves. This model of therapeutic policing fits into a broader set of studies within the poverty governance literature challenging or at least complicating the one-sided rise of a new punitiveness. This includes those studying homelessness who have drawn attention to the growth of shelters, targeted social services, and housing for the homeless over this same period of increased policing (Cloke et al. 2010, DeVerteuil 2006, Von Mahs 2013), as well as those who've analyzed how welfare institutions are becoming increasingly punitive and punitive institutions are increasingly filtering welfare services (e.g. Comfort 2007, Garland 2001, Soss et al. 2011).

However, the police interaction described in the opening vignette problematizes both characterizations. For one, the immediate source of the interaction was not an order from the SFPD commanders as often depicted in accounts of aggressive patrol, nor did it hinge so much on the discretion of the officers as portrayed in the paradigm of therapeutic policing. Second, the sanction of a move-along order did not result in a formal citation or repeated arrests that one might expect under aggressive patrol nor was there even the slightest pretense of an outcome that would lead to services or some protection for the homeless camper as would be the case under therapeutic policing. Finally, the role of the officer deviated widely from that of "rabble managers" containing the riff-raff, pushing people into and out of the jail, and mitigating violence between homeless people (Bittner 1967, Irwin 1985) or that of "recovery managers" (Stuart 2016), shepherding homeless people into rehabilitative programs to ameliorate individual pathologies. Instead, the modal policing process in my observations of hundreds of interactions between officers and homeless individuals (a) was initiated by complaints outside the police force, (b) relied on punitive interactions that most often fell short of arrest and didn't involve services, and (c) was aimed at neutralizing the complaint through incapacitation and invisibilization.

Policing Social Marginality: Contrasting Approaches

	Aggressive Patrol	Therapeutic Policing
Trigger	PD Command	Officer Discretion
Enforcement Practice	Arrest	Coercive Services
Enforcement Function	Rabble Management	Recovery Management

Table 1: Adapted from Herbert, Beckett, and Stuart's "Policing Social Marginality: Contrasting Approaches" *Law and Social Inquiry,* 2017.

During my fieldwork I certainly witnessed brutal instances of assertive punishment as well as acts of coercive benevolence by officers towards the unhoused that reflected the approaches of aggressive patrol and therapeutic policing. However, neither paradigm captured the far more common logics and practices of policing homelessness that I call *complaint-oriented policing.* Although call-driven reactive policing has been discussed in the policing literature since the 1970s, there exists little sociological research on its role in quality of life policing, which is typically portrayed as a proactive method of policing, how officers manage the everyday onslaught of calls, and this policing's impact on the most marginalized.

This article traces the sources, enforcement, and impact of complaint-oriented policing, and in the process draws on and contributes to three broader sets of literatures on urbanization, poverty governance, and criminalization. First, the study's analysis of the drivers of complaint-oriented policing builds on debates of urban change and urban government as it relates to policing. Emerging from a series of case studies of New York City (Laniyonu 2018, Vitale 2008), Seattle (Gibson 2004), and LA (Davis 2006), and explicitly articulated as a hypothesis by Sharp (2014), the postindustrial policing hypothesis argues that intensified policing stems from processes of gentrification. Understudied and under-theorized in this literature is the role of 911 and 311 calls as well as organizations such as resident associations and Business Improvement Districts that engage in third-party policing. According to criminologist David Garland (2001: 170) third-party policing comprised of "a third governmental sector. . . positioned between the state and civil society, connecting the criminal justice agencies with activities of citizens,

communities and corporations," represents "the most significant development of the crime control field" and yet has been largely unstudied by sociologists (see Desmond and Valdez 2013). The paper also presents one of the first empirical analyses of large-scale 311 and 911 administrative records as recently called for by O'Brien, Sampson, and Winship (2015).

While this particular paper does not analyze the direct role of gentrification or attempt to adjudicate between the underlying causes of complaint-oriented policing, it identifies the structural and organizational pressures placed on the police to manage marginality that extend beyond the field of criminal justice and how they are manifest in police interactions. Following others who analyze policing as a public institution responding to community-based actors (Huey 2007, Vitale 2008) this analysis places police within the dynamics of urban change and the broader field of urban governance to demonstrate how changes in business and resident organizations, city agencies beyond the police, new governing technologies such as 311, and political struggles all work to ratchet up the policing social marginality, while homelessness and policing protocols remain relatively constant.

Second, the study's analysis of the enforcement of complaint-oriented policing builds on the scholarship of street-level bureaucracy in poverty governance. Drawing from observations and interviews with a wide-range of front-line public workers including school teachers, social workers, and police officers among others, Lipsky (1980) found that the ultimate dilemma shared by all was an inability to perform their jobs to the highest standard due to chronic scarcities of time, information, and other resources. Lipsky and other street-level bureaucracy scholars (Brodkin 2012, Dubois 2016, Prottas 1979, Watkins-Hayes 2009) reveal how front-line workers not only experience frustration when faced with this scarcity, but also in turn "make policy" in trying to make do. Although most of this literature focuses on how street-level bureaucrats "make policy" in vertical relations with authority from above, and a mostly indigent clientele from below, more recently scholars have pointed to how bureaucrats also relate laterally and are both strained and relieved by the actions and assets of other city agencies (Comfort et al. 2017, Hupe and Hill 2007, Lara-Millán 2014, Seim 2017). In his study of labor relations in the ambulance Seim (2017: 452) sketches a process of "burden shuffling" to describe how ambulance medics and police officers "unload undesirable work" (very often homeless clients) onto the other. Expanding the analytic lens beyond the question of labor and work avoidance, the second part of the paper identifies additional mechanisms of spatial, temporal, and bureaucratic burden shuffling utilized by officers and other frontline workers to reclassify and redistribute poverty in the face of complaints. The paper also identifies additional motives of burden shuffling beyond reducing a worker's caseload, including managerialist goals of improving agency performance metrics and political goals in shaping public perceptions of the state's treatment of homelessness.

The final section considers the impacts of complaint-oriented policing on the survival and subjectivities of homeless individuals. Since the explosion of mass incarceration at the century's turn, scholars have increasingly traced the penal state's tentacles, which grip the poor beyond the prison walls to the sub-felony floors of the courts (Kohler-Hausmann 2018), debilitating monetary sanctions (Harris 2016, O'Malley 2009), and the ubiquitous policing of poor neighborhoods (Goffman 2014, Rios 2011, Desmond and Valdez 2013, Stuart 2016). This article adds yet another set of mechanisms of criminalization to those found in previous studies that particularly impact the unhoused, namely the move-along order and destruction of personal property, that comprise a *pervasive penality* (Herring et al. 2019), a punitive process of police

interactions that fall short of an arrest and are pervasive in both their frequency and lingering impact.

Although the outcome depicted in the opening vignette of a homeless man amiably agreeing to move-along without ticket or arrest may seem banal or even non-punitive, the final section reveals such moments as part of a much crueler punitive process. Citations that are seen as nominal to most, but unpayable for the unhoused result in debt and bench warrants that create significant barriers to exiting homelessness. Property confiscation by sanitation crews deprives people of medical and economic means of survival, while the mere fear of having one's property confiscated prevents people from receiving medical services and holding jobs. And the constant churning of move-along orders provoke conflict among those trying to survive in limited public spaces. Even though each quality-of-life ordinance, move-along order, and citation alone may seem inconsequential, collectively, the process of pervasive penalty produces a sequence of criminal justice contact that is more powerful than the sum of its parts. This process also diminishes citizenship by cultivating a distrust not only of the police, but various state institutions of poverty management and the public at large. Even without overtly taking the punitive actions of arrest and incarceration in what may appear to be a more compassionate approach to the problem, the failure to deal with root causes of homelessness leads city officials to develop short-term solutions that end up exacerbating the problems faced by the unhoused and also fails to stop the seemingly endless flow of complaints.

Case and Setting

In the late 1970s and early 1980s an uneven recovery from a deep recession marked by massive deindustrialization, the steady erosion of union rights and benefits, catastrophic decreases in affordable housing, the defunding of public housing, and the deinstitutionalization of mental institutions all combined to produce a wave of new homelessness (Wolch and Dear 1993). In distinction to earlier forms of homelessness, "advanced homelessness" (Marcuse 1988) was no longer a temporary or transitional phenomenon, but a robust feature of the metropolis that spanned booms and busts. The racial composition of the homelessness also changed drastically – where minority group members were a minority of the homeless in the early 1970s, they became disproportionately over-represented in homeless populations in US cities. Since then mass incarceration, increasing consumer and homeowner debt, rising housing costs in major cities, welfare reform, and the continual defunding of public housing and mental health services have increased the housing insecurity of America's poor in cities and counties across the country, furthered racial disparities, and increasingly affected families and those with jobs (HUD 2017).

In response to the growth and persistence of homelessness, Federal and county governments responded in two ways. On the one-hand, homeless services have grown nearly constantly over thirty years despite the receding welfare state that feeds the homeless condition itself. Initially, between 1984 and 1988 over 3,500 new homeless shelters opened throughout the nation (Jencks 1994: 15). Since then the number of shelter beds in the US have increased to over 198,000, approximately 320,000 supportive housing units specifically for the homeless have been built, and the HUD budget dedicated to homelessness has grown from $173 million in 1987 to over $2 billion today (HUD 2017). Yet, as already discussed, the criminalization homelessness simultaneously intensified in nearly every city and county across the country (NLCHP 2017).

San Francisco is a strategic research site (Merton 1987) to study the regulation of homelessness as it has long been a leader in both the provision of care and punishment towards the unhoused. On the one hand, San Francisco pioneered the "housing first" approach to

homelessness in the early 1990s and today has more supportive housing units for formerly homeless individuals and invested more money into homeless services per capita than any other major US city. In the past decade alone, the city has invested over $1.5 billion, built or leased 2,700 units of long-term supportive housing, and created over 500 new shelter beds (BACEI 2019). At the same time, San Francisco's "Matrix" program was one of the first zero-tolerance policing campaigns aimed at homelessness in the early 1990s (Gowan 2010) and today has more anti-homeless ordinances on its book than any other California and possibly US city (Fisher et al. 2015). As will be discussed in this paper, I found evidence both of how the expansion of welfare institutions increased the policing of homelessness, and also various ways this policing undermined the access and efficacy of welfare provisions to the unhoused. San Francisco also provides a case-study of how progressive cities, that have pioneered both bold investments in homeless services and criminal justice reform policies including the elimination of cash bail, financial justice reform of court fees and drivers licenses, the closure of juvenile detention facilities, and other innovations, continues to regulate social marginality through policing and criminal justice, albeit through the supposedly less punitive tools of incarceration and arrest.

Fieldwork

The article draws from a larger ethnographic project that investigated the field of homeless management in San Francisco between 2014 and 2017. This included a year of observations on ride-alongs with police officers, public health workers on street outreach, and sanitation workers on encampment cleanings; sitting in office hours with shelter social workers; and working in city hall as the research assistant to the director of the Mayor's Office of Homelessness. It also draws on observations of community associations, including three years working as a key organizer in the city's homeless advocacy group, the Coalition on Homelessness, and participating in over 100 public forums such as community police meetings, homeowner and merchant association meetings, and hearings at city hall. This paper draws especially from my observations of hundreds of interactions between police officers and homeless individuals in public spaces, my twenty-three ride-alongs with officers from the San Francisco Police Department's Homeless Outreach Unit, eleven public community police meetings, eight city hearings focused on policing homelessness, and private meetings between activists, police commanders, and policy officials.

These observations from above are paired with an enactive ethnography from below (Wacquant 2015). Over the course of another year, nine full months were spent immersed living on the streets, in the shelters, and daily/weekly "welfare hotels" alongside those experiencing homelessness.[xx] This entailed spending 57 nights sleeping out on sidewalks, parks, and beneath underpasses; 96 nights among hundreds of other men in shelters; and 76 nights in daily or weekly hotels with the marginally housed or more often those just taking a break from the street. Most days that year were spent alongside a variety of homeless men and women acquiring the means of survival through charity, informal work, begging, and the illicit economy or interacting with the local welfare and justice systems accompanying those accessing shelter, meals, benefits, jails, and courts. On a weekly, and often daily basis, I would witness interactions between police and unhoused people, primarily on the streets, but also in the shelters and housing programs. I witnessed arrests, citations, and move-along orders. While residing on the streets I was personally given move-along orders dozens of time and threatened with citation and arrest.

During observations I took notes on a smart phone. When passively observing, as was often the case on my outings with street-level bureaucrats I could sometimes transcribe in real-

time entire conversations and actions. When enactively observing with homeless participants I would take short notes on breaks, record voice memos every few hours, and when possible and given consent, audio record conversation and action to avoid disrupting the flow of activity and conversation. At the end of each day or week I would elaborate these into narrative notes.

The multi-sided ethnography created a series of tensions across these positions. Particularly between the police and the policed. I had not counted on or even sought permission to ride-along with officers. However, after presenting findings of a report documenting the impacts of criminalization on San Francisco's homeless to the city's Local Homeless Coordinating Board the lieutenant of SFPD's homeless outreach unit approached me and said: "I really wish you'd come out and see the problem from our perspective. I agree, we can't arrest our way out of this issue. This should not be a policing issue. This is a social services issue." I discussed the proposal with members of the Coalition on Homelessness and with those I had spent time on the street. Most people thought I should see the SFPD at work from "the inside," although many predicted I'd just be given a tempered view of police on their best behavior biased "to please the ethnographer" (Rios 2011: 7). To an extent this was certainly true. Although I witnessed citations and destruction of people's property during my ride-alongs, I never once witnessed an arrest nor any physically aggressive behavior by police. However, because I had already completed the enactive ethnography living alongside those on the streets where I witnessed constant policing firsthand when officers were unaware of my role as a researcher, they all knew I'd already seen the reality of policing homelessness.[xxi]

What I mainly gained from these ride-alongs was a clearer understanding of the sources of enforcement related to homelessness and how officers understood their work. It also allowed me to discuss and evaluate critiques I'd heard for years from the unhoused and advocates about the policing of homelessness with officers. This followed Mitch Duneier's call for "ethnographic trials" through "inconvenient sampling" (2011) where ethnographers broaden their observations by including those people and perspectives that are *least* convenient for the impressions developed in the initial phases of fieldwork in the same way a prosecutor might call potentially hostile witnesses to the stand.

As I began to see how complaints were driving the policing in my qualitative fieldwork, I realized many questions that surfaced – *How frequent are calls dispatched for homeless complaints? Are these calls increasing or decreasing? Where are they occurring?* – could only be addressed by analyzing quantitative data. After finding no readily available data I filed a public records act request with the San Francisco Department of Emergency Management (DEM 2018), which provided the date, address, and disposition involving homeless related dispatches. This paper draws on the analysis of 605,481 911 call records and 3.3 million 311 records regarding "homeless concerns.[xxii]" The 911 data includes all calls made between 2011 – 2018 that had been dispatched to officers as a "homeless concern," an official SFPD radio code which, "is basically for when anyone reports a homeless person and there's no other real crime a dispatcher can select" as one officer described it to me.[xxiii] The data also includes calls for aggressive panhandling, sit-lie, and trespassing violations, which are also classified by officials as "homeless related," but have distinct radio codes from the more general "homeless concern" code that includes violations such as camping, obstructing a sidewalk, or loitering. Although a minority of those experiencing homelessness do commit a range of crimes, demonstrate psychosis, and create more serious problems for the city these instances are excluded from both the quantitative analysis and ethnographic observations in this paper, which are exclusively concerned with the quality of life nuisance violations listed above.

Data was also analyzed from the city's 311 system, the primary customer service center of the city where people report anything from curbside cleanup, potholes, or graffiti removal, as well as host of "homeless concerns." The 311 data were accessed through the city's public data portal and included all calls of "homeless concerns" and "homeless encampments" from 2011 to 2018. The final section of the paper integrates findings from a community-based study I co-directed with Dilara Yarbrough and Lisa Marie Alatorre (2015) that surveyed 351 unhoused San Franciscans and 43 in-depth interviews about their experiences of criminalization. Together these methods provide a relational ethnography (Desmond 2014) by analyzing the process of criminalizing homelessness through the double-edged perspective of both the police and policed, and a structural ethnography (Burawoy 2017) by analyzing how, when, and why these interactions occur due to broader structures of state, market, and community institutions that constrain and shape these interactions.

A Crisis of Complaints: The Triggers of Policing Homelessness
While outrage over homelessness has been evergreen in San Francisco since the early 1980s (see Bourgois and Schonberg 2009, Gowan 2010), the situation has taken on a new urgency of social crisis. In 2015, the city's Board of Supervisors declared an official "shelter crisis," following nearly a dozen other west coast municipalities including its bay area neighbors Berkeley, Oakland, and San Jose, but also Los Angeles, Portland, Seattle, Eugene, and others (NAEH 2016). And with this, even in "left coast" San Francisco, there have been increased calls for the criminalization of homelessness. . . quite literally. In 2011, there were 57,374 911 calls for quality of life violations involving the unhoused. By 2017, the last full year data had been collected, there were 98,793 police dispatches for homeless complaints. In this same period, even greater increases occurred in complaints to the city's 311 service request line. Reports categorized as "homeless concerns" grew from 9,590 in 2012 to 84,486 in 2017. A portion of these calls, between 4-9% on any given week, are dispatched to police. Most are dispatched to street cleaning crews, which should also be considered a form of criminalization due to the fact that their operations are backed by threat of a police response and, as I will go onto elaborate, result in punitive outcomes undermining the health and stability of those on the streets.

Yet despite this surge in complaints and journalism portraying San Francisco in the throes of an unparalleled "homeless crisis," the city's homeless population has remained relatively stable. The overall population according to the city's point-in-time count grew only 8% between 2011-2017, from 6,455 to 6,986 (ASR 2017). Even more significant is the fact that between 2013 – 2017 when 911 dispatches increased at their fastest rate the unsheltered homeless population increased by only 1%. This means that while unsheltered homelessness increased by less than 1% between 2013-2017, 911 dispatches for homeless complaints increased 72%, while 311 complaints increased 781%. As depicted in the maps below from two typical weeks in 2013 and 2018, police responded to 1,289 911 calls the first week of March in 2013 and 2,014 calls that same week in 2018, while 311 requests surged from 201 to 1514 per week. In San Francisco, the "homeless crisis" as rendered by the media and state is not so much a product of growing homelessness, but growing complaints in a rapidly changing city.
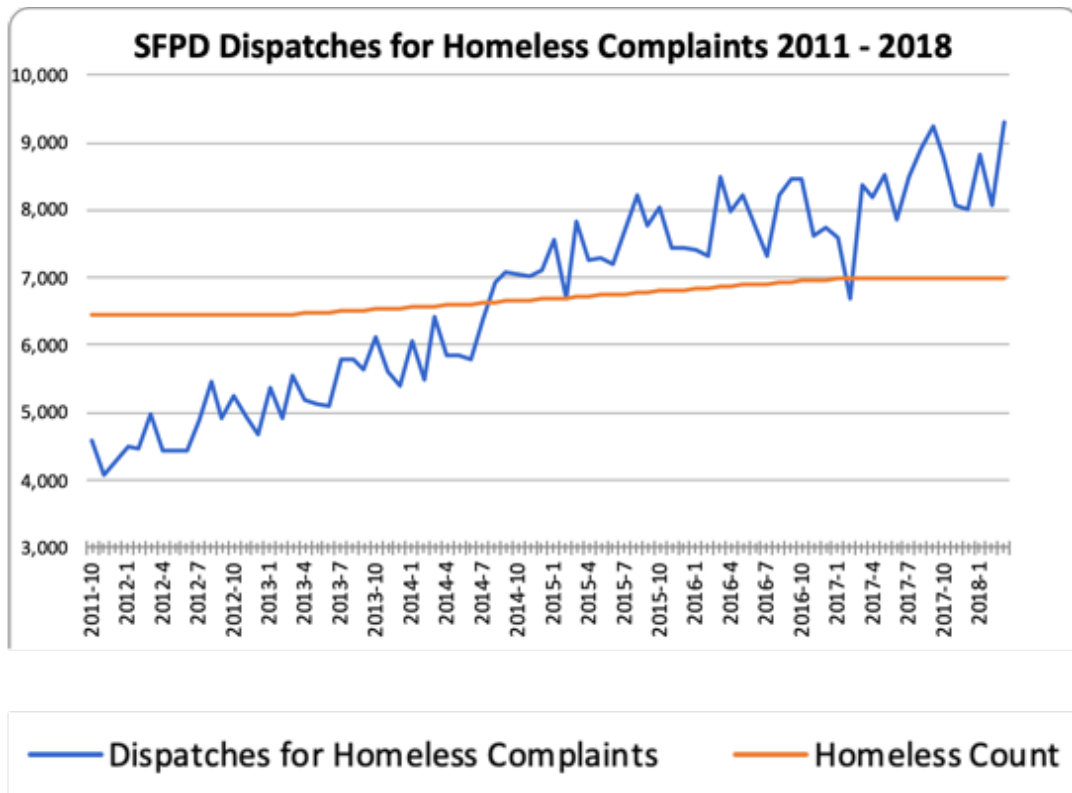
Chart 1: SFPD Dispatches for Homeless Complaints 2011 – 2018 (DEM 2018)
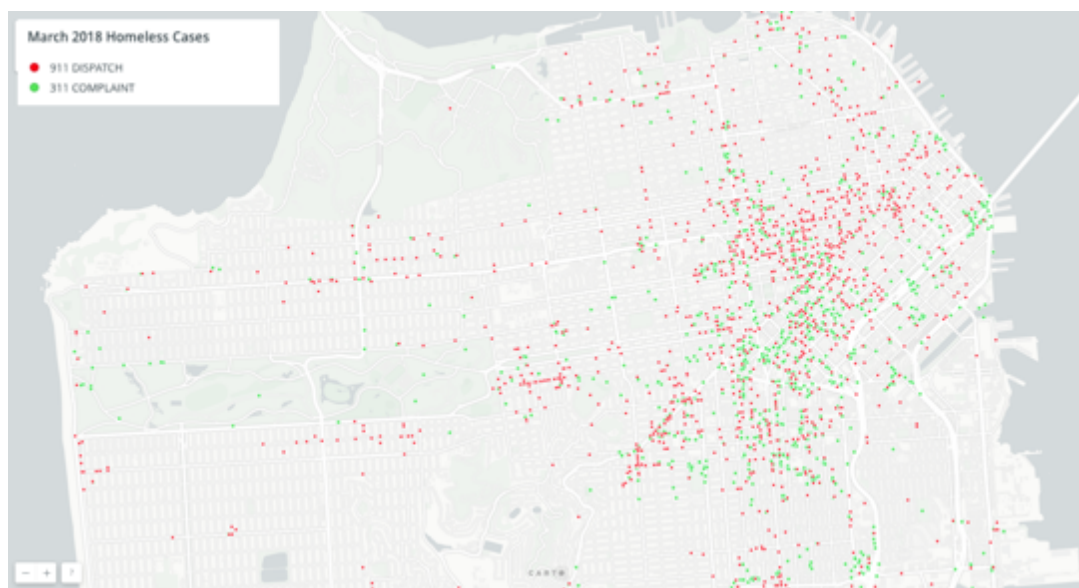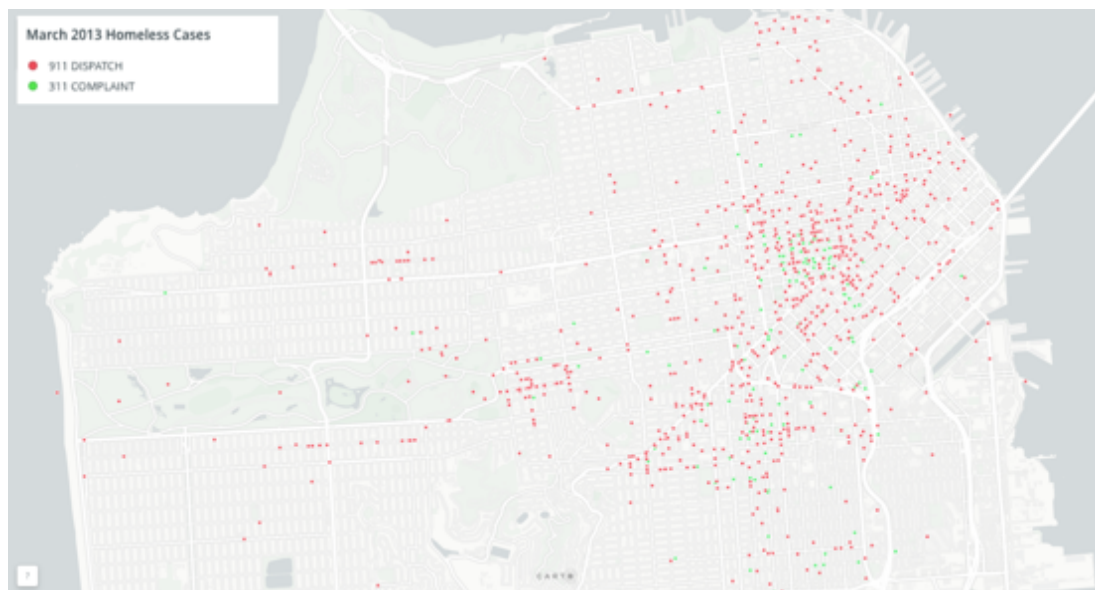
Maps 1 and 2: Spatial distribution of homeless complaint calls for 911 and 311 in first weeks of March 2013 and March 2018.

What are behind these complaints and how do they result in the criminalization of homelessness? According to the SFPD Lieutenant commanding the homeless outreach unit, over 90% of police and homeless interactions across the city are initiated through complaints, with the remainder occurring through officer's discretion on their beats, largely concentrated in the city's Tenderloin neighborhood that hosts the majority of recovery services and Single Room Occupancy units in the city. The complaint-oriented policing is provoked externally from three

sets of actors. They are initiated *from below* directly by the citizenry calling 911 or 311 or business and homeowner associations, *horizontally* from city agencies particularly the Departments of public works, public health, and parks, and *from above* by city supervisors and the Mayor's office.

The largest volume of complaints in San Francisco derive through 911 or 311 reports. Like most US cities, San Francisco has multiple anti-homeless ordinances under its police code, including bans for sitting and lying on sidewalks, camping, and panhandling (Fisher et al. 2015). As one police Lieutenant explained, "If Mrs. Smith continues to call 911 because some guy's sleeping on her door step, we are duty-bound to respond." In 2018 an average of 7,623 calls were dispatched to police patrol cars in the city each month as "homeless concerns" (DEM 2018).

These dispatches derive from 911, police non-emergency calls, and 311 calls. They are also dispatched through mobile-app reports related to homelessness, a technology quickly spreading in popularity across major US cities. Initially developed to allow residents to report potholes, graffiti, and vehicles blocking driveways, in 2015, following New York City, the app added "homeless concerns" as a category of complaint. The app allows citizens to take photos of the "concern" and chose from a host of sub-categories including "well-being check," "encampment," and "clean up." Although most reports are dispatched to the Department of Public Works, between 4 – 9% of 311 reports on any given week are dispatched to the police (DEM 2018). For instance, each month hundreds of "well-being checks" reported on 311 were dispatched to police.[xxiv] As seen in the example below where a caller requested a "well-being check" for a woman reported having "blood on her body" and who "looks very sick" was not issued an ambulance, but a citation. For these reasons, within days of the app's release it became deemed the "snitch app" by those on the streets.
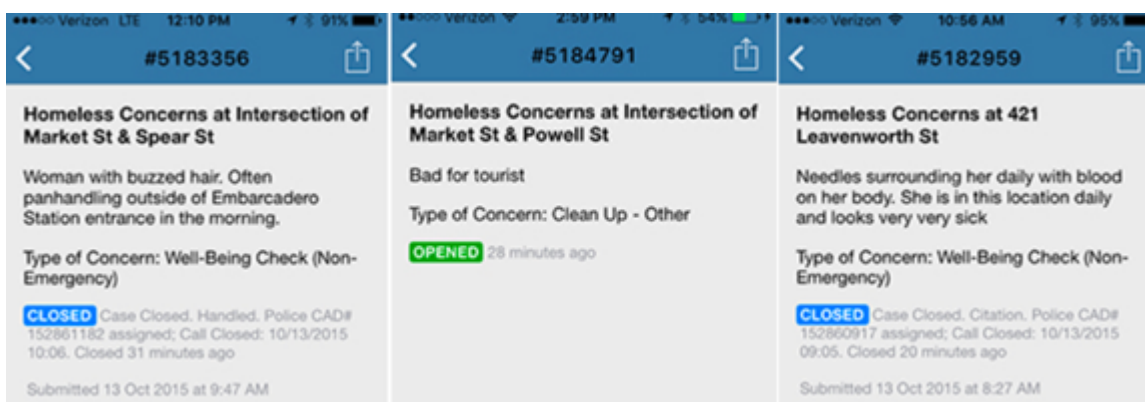
Image 1: Screenshots of reports of "Homeless Concerns" on the 311 Mobile-App

Anti-homeless laws are not only mobilized through individual residents and workers, but organizations as well, including merchant associations, homeowner associations, and most prominently Business Improvement Districts. Business Improvement Districts (BIDs) garner an additional property tax from all businesses in their area primarily to fund increased sanitation and security services. In 2000 San Francisco had only one BID. In 2015 there were 15. During my time recycling, panhandling, or simply hanging out with houseless research companions in these districts, we'd be regularly stopped by BID security and sanitation staff, officially called "community ambassadors," and told to leave the area or that the police would be called (See also

Selbin et al. 2018). In their monthly operational reports one BID publishes data on the numbers of times private security guards and community ambassadors enforced specific homeless related quality of life offenses, which showed an increase from 23,416 instances of enforcement in 12 months over 2014 and 2015 to 43,907 in a similar period between 2018 and 2019 (Union Square BID 2016; 2019). This amounts to nearly a doubling of enforcement interactions between private third-party security forces and unhoused individuals within this single district comprised of some 25 blocks of San Francisco's commercial district.

BIDs also use the city's 10B program to contract out sworn off-duty SFPD officers at an additional cost to patrol their areas. For instance, in 2014, one BID spent $2 million for an additional 10,000 hours of SFPD coverage in their area (Garnand 2016). However, even with all this additional security carrying out third-party policing by community ambassadors and the contracting SFPD officers hundreds of calls for service were made each week for policing and street cleaning within these districts. Although covering only 5% of the city's land area, 28-32% of all 911 dispatches for homelessness between 2013 – 2018 occurred within BIDs despite the other privatized means third-party policing occurring within their district already discussed (Garnand and Herring, 2019). During my ride-alongs with officers I observed several community ambassadors and security guards working on a first-name basis with officers. On my first ride-along with officers we arrived at the entrance to city's Civic Center Auditorium to evict an encampment and before we even got out of the vehicle, a community ambassador walked up to the car window to tell us, "it's always the best time of the day seeing you guys roll up."

Another collective and privileged mechanism organized groups asserted complaints was at monthly community police meetings held in each precinct. In the eleven police meetings I attended across central city police districts, no issue was more frequent, time-consuming, and cathartic than homelessness. The complaints spanned a host of concerns from the sanitary, public safety, medical, environmental, economic, and simply entitled. Take for example the reports of residents and merchants from a meeting in the city's Castro neighborhood:

> I have a business at 2299 market, so we have a similar challenge where someone will be moved from the library and then they end up in front of our store. . . I care for all of those people and I want them to get help, but I don't want them in front of my store because its scaring customers away.

> . . . a homeless person at 4am rang my doorbell because they were mad at me because I asked them to move off the sidewalk earlier. And I realized I had to go through a fair amount of effort to get their name. . . And I don't know where this goes, but if cops are going to get people service, they actually have to know their names and be able to track and identify people.

> So two weeks ago I heard screams, I saw a women beating her head against the brick wall of my building, hurting herself. Called 911, the police showed up. The police came to me and told me she was angry because she spilled her coffee. I'm like this is nuts, she was on something. They said "that's all we can do" she'd already been in to the hospital before and turned back out.

These sorts of complaints would be heard directly by captains who took down specific addresses. Each of the encampments would be dispersed, by either more frequent policing or

harsher ultimatums of citation or arrest. As a captain in the Haight Ashbury neighborhood explained to a complaining resident,

> Ok. I hear you've called 911 over and over again and this group of homeless folks keeps coming back, but did you email me personally? No. Did you ever call me? No. So as I say at each of these meetings, if you just call 911 or 311 all we're going to do is address the immediate concern. If we want to get to the root of these issues, I need all of you to help us be vigilant. Reach out to me.

Enlisting the public as partners in policing, the captain made clear the distinction between typical caller complaints and concerted complaints by organized citizens to "resolve encampments." After being dispersed, these clearances would be highlighted at the following meeting in the captain's report as a "resolution" despite the predictable emergence of a new set of encampments that would then be brought onto the same agenda by nearby merchants and residents.

Image 2: Park Police District community meeting. Officers showing proof of a camp resolution that was cause of complaint at the previous meeting. Photo by the Author.

The second trigger to policing homelessness outside citizen complaints are demands from other agencies. During my two years of fieldwork I observed the departments of public works, public health, fire, parks, and human services agencies all call upon police to enforce anti-homeless laws to deal with various problems. Far and away the largest draw on policing

resources was the Department of Public Works (DPW), which is responsible for cleaning San Francisco's streets. There was a tight and oftentimes indistinguishable wedding between the sanitization and criminalization of homelessness. Weekday mornings three "alley crews" each comprised of 6 – 12 sanitation workers would be dispatched to clean areas of homeless encampments, each escorted by a police patrol car with two officers. In this case, the sanitation crews guided the policing of homelessness each morning. Although public health outreach workers I observed would make it a point to avoid doing outreach amidst police presence so not to be seen as collaborating with officers, which would stoke suspicion, distrust, and barriers to providing services for their clients, several evictions spurred by "health abatements" issued by the department resulted in a police response to remove encampments. These are just two examples of the bureaucratic burden shuffling I discuss at length in the next section, where city agencies concerned with homelessness beyond public safety utilize police to accomplish their goals.

The third way the policing of homelessness was initiated through complaints was by politicians. One day in the patrol car as the officer was working down his list of calls on the dashboard, he received a call from the lieutenant. After the call the officer told me: "Well looks like we've got to go clear out the plaza by Scott Weiner's (a district supervisor) place. He's always calling the captain." More often than personal calls would be district supervisors emailing the Mayor's office or captains about powerful constituents demanding a camp removal. During my time as a research assistant in the Mayor's Office, the director's morning typically began triaging complaints in his email inbox and voicemail from agency directors, politicians, business owners, and residents. Many officers would complain about this privileging of complaints:

> I mean, I'm trying to get through this queue (of homeless complaints) and it's like just because the supervisor's friend or supporter has an issue, or some camp near the highway turnoff in his district makes him look like he's not dealing with homelessness we got to deal with it.

In these ways, the complaints of residents and businesses, whether individual or organized, along with agencies and politicians triggered the enforcement of quality of life laws against the unhoused. Although the number of those experiencing homelessness on any given night remained relatively constant over the past decade, the city they inhabited rapidly changed. Development of luxury condos and corporate offices for the booming tech sector rose on under-developed land in formerly industrialized areas of the city where the unhoused had long camped out of sight and out of mind of public view, as in the areas featured in both Gowan's (2010) and Bourgois and Schonberg's (2009) earlier ethnographies of homeless campers in San Francisco. The amount of leased commercial space in the city more than doubled from 5.9 million square feet in 2009 to 11.9 million square feet in 2018 (Li 2018). The city's residential population grew from just over 767,000 in 2008 to nearly 885,000 in 2018 while the number of jobs in the city grew from 446,447 to 627,915 (US Census 2018) drawing an influx of daily commuters. This growth in development, BIDs, commuters, and residents, made homelessness both more visible and more likely a cause of complaint. At the same time, changes in urban governance such as technological innovation with the more convenient 311 phone app, increased staffing of sanitation teams assigned to homeless camps, and growing political pressures to address homelessness all increased demand for the policing homelessness while the number of police

officers, policy, protocol, and criminal justice processing of homelessness remained relatively stable.
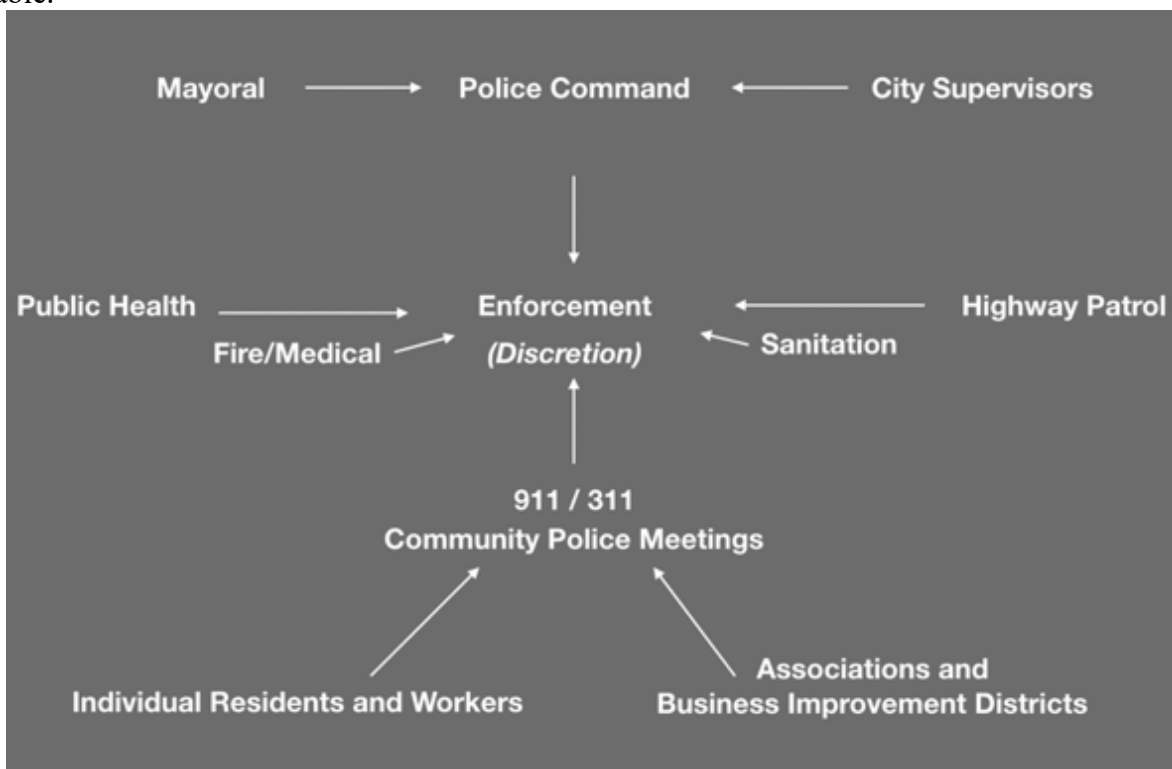
Diagram 1: The sources of complaint-oriented-policing

Burden Shuffling: Displacing Poverty Temporally, Spatially, and Bureaucratically

Once dispatched, how are 911 calls for homeless complaints resolved each day? And how do police officers understand the demands of their daily work? To answer these questions, it is first necessary to elaborate the structural dilemmas of scarcity faced by the officer. While calls of homeless complaints increased rapidly between 20011 - 2018, the number of SFPD officers remained flat until 2017. During this same time, the city experienced a significant growth of car break-ins and other property crimes that take priority over homeless complaints. Although technically classified as a level C priority in terms of its risk to public safety, the outsized call volume and outrage of homeless "crimes" by callers was functionally upgraded through the creation of a homeless outreach unit comprised of 15 – 32 officers at any given time. Since 2005, San Francisco, like dozens of US municipalities have designated specialized patrol units to exclusively respond to homeless complaints (Wexler 2018).

Yet even with the specialized police unit the homeless dilemma faced by the officer remains impossible. Not once during my ride-alongs was the queue of homeless complaints ever cleared. Therefore, spending more time addressing any single call in a more substantial way would result in a growing backlog of new complaints. When police commanders reacted to the growing number of calls by dedicating more officers to the homelessness unit, reducing the response times to homeless complaints, many officers felt complaints increased rather than decreased. As Lipsky observed in his classic work on the street-level bureaucrat observed, "A distinct characteristic of the work setting of street-level bureaucrats is that the demand for

services tends to increase to meet the supply. If additional services are made available, demand will increase to consume them." (1980: 33). Unable to resolve the homeless problem, police officers are only able to manage it through a process of burden shuffling (Seim 2018). This manifests in three principal patrol practices: displacing homelessness temporally, spatially, or bureaucratically to neutralize poverty.

Spatial and Temporal Shuffling

Two mantras were repeatedly told to me by officers throughout my fieldwork: "we can't arrest our way out of this problem," and "this should be a social workers job, not a policing job." Booking a person in jail would take officers off the street, reduce call-response times, and build a back-log of work. Most of those booked would be released back to the streets in 3-8 hours. The shelter was similarly understood as an ineffective means to resolve complaints. Some officers understood homelessness as pathological, a result of poor choices, and those on the streets as service resistant. Others saw homelessness as a structural social problem and a product of inadequate shelter, housing, and a social safety-net. Most saw it as some combination. Yet, there was widespread consensus that policing people into services was impossible or a waste of time. Expressing a similar sentiment to the inadequacy of jail, an officer describes the shelter option as equally meaningless:

> I can take a guy to shelter, but it's only going to be for one night and then they're going to be back out on the street. Some of these people are crazy or addicted, and that's like a disease. Who are we kidding in thinking they'll do well sleeping bunked with 200 other guys. . . Policing these folks doesn't do anything to get them off the streets. If anything, it keeps them there longer.

Recognition of the limits to the approaches of aggressive patrol and therapeutic policing left officers to handle most complaints through spatial and temporal management. According to police call data, which matched my own observations, 89% of dispatches for homeless complaints did not result in citation or arrest, but a move-along order (DEM 2018). As depicted in the opening vignette, in most cases officers first seek to convince the target of a homeless complaint to move without citation, arrest, or an offer of services. As one officer explained to me the strategic importance of a dedicated homeless policing unit after a full-shift without issuing a single citation or arrest:

> The good thing about the homeless unit is that we get to know the folks on the street and they get to recognize us. You can usually get someone to cooperate more without citing. Though sometimes you gotta cite so they know you're serious or if the camp is just being stubborn and not moving to show the residents calling that we've responded to their call. A lot of unpaid citations turn into a warrant and that gives you real leverage. Then they'll respond because they know we can always run their name and arrest. But we're doing more outreach than anything. I mean we're citing, but a lot of times you get more by doing the outreach part, because people will work with you a little more.

Officers in the homeless outreach unit did not have any special training in social service outreach or crisis intervention.[xxv] The unit was largely comprised of rookies forcibly assigned to the unit from their lack of seniority. A common conception of outreach, as expressed above, was

not working to get those on the streets into services, but rather getting them to be "respectful and understanding of their housed neighbors" as one officer put it, by keeping camps clean and most importantly obeying police orders to move-along. When citations and arrests were used, they were not issued as punitive ends to resolve or prevent the offending behavior, or a means to encourage people into services, but rather tools to coerce homeless people to move. The primary benefit of having a dedicated patrol assigned to homelessness was their ability to build a personal rapport in order to cultivate cooperation to move-along.

Although officers were not permitted to instruct homeless people where to relocate, they often gave tips to where they might avoid future complaints. One morning when I was camping with a small group in the city's financial district in front of the construction site for Salesforce Tower, what would become the city's tallest building, an officer explained, "Look we're starting to get calls like all the time from the shop owner across the street, you got a good spot here, but you'd probably be better off on the other side, which faces another construction site" where people would be less likely to call. When sleeping out in the city's rapidly gentrifying Mission District, officers would suggest heading further towards the more industrial neighborhoods of Dogpatch and the Bayview where it was easier to stay hidden. As in the statement above and in the opening vignette, officers almost always began their request to move by making clear that it was not them personally, or even the police department who was initiating the order, but a caller. The homeless and officers held a thread of solidarity with a shared frustration of having to respond to caller complaints and a mutual interest in diminishing them. At the conclusion of another move-along order I experienced while camping with a group in tents outside a municipal bus yard the officer apologized: "I don't know why they're calling, I mean this seems like an ideal spot, out of the way, and you all are keeping this spot clean. I mean, I know this is pointless, but you gotta move." One of the homeless men replied, "Yeah, it's a bummer. It's all good. I know you're just doin your job. It's a shitty job."

The resulting outcome of these interactions was a constant churning of homelessness in public space. In a community-based survey conducted during the research period with 351 homeless individuals across the city we asked respondents where they relocated following their most recent move-along order. Only 9% of respondents reported moving indoors. Of these, some reported moving to drop-in centers, but the most common responses were moving to a public library or taking a ride on the bus – temporary indoor public spaces with limited nighttime availability. 91% of respondents on the other hand remained on the streets or in parks. Most moved only within a few city blocks (64%), while only 21% of those displaced moved to a public space in a different neighborhood following their most recent move-along order. With so much spatial churn, businesses and residents only get a temporary break from homelessness outside their doors and so call again. Over eight years of 911 call data for homeless complaints 121 single addresses called an average of once a month and 80 addresses called once a week (DEM 2018).

One day on a ride along an officer pulled up on his dashboard all the calls at a single intersection:

So right here, we're looking at three months and at this location we're looking at over 100 calls. And you know it could be different situations - different people. like people might be reacting and moving, but then you get someone new moving in. It's a shell game.

One camp of five people I resided with for three consecutive weeks and followed for over a year within the city's Dogpatch neighborhood had a circuit between three spots they'd migrate to when faced with evictions– a piece of sidewalk in front of a U-Haul parking lot, a grassy area under an overpass, and a well-guarded spot behind a stand of trees in a traffic island. In a few instances during my fieldwork, larger encampments of 20 – 40 campers would be tolerated in a single area, and in one circumstance nearly 300. These mass encampments were often seen as mutually beneficial for both the homeless who benefited from the security and stability of the camp and the police who saw calls of complaints reduced due to greater concentration (see also Herring 2014). However, eventually some event would always trigger an eviction and the dispersal would lead to an increase of complaints. For instance, after the mass eviction of the largest tent-city during my fieldwork, citywide calls of homeless complaints increased by 30% from just under 4,000 to over 5,000 in a single month (DEM 2018), which officers I was going on ride-alongs with at the time directly attributed to the eviction.

Another form of spatial shuffling on a broader geographic scale was the police's use of the Human Services Agency's Homeward Bound program. I first became aware of the program on a damp January evening sleeping out on the city's Embarcadero waterfront when an officer woke me up to offer a bus ticket out of town. The officer pitched the program: "As long as you've got someone on the other end of the line who will take you in, and haven't used the program before, we'll give you a free bus ticket to anywhere in the contiguous US, some clean clothes, and $10 a day for food." Such programs are widespread across US cities (see Gee 2017), but I was surprised to find an officer rather than a social worker from the Human Services Department that manages the program offering me a voluntary social service to reunite the unhoused with friends and family. I turned down the offer and luckily wasn't rebuked with a ticket or arrest, although I was told by both social workers and homeless individuals of such instances.

Later during my fieldwork, I would go on an evening ride-along officially called "Operation Homeward Bound" with a detail of six officers offering bus tickets to those on the streets just as I had been offered one year earlier. At the start of the operation one officer explained to the team:

> The big concern tonight is get easy grabs, if we can get 'em and get 'em gone it's a success, because it costs the city dollars, but its services that are eaten in the department because the people we send out are saving calls for cops tomorrow on the beat.

By the end of the night the officers had sent away three people. One had only just arrived two hours earlier from Seattle where he was also unhoused, but on his way decided the trip to San Francisco was a bad idea. Another couple, who after trying to fraudulently get tickets to New York City, ended up taking tickets an hour south to one of their mother's homes. Equally telling of the operation's ineffectiveness was that seven of the thirty-eight people I observed receive offers that evening said they'd already used the program in the past. Although city officials count and proclaim the 10,570 program participants over the past 13 years in their statistics of people housed by the city of San Francisco, the program's effectiveness at resolving homelessness, even temporarily, is entirely unproven. During my fieldwork, I met several people on the streets and in shelters who had received bus tickets from other cities to get to San Francisco, and several more who had used the program only to return.

Bureaucratic Shuffling

Another process of burden shuffling was bureaucratic, where police would reclassify the homeless problem to another agency. Officers primarily saw their policing of homelessness as a misplaced priority that should be handled through social welfare, medical, or sanitation agencies that distracted them from what they considered "real police work." Officers would frequently draw my attention to other policing tasks they felt were being under-treated due to the department's legal requirement to address caller complaints of homelessness. During the Operation Homeward Bound ride-along earlier discussed, an officer pointing to the dashboard said, "See that call. That's code for domestic abuse and it's been hanging there for over an hour. This is what I should be addressing, but instead I'm on this detail." On my ride-alongs I began to realize that whenever officers spoke about policing homelessness, they'd almost always refer to it in the customer service register of responding to "calls for service." When they'd be discussing assignments on thefts or violent offenses, they'd refer to them as "crimes." Many described their assignments to homelessness as a degradation of their vocation, as playing "mall cops," and "maid service for entitled homeowners." Therefore, officers would attempt to re-classify homeless calls to other agencies by sanitizing, medicalizing, and socializing homelessness. Yet these efforts were both limited and, in most cases, still experienced as criminalization by the unhoused.

In the previous section I discussed how the city's sanitation department (DPW) criminalized homelessness by travelling with police escorts or calling the police to encourage those camping to move from areas they were cleaning. However, police officers would also shift homelessness onto the DPW by calling for continual cleanings. Having a cleaning crew power wash the sidewalk a few times a week, daily, or even multiple times a day would often convince campers to find a spot with less frequent disruptions (see also Hopper 1992: 781-782). Most of those I spent time with on the streets feared the sanitation teams more than the police, due to the former's ability to confiscate and destroy property, which was viewed as a punishment worse than arrest.

In fact, the primary way I observed officers using arrest was to clear property. One day on outreach as a representative of the Coalition on Homelessness, I came across a woman being arrested who I had known over a number of months. Cindy was in her early sixties, had serious necrocis in both legs, and was always much slower to pack up her cart of belongings than others. As she sat cuffed in the patrol car, I asked the officers about her arrest, pressing them as to why she in particular was being arrested while others had not. One officer replied, "Look, others are cooperating with us when we ask them to move. We've given her multiple warnings and she's accumulating way too much stuff." Rather than driving Cindy directly to jail, the officers waited nearly 30 minutes until a sanitation truck arrived to take away all her belongings. When I tried to save her valuables, the officer ordered me not to "steal" her property. When I caught up with Cindy the next afternoon, who was in the same clothes she had been arrested in after spending the night sleeping without a tent, she said, "I was out of jail in three hours and they didn't even charge me. When I asked where I could get my stuff, they told me that's not their responsibility." Complaint-oriented policing was not void of officer discretion, no policing could be, it was simply more tightly directed and aimed at reducing complaints. On my ride-alongs, outreaches, and time residing on the streets I observed police regularly target those like Cindy within areas of complaints who had the most property, the dirtiest tent, or those who tried to delay cleaning and protect belongings being confiscated.

The powers of the police and sanitation departments to criminalize homelessness were intertwined. Cleanings without the threat of police action were meaningless, however arrests were much less effective without the threat of having one's property destroyed during the booking process. In this way the criminalization of homelessness was often masked as merely sanitizing public space for public health. However, neither those on sanitation crews nor police patrols saw this to be the case. As one street cleaning crew supervisor explained, "We just clean, we don't make anyone move, that's the police's job." The officers saw their role differently. As one officer working alongside this very same crew supervisor told me, "We're just here to keep the DPW workers safe. You know they have to wake people up to clean the streets and sometimes there's threats or even assaults."

Image 3: The typical tag-team effort of police and sanitation teams addressing homeless encampments. Photo: Kelley Cutler

Another way police would shift the burden of homelessness to other agencies would be to medicalize the condition. In particular, officers could call for an ambulance, especially if a person was unresponsive to a move-along order and not resistant to a ride to the hospital. One day on outreach I came across John, a middle-aged man, nearly passed out at the bottom of a subway staircase, a plastic bottle of vodka in his hand. A police officer was trying to get him to move, but to no avail. Perhaps realizing how difficult it may be to detain John, who must have weighed over 250 pounds, the much smaller officer said, "You don't sound good. Are you having any chest pains? Do you need me to call an ambulance?" John's head nodded and he mumbled something unintelligible. "I'll take that as a yes," the officer said calling for an

ambulance. Although John was clearly unwell it was also unclear if he had what EMS workers would consider a "chief complaint," that would warrant an ambulance transport. Police also medicalize homelessness by issuing 51-50's, the California law code for involuntary psychiatric commitment for individuals who present a danger to themselves or others due to signs of mental illness. This determination, that relies entirely on the discretion of the officer varied widely according to the officers themselves. Those residing on the streets, as well as medics and public health outreach workers I observed, all told me that police would sometimes issue 51-50s to diffuse complaints as an alternative to avoid the work required of them for arrest even when psychotic behavioral symptoms were absent (See also Seim 2017: 465). However, like arrest or short-term shelter offers, the holds last less than 24-hours in the vast majority of cases.

Finally, were efforts to socialize homelessness when police would try to get those residing on the streets to access social services such as shelter. This strategy was relatively rare compared to sanitizing or medicalizing homelessness due to the fact that resources for homeless services in San Francisco as in most US cities are quantitatively scarce and qualitatively inadequate. During the time of my research there was a continual waitlist of between 500 – 1200 people for a 90-day shelter bed that would take anywhere between three weeks to two months to access. A single-night bed typically required a 4-10 hour wait in line, while others found shelters entirely inaccessible due to their disability, or pets, partners, or property that were all restricted. With nearly 7,000 single homeless adults on any given night the city had just over 2,000 available spaces in temporary shelters - a ratio of sheltered vs. unsheltered homeless population that falls in the mid-range of Western US cities (HUD 2017).

Regardless of an officer's awareness of the scarcity and squalor of shelter or their diagnosis of homelessness as being rooted in individual pathologies or structural poverty their prescriptive perspectives were largely the same. Rather than feeling that it should be their job to "cure" homelessness through a paternalistic brand of moral discipline, using punitive ultimatums to pressure the unhoused into shelter, most felt this was ineffective and simply not their job. The few instances when I did observe officers connect those on the streets with shelter were not in the role as enforcer, but as advocate, using personal relationships with public health workers who could fast-track them inside. However, the scarcity of these outreach workers led officers to avoid even trying in most cases. When officers did advocate for a particular person, this would often frustrate social workers who felt those receiving services should get assistance based on their medical or psycho-social needs as determined by social work or medical professionals, not police officers. As one public health worker expressed to another on an outreach when scarce shelter beds were being offered exclusively for a group of campers targeted for eviction thanks to a rash of complaints, "This isn't how we should be distributing shelter. We should be prioritizing based on needs and vulnerabilities, not police complaints."

Even when shelter was expanded, which one might expect to shift the burden of homelessness from agencies of criminal justice to social welfare, complaints continued to rise, and I observed a number of mechanisms through which increased welfare provisions instigated increased policing. During the same period of the rapid increase in homeless complaints, San Francisco opened five new shelters between 2014 - 2017 after a decade of building only one. Although the rhetoric of therapeutic policing rarely circulated among police, it was a dominant discourse in the political and policy fields. Politicians used the new shelters to legitimate increased criminalization. For instance, a city supervisor told the audience at a community forum, "I strongly believe that it is not compassionate to allow human beings to live on our city streets. We're investing a lot more money in services and we need to encourage people to utilize

them and be clear that camping is unacceptable." The opening of new shelters resulted in coordinated police crackdowns directly surrounding the facilities and city supervisors and police officials encouraged residents to call 311. After the opening of a new shelter in the Mission neighborhood, the district captain told those at a community meeting "We are opening up 100 new beds . . . so if you see someone on the streets who could use assistance call 311 and we will try to get them inside." Despite the continual inaccessibility of shelter for the vast majority of those on the streets, the new shelters encouraged complaints and penal repression.

The Impacts of Complaint-Oriented Policing
Most of the officers I got to know did not feel their policing of homelessness was particularly punitive or harsh. As one officer told me after a 5-hour shift chasing homeless complaints without a single citation or arrest:

> We're just moving people around, we aren't 'criminalizing homelessness' (flashing air quotes). Look, you've researched other cities. You gotta admit, what we're doing is really soft-glove compared to other places.

While it did seem that there were less arrests for anti-homeless laws in San Francisco than other west coast cities, the efforts to move, sanitize, medicalize, and even socialize homelessness by officers was nonetheless experienced as criminalization by the unhoused. These efforts coalesced into a process of *pervasive penalty* (Herring et al. 2019), a punitive process of policing through move-along orders, citations, and threats of arrest that falls short booking that is pervasive both in its reach across a targeted population and in its depth of lingering impact. This concluding section elaborates how complaint-oriented policing fuels this pervasive penalty and perpetuates the urban disorder that it claims to reduce by prolonging homelessness, increasing conflict among vulnerable people, and further disorganizing already chaotic lives.

From a community-based study surveying a representative sample of 351 homeless individuals across San Francisco, we found criminalization to be widespread, frequent, and with lingering impacts (Herring and Yarbrough 2015). In contrast to the frequent statements by proponents of quality of life ordinances who claim that such laws are targeted at specific behaviors and problem individuals rather than criminalizing homeless status, the study found that fully 70% of respondents had been forced to move in the past year by a police officer, over a third had this happen at least once a month, and 20% on a weekly basis.[xxvi] While only 11% of homeless complaints are resolved through citations according to police data, our survey found that 69% of all respondents had been cited in the past year with 22% receiving more than five citations. In 2014 there were 14,881 citations issued for homeless specific quality of life offenses.

The enforcement of anti-homeless laws is also pervasive in their lingering impact. Over 60% of the survey respondents could not pay their most recent citation, which resulted in a further $300 assessment, revocation of their driver's license, a bench warrant issued for their arrest and the fine being sent to collections. This negatively affected people's credit and created barriers in accessing services, housing, and work. For instance, if you're name came up on the section-8 housing list and you had such a warrant you would be dropped, and having a warrant disqualified you from voluntary drug or mental health treatment through the city's behavioral health services. The move-along orders also frequently resulted in the loss of personal property. Forty-six percent of survey respondents reported having their belongings taken or destroyed by

city employees. During my fieldwork embedded within encampments, those I resided with had had lost tools, bikes, and computers used for work; expensive medicines for HIV and Hepatitis C, ID and benefit cards that were key to their survival; and their last remaining treasured possessions such as family photos, letters, and priceless mementos.

Most of those residing on the streets considered property destruction the greatest threat to their survival, which always involved either a police presence, the threat of police being called, or leveraging anti-homeless ordinances to provide legal cover for property confiscation. This fear pervaded daily routines. In the camps I resided in, people would rotate leaving the camp to work, attend appointments, gather food or supplies, or go to the toilet, leaving their belongings under the watch of fellow campers. However, if a camp clearance occurred while others were away, we would be limited to the amount of property we could salvage as sanitation workers and police would prevent us from packing only what we could carry in a single trip and sometimes barred us from taking items that weren't our own. In one instance, an elderly man in his 70's had his walker crushed in a dump truck, despite the fact that those present told sanitation workers and officers that he was hospitalized. Another elderly man I resided with for weeks in a camp had all his belongings destroyed by sanitation workers while hospitalized for a stroke. While we demanded the workers follow the department's "bag and tag" policy, storing a person's belongings for 30 days so he might reclaim it, the workers claimed as they often did that the tent contained perishable items so the whole tent with all its belongings had to go.

Image Set 4: A DPW team disposes a tent and its belongings deemed contaminated (Photo: Kelley Cutler). Below, the elderly man who lost his walker poses by the message left by his campmates after returning from the hospital (Photo: Jessica Christian)

The criminalization of homelessness though property destruction resulted in people surviving on the streets avoiding the hospital, missing social service appointments, and being unable to hold a job. During my observations out with public health workers on outreach and residing in camps I witnessed people refusing hospitalization in the face of gruesome infections, debilitating pain, and churning stomach sicknesses primarily out of fear of losing their belongings at the hands of city workers. One of the elderly men previously mentioned who lost

his property while hospitalized, called my cell phone before calling 911 laying paralyzed on a city sidewalk during a stroke in hopes I could get to camp to watch his property before he was taken into the ER. It was common for people to miss appointments with social workers to protect their property, which would result in their benefits lapsing. Public health outreach workers would regularly be frustrated when clients lost access to medicine or services due to a brief incarceration or were unable to locate their clients on the streets to distribute medicine or notify them that they had been granted access to shelter, rehab, and even housing due to the fact they'd been relocated from a sweep. And the few people I came to know residing on the streets who managed to get work were all either fired or came repeatedly close to losing their job from missing or leaving a shift to salvage property from sweeps. In these ways, the criminalization of homelessness undermined other state efforts of socialization and medicalization, as well as individual's personal efforts to pull themselves out of homelessness.

The constant move-along orders provoked by complaint-oriented policing also resulted in conflict between the unhoused and the housed. The state's theft of homeless people's property in some cases provoked unhoused people to steal in response. In one of the camps I spent months following, the group constantly drew on their work as informal recyclers as a moral boundary of dignity between themselves and the other "criminals" on the street who stole and the "service dependent" who relied on charity (see also Gowan 2010). However, after an eviction in which they lost everything, each turned to theft – from people's vehicles, REI, an outdoor goods store, and the drugstore CVS. When it was clear which business or house had made the complaint that triggered the eviction, campers would sometimes take retribution by leaving trash or feces on their doorstep. What often appeared to officials and the public as street violence emerging from the internal chaos and pathologies of camp life was all too often primed and provoked by the subtle state violence enacted through enforcement.

Even more often than fueling conflict between the housed and the houseless, the policing of homelessness continually sparked interpersonal conflict between those on the streets. First, by disrupting the security and trust established within existing encampments through eviction and second by forcing people into territories of other unhoused people. Camping in small groups served as a shield, providing protection against property theft and harassment, while providing a pool of shared material and moral resources (see also Bourgois and Schonberg 2009). However, it was also a liability, increasing visibility and the likelihood of complaints. Following evictions in camps I was embedded with, we would often break-up into smaller factions to reduce our visibility, but also end up camping near other tents, which indicated a pre-existing tolerance by local residents and businesses. Sometimes the nearby campers worried our presence would "increase the heat" on police complaints and ask or even demand with threats that we move elsewhere. Typically, we were begrudgingly accepted. After all, telling someone they were not welcome on a particular block could end up resulting in having your belongings stolen or, as occurred a few times during my fieldwork, burnt to the ground.
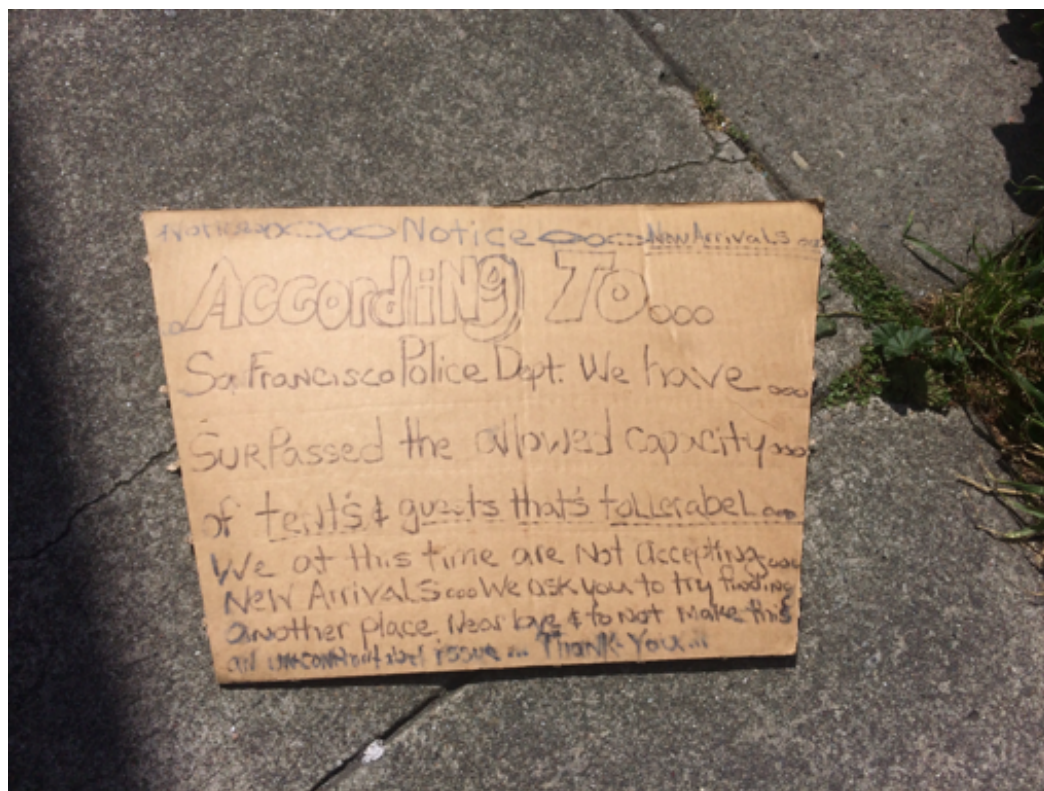
Image 5: A sign posted at the base of an encampment that expresses the tensions created between those trying to find a safe place to camp. "According to San Francisco Police Dept. we have surpassed the allowed capacity of tents and guests that's tolerable. We at this time are not accepting new arrivals. We ask you to try finding another place nearby and to not make this an uncomfortable issue. Thank you." (Photo by the Author)

In the face of conflict there was rarely feasible legal recourse available to the victims. One woman who was raped almost immediately following a police move-along order that pushed her into an unfamiliar area in the dead of night explained:

> What's the point? If I called them, they would have made all of us move. Would he (the officer) even believe me? The whole camp of new people would hate me, and what would stop him (the offender) from getting revenge? It's not like I've got a locked door to hide behind.

Similar to how Desmond and Valdez found among the housed that "the enforcement of nuisance property ordinances has the effect of forcing abused women to choose between calling the police on their abusers (only to risk eviction) or staying in their apartments (only to risk more abuse)" (2013: 225), the unhoused similarly avoided calling the police in the face of abuse or theft for fear of eviction from public space.

In response to complaint-oriented policing, those on the streets developed a particular "cop-wisdom," what Stuart describes as a "cognitive framework designed to reduce unwanted police interactions" (2016: 135). While Stuart found the cop-wisdom on LA's Skid-Row to be

centered around signaling sobriety or working a program to convince police they weren't in need of therapeutic policing, in San Francisco I found a cop-wisdom developed around avoiding complaints. This not only involved seeking marginal spaces out of sight to post-up camp, but an awareness of jurisdictional boundaries between the loosely enforced state property of the California Highway Patrol or county Port Authority versus the highly surveilled city land and private property, an astute sensitivity to one's neighbors, preventing crime, and keeping sidewalks clean. Some of the houseless built relationships with merchants and residents who promised not to call the police in exchange for keeping the block secure and clean, or rent for not calling, which often also involved shewing away other homeless campers. As previously discussed, campers would dissolve larger settlements to avoid visibility, do their best to stave off new neighbors, and pilfer from the housed and unhoused to protect their territory or simply stay afloat. In sum, the combined impacts of complaint-oriented policing and the individualized everyday acts of resistance against them encouraged the atomizing practices of material and symbolic distancing through mutual avoidance and lateral denigration. Pitting those on the street against each other rather than the police, policies, or publics that oppress them complaint-oriented policing creates the conditions of an "impossible community," perpetually divided against themselves (Wacquant 2008: 184). In these ways complaint-oriented policing sets off a dangerous self-fulfilling prophecy *producing* that which city officials claim merely to *address*: namely crime, violence, community "disorganization," and a "service-resistant" homeless population.

Discussion and Conclusion

This article has sketched a policing approach to social marginality I call complaint-oriented policing that contrasts with existing scholarship in terms of its sources, enforcement, and impact. First, the trigger of complaint-oriented policing is not rooted primarily under direction of police command, nor does it hinge significantly on officer discretion. By expanding the lens of analysis beyond the traditional field of crime control and situating the police within a broader bureaucratic field of poverty governance we see how police interactions are initiated by callers, organizations, and a host of government agencies through third-party policing. Second, the use of arrest that one might expect under aggressive patrol is rare, nor are punitive sanctions used to push the poor into services as with therapeutic policing. Instead, enforcement practices of spatial, temporal, and bureaucratic burden shuffling are used to manage homelessness within public space. Third, the article elaborated how this policing results in consistent punitive interactions with state officials that most often do not result in incarceration, but nonetheless exact material, psychological, and social suffering. These findings complicate existing frameworks to understanding the policing social marginality, and makes broader contributions to theories of poverty governance, urban sociology, and citizenship.

	Aggressive Patrol	Therapeutic Policing	Complaint-Oriented Policing
Trigger	PD Command	Officer Discretion	Extra-Penalogical Demand
Enforcement Practice	Arrest	Coercive Services	Burden Shuffling
Enforcement Function	Rabble Management	Recovery Management	Neutralization

Table 2: Extracted from Herbert, Beckett, and Stuart's "Policing Social Marginality: Contrasting Approaches" (*Law and Social Inquiry,* 2017) with the addition of Complaint-Oriented Policing.

First, complaint-oriented policing complicates the Foucaultian renderings of disciplinary power undergirding both frameworks of aggressive patrol and therapeutic policing that permeate the scholarship on poverty governance. Complaint-oriented policing does not primarily entail "taming" and "training" the homeless into "docile and productive subjects" (Foucault 1977) by using penal repression to push people into jail as under "rabble management" (Bittner 1967, Irwin 1985), or using penal means towards welfare ends to shepherd homeless people into rehabilitative programs as under "recovery management" (Stuart 2016). Instead, under complaint-oriented policing we observe how a process of burden shuffling engaged in by a range of street-level bureaucrats is aimed at *neutralizing poverty* through incapacitation and invisibilization (see Wacquant 2009, Marcuse 1988).

Yet, the article has also shown how this post-disciplinary and seemingly ambivalent form of poverty governance nonetheless results in the reproduction of homelessness, a deepening of poverty, and ultimately suffering. Expanding the conception of the criminalization of poverty, which is most often defined in terms of the disproportional impact of mass incarceration or traditional policing aimed at arrests on the poor (Western 2006), this paper has identified a series of mechanisms by which move-along orders and citations collectively work to dispossess the poor of their property, create barriers to accessing services, housing, and jobs, and increase their vulnerability to violence and crime on accounts of their poverty and housing precarity. Although

I observed variations in this enforcement by officers and methods resistance or compliance by the unhoused by a host of individual and social differences, including race age, gender, and disability, which I examine at length elsewhere (Herring forthcoming), and discuss with colleagues in the survey findings (Herring et al. 2019), this article has aimed to connect the most systemic mechanisms of complaint-oriented policing on homelessness with its most widespread impacts on homelessness that I observed during my fieldwork. Most of the mechanisms and outcomes of criminalization identified here are not only applicable to complaint-oriented policing, but the policing of social marginality more broadly, and contributes to our understanding how governing the poor through the penal state intersects and often undermines efforts of the welfare state.

Second, the article looks beyond changes within policing and criminal justice policy toward its intersection with urban change and governance to explain increased policing by citizen demand through 911 and 311 as well as collective forms of third-party policing that have been largely overlooked in the scholarship. Although the technological implementation of homeless complaints in the 311 app was largely behind the massive increase in 311 calls for sanitation responses that led to widespread property destruction and move-along orders, it only explains a small portion, roughly 6%, of the increased police dispatches. To what degree the increase of police dispatches for homeless concerns is simply due to more people in the city, changing demographics of incoming wealthier and whiter populations who may have a higher propensity to perceive disorder and call the police (see Martin 2008, Sullivan and Bachmeier 2012), San Francisco's new urban development that has significantly reduced the physical space where people could camp out of sight and out of mind (Gowan 2010), or other factors requires further analysis. Furthermore, when considering that San Francisco's African American population plummeted from 11% in 1990 to less than 5% today over longer waves of gentrification (Walker 2018) and that nearly 40% of its homeless population is Black (ASR 2017), complaint-oriented policing also provides another link between urban change, housing insecurity, and racialized criminalization that has been undertheorized by scholars documenting the hyper-policing of people of color on the one hand and those studying the criminalization of homelessness on the other.[xxvii]

As a final note, complaint-oriented policing exposes new means of exclusion and fractures of citizenship. Widening the analysis of the policing of marginality beyond the police and politicians onto the residents and businesses who directly instigate the policing of the poor exposes the inherent yet underappreciated tension between the insecurity of the housed and insecurity of the unhoused. This study has illustrated how those with access to private property who feel threatened by those without it are able to call on the police to remove them, which in turn directly increases the insecurity of the unhoused whose survival is disrupted by criminalization, let alone recourse to police protection. This relationship reveals the ways that "propertied citizenship" (Roy 2003), a rights-based relationship between individual and state premised on one's access to property, is intimately tied to the increasingly popular brand of urban consumer citizenship that envisions the "government as corporation, businesses as clients, residents as customers, and the city itself as a product" (Brash 2011). Together, the tenets of propertied and consumer citizenship work together to permit and normalize city residents and businesses calls on police and sanitation "services" to sweep the poor from city sidewalks, parks, and benches. However, unlike their housed neighbors, when those without shelter are faced with far direr insecurities of theft, violence, and abuse that are exacerbated by complaint-oriented policing, there is nowhere to turn. Although San Francisco is a sanctuary city in part so

undocumented immigrants, who may be housed, but lack citizenship, may call on and receive protection from the city's police without fear of punishment, the city's unhoused, regardless of their citizenship status, have no such protections.

Complaint-oriented policing was the dominant process of policing homelessness in my observations of hundreds of police interactions in San Francisco. This is not to say approaches of aggressive patrol and therapeutic policing were not also sources of enforcement, but rather that complaint-oriented policing existed alongside these previously well-studied forms of social control. San Francisco has dozens of officers walking the beat daily who exercise broad discretion over when to enforce quality of life laws, and every few months during my fieldwork a captain initiated a zero-tolerance campaign in their district. I witnessed officers justify their actions as pushing the "service resistant" into rehab as well as clearing out encampments to deter more serious crime. However, many interactions I witnessed could not be explained by theories of policing in the existing scholarship. Differences of urban conditions and poverty governance will likely determine the degree to which complaint-oriented policing is dominant, secondary, or tertiary to other approaches and requires further research. From my own previous comparative research on homeless regulation across eight west-coast cities (Herring 2014) and regular correspondences with policymakers and organizers across the country, I've found complaint-oriented policing ubiquitous in medium and large cities albeit to greater and lesser degrees. Expanding the analysis of 911 and 311 data, as well as studying complaint-oriented policing beyond the case of homelessness such as drug use and dealing, noise violations, illegal vending, and other offenses that disproportionately affect the poor would all be fruitful lines of research to better understand the relationship between urban change, poverty governance, and policing.

The recognition of complaint-oriented policing as a mode of governing the poor in the city also requires us to rethink policy approaches to reducing the criminalization of social marginality. Were the locus of policing power concentrated more firmly in the hands of police command, powerful mayors, or the discretion of officers one might simply aim reforms at these targets. The fact that the power to mobilize policing is much more widely distributed through caller complaints and third-party organizations suggests deeper structural changes will be necessary. Furthermore, the court reforms emerging around bail, fines, and fees, while mitigating the problems caused by incarceration and citation, they will not blunt the punishments of property destruction and move-along orders revealed in this article. In light of the study's findings, nullifying anti-homeless laws either through constitutional challenges (Foscarinis 1996, Martin vs. City of Boise 2018) or legislation would seem more effective. Beyond these defensive maneuvers to decriminalize poverty, the recognition of complaint-oriented policing highlights the need for pro-active measures of treating homelessness through increased public health, social service, and ultimately housing. Otherwise homelessness and poverty more generally will continue to be displaced into the hands of the police and criminal justice system, which through either legal mandate or relative resource investment inevitably become the "service providers" of last resort.

Complaint-Oriented "Services": Shelters as Tools for Criminalizing Homelessness

Introduction

       In January 2018, Leilani Farha, the United Nations Special Rapporteur on Adequate Housing and Human Rights, visited San Francisco. Her mission was to probe the living conditions of the unhoused in the city and assess compliance with international human rights law for her report on informal settlements for the UN general assembly. Although she was deeply concerned about the homelessness she saw, the true American exceptionalism Farha found was not its condition of homelessness, but rather its criminalized treatment by police officers and sanitation workers: "There's a cruelty here that I don't think I've seen. Sweeping people off the streets . . . whether they live in tents on sidewalks or in their cars, is cruel and inhumane treatment. San Francisco, one of the wealthiest jurisdictions in the world, can certainly do far better than this." (Gee 2018).[xxviii]

       The same month of Farha's visit, San Francisco Mayor London Breed celebrated the city's compassion and leadership providing homeless services. At the Mayor's Martin Luther King Day Address, the Director of the Department of Homelessness and Supportive Housing exclaimed, "This year's record funding level recognizes the great work that our city and nonprofit partners are engaged in and a welcome investment in our work on helping our homeless. . ." Indeed, San Francisco has more supportive housing units dedicated to addressing homelessness and invested more money into homeless services per capita than any other major US city (HSH 2017). In the past decade alone, the city has invested over $1.5 billion, built or leased 2,700 units of long-term supportive housing, and created over 500 new shelter beds (HSH 2017).[xxix]

       This simultaneous existence of interventions designed to help the unhoused within shelter alongside efforts to criminalize their existence in public space, exemplified in San Francisco, is a hallmark of contemporary homeless policy across the United States. With the rise in "advanced homelessness" (Marcuse 1988) during the late 1970s and early 1980s the US responded in two ways. First the federal and local governments invested billions into opening and operating emergency shelters across the country. Between 1984-1988 over 3,500 new homeless shelters opened (Jencks 1994: 15).[xxx] Simultaneously, cities began passing anti-homeless ordinances such as bans on camping, sleeping, sitting, and feeding the poor – effectively criminalizing homelessness (Ortiz et al. 2015). While there have been significant developments in promoting permanent supportive housing and increased resistance to criminalization, shelters continue to open across the country (AHAR 2018) and anti-homeless ordinances have increased more over the past five years than any earlier period in US history (NLCHP 2019). In sum, criminalization on the streets and temporary aid through shelter remain the primary treatments through which the unhoused are managed in the US metropolis and have increased in lockstep.

       Shelter development and the rise of anti-homeless laws have been well documented by social scientists. On the one hand, those studying public spaces have helped explain the causes and consequences of a punitive and exclusionary approach to homelessness spearheaded by policing (Beckett and Herbert 2009, Herring 2019, Mitchell 2003, Smith 1996, Stuart 2016, Vitale 2008). On the other hand, those studying shelters and supportive housing have examined the causes and consequences of more accommodative and seclusionary approaches to homelessness (Cloke et al. 2011, Conradson 2003, Desjarlais 1997, Deverteuil et al. 2009,

Dordick 1997, Hopper 2003, Lyon-Callo 2008). However, the scholarship is much less clear about the relationship *between* the growth and policies of *homeless services in shelter* and the growth and policies of *homeless criminalization on the streets*. Furthermore, very little scholarship has yet two recent developments of homeless management impacting both punishment and care between street and shelter: (a) the resurgence of new types of shelters in US cities and (b) the Ninth Circuit Court decision of *Martin vs. Boise*, which ruled that it is a form of cruel and unusual punishment to enforce anti-homeless laws when adequate shelter is not made available.

Drawing on a range of ethnographic observations between shelter residents, homeless campers, social workers, police officers, city managers, and activists in the city of San Francisco alongside an examination of administrative data from public record act requests this paper examines the dynamic relationship between the street and shelter and reimagines them as operating as part-and-parcel of a single socio-spatial complex managing the unhoused. In doing so, I explain how the expansion of shelter supports and directs the increased criminalization of homelessness in public space. After a review of the current scholarship and research methods, the paper presents three ways shelters have been instrumentalized to criminalize homelessness in San Francisco. First, I document how police repression increases immediately following the opening of new shelters in the neighborhood's in which they open. Second, I reveal how shelter beds are used in evictions to depoliticize and invisibilize the removals of mass homeless encampments. Third, I consider how shelter placements shifted from social workers to police officers as necessary tools of the police to arrest, cite, and confiscate property of the unhoused. Collectively, these pairings in the provision of punishment and aid both rely on and contribute to the production of a faulty folk conception that most homeless on the street are "service resistant," used to perpetuate a cycle of criminalization. The article concludes considering how shelters are re-geared towards criminalization as they increasingly function as complaint-oriented "services," aimed at serving the interests of residents, businesses, and politicians, rather than the needs of those unhoused.

Public Spaces of Punishment and Private Spaces of Care

Social scientists studying homelessness in public space have asserted the dominance of a *punitive* and *exclusionary* marked by the surge of anti-homeless laws and associated practices of banishment (Beckett and Herbert 2009) that have become defining features of the "carceral" (Davis 1990), "revanchist" (Smith 1996), and "post-justice" (Mitchell 2003) city. Today, most US cities have multiple anti-homeless laws on their books (NLHCP 2019) and similar policies are being exported across the globe (see Fernandez Evangelista 2013). Much of this scholarship situates these exclusionary policing policies within a broader "punitive turn" identified by criminologists marked by the decline a rehabilitative ideal within criminal justice systems (Wacquant 1999, Feeley and Simon 1992, Garland 2001) and within US society more generally marked by declining welfare expenditures (Beckett and Western 2001). According to Wacquant, this punitive turn is characterized as a hydraulic shift between punishment and care *within the state* writ large: "it is because the poverty of the social state against the backdrop of (welfare) deregulation that elicits and necessitates the grandeur of the penal state" and *within the criminal justice system* more narrowly, turning away from its prior commitments bring marginal populations back into the social fold and increasingly "geared toward brute neutralization, rote retribution, and simple warehousing" (2009: 16).

Scholars studying shelters have challenged these punitive characterizations by spotlighting the rise of homeless services as a "counterweight to the current understandings of homelessness that narrowly focus on anti-homeless ordinances and expulsion from public spaces" (DeVerteuil 2006: 118). Cloke et al. (2007:390) argue that shelters and other spaces of care emerge "in the interstices of revanchist space to provide comforts and care to the excluded, including the homeless." Resisting the punitive framework, these authors urge us to better examine shelters and the various institutions where "proactive interest of one person in the well-being of another" are enacted (Conradson 2003: 508). In contrast to criminalized public spaces, shelters are portrayed as examples of *accommodative* and *seclusionary* approaches to homelessness. They are variably rendered as sites of medicalization (Gowan 2010, Lyon-Callo 2008, Mathieu 1993), accommodating social welfare responses of charity (Cloke et al. 2011), industries providing enrichment for their managers (Willse 2015), and warehousing (Hopper 2003: 85) or abeyance (Deverteuil 2006) where homeless people are to be monitored at best and abandoned at worst (Desjarlais 1997, Gounis 1992). Although many of these accounts acknowledge the increasingly punitive approach to homelessness on the streets, they provide little empirical evidence let alone theoretical explanations of how, why, or if the more accommodating developments they are studying within the shelter impact processes of punishment on the streets. In short, both sets of scholars studying the seclusion of homelessness indoors and exclusion of homelessness outdoors have left the dynamics between the welfare policies of shelter and criminal justice polices of the street largely unexamined.

Some exceptions to this divided analysis between the street and shelter include Stacey Murphy's (2009) and Teresa Gowan's (2010) studies of San Francisco's regulation of homelessness at the turn of the millennium. In her study of the City's pioneering "Care not Cash" program that relinquished houseless people's general assistance payments for the provision of shelter or supportive housing in the early 2000's, Murphy describes how the city simultaneously offered a caring hand to some and exerted a punitive fist to others depending on their level of compliance (11). However, her study lacks consideration of if and how the new softer policies in the provision of care mitigated or emboldened the harsher policing practices aimed at visible poverty. Gowan in her ethnographic study of homeless recyclers in San Francisco during the 1990's documents how a number of her research companions viewed medicalized shelters "as intimately connected and mutually dependent. . . and used over and over again to justify police clearances" (2009: 205). She also documents how a decade of welfare and criminal justice policies were rolled out in tandem underlined by a hybridized discourse of "sick" and "sin" talk among city officials that cast the homeless as in need of policing in order to be corralled into shelters for their own good. By adding ethnographic observations within the bureaucratic field and examination of emails and internal agency reports nearly two decades later, this study identifies both the logics and practices linking the city's shelter and policing policies that her research companions surmised and highlights new ways that symbolic denigration of the houseless mediate this relationship.

More recently, Forrest Stuart's study of LA's Skid Row (2016), discusses how the development of a new mega-shelter and a jail-diversion program, re-routing those arrested from jail into shelter, were central to the intensified policing of the neighborhood's "Safe Cities Initiative." According to Stuart, the new shelter and its policies gave rise to a form of "therapeutic policing," that "operates as a form of outreach social work that aims to transform and reintegrate residents as productive, self-governing citizens" (2016: 15). Stuart claims that under this new paradigm, punitive measures such as citation, arrest, and incarceration shifted

from serving punitive *ends* in and of themselves*,* to *means* working towards therapeutic ends (2016:15). The San Francisco case presented here offers an alternative analysis: that shelters are not simply welfare *ends* in and of themselves, but rather essential *means* towards increasing police repression.[xxxi]

Finally, untangling the relations between care/punishment and street/shelter also requires acknowledging the forms of symbolic domination wielded in the process of policing social marginality. Essential to legitimating measures that wield shelter as a tool for criminalization is the state's role in constructing physical, social, and symbolic differentiation between the deserving poor who "chose" to comply with shelter and the undeserving poor who "chose" to remain on the street." To explain how the state constructs its homeless subjects as "shelter resistant" I turn to Wacquant's (2008) concept of *territorial stigmatization* captures how the blemish of place impacts residents of disparaged districts.[xxxii] Bringing this concept to bear on the case of homelessness, the article elaborates how city officials use the physical spaces of shelter and street to demarcate the deserving and underserving in social space and symbolic space as either responsibly compliant or grudgingly resistant to shelter. While this article makes the case that the symbolic domination waged through the stigma of the "shelter resistant" is key to mobilizing the enforcement criminalizing visible poverty, it also contends through its empirical exegesis, that the stigma is primarily a farce – premised on false assumptions, public ignorance, and deception of city officials.

Methods

To examine the dynamic relationship between street and shelter, I draw on ethnographic observations, administrative data, and two surveys that examines homelessness in both public spaces and shelters in the city of San Francisco. The study was carried out between the fall of 2014 – spring of 2020. On the one hand I completed an ethnography of the field of homeless management that encompasses agencies and organizations involved in regulating homelessness. This includes observations from ride-alongs with police officers addressing homelessness, public health workers on street outreach, and sanitation workers clearing encampments; sitting in office hours with shelter social workers; and working at the Mayor's Office of Homelessness. It also draws on observations from community associations, including two years working as an organizer in the city's homeless advocacy group and participating in over 100 public forums including district police meetings, homeowner and merchant association meetings, and hearings at city hall.

These observations from above are paired with an enactive ethnography from below (Wacquant 2015). Over the course of a year, nine full months were spent immersed living on the streets, in the shelters, and daily/weekly "welfare hotels" alongside those experiencing homelessness.[xxxiii] This entailed spending 57 nights sleeping out on sidewalks, in parks, and beneath underpasses; 96 nights among hundreds of other men in shelters; and 76 nights in daily or weekly hotels with the marginally housed or more often people just taking a break from the street. I also followed those entering into, living within, and being evicted from homeless housing programs that I couldn't ethically reside in, which was also the case for the new models of shelter at the center of this article.

Together these methods offer a uniquely relational approach to the dynamics between street and shelter that studies "fields rather than places, boundaries rather than bounded groups, processes rather than processed people" (Desmond 2014: 547). This approach is useful in addressing the three key elements highlighted in this special issue. First, by taking on

observations along the opposing perspectives of homeless individuals and the bureaucrats who manage them it triangulates the *structural and individual* factors that compel or repel individuals experiencing homelessness between street and shelter. Second, the observations across the interrelated institutions of street and shelter allowed me to trace the *trajectories of homelessness*. In contrast to the frequently fixed notion of "sheltered" and "unsheltered" homeless captured in government statistics, journalistic depictions, and the popular imagination most of the research companions moved into and out of the shelter and the street across my years of fieldwork with significant consequence, a finding reaffirmed in a community-based survey carried out during the fieldwork (Herring et. al 2020).[xxxiv]

Third, and most central to this article, was that my multiple positions across the local state provided novel insights into the causes, practices, and consequences of *policies* aimed at homelessness missed in previous studies. Following Wacquant's prescription of the need to "reconnect social policies and penal policies and treat them as two modalities of poverty policy to grasp the new politics of urban marginality" (2009), my ethnography positioned itself across the horizontal dimension of what Bourdieu characterized as the bureaucratic field, from the protective left hand of the state with its welfare operations (social workers, public health officials) on one end, to its repressive right of the state with its penal operations (police officers, court officials, and sanitation teams) on the other.
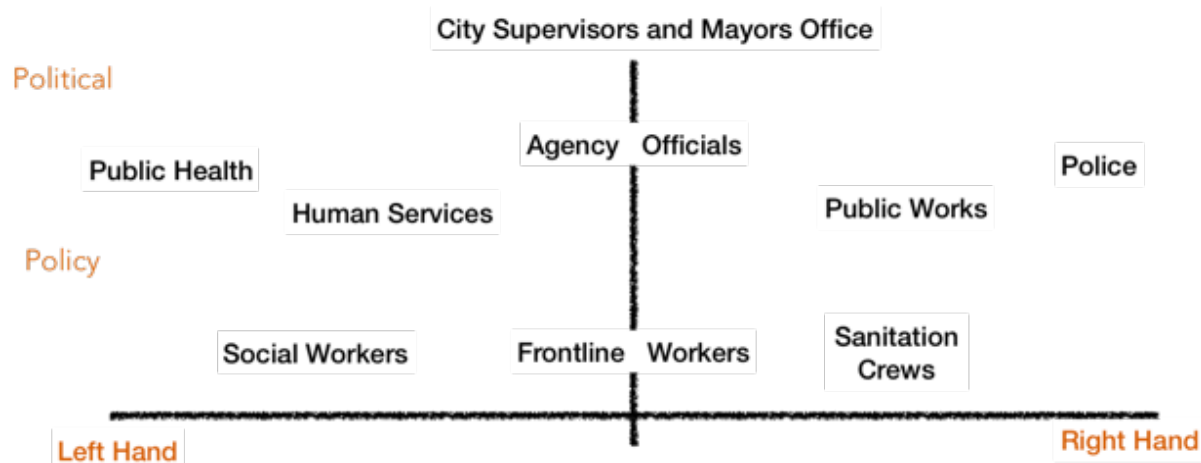
Diagram 1: Ethnographic positions and observations made across the Bureaucratic Field of Homeless Management

My observations also spanned the vertical dimension of this field, focusing not only on the front-line social workers, police patrols, and sanitation workers that feature as protagonists in most ethnographies of street-level bureaucracy (Brodkin 2012, Dubois 2016, Lipsky 1980, Prottas 1979, Watkins-Hayes 2009), but agency officials who managed policy, by attending agency hearings and meetings, and participating in struggles within the political field by both working in the Mayor's Office and as an organizer in the San Francisco Coalition on Homelessness at different times. These varied positions allow me to trace not only the (a) gaps and connections between the rhetoric of politicians, policy on paper, and policy in practice and (b) everyday impacts of law and policy on the indigent, which are both hallmarks of critical

policy ethnography (Dubois 2009), but also enabled me to trace how policy practices in one arena (welfare and shelter) shape policies in another (criminal justice and the street) (see also Lara-Millán 2014, Seim 2017).[xxxv] Furthermore, the paper traces the temporal dynamics of policy evolution that spanned five years over, during which policies of punishment and care, between street and shelter, interacted in dynamic ways that gradually ratcheted up the weaponization of shelter towards punitive ends. The three ways through which shelters became utilized to increase criminalization covered in the empirical sections did not occur simultaneously nor are they merely additive. They are rather dynamic and interrelated, having developed in an evolution of policy development that I was able to track in a stepwise fashion through my multi-year empirical study.

In addition to the ethnographic observations, the paper draws heavily on nine public record acts requests across city agencies that provided thousands of emails of city officials as well as internal memos and reports involving shelters and camp clearances. Scrutinizing these records allowed me both to confirm and challenge "hearsay" and reports I'd heard from officials and those on the streets of agency actions and motives and contextualize the observations made in the field (see Lubet 2018). Lastly, the paper draws on two community-based studies that I supervised in collaboration with other scholars and the San Francisco Coalition on homelessness that surveyed 351 and 584 homeless individuals as well as 43 in-depth interviews and 25 focus groups respectively (2015, 2020).

Case and Setting: Shelter Expansion in the Post Martin vs. Boise Era

Scarcity and Fluidity

The United States has a shortage of 7.2 million affordable homes (NLIHC 2018). Those unable to remain stably housed due to this affordability crisis in turn face a scarcity of available shelter. On any given night in the US there are estimated to be at least 200,000 more unhoused people than available shelter beds (AHAR 2018). In San Francisco, 9,784 people experiencing homelessness were tallied in the city's last single night count in 2018, however the city only has 3,400 available shelter beds (ASR 2019). On a typical day in 2019 there were over 1,200 people on San Francisco's single adult shelter waitlist for a shelter bed. Reaching the top of the list typically takes between one to two months. Once getting a bed the person will have to exit after ninety-days, get back on the list, and wait for another one to two months, even though the average length of homelessness for those in the city is now over one year.

Without a guaranteed bed, one can always wait for a single-night bed, but these involve long waits, typically between four to eight hours, and does not always result in a bed. Even in the cold freezing rain, requests for blankets or chairs are denied by staff who claim that such charity is against protocol. While waiting, I regularly endured and witnessed insults hurled by those biking or driving by, solicitations for sex, and interpersonal conflicts that arise between frustrated clients. Yet even with these arduous waits, not only are the city's shelters full nearly every night, on many evenings over 100 people end up sleeping in chairs after having waited hours for beds that are all taken.

This scarcity structures the subsequent policies discussed in this article and also explains the fluidity of those experiencing homelessness in moving between shelter and the street. In a survey of 316 San Franciscans who were currently experiencing homelessness on the streets or in their vehicles we found that fifteen percent had been sheltered at some point in the last month (Herring et al. 2020a). Nearly forty percent had utilized shelter in the past year and 81% of those

unsheltered had either used or tried to access shelter in the past. In contrast to HUD mandated homeless counts that portray a static perception of sheltered and unsheltered homelessness, the reality is that there is a high rate of churning between street and shelter. While it is unclear how unique this fluidity between street and shelter is compared to other cities, we do know that the situation of shelter scarcity is widespread across US counties, and even worse than San Francisco in most West Coast cities, which finds its sheltered/unsheltered ratio of the unhoused in the mid-range of California counties (AHAR 2018).

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New Models of Shelter

While San Francisco may be a typical case in its scarcity of shelter, it is a strategic case (Merton 1987) in other regards. First, the city has opened up six new shelters between 2015 - 2020, which have become models replicated in more than a dozen US and Canadian cities.[xxxvi] The decade of 2002 – 2012 was marked by shelter ambivalence. More than 200 counties created "10-year plans to end homelessness" that entailed shifting funding away from emergency shelters and investing in permanent supportive housing (Sparks 2017). With the subsequent failure of these plans and with growing numbers of unhoused people in nearly every West Coast city, there has been a resurgence of shelter construction. In San Francisco, two distinct models of shelter have been developed that differ in important ways from those of the previous era.

One new model has been "navigation centers." The first opened during my initial year of fieldwork in 2015. Four more have since opened. As the name suggests, these shelters are not meant to simply provide a short-term bed for those in a temporary crisis as in traditional shelters, but to *navigate*, what policymakers commonly called "the hardest to house," who had long been on the streets into supportive housing. Compared to the existing shelters, residents slept in more spacious dorms with fewer people, were guaranteed a bed in perpetuity without requirement, and were served by with a far lower client to social worker ratio dedicated to moving them into housing. Other perks included free laundry, Wi-Fi, 24-hour showers, high quality food available at all hours, and a private storage unit, which were all lacking in the existing shelters. Furthermore, whereas nearly all of the city's existing shelters were concentrated within the city's Tenderloin and 5th street Districts along with much of the city's other social services and charities for the down and out, in what scholars have described as "social service ghettos" (Wolch and Dear 1994) or "recovery districts" (Fairbanks 2009). Instead, they've been sited within the rapidly gentrifying areas of the city's Dogpatch, Mission, Market Street neighborhoods that host a disproportionate number of homeless encampments.

The other model has been minimalist pop-up shelters. With larger communal sleeping areas often comprised of mats on the floor they look and operate more akin to FEMA emergency shelters that are sprung into commission following disasters. Although some of these shelters have been placed in prosperous areas of the city, most prominently on a pier in the city's Embarcadero home to some of the city's most lucrative residential and commercial real estate near its central Ferry Building, they have also been placed in far-flung industrialized areas. Unlike the well-designed, bungalow-style, architecture of navigation centers that blend into their gentrified surroundings, the pop-up shelters in San Francisco have been sited inside warehouse-like structures on city piers. Programmatically, they are service thin, with even fewer social services available on-site than the city's earlier shelters and provide no paths to housing.

Both of these new models differ from the city's existing homeless shelters in other important ways. They are all temporary with projected lifespans of one to four years. Whereas traditional city shelters prioritized those willing and able to participate in workfare and

rehabilitation, the new shelters hold inverse logics of deservingness and inclusion. Beds are instead strictly reserved for those living on the streets and integrate "low barrier" rule matrices to accommodate their needs and have no programmatic requirements. They both allow people to enter with what providers call the "Three P's": "partners," "property," and "pets," all of which are prohibited in the other gender segregated shelters. The new shelters are open twenty-four hours a day without curfews, while others require residents to exit between 6-7am and return between 7-8pm each day. Finally, unlike traditional shelters that require clients to request a bed and wait, the new shelters recruit through referrals provided directly by city outreach workers and police officers to those residing in public space. As I'll go onto argue, these new developments in enhanced shelter provision are in fact critical components in growing efforts to criminalize homelessness and reshaping the regulation of homelessness in public space.

Image Set 1: (above) San Francisco's navigation centers in stark contrast (below) to the Pier 80 pop-up shelter

Implications of Martin vs. Boise

Another development during my fieldwork that increased the potency of shelter as a tool for criminalization was ironically a ruling by one of the United States' highest courts against the criminalization of homelessness. In 2014 the plaintiff charged the city of Idaho for violating their Eighth Amendment protection against cruel and unusual punishment by outlawing sleeping or camping in public, even while the city failed to offer sufficient shelter. The court ruled in favor of the homeless plaintiff and held that "so long as there is a greater number of homeless individuals in [a jurisdiction] than the number of available beds [in shelters]," the jurisdiction cannot prosecute homeless individuals for "involuntarily sitting, lying, and sleeping in public" (Martin v. City of Boise, 2018). In 2018, the decision was upheld by the Ninth Circuit Court of Appeals in San Francisco. Yet, the ruling is narrow. *Martin* was not a mandate for cities to solve or even improve homelessness, nor does it "allow anyone who wishes to sit, lie, or sleep on the streets . . . at any time and at any place." It simply states that in order for an officer to cite or arrest someone, that the specific individual must first be offered a form of "adequate shelter." As I'll go onto argue, this new legal landscape has had two important implications for shelters. First, police have been granted greater power over shelter resources due to the new legal requirement that shelter must be offered prior to punishment. Second, is that criminalization is increasingly carried out under the guise of public health and sanitation operations, under which shelters play an important supporting role to skirt new limitations and reframe punishment as compassion.

NIMBY Bargains: Police crackdowns in areas with new shelter

As has historically been the case, NIMBY (not in my backyard) opposition to homeless shelters was ever-present for each of the new navigation center shelters opened in San Francisco. However, it was blunted by a number of novel features of the new shelters: temporary lifespans and an investment in pleasing aesthetics soothed fears of falling in property valuations, 24-hour access to prevent clients from congregating outside, and fewer beds lightened the impact of more residents in the area. The new shelters also came with novel guarantees from officials of reductions in tents on the sidewalk within the specific districts the shelters would be placed and extra security and sanitation for the surrounding blocks. For the unhoused residing in each of the districts with new shelters, navigation centers patched up the social safety net for those lucky enough to get inside, but also cast a wider penal net for the far greater number of those who were not invited in.

When the first navigation center in San Francisco's Mission District opened in 2016, there was no explicit strategy of policing tied to the new shelter. Officials won over community support purely on the argument that increased and targeted service provision would result in a reduction of tents on nearby sidewalks. An official of the Mayor's Office of Homelessness explained at one community meeting:

> Your neighborhood has been ground-zero of homeless encampments and has suffered a disproportionate burden of the homeless crisis. We've heard your complaints and understand you're fed up with the encampments, the needles, and the feces. The Navigation Centre is designed to address those concerns, by removing encampments and bringing people indoors where they can get the services they need.

To assure that the navigation center would benefit the Mission neighborhood directly, referrals were almost exclusively limited to those sleeping in public space within the district boundaries.

Through this place-based criterion of eligibility city officials avoided a common point of community resistance: that a new shelter would result in an influx of homeless from other parts of the city. Instead, the navigation center would simply be bringing inside those who were already camping outside within the neighborhood. In the quote above, the official makes the neighborhood's selection to host the city's first navigation center sound more akin to winning a desired public utility rather than being dealt a dumpsite for a citywide negative externality as shelters are often portrayed.

At another community meeting I attended five months earlier, a local merchant expressed worries that the shelter would bring more crime. The police lieutenant at the meeting, one of the most ardent supporters of the new shelter did not respond with guarantees of more policing, but rather expressed his hopes that the shelter would lead to a reduced need for police:

> Look, right now I've got my officers responding to over 5,000 homeless complaints each month. Most of these calls are just for people camping, sleeping, and blocking sidewalks. We are duty-bound to respond to those calls, but they get in the way of us working on real crime. No, we can't promise there will be zero crime around the navigation center, but compared to the situation on the streets now, having twenty four-hour security and a place for people inside, off the streets, and out of your way, sounds a lot better.

Unfortunately, after the first few months it became clear that the navigation center was not resulting in fewer encampments, nor did it reduce the policing of homelessness. Instead the number of camps increased, as did complaints and policing (DEM 2018). This was not due to the shelter's failure of meeting the needs of the unhoused, but rather its success in doing so.

In the first weeks of the navigation center's opening, those I was spending time with on the streets were skeptical. When I asked Amos, an African American man in his early forties who had been living on the streets for the past three years if he'd consider going in he told me, "Every mayor brands their shelter something different – 'multi-service center,' 'winter shelter,' 'transitional shelter,' they're all the same! Folks out here won't take the bait." A few weeks later a different attitude prevailed. Entire camps had entered together in groups as large as fifteen. They reported back that conditions were in fact far more humane than the other city shelters. Most of all, some had already received housing and others would soon. In the following months, I was asked constantly by those living outside how to get in. Although most asking had little or no interest in entering traditional shelters, the promise of superior conditions and eventually housing, unique to the navigation center won over many of the shelter system's harshest critics, including Amos who, eight months after decrying the new shelter, got in and eventually entered supportive housing.

When people asked me how to get in, I told them, "move to the Mission." During the first year after the shelter's opening, I met numerous people who relocated to the neighborhood specifically in hopes of getting a bed at the new shelter, and, more importantly a direct path into housing. Six months after its opening, the new navigation center seemed to have exceeded all expectations of city officials and houseless persons alike in creating an attractive model of shelter that assisted those deemed "chronically homeless" and the most durably "shelter resistant."

At the same time, the new navigation center had done nothing to curb visible homelessness in the district that officials had promised. Homelessness remained steady across the city (ASR 2017), and the calls for homeless complaints reported to 911 increased. In the year

prior to the navigation center's opening police were dispatched on average 6,642 times a month to homeless complaints. In the year after its opening, they were dispatched an average of 7,576 times a month (DEM 2018). Although the media gave glowing coverage to the navigation center with stories of people who had spent 5-10 years on the streets now being navigated into housing, its coverage of the neighborhood's encampments grew increasingly apocalyptic, with titles like "San Francisco's summer of urine and drug-addicted homeless" (Saunders 2015). And despite the positive housing and service outcomes being meticulously tracked by the city's controller's office, the general sentiment was one of false promise and failed policy.[xxxvii] As a merchant on 23rd street put it at community forum on homelessness,

> You told us all last year that if we supported this navigation center, we'd see less people living on our sidewalks. Well it's been a year and everyone in this room can tell you that things aren't any better. We need much more serious action on this issue!

Shortly after, the Mayor's Office coordinated the roll-out of a pilot policing and sanitation initiative that became operationally and politically synced with the new shelter in the district. At the inception of the initiative I was working in the Mayor's Office of homelessness. Attending the weekly "encampment workgroup" meeting with officials from eight city departments it was quickly agreed that rather than an explicit and publicized "zero-tolerance" policing campaign against homelessness, which had occurred just months before in the nearby Haight-Ashbury, that a response should be coordinated and service-led. The initiative was named the "Mission District Outreach Project." At the front of the public-facing initiative was a new camp resolution team of public health outreach workers, which worked with entire camps for weeks leading up to an eviction finding navigation center placements. Referrals no longer would be based on department of public health needs assessments, or the local community health center, but reserved strictly for camp resolutions. Simultaneously an increased number of police officers and sanitation workers were assigned solely to address encampments in the Mission. As the new resolution teams captured front-page headlines and became hailed as a national best-practice model for linking the chronically homeless into shelter, police and sanitation teams doubled-down on their daily sweeps.

The highly publicized resolutions, that overshadowed the intensified sweeps crystalized on one of my ride-alongs with the DPW's "alley crews." The crews were comprised of 8-12 sanitation workers along with a police patrol team dedicated to addressing homeless camps eight hours a day, five days a week. The first 6-hours of the shift that morning, starting just after four am, was spent waking up at least thirty people surviving under tents, tarps, and in cardboard condos, and forcing them to pack up and move along (see Herring 2019). No social workers were on-hand, no offers of services were extended. We then concluded that day's shift at a clearance under the new camp resolution team. A TV news documentary crew filmed the four social workers helping five people camped out on the plaza pack their belongings into trucks to be taken to the navigation center, where all been given spots and accepted offers. As twenty to forty of San Francisco's unhoused got golden tickets into navigation centers each month and captured the media limelight, hundreds of others in the neighborhood faced intensified sweeps incurring citations, move-along orders, and widespread destruction of property in this aid's shadow.

This intensified policing, and sanitation was in large part spurred by the perceived failure of the navigation center's social policy and designed to shore-up support for expanding

navigation centers across the city. It not only had devastating physical, mental, and financial effects on the houseless (see Herring 2019, Herring et al. 2020b), but heightened conflict in the bureaucratic field and inflamed social conflicts among the unhoused. First, conflicts grew between police and social workers. Social workers I followed became increasingly frustrated in losing contact with clients who had been waiting for navigation center beds but had been evicted from the areas by police and sanitation.[xxxviii] Not wanting to be seen as working in complicity with police sweeps, a number of times social workers I was with would avoid and delay outreach in places the police were present. Among the unhoused, old-timers in the neighborhood were frustrated by the number of newcomers who were getting navigation center placements and intensifying police pressure they felt newcomers were bringing. Ben, who I'd come to know months before the center was announced had not only been recycling and living outside in the Mission the past two years, but before becoming homeless, had been renting in the neighborhood for more than a decade complained to me:

> "How am I supposed to get into the navigation center? I know dozens of folks who I'd never seen in this neighborhood get inside and get beds, and I've been here for ages. Now we've got all these new people camping out. They've got no respect for us who've been here before – lots of meth, they make way too much noise, hoarding all sorts of crap– just look at that couple across the street." He points to a disheveled camp that has three bikes in various stages of deconstruction. "They just moved their yesterday. . . Now they're gonna bring the heat on me (police pressure). And I bet they'll get navigation center beds! They love getting in the most fucked up folks out here. I'm just not fucked up enough . . . I think I've moved more in the past two months than I have in the past two years."

As Ben's sentiments reflect, the new shelter was a source of resentment and division between the houseless. There was frustration over the criterion of selection. A frustration compounded by the fact that the new shelters they wanted to enter, but couldn't, resulted in increased policing, which in turn turned every new homeless person on the block into a threat of visibility, complaints, and eventually, eviction. Soon after this conversation, Ben relocated his camp to the Bayview neighborhood. Rather than contributing to ending Ben's homelessness, the reactionary policing that followed the navigation center's opening resulted instead in an eviction from his longtime neighborhood.

Three years after the first navigation center opened, increased policing was no longer a reactionary after-thought to fulfill official's bargain of reducing visible poverty, but instead an upfront condition of the community contract. In 2019, as the city geared up to open its fifth navigation center in the affluent Embarcadero neighborhood where the cheapest condo starts at just over $1 million, organized residents and businesses raised over $176,000 through a grassroots GoFundMe campaign titled "Safer Embarcadero" to purchase legal services in opposition to the shelter. The effort was unsuccessful, but they were nonetheless promised increased sanitation services and four additional officers dedicated to policing the four-block radius surrounding the shelter. Although large factions of the police had become increasingly resistant to using police resources to address homelessness as I'll go onto discuss, the Mayor, Department of Homelessness, and Department of Public Works pushing the new navigation center demanded the policing. I asked the former director of homelessness and mastermind

behind the city's first navigation center whom I'd worked under three years prior about this pairing of policing and shelter. He described the bargain in no uncertain terms:

> I know you'd like to see more services and less policing, but you just can't have both in this case. If you want more navigation centers, that requires political will, and that political will requires you to show people that they work: they see less tents, less poop, they come to realize all their fears about increased crime and drugs was a mistake. You can't be a purist on this one.

Shelter designed for Eviction

The first time I heard about the Pier 80 shelter, the city's first minimalist pop-up shelter, was at an interfaith community meeting where a representative from the Department of Public Health announced plans for a large winter shelter in anticipation of the wet winter forecasted with the El Niño storms. Yet, as winter began the development of a large tent city near the city's center on Division Street precipitated a political emergency. The facility was repurposed. Rather than beds being made available through Department of Public Health referrals, bringing inside those with the highest needs, as initially intended, the shelter became reserved to those residing in the large tent city that had captured national headlines highlighting the city's homeless problem and its official's misgoverning of it.[xxxix]

Image 2: Photo of Division Street Tent City. Photo by the author

The opening of the new shelter met with even more skepticism among those on the streets than the navigation center initially faced. First, was its appearance (See Image Set 1). On a remote city pier inside what had previously served as the hangar for the racing yacht of billionaire Oracle CEO Larry Ellison that had recently won the America's Cup, the city set up a

sprung tent with 150 mats. Surrounded by high fences punctuated with "No Trespassing" signs, diamond razor wire, and a 200-yard distance from the gate to the warehouse entrance led those on the street to refer to it as an "internment," "concentration camp," and "mini-prison."[xl] Second, unlike the service-rich navigation centers designed to provide assistance, officials were explicit that Pier 80 served the purpose of eviction. Police, sanitation, and public health workers who would often give out misleading, wrong, and conflicting information about the new shelter to those on the streets were all clear about one thing, that the city was evicting the camp and people had the choice to either enter Pier 80 or move to a new location.[xli]

The experience of the first twenty who entered on the shelter's soft opening only reinforced the punitive perceptions of Pier 80. Still waiting on the private security contract to go through, the Department of Homelessness placed a Sheriff's officer who, according to one of the Pier's inaugural clients, knew a number of those staying that night on a first-name basis from the jail. Just hours after their arrival the office handcuffed and arrested one client who was caught trying to steal from the storage unit: "I mean they shoved him into the car. the cop was an asshole. it made us all feel unsafe. I left the same day, right after that. Twenty of us got taken in, only three stayed after the first night."

At the Coalition on Homelessness Human Rights Workgroup meetings these reports raised concern. After hearing our outreach team report back's Lisa Marie summed-up many of our initial impressions of the pop-up shelter: "So from what I'm hearing, the city is essentially building a 'jailter' to evict a community of houseless folks and warehouse them on the edge of town that people on the street hate. Yeah. And people think we're a progressive city?" Will, an older workgroup member replied, "Well didn't you read that great story in the Chronicle on the navigation center this week?" the room erupted in laughter. Will's joke expressed the awareness advocates had of the city's Janus-faced policy maneuvers that consistently shined the limelight on successful programs of social aid, many of which the Coalition supported and even fiercely fought for, that threw shadow on its increasing repressive civil and human rights violations the group simultaneously sought to expose, suspend, and abolish.

To help the workgroup form a position on the new shelter, I assembled and trained a team of volunteers to conduct audio-recorded surveys and short interviews with those at Pier 80. Before even getting inside the perimeter fence, a resident exited through the gate. We knew he was a resident from his pink wristband required to be worn by clients at all times. Seeing I had a water bottle, he asked for a sip to swallow his medication, which I gave him. He thanked me profusely, "They don't have running water yet. We're just given a tiny 8 oz. bottle with lunch for the day. Oh man, thank you so much, you just saved me a 15-minute walk to the 7-eleven (the nearest shop)." Sam agreed to take the survey. In contrast to this initial interaction, his assessment of the shelter was glowing and far from the carceral assumptions organizers and others on the streets had made.

Sam, a man in his late thirties was evicted from his apartment he'd called home for more than a decade when the master tenant died four months prior. After trying the city's shelters, he and his partner opted to reside on the streets until entering Pier 80 two weeks before we met. Before asking the first question, Sam emphasized, "I cannot do shelter in this city, but this works." He went onto discuss how the lack of curfew and ability to come and go as you please gave him the ability to go to night classes and study outside the shelter for his program at City college. It allowed his partner, who worked late hours at a karaoke bar to keep her job. They could stay together. The short interviews from this expedition were overwhelmingly positive. When we asked people the final question of whether they thought Coalition should support more

of these shelters, twenty of twenty-four respondents said yes. Despite that the pop-up shelter lacked the raised beds, hot meals, running water, a central location, on-site social workers and various other amenities of the city's shelter system, the autonomy, tolerance, dignified treatment, and what respondents extolled as a "calmer," "safer," "drama-free," "chiller," setting compared to the "prison-mentality," "scary," and "tense" experience at the city's mainline shelters proved paramount.

As with the navigation center, in the following weeks of fieldwork embedded alongside those camping, attitudes towards Pier 80 shifted and people wanted in. Only the sense of an unjust distribution of aid was even more palpably tied to the political motives of camp clearance and banishing those from Division Street than with the early navigation center in the Mission. During the three-week lead-up to the camp eviction I regularly met people who planted themselves at the Division Street camp from across the city in order to intercept outreach workers offering shelter placements. In our limited survey of twenty-four clients at the pop-up shelter, to our surprise, eleven had come from areas outside of the targeted tent city on Division Street. Even those who were already staying in the city's traditional shelter found ways to maneuver into Pier 80, which they saw as an upgrade. One resident of the new shelter we interviewed, an African American man in his late fifties who had been staying at the city's largest shelter beforehand, explained:

> I'd been staying at MSC (a shelter) for years, but they took a group of us there for a one-night stay since some beds were open. I said this is crazy! I mean they should be rewarding us who've been inside the longest, staying out of trouble on the streets. So no, I'm sayin fuck that. When I asked how to get in the staff (at Pier 80) said I needed a HOT team referral and they're only giving them to folks on Division Street. So next day I go down to Division, found HOT team, and they got me back in here the next night.

The man reported that he knew about twenty people from the city's mainline shelter who had done the same. A similar method of catching a referral was also now being used by some seeking to get into the navigation center. Scott, one of my close research companions who I'd already followed through the shelters for nearly two years at the time was working with me and the Coalition monitoring the camp resolution teams, which were placing people in navigation centers. Once pinpointing the date and time of a resolution I suggested Scott to camp out there the night before to get inside, which he did. Scott ended up getting a navigation center bed and three months later was placed in supportive housing, where he still resides at the time of publication of this article.

The public health outreach workers were not simply unaware, or turning a blind eye, to those gaming the system. Many I shadowed were resisting what they also viewed as an unjust policy of shelter distribution. As Lipsky (1980) recognized in his classic work on street-level bureaucracy, frontline workers make policy in exercising discretion, and often do so to preserve their vocational sense of purpose and honor. Even in the initial weeks following the navigation center's opening, I observed social workers and police officers, on both ride-alongs and while residing in camps, tell those on the streets who they felt deserved a spot in the new shelter to move into the Mission to gain access. For social workers, these were most often those with serious physical and mental health needs, a criterion that aligned with their public health mission. For police, it was often the most stubborn and persistent who received the highest numbers of complaints and police dispatches, aligning with their goals of addressing 911 "calls for service."

During the camp resolution captured by the TV documentary team mentioned earlier that placed four people into the navigation center, an officer confided to me, "Three of these people aren't even staying down here. It's more like a meet-up point. HOT team was working with getting them inside for a while."

The diversion of Pier 80 from a shelter to be used at the discretion of HOT to protect the most vulnerable from winter storms to a shelter dedicated to camp cleanup frustrated social workers from the start. Their re-assignment to provide exclusive referrals to those camping on Division Street diverted energies from their already overworked schedules on dedicated caseloads and was seen by many on the team as hijacking their public health mission altogether. Although, the eviction order of the tent city was signed by an MD at the Department of Public Health on grounds of a health abatement, all the officials I was in conversation with at the time agreed that the inspection was pressured, if not directly ordered, by actors in the political field. As one HOT team worker told her colleague: "Did you read the findings of the inspection? There's nothing on Division street that we don't see everywhere – rats, feces, lack of water. . . Plus, like, can you even think of another health abatement order on a homeless camp in the city?" Her partner responded, "They would have found these conditions anywhere. They didn't even ask HOT." As the HOT team members recognized, such inspections never occur because these conditions are widespread, unless specifically ordered by politicians. However, since there was no oversight of the referral process by public health supervisors, or the Mayor's Office, or any other city agency over referrals, HOT team workers ended up using the new shelter, at least to some degree, to their own ends.

Yet, these individual acts of resistance by social workers and the unhoused did not challenge, restructure, or even expose the city policies they mutually abhorred. Instead they merely increased the distrust between the unhoused and the state. Many on the streets saw the social workers' use of discretion to work around the official directive as arbitrary favoritism. The influx of those outside the tent city trying to capture placements inflamed competition. Just as scholars have recognized how the uneven policing creates social divisions and fuels lateral denigration among the unhoused (Gowan 2010, Herring 2019, Stuart 2016), the uneven distribution of shelter and aid similarly hinders solidarity and collective action among the destitute.

On the eve of the scheduled eviction, the camp had dwindled from over two-hundred tents to thirty-eight. A significant reduction, but enough to make the situation still tense between officials, the media, advocates, and remaining people in the camp. However, the eviction that evening was ultimately called off in a bureaucratic stand-off between the Mayor's Office and Department of Public Works versus the police. With fifteen police cars lined up just one-block away from the camp, and ten sanitation trucks awaiting orders on Division Street, the lieutenant commanding the police operation took me aside and told me,

> I don't want to enforce this. But it is the public health department and I get that, I mean this place isn't sanitary. . . Law enforcement has a role to play, but not this. We should be providing workers security, not moving people out, and there are way more people here than we were told would be. I can't send my guys into this. What we really need is to expand pier 80. It's just not going to be big enough.

Similar to the way social workers had felt their position was being misused to resolve a political crisis, the police lieutenant felt the Mayor was leaning too hard on the police to resolve a public

health issue. Shortly after speaking the lieutenant refused to participate and released his unit. The Department of Public Works decided they wouldn't do the sweep without security and called off the sweep.

After the stand-off, most of those remaining self-evicted realizing their days were truly numbered. The final eviction and clean-up occurred three days later, starting in the early morning. Only a small minority of the more than three-hundred people who dwelled on the division street tent city ended up on one of the 180 mats at Pier 80. Instead people scattered, and in the month following, 911 complaints involving homelessness increased sixteen percent from the previous month, which officers I was on ride-along with attributed to the tent city eviction (DEM 2018).[xlii] Yet, despite these outcomes, the Mayor's Office repeated in their talking points that "We always lead with services. The Homeless Outreach Team is working overtime this weekend to make sure people are supported and given the option of shelter as they comply with the vacate order," and that "Everyone on Division Street has been offered shelter. If they don't take it there's nothing we can do, and they have to leave." Six months after the Division Street camp clearance, Pier 80 closed. Without any pathway from the shelter to housing it can be presumed most returned to the streets, while some transferred into time-limited shelters.

Placing shelter in the hands of the police

The third stage of retooling shelters towards serving the punitive ends of enforcing anti-homeless laws in public space occurred three years after the opening of the first navigation center. In July 2018 the US Ninth Circuit Court upheld the Martin vs. Boise decision previously discussed, ruled that police cannot enforce laws prohibiting homelessness in public space unless shelter is available. This created a legal dilemma for the police. How are police able to enforce anti-homeless laws when there is a month-long wait list for shelters and the high demand for referrals into the new navigation shelters? At the same time, due to growing political pressure, the Department of Public Health's Homeless Outreach Team (HOT) was now being pressed to outreach to "resolve" camps at a much faster rate one that greatly exceeded the expansion of shelter.

To overcome these two challenges of regulating homelessness in public space, officials found a fix through regressive policy adjustments to shelters. First, were changes to shelter entry. Although shelter beds had been tied to sanitation and policing efforts in the past, referrals had remained in the hands of the Department of Public Health and their criterion of medical and mental health concerns still shaped many placements. However, to comply with Martin vs. Boise, police officers were now given referral power to shelter beds as well. Citing Martin vs. Boise at a Police Commission meeting (2018), an SFPD commander explained:

> Just to be clear, we are following the ninth circuit court of appeals case where we are making sure that there is a shelter for individual who wants it, prior to enforcement. If a person is in an encampment, they will ask if they want shelter, we don't issue a citation. We connect them with the navigation center. We have a bed waiting for them . . . If we fail to convince them, then, the officer has the option of issuing a citation, seizing the tent, and making a court case out of it.

Second, following the changes to navigation center entry, were changes to shelter conditions. As covered in the previous sections, the new shelters were popular. there was intense competition for a bed, and once in, many wanted to stay until they stabilized or accessed

housing. The desirability of shelter directly contradicted the needs for vacant beds and high turnover required for the enforcement of anti-homeless laws. In the course of two years the new mayors had increased the number of police and sanitation workers dedicated to addressing encampments by more than 100%, while increasing the total number of the city's shelter beds by less than 5%.

To resolve these dilemmas, shelter conditions were strategically degraded. Rather than developing the necessary shelter to resolve encampments, the Department of Homelessness and Department of Human Services simply reduced time-limits and tightened rules to the navigation centers. Whereas the first navigation centers had no time-limits on stays, most navigation center beds had now become limited to thirty-, seven-, and even one-night stays. In 2015, 95 of the original navigation center's 100 beds were set aside to lead clients into housing, by 2018 only 38 of the 349 beds spread out across the cities four centers were designated for "pathways to housing." The other 90% were emergency short-term stays (PRAR 2018a). Ten beds by this time were also set aside for those taking a night or two preparing for subsidized bus trips out of town through the city's homeward bound program.[xliii] No longer aimed at navigating people into permanent supportive housing and resolving homelessness, the city's navigation centers now purportedly functioned as emergency triage centers, aimed at navigating people into other shelters or out of the city with bus tickets.

Yet, there is little evidence that the new shelters are even meeting these far more modest goals. It seems that most now entering the navigation centers are retuning back to the streets, or more often, refusing to enter at all. Although the Department of Homelessness had reported outcomes of shelter exits for the navigation center on a weekly basis in its first two years, it had stopped tracking these exit outcomes altogether during this policy evolution.[xliv] In our most recent survey of 583 currently unhoused San Franciscans 23% (n=153) had reported being in a navigation center at some time, despite only 12% (n=70) reporting to be currently residing in one. As one of my research companions who entered a navigation center with a thirty-day bed after the policy change said, "It's just a pit-stop. You know a break from the street. It gave me a chance to relax and take my mind off taking care of the camp all the time."

However, most beds reserved for police referrals were for only 1- 7-nights. The catch was that in order to enter the shelter you would have to surrender your tent and most of your property, save a backpack. After the one or seven nights you would be without shelter once again. Rather than a break from the street, these extremely short stays were seen by most I knew on the street as a disruption designed to dispossess them of their belongings. Although police do not record rates of shelter denial, data was reported in an internal memo of the Department of Homelessness that found in over a month of camp clearances in a targeted area impacting at least 150 people, only eight accepted a seven-day shelter offer amounting to less than 5% (HSH 2018).[xlv] Instead, policing and street cleaning became aimed increasingly towards reducing the visibility of tents through dispersion and dispossession rather than just moving people along. Police and street cleaners were dispatched to target areas of complaints with six or more tents (an official threshold) relentlessly, and eventually as few as three (PRAR 2018b). The police and sanitation teams were also instructed by the department of homelessness to enforce a strict policy against 're-encampment,' spending millions of dollars setting up boulders, fencing, and police patrols to monitor areas recently cleared (PRAR 2018c).

Shortly after police started using shelter as a threat to take people's property I met with Chanelle and Julie, a couple who I'd been camping near two years earlier in the Division Street encampment and who were both still on the streets where they returned after Pier 80 shut-down.

Chanelle said, "if they say that I'd be like, take me to jail, let's do this." Julie chimed in "one night is a joke. We're just going to be back out the next day, right? At least in jail, there I'd at least have three meals a day and an actual bed instead of a fucking mat." And although I observed police officers attempting to use their policing powers to coax some into shelters in terms of a "therapeutic policing," aimed at rehabilitation as found in Stuart's ethnography of LA's Skid Row, it was never dominant and occurred almost exclusively in the early service-rich days of the navigation center when clients were regularly receiving housing (see also Herring 2019). In contrast, most offers of shelter were understood by officers and the unhoused alike as a mere legal requirement, threat, and tool to move people along or dispossess them of tents and property.

The modifications to shelter entry and conditions, as well as the changes in policing that led to them, occurred within a broader bureaucratic innovation critical to explaining how such regressive policies advanced in a seemingly progressive city rich in social service investment. The surge in officers dedicated to homelessness, aggressive tactics towards property destruction, and new referral powers of police officers all occurred under directives of the city's "Healthy Streets Operation Center," (HSOC) that launched in 2018. In public presentations to the board of supervisors, the local homeless coordinating board, and police commission, HSOC officials portrayed the new inter-departmental initiative as increasing coordination between disparate agencies led by health and human services.[xlvi] As a Department of Public Works official explained at one of these hearings, "The primary objective of HSOC is to ensure unity of effort among City departments addressing homelessness and street behaviors across San Francisco. The Center coordinates and supports efforts to offer services and resources to residents that may be unsheltered or engaged in unhealthy street behavior." The presentation time was primarily filled by agency heads from the departments of public health, homelessness, and sanitation rather than police.

Officials presented the bureaucratic reorganization as a shift in homeless response away from the punitive right-hand of the state to a more caring assistive left-hand. However, internal policy memos and data acquired through public record act requests revealed that the gravity of power shifted in the opposite direction. According to its org chart, an SFPD commander is in charge of the center and "responsible for coordinating the efforts of each of the agencies" (HSOC, 2018e). It was at this time that two social workers I first met on ride-alongs three years earlier quit over the growing destruction of property and policing that they felt they were increasingly complicit in. When I met them during the opening of the first navigation center, they were frustrated at police interfering in their outreach. A year later, during the opening of Pier 80, they felt resources formerly dedicated to their mission had been hijacked by police and sanitation. In the middle of an outreach during the final week before the sweep of Division Street, one of the HOT team workers that later went on to quite asked me:

> Tell me Chris? Who's running this show? Whose tool are we? Are we being used by the police? Or is this Muhammad (the director of public works) using the health department to sweep up his mess? I'm not bringing inside the cases that need the most attention. It's like I'm part of the Mayor's personal clean-up squad. . .

In a parallel shift described earlier, the new shelters had drifted towards a resource utilized for efforts addressing residents and business complaints rather than servicing the needs of those experiencing homelessness.

Image 3: SFPD tweet promoting its "services" and collaboration with sanitation workers under HSOC.

As police commanders took the lead at directing the Healthy Streets Operation Center, newly hired police patrols were assigned to escort Department of Public Work street crews. The result was that complaints made through the city's 311 customer service line requesting street cleanings increasingly included a police response (PRAR 2018d).[xlvii] Although outcomes of placements and services were not included in the center's weekly reports, as they had been for navigation centers in the past, the key metric that became the center's north star was the reduction of large encampments and tents. This metric became a regular talking point of Mayor London Breed who announced just four months after taking office that there had been a 34% reduction in tents since taking office (Mayor's Office 2018). This broader bureaucratic reorganization that increased police's role in managing homelessness on the streets of San Francisco aimed explicitly at the reduction of visible poverty, both weaponized the shelter as a

tool in regulating homelessness in public space, and as I conclude, assisted officials in constructing the figure of the "shelter resistant."

Coda: Constructing the "Service Resistant" and Perpetuating the Cycle of Criminalization

Equally important to reframing policing as efforts of public health and sanitation in order to ramp up the criminalization of homelessness was the portrayal of those residing in public space as "shelter-resistant": refusing offers of shelter by choice. Just as the territorial stigma attached to the "ghetto" invokes stern corrective reactions driven by fright, revulsion, and condemnation, which in turn foster the growth and glorification of the penal wing of the state in order to penalize urban marginality (Wacquant 2008), the spatial taint of homelessness in public space provokes a similar response. Gowan's study of homelessness in San Francisco, similarly highlights how the "the professional lexicon of the rehab industry, with its constant depiction of 'out there' – the street – as ground zero of drug damage" (2010: 263), was central to the marriage of sin-talk and sick-talk casting the homeless as simultaneously criminal *and* in need of therapeutic intervention. This stigma of street homelessness is therefore enhanced by the provision of shelter, when it is presumed as an accessible, orderly, and institutionalized alternative place to which those residing in public space could avail themselves if only they so choose.[xlviii] In turn, the territorial stigmatization applied to the unsheltered in the shadow of shelter becomes a *deeply consequential form of ramifying action through mental and objectal representation* (Bourdieu 1991: 220–221) that is fueled, harnessed, and manipulated by public officials operatesa as a *symbolic lynchpin* legitimizing its criminalization.

Though the legal necessity of having an offer of shelter in order to enforce anti-homeless laws only recently occurred with the *Martin vs. Boise* decision in 2018, the moral and political imperative within the context of a progressive polity to portray the unhoused in public space as primarily the outcome of individual's rejection of the plethora of social services on offer rather than that of a failure of government service-provision long pre-existed this legal decision (see Gowan 2010, Murphy 2009), it has become of increasing importance amidst the backdrop of broader criminal justice reform in the city including the roll-out of jail-diversion programs, community courts, the reform of cash bail, and the election of progressive district attorneys.[xlix] Although I elaborate this process historically and ethnographically elsewhere (Herring forthcoming), it is important to briefly highlight the moments during each phase in the retooling of shelters towards punitive ends documented in this paper that contributed to the public perception that those who remained on the streets amidst this shelter boom were "shelter resistant" and therefore deserving or in need of criminalized treatments.

In the initial months following the opening of the first navigation center I attended a community meeting where the district supervisor told those in attendance. "As you all know we've now got a navigation center in our community. So, if you see someone who needs assistance, who we can work with to get inside call 311 so we can begin that process." At a community police meeting in the district a few months later the captain similarly encouraged those in audience, "You can call 911 and we will address it, but there's not much we can do beyond moving people along. If you call 311 then HOT can help get that person into the navigation center." However, 311 rarely ever result in a response by the HOT team and social workers but are primarily handled through street cleanings and police officers (Herring 2019). Nonetheless these types of statements contributed to the perception that services were readily available and that it was just a matter of connecting people with them.

Leading up to the eviction of the tent city on Division Street, Pier 80 was used time and time again by officials to portray those who remained outside as resisting shelter. Standing

beside the mayor's Director of Homelessness at the encampment, I observed him telling journalists:

> The City has sheltered 120 people from Division over the last two weeks, thanks in a large part to the addition of Pier 80. We have the ability to welcome 50 more people to Pier 80 and another 50 or more into the larger shelter system if people are ready to come in . . . We always lead with services – The Homeless Outreach Team is working overtime this weekend to make sure people are supported and given the option of shelter.

However, the reason those 50 beds weren't filled weren't because people didn't want inside, but because they were not yet available at the time as they were still scaling up the staff and not offering them yet. As uncovered from the ethnographic fieldwork previously discussed, there was in fact intense competition at the time for entry into Pier 80, and although HOT team were working overtime to get people in, they were often not those in tent city. Yet statements like this led to widespread media fallacies, including a leading San Francisco columnist publishing an article title "Homeless saying no to new Pier 80 shelter" (Nevius 2016).

Most recently, after presenting my research to the San Francisco Board of Supervisors in 2019, the SFPD Commander of the Healthy Streets Operation Center when questioned about police protocol justified the confiscation of tents as follows:

> So one scenario, we say to the person, would you like shelter, and they say no, we want to stay here in our tent. We call back in light of the boise, idaho case, the Ninth Circuit case, you cannot enforce the law unless you have a shelter or place for people to go. We call HSOC and say okay, this person is not *service ready*. Do you have something at the nav center? person says I'm not interested in going to shelter or a navigation center, we'll do our best to convince everyone. I'll call back to the nav center and say yes, we do have a person, and here's this person's bed. We will try to convince them, and we will cite them and take their tent in the case of illegal lodging. Again, we're not citing individuals unless there is navigation or shelter available. To your point, supervisor, we have 15 seven-day beds set-aside for the police department and we always have MSC south and other shelters that we can bring people. That's our policy.

In this statement we see the commander referring to those who won't take the seven- or one-night beds as "not service ready."[l] The commander repeated this point months later in response to my research presentation to the San Francisco Police Commission, which resulted in a resolution calling for the ending the practice of police referrals to shelter.[li] Yet the same week as the Commission's resolution, Mayor Breed emphasized in her inaugural address:

"We are no longer accepting that 'compassion' means anything goes on our streets. Yes, many people are sick, and we will offer them help. But if they don't want — or can't — accept services, then we will bring them into treatment."

These statements made by city officials that I observed, and in some cases provoked, not only reflect the folk myth of "shelter-resistance," but actively produced the territorial stigma attached to those residing on the streets as being there either out of madness and a lack of insight of knowing how to care for themselves or of their personal choosing to ignore the city's laws, diverting attention from the government's failure in providing accessible and adequate shelter.[lii] This forms a vicious cycle from which material policies and practices, feed further symbolic denigration of those stuck on the street, that in turn propel new rounds of punitive measures.[liii] This territorial stigma not only legitimates enforcement, justifying the use of 311 and 911 to address homelessness by residents and businesses, but as I discuss elsewhere is essential to the passage of altogether new anti-homeless legislation.

Conclusion: Complaint-Oriented "Services" and the Weaponization of Shelter

Although shelters mitigate the exposure to policing for those who reside within them, they can also stoke the intensity of punishment experienced by those who remain in public space. This article has outlined the evolution of shelter policy that occurred over five years of fieldwork in San Francisco, demonstrating three practices through which shelters became increasingly weaponized against the unhoused in public space. First, police patrols were increased in the blocks surrounding the new shelters to create the illusion of a social policy success in reducing visible poverty and overcome NIMBY resistance. Second, shelters increasingly shifted from addressing the needs of homeless individuals to addressing the needs of residents, businesses, and politicians, as the Pier 80 shelter and subsequent navigation center beds became aimed at legitimating evictions of large encampments of greatest complaint. Third, shelter quality and services were strategically downgraded, and referrals handed to police, in order that officers and sanitation workers could more easily confiscate tents and enforce anti-homeless laws in the wake of the *Martin vs. Boise* rulings.

The article also revealed the impacts this policy transformation had on street level bureaucrats and the unhoused. In the early phase of the shelter's transformation when police were assigned to break up camps around the navigation center, social workers were frustrated at police disrupting their outreach efforts. In the later phase, when social workers were increasingly used to address camp cleanups and referrals shifted from their jurisdiction into the hands of police, they faced further challenges in fulfilling their public health mission. Likewise, nearly all of the police officers I observed and spoke with expressed a similar vocational drift as shelter's were retooled toward criminalization. They too believed social workers *not* police officers should be the first responders to homelessness.

For the unhoused, the initial phase of the shelter's transformation had only a limited impact, as those in the Mission experienced intensified harassment from police and sanitation. However, as the Healthy Streets Operation Center was rolled out citywide and navigation center beds converted to short-term offers designed to dismantle camps, the *pervasive penalty* of move-along orders, citations, and property confiscation that inflict material, physical, and psychological damage on the unhoused increased (see Herring et al. 2020b, Herring 2019). Not only did the conditions for those in public space worsen, the conditions for those utilizing the

shelters also suffered as stays were shortened, services watered-down, and pathways to housing reduced at the expense addressing visible poverty rather than the needs of the unhoused. Whereas those on the streets were flocking to enter the first navigation center and Pier 80 shelter and reported satisfaction with the services received, years later, most no longer found these shelters adequate and refused entering altogether.

While this punitive transformation of shelter was palpable to the unhoused, it went unnoticed in the public eye. By reframing the criminalization of homelessness as initiatives of public health and sanitation, casting those remaining on the streets as "shelter-resistant," and reducing the concentration and number of tents in the most populated areas of the city, officials were largely successful in portraying their policies as effective, even while the numbers of unsheltered homelessness rose significantly (19%) for the first time in over a decade (ASR 2019). However, intimate ethnographic observations working in the halls of power with agency officials and advocates down to the ground level alongside street level-bureaucrats and the unhoused paired with the scrutiny of hundreds of internal agency reports and emails reveals a different story: explaining how new shelters that initially met the needs of the unhoused with unparalleled success increasingly became weaponized against them to serve housed residents, business owners, and politicians looking to erase them from public view.

Theoretical Implications

These findings complicate existing frameworks for understanding poverty governance. In contrast to existing scholarship on policing social marginality that interprets the growing punitiveness towards the unhoused occurring *despite of* or *in parallel to* the growth of shelter, the findings here instead point to their symbiotic relationship, presenting a case through which *increased welfare provision comes to support the intensified punishment of the poor.* Building on previous scholarship on shelters that long recognized the mechanisms of surveillance, control, and punishment working within their confines, this article has added not only an analysis of its role in emboldening punitive efforts outside its walls, but also how *policies of criminal justice in public space reshape access, regulation, and conditions of welfare within shelter*.

In contrast to the models of "therapeutic policing" and "coercive care" found by Stuart in Los Angeles, where policing is conceived to work as sticks pushing the unhoused towards the carrots of shelter for their own good, this case study carries different conclusions. Rather than hardening conditions on the street to push those into shelter, in San Francisco shelters were expanded and their conditions hardened in order to disperse and dispossess the unhoused in public space, rather than contain them indoors. While politicians and agency officials maintained the rhetoric of "therapeutic policing" and "coercive care," by telling the public that policing was necessary so people would accept shelter, and some officers envisioned their role in a social outreach function, the on-the-ground logics, practices, and outcomes largely contradicted these theories of policing marginality. This divergent finding points not only to the need for future studies in different urban contexts to consider how shelter may perpetuate or escalate the criminalization of homelessness, but also the ways institutions of welfare may similarly support institutions of criminal justice in other settings such as the effects of implementing jail diversion programs or various brands of community courts on policing certain populations, expanded mental healthcare provision in clinics and jails on involuntarily conservatorship, or the role of refugee camps on the border policing of migrants.

The article also holds implications for theorizing urban governance. In a previous article (2019) I elaborated a policing approach of *complaint-oriented policing*. In that article I describe

how policing homelessness increasingly became aimed at areas of greatest complaints initiated by 911 and 311 calls, community organizations such as Business Improvement Districts and government agencies beyond the police department, such as those of sanitation and public health. In a similar vein, we may interpret the policy evolution of shelter depicted here as a shift towards *complaint-oriented services*. Although the first navigation center was focused on the needs of unhoused clients and referrals were in the hands of public health outreach workers, over time the new shelters, just as policing efforts, became focused on clearing areas of 311 and 911 complaints. In turn, their administrative metrics of success became tied to reductions in tents and quicker response times to servicing complaints.

By similarly situating shelter within a broader bureaucratic field of urban government we come to see it as a contested resource used by agencies looking to accomplish disparate organizational goals beyond welfare, and politicians seeking political capital through creating distinctive initiatives and reductions in visible poverty. Far from a pre-designed masterplan or top-down agency directive, the policy drift outlined here was instead an outcome of sequential struggles between agency officials and politicians, ultimately bent on addressing the growing demands of residents and businesses in a rapidly gentrifying city to deal with homelessness. However, due to the fiscal cost and political challenges of resolving homelessness through social services, and the legal mandate and relative resources investment existing within the criminal justice system, the police yet again became the dominant "service providers" of last resort.

The practice of using shelter as a tool of criminalization is not unique to San Francisco, nor entirely new. In Gowan's study of homelessness in San Francisco in the 1990's, her research companions saw that "the existence of the services . . . provided local politicians with vital legitimacy for their clearance policies" (2010: 263). However, this article is the first to detail through an in-depth case study the logics and practices behind these methods at a moment when the trend is proliferating across progressive, liberal, and conservative cities alike (see Rankin 2020). Erecting new shelters for the explicit use of clearing out mass encampments, as depicted here in the case of Pier 80, has similarly been used in Orange County, Sacramento, San Diego, Fresno, and Albany, California as well as Dallas, Texas.[liv] To work-around *Martin vs. Boise*, cities including Santa Cruz, Oakland, and Sacramento have granted shelter referral powers to the police, and keep a set number of shelter beds set-aside for the purpose of enforcing anti-homeless laws.

Over this same period, the SFPD commander at the helm of the "Healthy Streets Operation Center" presented the center at conferences around the country as an exemplar of community-based policing. In a similar vein, LA Skid Row's infamously punitive "Safe Cities Initiative" was rebranded "Operation Healthy Streets." More recently, President Trump has floated various plans of using defunct prisons, air force hangars, and other federal facilities as shelters to enact police crackdowns. At the same time, Gavin Newsom's Commission on Homelessness, recently announced that California should establish a right to shelter, explaining "homeless people should have a right to shelter and a legal obligation to use it" (Steinberg 2019).[lv]

Tweet of Police Commander and HSOC Operations Commander David Lazar presenting HSOC at a National Conference

Policy Implications

These findings carry a number of important policy implications, both ameliorative and structural. Most directly, this analysis exposes and puts forward a sociological indictment against the punitive edge of San Francisco's Navigation Centers and Healthy Streets Operation Center, which have been hailed as best practice models by policymakers, service providers, and journalists alike and continue to be replicated in counties across the US. Although many of the low-barrier reforms of navigation centers documented in the earlier part of this article proved significant improvements for the unhoused, they were gradually undermined and eventually co-opted altogether by policing and camp clearances. And while interagency collaboration involving public health and human services agency in camp clearances may sound an improvement from a purely policing effort, if led by police and sanitary crews they may simply hide and in turn exacerbate their intensity. The collective impact of both have been the perpetuation of homelessness, deepening of physical, psychological, and social suffering for the unhoused who remain on the streets and an assault on the professional morale of police officers and social workers alike.

The findings of this article and previous research (Herring 2019, Herring et al. 2020) all suggest that policymakers should expand shelter while rolling-back, rather than rolling-out policing. Sanitation and public health initiatives should utilize metrics that assess outcomes for the health and sanitation of the unhoused such as increased access to trash removal, toilets, and showers, rather than relying on metrics that assess outcomes exclusively for its housed residents and business owners. Advocates should closely monitor changes in policing that follow the increased service provisions that they fight for. Journalists should not simply verify and take officials at their word that shelter is offered to the unhoused during camp clearances, but scrutinize their accessibility, adequacy, and outcomes.

The findings of this research also point to the degree of structural change necessary to halt the rising tide of criminalization aimed at the unhoused. Because the broader research project from which this article is drawn was carried out in tight collaboration with organizers, policymakers, and other scholars I've been able to reflect not only on its policy implications, but also its policy impacts.[lvi] Over the past four years this research has contributed to the San Francisco District Attorney dismissing over 66,000 bench warrants for unpaid citations issued for anti-homeless laws, the end to issuing bench-warrants and suspending drivers licenses for unpaid citations of such violations, the commissioning of a budget legislative analyst's office report assessing the annual costs of these policing practices, a reform of 311 and 911 protocols of police dispatch, the end to the practice of police offering 1-night beds before ticketing or arresting was ended, and the passage of a resolution for the end of police serving as first responders to homeless complaints by the police commission. Nonetheless, despite these policy changes that have blunted the intensity of punishment towards the unhoused, the criminalization of homelessness has persisted and even increased over the past five years in San Francisco. The implications of these policy impacts points to the limits of reform and the need of abolishing the policing of homelessness in public space altogether.

At the same time, the need for police to address unsheltered homelessness in the first place is primarily a function of the lack of affordable housing. After all, what ultimately undermined the successful scaling-up of navigation centers across the city was the lack of affordable housing to move its clients into, which outpaced the concurrent expansion of sanitation workers and police patrols dedicated to clear encampments. Without the expansion of deeply affordable housing or the abolition of criminalizing homelessness, police will continue their role as service providers of last resort, and shelters, even those designed and supported by providers and advocates such as San Francisco's navigation centers, will remain at risk of becoming tools of forced confinement and purveyors of exclusionary policing in public space..

4.

Pervasive Penality: How the Criminalization of Homelessness Perpetuates Poverty

With Dilara Yarbrough, and Lisa Marie-Alatorre

In response to the explosive growth of homelessness across the US in the 1980s, and the judicial overturn of Jim Crow, anti-Okie, "ugly," and vagrancy laws that traditionally empowered police to manage the down-and-out, US cities created new policies that restricted a wide variety of behaviors associated with homelessness including panhandling, sleeping in parks, and sitting on sidewalks (Ortiz et al. 2015). Thirty-years later, these laws are spreading at an unprecedented rate in the US and across the globe (see for example Johnsen and Fitzpatrick, 2010, Huey 2007, Meert et al. 2006, von Mahs 2005). Most US cities have municipal codes that punish the life-sustaining behaviors of homeless individuals. The National Law Center on Homelessness and Poverty found that more than half of the 187 cities in its study banned camping and sitting or lying in public, and over two-thirds carried bans on loitering and begging in particular places (NLCHP 2016). Between 2006 and 2016, bans on sitting and lying increased by 52%, city-wide camping bans by 69%, prohibitions on loitering and loafing citywide by 88%, and bans on living in vehicles rose 143%.

Recent statewide studies by legal scholars have shown that most cities have multiple ordinances on the books (Adcock et al. 2016, Fisher et al. 2015, Olson et al. 2015). For instance, California cities have an average of nine anti-homeless laws, while Los Angeles and San Francisco each have 21 and 24 respectively (Fisher et al. 2015). While each law taken on its own may seem limited in its strictures on targeted behaviors, collectively, they effectively criminalize homelessness. As legal scholar Jeremy Waldron presciently wrote over twenty years ago, "what is emerging – and it is not just a matter of fantasy – is a state of affairs in which a million or more citizens have no place to perform elementary human activities like urinating, washing, sleeping, cooking, eating and standing around" (1991: 301).

What are the impacts of these laws on homelessness and the reproduction of poverty more generally? While social scientists have devoted considerable attention to the politicization of a social problem of housing and social services to a law enforcement problem of maintaining order (Dear and Wolch 1994, Smith 1996, Mitchell, 1997, 2001, Vitale 2008), far less attention has been given to the ramifications and impact of this transformation on homeless people. Among the first to empirically assess the effect of anti-homeless laws on people experiencing homelessness, this study evaluates some determinants and consequences of their enforcement. When analyzed in isolation such move-along orders and citations may seem inconsequential, but when analyzed as part of a larger process of criminalization, of what we term *pervasive penality*, anti-homeless enforcement proves to have detrimental consequences for wide swaths of the homeless population. Furthermore, our findings expose the mechanisms by which this pervasive penality not only reproduces homelessness, but also widens the racial, gender, and health inequalities among homeless and precariously housed people.

Homelessness and Criminalization

Over the last 40 years, the United States has witnessed a jail and prison boom of colossal proportion. Surging over 500% from merely 380,000 inmates in 1975, US prisons and jails today contain over 2.3 million people behind bars (US Bureau of Justice Statistics, 2015). During this same period, homelessness transformed from a rare experience for a small collection of predominantly single men, to a phenomenon that affects a diverse assortment of over 3 million poor families and individuals in the US each year (NLCHP, 2014). As annual funding for public housing plummeted from $27 billion in 1980 to $10 billion at the decade's end, corrections funding surged from nearly $7 billion to $26.1 billion (Maguire and Pastore 1996), transforming the US prison system into the primary provider of affordable housing and many of its jails into the largest homeless shelters in town (Wacquant 2009).

In the wake of the rise of advanced homelessness and hyperincarceration, social scientists have established various quantitative correlations between incarceration and homelessness. For instance, 23% of homeless people in New York City shelters had spent time in prison or jail in the previous two years (Metraux and Culhane 2006) and 49% of homeless people in a national survey disclosed having spent time in a jail and 18% having spent time in a state penitentiary compared to 5% of the general population (Burt et al. 1999). Looking from inside the jail and prison walls, researchers have found that homelessness was 7.5 to 11.3 times more prevalent among jail inmates than the general population (Greenberg and Rosenheck 2008). In San Francisco, on any given night 10-24% of the jail population identified as homeless at the time of their arrest (ASR, 2013). In sum, there exists an ever-tightening nexus between the criminal justice system and homelessness (see Metraux et al. 2008).

To explain the dynamics behind this penal/homeless nexus scholars have examined the moments of exit and entry in moving from prison or jail into homelessness and vice versa. On the one hand scholars have shown how incarceration produces homelessness. This occurs both directly through restrictions to public housing assistance from the state and private housing on the market due to the mark of a criminal record (Carey 2004, Desmond 2012, Thacher 2008), and indirectly in its barriers to accessing work (Pager 2003) and social services (Hays 2003). We also know that homelessness disproportionately exposes one to incarceration through the concentration of homelessness and services in over-policed inner city neighborhoods, the temptation towards crimes of desperation, and being caught up in what John Irwin (1986) calls "rabble management:" the routine jailing of the disreputable and disaffiliated for minimal offenses in the interests of public order (Gowan 2003, Hopper, 1997, Snow and Anderson 1993).

Yet, while these scholars have traced the criminalization of homelessness as paths between the prison and the street very little is known about the far more frequent contact between homelessness and the criminal justice system through police move-along orders, citations, and confiscation of property that do not immediately result in arrest. Understanding the consequences of quality-of-life policing is especially important considering the proliferation of these laws, of which anti-homeless laws are perhaps the most widespread (NLCHP, 2016). As defined by legal scholars and acknowledged by federal departments including the Department of Housing and Urban Development and Department of Justice, anti-homeless laws include daytime restrictions on standing, sitting, and resting in public spaces, including loitering and "vagrancy"; nighttime restrictions on sleeping, camping, and lodging including in vehicles; begging and panhandling; and food sharing (Fisher et al. 2015).

As several recent studies have revealed, the ubiquitous policing of marginal groups has impacts on the policed beyond incarceration and that are not captured in official statistics of the state (Goffman 2014, Rios 2011, Desmond and Valdez 2012). Most closely related to the

homeless/penal nexus, are recent studies carried out by Beckett and Herbert (2010) on municipal ordinances of banishment in Seattle and Stuart's (2016) study of hyper-policing on LA's Skid Row. Stuart's ethnography of LA's Skid Row shows how marginally housed people reorganize their space and time to avoid any sort of police contact, and how "official citation and arrest numbers gloss over the thousands of instances in which officers detain, interrogate, search, and make demands of inhabitants without activating the formal criminal justice process" (19). Beckett and Herbert similarly examine policing practices of admonishments and citations in public spaces, which leave only a small paper trail and which officials claim are non-punitive civil violations (2011). They find the laws largely ineffective, as most banished subjects did not end up leaving the neighborhoods from which they were excluded. These exclusions also added barriers to accessing work and housing.

However, several questions remain unanswered. How often do the marginally housed experience police interactions, citations, and arrest? How does one's shelter status, that is living on the streets versus residing in a shelter, or a weekly rental hotel, affect the frequency of police interactions and the impact of enforcement? Do the biased policing practices that have been found to exist along lines of race, gender, and mental health in the general population similarly map onto those experiencing homelessness?

Our study on the criminalization of homelessness in San Francisco helps fill in these empirical gaps in studies of the homeless penal/nexus by interrogating the frequency, impact, and linkages of police interaction and citations. At the same time, the study builds an empirical extension to the existing studies of ubiquitous policing that focuses on the explicit role of housing deprivation. The study does this by utilizing a novel community based model of participatory research to gather survey, interview, and municipal data that we argue is not only a more ethical method of inquiry, but provides greater access to and higher quality data than traditional methods and increases the impact of research findings on public policy.

The paper is organized into two parts, over which we develop the concept of *pervasive penality*, a punitive process of policing through move-along orders, citations, and threats of arrest that largely remain hidden from public view and official scrutiny because such enforcement falls short of official booking. In part due to this state-tistical silence, such enforcement has likewise been largely ignored in sociological research. The concept of pervasive penality captures two dimensions of the enforcement process – its scope of reach across a target population, and its depth and lingering impact on marginalized individuals and groups. The first part of the article documents pervasiveness in the sense of frequency and coverage of enforcement, and the second part, the pervasive impacts of such sanctions that extend far beyond the simple act of enforcement itself. Building on the work of scholars who have shown how incarceration exacerbates housing deprivation, this article reveals how the everyday policing of homelessness through citations and move-along orders actually perpetuates both poverty and the "urban disorder" that such enforcements claim to reduce.

Mixed Methods in the Grassroots

This mixed methods research project was designed and conducted in collaboration with the San Francisco Coalition on Homelessness (COH). The COH is a nonprofit advocacy group that organizes homeless people and front-line service providers to create permanent solutions to homelessness, while working to protect and expand the rights of those experiencing it. For years, the COH has observed harmful interactions between police and homeless San Franciscans in their street-outreach organizing. The organization provides "citation defense," instructions about

how to navigate the arduous bureaucratic processes to resolve quality of life citations to hundreds of homeless people each year. The COH also works closely with city officials and other groups for the purpose of policy advocacy in the interest of those experiencing homelessness. This section outlines the study's methodology, while highlighting the analytic advantages gained through the partnership between academics and community organizations.

Survey and Sample

To understand the extent and effects of "quality of life" policing on those experiencing homelessness, thirty volunteer members of the COH conducted surveys with 351 people who had experienced homelessness in the past year throughout San Francisco. Survey proctors were volunteers at the COH, primarily local homeless service providers, homeless, and marginally housed people involved with advocacy. A mandatory 90-minute long Survey Proctor Training covered each question in the survey instrument and equipped proctors with a sample script for introducing the study and asking questions in ways that would not bias responses.

Because of the inherent methodological shortcomings in surveying a hidden population (Dennis 1991, Marpsat and Razafindratsima 2010), we employed a purposive sampling method with the aim of including homeless people from each neighborhood in San Francisco's central city. To choose locations, we drew on the COH's organizational knowledge, honed over years of city-wide outreach, about where sheltered and unsheltered homeless people spend time. Survey proctors focused both on public spaces where homeless people spend time, such as encampments and parks, as well as social service centers including shelters, drop-in centers, and soup kitchens. The strategy of assigning specific locations, times, and dates minimized the risk of duplication and increased the survey's representativeness. This locational assignment assured a sample that was not biased toward frequent users of homeless services or those disconnected from these institutions, a common problem with surveys that rely on shelter users or soup kitchen patrons (see Dennis 1991). Each proctor was instructed to approach those who appeared to be homeless at their assigned location and time. The surveys were completed over two weeks to reduce chances of duplication.

The relative frequencies of homeless people by race, disability, sexual orientation and shelter status in our sample were similar to the relative frequencies reported in the two most recent samples of 1200 homeless people conducted by the city. Our study includes a greater proportion of men than either of San Francisco's two most recent official "homeless count" surveys. This is because the city survey deliberately oversamples users of homeless services, who may be disproportionately women. We made an additional effort to include transgender and gender nonconforming people (N =20), who are disproportionately likely to experience homelessness according to other local and national studies (Grant et al 2011, NTDS 2015), and whose experiences may be underrepresented in the literature.

	Sample	City 2013	City 2011
Shelter Status*			
Sheltered	53%	53%	47%
UnSheltered	47%	47%	53%
Race			
African American	38%	24%	39%
White	34%	29%	35%
Latino/a	15%	26%	12%
Multi-Racial or Other	18%	16%	7%
Asian or Pacific Islander	8%	5%	5%
Gender			
Men	71%	69%	68%
Women	19%	27%	29%
Transgender	9%	3%	3%
Gender Queer or Other	3%	N/A	N/A
Sexual Orientation			
Heterosexual	73%	71%	N/A
Bisexual	13%	16%	N/A
Gay/Lesbian	10%	11%	N/A
Disability			
Physical Disability	35%	N/A	N/A
Mental Disability	43%	N/A	N/A
No Disability	40%	N/A	N/A

Table 1. Survey Sample Demographics Compared to Bi-Annual City Survey
 *Shelter vs Unsheltered statistics are drawn from the city's Point in Time Count. Other
Demographic data are drawn from the city's bi-annual survey of 1,200 homeless people.
* All demographic categories allowed participants to identify with any or as many
categories of race, gender, sexuality as they wished. Therefore, percentages do not always
sum up to 100%, because they are not exclusive.

The strategy of recruiting those who *appeared* to be homeless in high traffic areas might have resulted in a disproportionate number of chronically homeless participants. However, by leaving participation open to those who had been homeless at any point during the past year, we compensated for this common bias in surveys of the homeless and included several precariously housed people who were homeless for shorter periods of time. This is especially important because most people who experience homelessness regain their housing within a year (ASR 2013, AHAR 2016). Of our 351 survey respondents 22 were currently living in a privately rented apartment, 29 at a friend or family member's home, and 68 were currently in an SRO – amounting to fully 33% of the total sample who were currently housed, but had experienced homelessness in the last year.

Reliance on volunteers from the affected community introduces concerns about the presuppositions held by the proctors, most if not all of whom were critical of the criminal justice system's treatment of the unhoused. This potential problem was discussed at length in the training and proctors were given instruction to refrain from tangential discussions and only offer the fixed-response survey questions to participants. At the same time, a community-based model of research mitigated some of the usual challenges of surveying the hypermarginalized in traditional studies. We found that the affiliation of the proctors with the COH improved survey participation and possibly the validity of responses compared to if they had been carried out by a contracted company or city agency: Many respondents wanted to be assured we weren't from the city government or the police, and others wanted to be assured that proctors and the group behind the survey were not profiting from the collection of their data. Furthermore, survey proctors were more comfortable in the settings frequented by homeless people and better able to approach respondents without encountering the kinds of barriers that might emerge with surveyors who have less experience (Mendez-Luck et a. 2011).

Interviews

After discussing the survey data in the COH Human Rights workgroup meetings, we collaboratively designed an interview guide to answer questions that the data had raised about the mechanisms behind the trends discovered. Interviews explored participants' histories of homelessness and experiences with law enforcement, including experiences with displacement from public space, police searches, citations, arrest, and incarceration. Five peer researchers conducted interviews with an additional sample of 43 currently homeless participants who had interacted with law enforcement while homeless or marginally housed. The authors recruited a diverse group of peer researchers who had the life experiences and exceptional listening skills to connect with a wide range of homeless research participants and conduct all of the interviews. Three of the peer researchers were Black, one was Latina and one White. Two of the researchers were transgender and three cisgender; there were two men and three women. All peer researchers were currently or recently homeless: The team included shelter residents, a camper, a supportive housing resident and a resident of a Community Land Trust who until recently was living on the street. Each was charged with recruiting interview participants who were currently homeless and who had interacted with police. For the qualitative portion of the study, the goal was not to recruit a representative sample, but to understand in more depth the effects of criminal justice system contact on a diverse group of homeless people. We believe that our team of diverse peer researchers who have intimate knowledge of housing precarity and policing produced more open and trusting conversations between interviewers and interviewees and more useful follow-up questions than might have otherwise been the case. In addition to completing 8 hours of formal

methodological training, each peer researcher received ongoing data collection support, as one of the authors was available at the COH for five hours each day for the duration of the qualitative phase. Most interviews lasted one hour, and participants received a $20 Safeway gift card.

Municipal Data and Expert Interviews

The second phase of research also involved the examination of data and policy memos from city agencies including the police, recreation and parks, public works, and the court gathered through public records requests. The authors interviewed people involved in the criminal justice system including the SFPD's Lieutenant directing the city's Homeless Outreach Unit, the probations department director of the re-entry unit, a public defender, and legal advocate. To gain access to this municipal data and interviews with officials, we relied on the partnership with the COH. Prior to the study, one of the authors' requests for citation data and interviews with city officials were met with unanswered emails or denials. However, through the connections and influence of the community partner, doors opened to these officials.

While arguments for Participatory Action Research and Community-Based studies on grounds of ethics and broader impact are better known and something we discuss at length elsewhere, this section has highlighted important *analytical advantages* of these methods. We believe our study would lack the methodological rigor, richness of data, and depth of understanding without the collaboration with the COH. We hope this study will encourage more sociologists to consider such partnerships in general, and in particular with highly vulnerable, mobile, and oppressed groups such as those experiencing homelessness where the benefits of access and trust are more important in gathering quality data, and where academic partnerships can cultivate expertise and grant legitimacy to presentations of findings.

Continual Displacement and Mass Citation: The Scope of Pervasive Penality

Those experiencing homelessness spend a significant part of their time trying to find safe places to be and police spend a substantial amount of time forcing them to move. While the police, like the jails, do not record housing status in their daily contacts, 911 call data collected by the Department of Emergency Management gives some sense of scope of the policing of homelessness in the city of San Francisco. In 2015, over 61,000 calls for incidents regarding "homeless complaints," – an official Police Department call category - were dispatched and fielded by officers. While the role of 911 complaints is surprisingly absent in the existing scholarship on policing homelessness, which focuses on either officer discretion (Bittner 1967, Stuart 2016) or top-down policing campaigns directed by mayors and the upper-brass (DeVerteuil et al. 2009, Johnsen and Fitzpatrick 2010, Gowan 2010, Smith 1996, Vitale 2008), according to SFPD captains, sergeants, and officers, caller complaints are far and away the biggest driver of police contact with homeless people. According to both police statements and the Department of Emergency Management data, over 80% of homeless complaints are not resolved through citation or arrest, but by police warnings and requests that homeless people stop engaging in activities that violate the law. Most of the violations police are addressing, including sitting on a sidewalk, sleeping or lodging in public, camping, etc., result in an officer asking the person to move along.

To gauge the effects of policing interactions, our survey asked respondents if they had been forced to move by a city official in the past year and how many forced displacements they experienced. Fully 70% of respondents had been forced to move. Over a third had this happen at least once a month, and 20% on a weekly basis. While homeless people reported a variety of

actors, including sanitation workers, park rangers, and private security guards being involved in their forced removals, police officers were directly involved in 84% of displaced respondents' most recent displacement. Of course, the threat of calling the police was operative in the other situations.

Primary Living Situation	Forced to Move in Past Year	Forced to Move Monthly	Cited in Past Year	5+ Citations in Past Year
Street	88%	45%	85%	38%
Parks	90%	46%	83%	49%
Shelter	61%	21%	57%	19%
Vehicle	80%	20%	69%	2%
SRO	55%	12%	60%	9%

Table 2. Move-Along Orders and Citations by Shelter Status

Not surprisingly, a person's recourse to private space was a primary determinant in the frequency of displacement. However, the current scholarship almost entirely ignores the diversity of sheltered status in relation to criminalization – either focusing solely on those who reside full-time on the street (Gowan, 2010; Johnson and Fitzpatrick, 2010), or ignoring the distinctions altogether (Beckett and Herbert, 2010; Stuart, 2016). Our survey found that nearly 90% of those living on the streets and parks reported being forced to move at least once in the past year, and nearly 50% were evicted from public spaces monthly. Similarly, 80% of those who primarily lived in their vehicles had been forced to move. These rates of policing were significantly higher than those experienced by people who resided primarily in shelters, with friends and family, or in daily/weekly hotels. Even though most shelters are closed during daytime hours in the city of San Francisco as in most US cities, these spaces offered significant protection from the evening and morning patrols. Still, 61% of those who primarily resided in shelters had been forced to move from public space in the past year. One in every five respondents residing in a shelter reported being forced to move monthly. The finding that this enforcement affected the clear majority of the city's homeless across all sheltered and unsheltered statuses, supports the perspective of scholars and judicial cases that argue anti-homeless laws functionally criminalize the status of homelessness (see Foscarinis 1996, Feldman 2006).

Groups already disproportionately likely to be homeless also experienced disproportionate policing once homeless: Black survey participants were more likely to be approached by police (81%), searched (62%) and forced to move (67%), than any other racial group. 85% of respondents with self-reported mental disabilities reported that police approached them in the past year, compared to 74% of respondents overall. Only 19% of those who did not indicate a disability reported being approached ten or more times by police compared to 24% of those who indicated a mental disability. Nationwide and in San Francisco, people of color, gender non-conforming people and people with mental illness experience homelessness at much higher rates than other groups (Culhane et al. 2013). For instance, only 5% of San Francisco's population is Black, while nearly 40% of those homeless at any given time are Black, a degree of

racial disparity found in nearly every US city (Culhane et al. 2013). These groups are also targets of discriminatory policing practices. Our findings therefore highlight the double-burden of housing-precarity and race, disability, and gender – an intersection too often ignored race and gender-neutral analyses of criminalization and extreme poverty (see Potter 2015).

While only 15% of homeless complaints are resolved through citations, like move-along orders, our study found that they affected the majority of participants. According to court data, the SFPD issued over 27,000 quality of life citations during the year of our study. Of these, nearly 14,000 were issued for anti-homeless laws of which 11,920 citations were issued for illegal lodging, blocking the sidewalk, or sleeping and sitting in public. Our survey found that 69% of all respondents had been cited in the past year with 22% receiving more than five citations. As was the case with police contact and move-along orders, those with greater recourse to private spaces during nighttime hours received significantly fewer citations. Nearly 85% of those primarily residing on streets and parks received a citation as opposed to 60% of those residing in shelters, vehicles, or residential hotels and supportive housing. While nearly 50% of those residing in parks and 38% of those living on sidewalks and other public spaces received five or more citations in the past year, only 19% of those in shelters, 9% in residential hotels, and a mere 2% of those residing in vehicles had received regular citations. Just as most of those experiencing homelessness had experienced a move-along order by a police officer, the fact that such a clear majority also experienced citation, and that being unsheltered while homeless is the primary determinant of more frequent citation, demonstrates the degree to which the enforcement of quality of life laws criminalizes the homeless condition.

Disrupting Survival and Perpetuating Homelessness: The Impact of Pervasive Penality

What are the typical outcomes of these interactions and how do they impact the daily lives of homeless individuals? The survey and interview data show that these "civil" infractions are experienced as both materially and subjectively punitive to those experiencing homelessness. Not only is the scope of pervasive penality skewed down the ladder of housing and shelter status among the poor, but so is its depth and lingering impact. The daytime move-along orders to those staying in shelters were experienced as a denial to existing in public, "like a constant pestering that keeps you from ever feeling relaxed or belonging just about anywhere" as one respondent put it. One woman described trying to take a rest on Market Street, San Francisco's main shopping corridor and now home to Uber and Twitter Headquarters:

> I had been staying at the shelter, and I wasn't able to sleep much the night before, so with the shelter closed during the day I'm just looking for a place to rest. I had already been woken up by a security guard at the park. Then, just like an hour later, I'm just sitting out by a building, an officer had walked up asked what I was doing, told him I was resting, he told me I needed to remove myself or he was going to take me to jail. . . I just started crying and he said I was acting like a baby and I should just pick up myself and just move on.

While the caller who complained and responding officer will only witness the single request to move-along, for those receiving such orders, it is often the latest demand in an ongoing series of punitive sanctions received over the month, week, or even the same day. The objectification in the officer's language "to remove myself" "to pick myself up" as if being told to pick up one's trash, or something outside of one's own humanity in the recollection of the interviewee wields a

further stigmatized blow. Together, the cumulative impact of such dehumanizing requests can become a totalizing experience of exile. In this way, those interviewed found these enforcements not only frustrating, but demeaning. Respondents experienced described feeling like "nuisances," "burdens," "trash," "the scourge," "the plague," "dirt," "a black mold you can't get rid of," "pests," and "like we're nothing, zero," from these orders.

The enforcement of anti-homeless laws aimed at those unable to access shelter had even more disruptive effects. Although complaints often emerge from a fear for the safety of person and property from "the homeless threat," homeless interview participants described move-along orders as increasing their vulnerability by exposing them to property loss and personal harm. First, 46% of survey respondents reported having their belongings taken or destroyed by city officials. Several had lost tools, bikes, or computers used for their work, expensive daily medicine for HIV and Hepatitis C, and ID and benefit cards that were key to their survival on the streets. COH staff witnessed a sanitation crew accompanied by highway patrol officers crush a homeless veteran's walker, which he had stored in his tent while he was at a hospital appointment, in a trash compactor. Others lost priceless mementos of their families, including letters and photographs, often the last remaining ones they owned. One woman had her daughter's purple heart destroyed. All of this occurred directly through street cleanings that were the result of enforcing anti-homeless laws. Although the practice has been deemed unconstitutional by some courts (see Foscarinis 1996), if a person is away from their property as an anti-homeless ordinance is being enforced, sanitation workers are given discretion to define what is property and what is trash and dispose of the former.

Many of those interviewed reported experiencing violence and insecurity directly related to a camp eviction. While both men and women residing outside are exposed to much higher levels of violence than the housed, sweeps heightened risk of assault. As one woman who had been forced to move from three campsites in the city's rapidly gentrifying Mission Neighborhood over the past month explained, "it's extremely troubling because many of the other locations, you've never been there. You don't really know, it's either animals, or shady people, homeless people, or even youths especially on the weekends who might get drunk and make some trouble." Another woman explained, "… Some places are actually dangerous…I don't like nothing about sleeping in piss… with all these strange men around. My comfort zone is down by the BART. That's my outside home. It's warm and its where I feel safe… I try to be invisible." Despite her attempts at invisibility she has been cited and arrested for minor infractions multiple times in the Bay Area Rapid Transit station. In effect, she is forced to choose between the threat of contact with police in a well-lit and more public location where she feels safe, and the threat of contact with "strange men" in other locations where police are less likely to find and wake her.

Of the 23 women interviewed, two reported being sexually assaulted immediately following a police move-along order and attributed it to this state action. This is especially significant since there were no questions about sexual assault in the interview schedule. One of the arguments featured in TV ads and public debates in support of a recent citywide camping ban in San Francisco was that women are at a high risk of rape residing in encampments. However, our research found that such bans and enforcement amplify this risk. Both men and women reported increased tensions, fights, and violent attacks transpiring after being forced to relocate. However, trans and gender variant participants most frequently reported feeling "less safe" after city officials forced them to move to a new location. While 30% of survey participants overall reported feeling less safe after being forced to move, 59% of trans and Gender non-conforming

participants felt less safe after they were forced to move. Camp evictions also have unique impacts on people suffering from mental health challenges. A regular sleeping spot gives a modicum of stability and self-regulation, which can sometimes sustain mentally unwell people in the face of adverse conditions (Knowles 2000). And although incarceration for bench warrants that result from unpaid citations can be very short, it can nonetheless result in loss of care, inability to access necessary medications, and can exacerbate mental disabilities (Mcneil et al. 2005). These findings show how pervasive penality deepens poverty differentially along lines of gender and disability.

Without citation or arrest, the move-along order exacts a punishment invisible to policymakers and ignored by scholars. Interview participants described evictions themselves as traumatic, causing stress and heightening interpersonal conflict. What often appears as "street violence" emerging from the internal chaos of camp life is all too often primed and provoked by the subtle state violence enacted through the enforcement of anti-homeless ordinances. This happens first, by disrupting the security and trust established within existing encampments through evictions, and second by forcing people into new territories of strangers surviving without housing. This not only shifts the homeless problem around without ever resolving it as described by Bittner's conception of "containment" (1967) Irwin's "rabble management" (1986) or Gowan's "run-around" (2010), but also deepens deprivation and perpetuates homelessness in a circle of exclusion and seclusion.

When accompanied by citation, the enforcement of anti-homeless laws is even more punishing, primarily because homeless people are unable to pay the fines. Our survey found that only 10% of respondents had paid the fine for their most recent citation. At an average cost of $150 per ticket, this fee made day-to-day survival more challenging and compounded the difficulty of saving enough money to exit shelter or street life. The remaining 90% of respondents who failed to pay confronted a maze of bureaucratic processes and additional penalties.

Figure 1. Citation Process

TICKET ISSUED

10% of respondents
Pay Ticket Avg. $150

22% of respondents
1-30 days
Schedules court date at Courthouse

68% of respondents
Don't Pay
For those who don't pay, fine is increased by $300. Driver's License is suspended, and an Arrest Warrant is issued.

Trial Date Set
Because trials are costly, prosecutors do everything in their power to get defendants to plea no contest and accept services or community services.

15-45 days
Court Arraignment

Fine goes to Collection Agency
Credit is impacted and is difficult to stop harassment of collection agency even if citations are cleared through court in the future.
6% of respondents
1-3 months
62% of respondents

Community Service
For those not eligible for service hours, but cannot pay a fine (usually those in permanent, non-SRO housing) allows a person to work off fines at a rate of $10/hr for approved work or $15/hr if they chose street cleaning. They must also work off an additional $50 in fees to the court and for-profit community service management firm.

Service Hours
If deemed homeless by the judge, citations can be dismissed by spending nights in a shelter, couch surfing at friends' places, eating at soup kitchens, receiving therapy, case management services, or applying for benefits.
14 tickets, $7,000 in fines

Dismissed
If the citation is a first-time offense, the fine will most likely be dismissed.
6% of respondents

Arrested
Those with multiple tickets will be arrested rather than cited. Usually a 4 – 24 hour process of booking and hearing.

Return to Court to turn in proof of Hours
Citation will be cleared
15-45 days

Fails to Return to Court to turn in proof of Hours
Failure to appear results in a bench warrant and increased fine.
15-45 days
15-45 days
22%

Citations Cleared
Without any payment, citations are cleared. Record remains, driver's license is not automatically re-instated, and collection agency is not notified of clearance, leading to ongoing barriers to employment and housing.

As with a growing number of cities in the US, Canada, UK, and Australia, San Francisco provides alternative opportunities to resolve a citation through providing proof of receiving services or completing community service. Twenty-one percent of respondents resolved their most recent citation in this way, however those interviewed described a time-consuming and demeaning process. Most respondents had their case dismissed by proving they were receiving services, which could include eating at a soup kitchen, seeing a social worker, or staying at a shelter. However, this process requires at least two and more often three trips to the courthouse, keeping track of appointments, and keeping paperwork organized. In order to prove they were receiving services, respondents had to get signatures from service providers at organizations where they were already receiving services. Naïve observers (including many police officers) might view this as a way to police homeless people into services. But most of the people who received citations were already accessing homeless services. Not one of the hundreds of survey respondents reported that they had received additional services as an outcome of a citation. Instead, they were subjected to a laborious and time-consuming bureaucratic process with no benefit other than the dismissal of the citation.

The other alternative to payment is community service, which very often is completed by cleaning city streets. Not only do participants have the demeaning task of working at a sub-minimum wage rate, but must work additional time beyond the citation amount to pay the $25 fee charged by the for-profit company that manages the "community service" program and a $25 court fee. While such diversionary programs have been lauded as "post-punitive" modes of responsibilization by neoliberal reformers (Murphy 2008, Peck 2004) as well as steps toward decriminalizing poverty and reducing incarceration by advocates, those interviewed discussed these specific programs as demeaning and exploitative. One interviewee, who had gone through this process once and has since opted to ignore her citations, expressed: "It made me feel like I was a piece on somebody's Monopoly game board."

Therefore, the most common response, in fully 60% of those surveyed, was simply to do nothing about their citations. As our interviews uncovered, most could not afford to pay the fine or navigate the complicated process of getting a citation dismissed. Many were never told such options existed. At the time of this study, after thirty days, the fine increased by $300 and an arrest warrant was issued. After thirty more days, the person's driver's license was suspended by the DMV, the fine was referred to a collections agency, and the court personnel refused to reconsider the case. In sum, this means that most survey respondents had at least $1000 in court debt, a suspended driver's license (for those who had them), spoiled credit ratings, and a bench warrant out for their arrest. These practices are by no means unique to San Francisco but are rather part of a broader nationwide trend of increased fines and the practice of courts using license suspension as a debt collection tool (see LCCR 2016).

Several of those interviewed discussed having thousands and thousands of dollars in debt and sometimes up to a dozen warrants for unpaid fines. Most did not know how to resolve these even if they wanted to. As one interviewee who had come up with some money to resolve her fines and fees explained:

> The court clerk says one thing, 860 Bryant (the jail) tells another. Then they tell me Alliance collection agency has my case and it's out of their hands, and then say it's a twenty-minute wait and I don't even know how much I owe and who I must go pay. It seems like a big circle I can't get out of.

Another elderly man with $4,000 in fines, accumulated from 8 tickets that initially would have amounted to $1,000 from his two-year period being homeless, and a suspended driver's license explained:

> Before I was homeless I never had tickets except for a speeding ticket here or there. Now I'm housed again, but this shit won't leave me. I tried going to these homeless courts, but they tell me that I owe the credit agency now and they can't do nothing. Worse of all is even if I get on some payment plan, the DMV won't reissue my license until the last penny is paid! So how am I supposed to move forward?

License suspension often leads to the loss of work for those who have it, limits job opportunities by prohibiting commutes and may impact those looking for any low-level job: Although campaigns to "ban the box" that requires job applicants to report past convictions have been successful in states like California, many employers still find a way to discriminate and read lack of license as a proxy for a criminal record. Diminished employment opportunities combined with a spoiled credit rating make rental housing further out of reach.

The findings also suggest that many of those unsheltered in San Francisco had an outstanding bench warrant issued for their arrest. While low-level warrants for unpaid fines don't usually show up in criminal background checks done by employers or property managers, in San Francisco and most HUD funded housing in US cities, warrants result in being disqualified for forms of public housing and Section 8 vouchers (Desmond 2012). However, because most of those interviewed were not aware of how many warrants they had or where they were on various housing waiting lists at the time, they would not know if they had been removed from consideration for subsidized housing when their name finally came up after years of waiting.

Together, the threat of a move-along order, a citation, or arrest often caused those living on the streets to avoid contacting the police, even in the face of serious theft or violence. One interviewee described how he felt he could no longer call the police like he used to when he was housed:

> If you are in need, if you need aid, if you are in a strange place, if you are in danger, I'd call for a police officer. Now honestly if I were in danger I wouldn't. I mean even if I did with response time to a camp, why bother? Number two, who am I goin against? is it gonna be someone that knows me or . . . that I'm out of my mind or whatever for whatever reason.

One woman who was sexually assaulted following a forced displacement explained when asked if she reported her assault to the police:

> What's the point? If I called them, they would have made all of us move. Would he (the officer) even believe me? The whole camp of new people would hate me, and what would stop him from getting revenge, it's not like I've got a locked door to hide behind?

Similar to how Desmond and Valdez found that the enforcement of nuisance property ordinances "has the effect of forcing abused women to choose between calling the police on their abusers (only to risk eviction) or staying in their apartments (only to risk more abuse)" (Desmond and

Valdez 2013: 137), people avoided calling the police in the face of abuse or theft for fear of eviction from public space and other punitive sanctions.

Urban (Dis)Order amidst a Shelter and Service Shortage

According to their proponents and the legislative language of the ordinances, anti-homeless laws are designed to promote public order and the health of the housed and unhoused according to their supporters and the legislative language of the ordinances. Our study was focused on understanding the impacts of these laws on the precariously housed, not the efficacy of the laws in accomplishing their stated goals, but we nonetheless found evidence of their failure. When asked where they relocated following their most recent move-along order from city officials, only 9% or respondents reported moving indoors. Of these, some reported moving to drop-in centers that exclusively cater to those living on the streets, but the most common responses were moving to a public library or taking a ride on the bus, indoor public spaces with limited nighttime availability. 91% of respondents on the other hand remained on the streets or in parks, simply moving to a new outdoor location. The primary reaction following a move-along order was to simply move down the street, around the corner, or to walk around return after the police had left – a tactic taken by 64% in their last displacement. Most moved only within a few city blocks, while only 21% of those displaced moved to a public space in a different neighborhood following their most recent move-along order. After analyzing the survey responses, which recorded the neighborhood people had departed and moved to, we found no unidirectional pattern of movement into a single or set of neighborhoods, but rather an even churning between districts. Therefore, even as people are driven from one neighborhood to another, the overall numbers of homeless people in each district remain relatively constant. While the laws may be effective at assisting specific merchants or residents to clear their individual property, these laws are ineffective at removing visible poverty from public spaces on a neighborhood, let alone citywide scale. Instead, anti-homeless laws and enforcement cause the constant circulation of visible poverty as homeless people are displaced from one block or neighborhood to another.

More recently, supporters of anti-homeless laws claim that they are aimed at improving the health, safety, and well-being of those experiencing homelessness. City officials have taken up rhetoric of coercive care (Johnsen and Fitzpatrick 2010) where "officers use the threat of arrest to try to compel individuals to avail themselves of various social services that might alleviate their poverty and/or reduce their dependence on controlled substances" (Stuart 2016). For instance, the San Francisco Police Department's webpage entitled "Interactions with the Homeless Community" describes the police's role being "to locate the homeless wherever they might be and to determine their needs. Outreach Officers work with city agencies, such as the Department of Public Health, The Community Justice Court, the Serial Inebriate Program, the Human Service Agency, and the Department of Public Works to provide targeted services for those in need while addressing quality of life concerns in the communities we serve" (SFPD 2017). Our survey asked homeless individuals whether they had been offered services by police officers in their most recent interaction. Of the 204 respondents who had been displaced by the SFPD in the past year, only 24 reported being offered services, all of which were short-term and palliative; five were referred to the Department of Public Health outreach team, six taken to detox, three given sandwiches made by the local citizens for police group, and ten given a one-night shelter bed.

Several of those interviewed noted that when they were "given" their services, they were often reinforced with punitive practices. As one research participant described, "Yeah, the other week a cop offered me a sandwich. I thought he was being super cool, and then before giving it to me was like 'alright, but if I give you this you got to move out of this spot." While our survey and interview sample method was not able to capture people that may have been successfully connected into services that would end a person's homelessness through police contact because our sample was primarily comprised of the currently homeless, the general lack of services offered to this group suggests that police are not engaged to nearly the same degree of "therapeutic policing" as pronounced on their website. This is not because the police do not wish to connect homeless people with services and shelter, but rather because there are simply not enough resources. San Francisco's shelters consistently have a waiting list of over 1,000 people for a 90-day bed, and each night hundreds of people fall asleep in chairs waiting for a one-night bed. This highlights a gap between policy rhetoric and reality that was similarly uncovered in Stuart's case-study of policing LA's Skid Row (2016).

Discussion

In recent years, quality of life laws and their associated police campaigns have become widespread across US cities. Yet their consequences for the urban poor have remained largely unknown. Taking as our case study the most frequently enforced quality of life ordinances in San Francisco – anti-homeless laws – we generated several findings. Building on the work of scholars that have played a critical role in dismantling the efficacy such policing as a safety-enhancing and crime-reducing policy through empirical analysis (Blasi and Stuart 2008, Harcourt 2009, Wacquant 2009) this paper challenges its efficacy in reducing "public disorder" and its denial of a criminalization of poverty.

First, we found that even in "liberal San Francisco" a clear majority of those who experienced homelessness across the city also experienced criminal justice contact through police move-along orders *and* citations within the past year. Second, this paper identified several mechanisms by which move-along orders and citations collectively worked to dispossess people of their property, produced insurmountable debts, created barriers to accessing services, housing, and jobs, and increased the vulnerability of the unhoused to violence and crime. This suggests that *anti-homeless ordinances play an* instrumental role in contributing to homelessness, rather than reducing it or simply moving it around. Third, the results of our study indicate that pervasive penalty also perpetuates social inequality through the uneven distribution and impact of policing along lines of race, gender and disability. Finally, instead of reducing disorder, we found evidence that quality of life policing produces urban disorder by both accelerating the circulation of bodies and camps around the city and destabilizing the lives of the unhoused.

To assess the representativeness of our case, we reviewed the burgeoning legal scholarship surveying anti-homeless ordinances in 58 other California Cities (Fisher et al. 2014), 76 Colorado cities (Adcock et al. 2016), 72 cities across Washington (Olson et al. 2015), and 69 cities in Oregon (Marek et al. 2017). We found that San Francisco's ordinances resemble those in many other cities and towns in terms of ordinance language, prohibited activities, and punitive sanctions. While our study presents the first citywide survey on the impact of quality-of-life laws on those experiencing homelessness, they align with previous, albeit less representative, community-based surveys on the neighborhood scale in Los Angeles' Skid Row (LA CAN 2010) and in other western state's including Colorado (Robinson 2017), Oregon, California, and Washington (WRAP 2015) that similarly found most of those surveyed faced move-along orders

or citations during their homelessness. Although future research is needed to evaluate the degree to which anti-homeless ordinances in other cities resemble San Francisco's in practice, it is clear many mirror San Francisco's in design. The policing strategies, scope of enforcement, and intensity of punishment may vary in important dimensions across cities, however the mechanisms of deprivation, dispossession, and inequality highlighted in this article should be widely generalizable across the US and likely beyond.

Theoretical Implications

Contemporary theories of social stratification and political sociology argue that the criminal justice system has become a vehicle for passing on disadvantage (Western 2006) and "an instrument for the management of dispossessed and dishonored groups" (Wacquant 2001:95). Our study holds broad implications for our understanding of how housing deprivation contributes to both the reproduction of disadvantage and the social control of the hypermarginalized through the criminal justice system. For one, while most of scholarship considers homelessness an outcome of poverty, this paper elaborates how the criminalization of homelessness deepens poverty, through the dispossession of property by city authorities and the accumulation of fines, fees, and eventually debt. Similarly, while the scholarship is crystal clear that homelessness is an outcome of social inequality and that minority groups are disproportionately likely to experience homelessness, our findings show how the criminalization of homelessness also produces further inequalities. Considering that an estimated 3.5 million US citizens experience homelessness every year (NLCHP 2014), and that 30% of those in poverty have experienced homelessness during their lifetime (Link et al. 1994) these findings suggest that the policing of homelessness has a greater role in reproducing both poverty and inequality than previously acknowledged. By documenting how those deprived of housing bear the brunt of the city's quality-of-life policing, this article contributes to elevating the role of housing precarity to a more prominent place within our theories of modern social inequality and punishment (see Desmond 2012).

Our study also expands the conception of the criminalization of poverty, which is most often defined in terms of the disproportional impact of mass incarceration or traditional policing aimed at arrests (Wakefield and Uggen 2010; for an exception see Desmond and Valdez 2013). Although salient, incarceration is only one form of criminal justice contact in the US and, accordingly, focusing primarily on incarceration may mask the extent to which the criminal justice system produces and perpetuates homelessness and poverty more generally (Turney et al. forthcoming). Elusive to state accounting and absent in the current scholarship connecting criminalization and homelessness (see Metraux et al. 2008) this paper has elaborated a theory of *pervasive penalty* – consistent punitive interactions with state officials that most often do not result in arrest and incarceration, but nonetheless exact both material and psychological harm through the frequency and depth of orders and citations. Even though each quality-of-life ordinance, move-along order, and citation alone may seem inconsequential, collectively, the process of pervasive penalty produces a sequence of criminal justice contact that is more powerful than the sum of its parts and perpetuates homelessness and poverty.

Building on the works of others, who have uncovered hidden consequences of ubiquitous policing (Desmond 2012, Goffman 2014, Rios 2011, Stuart 2016) our research uncovers yet another mechanism through which the lives of the hypermarginalized are hypercriminalized. This pervasive penalty is not faced solely by the homeless, and future research is necessary for understanding its broader impact. With the ascendance of Stop and Frisk policies in poor neighborhoods of color, the recent US Department of Justice discoveries of programs of mass

citations in the cities of Ferguson, Missouri and Baltimore, Maryland and the video footage of Eric Garner's killing by the New York City Police during enforcement of an infraction for selling "loosey" cigarettes, investigations into the subjective and objective impacts of the seemingly mundane punitive sanctions of tickets, fines, and police requests are more crucial than ever to understanding the role of the criminal justice system in reproducing poverty and inequality beyond the prison walls.

5.

Conclusion

The four articles of this dissertation have traced the criminalization of homelessness: from the emergence of anti-homeless legislation in the political field, through enforcement practices wielded by city agencies across the street and shelters, and down to the punitive impacts on the unhoused. This conclusion summarizes the empirical and theoretical contributions of each of the individual articles, considers the broader theoretical linkages interwoven across the articles, and reflects on their collective policy impacts and implications.

Empirical and Theoretical Contributions

The first article, "Therapeutic Penal Populism" revises and extends the concept of "penal populism" in two directions. First, whereas penal populism has been exclusively considered as a force in the realm of legislative and judicial struggles, I assert that it is also a central force in triggering and shaping the enforcement of punitive sanctions by the police and the citizenry. Second, rather than portraying efforts to criminalize homelessness as explicitly punitive zero-tolerance policing aimed at protecting the law-abiding residents and businesses from the scourge of homelessness as under the traditional rubric of penal populism, laws criminalizing poverty and their enforcement have increasingly been portrayed as therapeutic efforts aimed at assisting or fixing the down-and-out themselves. Although both the demands for "services" to clear homelessness from the public and city officials responses frequently drew on discourses that perceived homelessness through the stigmatized lenses of mental illness, drug use, and criminality in need of "tough love" and "law and order," this article has documented the number of ways the public couches their calls for policing in a therapeutic frame and how city officials legitimize their policing of homelessness in therapeutic terms. Furthermore, in contrast to scholarly accounts that attribute the passage of anti-homeless laws and the policing of public space primarily to economic imperatives, this article spotlights the political and populist imperatives behind such measures. Anti-homeless laws and their enforcement do not only serve the function or interests of cleansing public spaces of the down-and-out due to capitalist pressures and interests, as Marxian strands of analysis have clearly shown. These laws and their policing also work as emotive and communicative devices in the Durkheimian sense, where electoral advantage of policy takes precedence over penal effectiveness, feeding off the emotional reactions of the citizenry.

The second article provides one of the first empirical accounts of third-party policing towards the poor, sketching a policing approach to social marginality I call "complaint-oriented policing." This approach contrasts with existing scholarship in terms of its sources, enforcement, and impact. First, the trigger of complaint-oriented policing is not rooted primarily under police command, nor does it hinge significantly on officer discretion. By expanding the lens of analysis beyond the traditional field of crime control and situating the police within a broader bureaucratic field of poverty governance, we see how police interactions are initiated by callers, organizations, and a host of government agencies through third-party policing. Second, use of arrest, which one might expect under aggressive patrol, is rare, and punitive sanctions are not used to push the poor into services, as with therapeutic policing. Instead, enforcement practices of spatial, temporal, and bureaucratic burden shuffling are used to manage homelessness within

public space. Third, this policing results in consistent punitive interactions with state officials that typically do not result in incarceration but nonetheless exact material, psychological, and social suffering.

"Complaint-Oriented Services" demonstrates that although shelters mitigate the exposure to policing for those who reside within them, they also stoke the intensity of punishment experienced by those who remain in public space. First, I found that police patrols were increased in the blocks surrounding the new shelters to create the illusion of a social policy success in reducing visible poverty and overcome NIMBY resistance. Second, shelters increasingly shifted from addressing the needs of homeless individuals to addressing the needs of residents, businesses, and politicians. Third, shelter quality and services were strategically downgraded, and referrals handed to police, in order that officers and sanitation workers could more easily confiscate tents and enforce anti-homeless laws in the wake of the Martin vs. Boise rulings. Not only did the conditions for those in public space worsen, the conditions for those utilizing the shelters also suffered as stays were shortened, services watered-down, and pathways to housing reduced at the expense addressing visible poverty rather than the needs of the unhoused. In contrast to existing scholarship on policing social marginality that interprets the growing punitiveness towards the unhoused occurring despite of or in parallel *to* the growth of shelter, my findings instead point to their symbiotic relationship, presenting a case through which increased welfare provision comes to materially and symbolically support the intensified punishment toward the poor. Building on previous scholarship on shelters that long recognized the mechanisms of surveillance, control, and punishment working within their confines, this article has added not only an analysis of its role in emboldening punitive efforts outside its walls, but also how policies of criminal justice in public space reshape access, regulation, and conditions of welfare within shelter.

The final article, "Pervasive Penality" elaborates the mechanisms through which consistent punitive interactions, including move-along orders, citations and destruction of property systematically limit homeless people's access to services, housing, and jobs, while damaging their health, safety, and well-being. Our findings also suggest that anti-homeless laws and enforcement fail to deliver on their promise of reducing urban disorder, instead creating a spatial churn in which homeless people circulate between neighborhoods and police jurisdictions rather than leaving public space. We argue that these laws and their enforcement, which affected the majority of study participants, constitute a larger process of "pervasive penality" - consistent punitive interactions with state officials that most often do not result in arrest, but nonetheless exact widespread and deep material and psychological harm. This process not only reproduces homelessness, but also deepens racial, gender, and health inequalities among the urban poor. These findings all expand our conception of the criminalization of poverty, which is too often defined in terms of the disproportional impact of mass incarceration or traditional policing aimed at arrests. Although salient, incarceration is only one form of criminal justice contact in the United States and masks the extent to which the criminal justice system produces and perpetuates homelessness and poverty more generally.

Theoretical Linkages

Across the four articles, two analytic links proved necessary to diagnose what amounts to a vicious cycle of criminalization contributing to a broader reproduction and deepening of poverty. First, the articles *relink social welfare and penal policies* in the management of

homelessness, which work jointly to invisibilize problem populations. As sociologist Loïc Wacquant notes, poor relief and penal confinement have largely returned to their original historical mission at the birth of capitalism, colluding "to normalize, supervise and/or neutralize the destitute and disruptive fractions of the postindustrial proletariat" (2009: 288). However, in progressive municipalities such as San Francisco during a time of increased calls for criminal justice reforms, "tough on crime" mantras and explicitly punitive approaches are less politically and culturally sailable. By examining how new welfare policies, practices, and discourses reshape penal ones, and how transformations of policing in turn reshape welfare provisions, each of the dissertation articles exposes different ways that therapeutic discourses and practices have come to cloak or legitimize intensified punishment towards the unhoused.

The first article explained how therapeutic penal populism works as a motivating force in the passage of new anti-homeless laws. A change of the penal code was portrayed as a welfare initiative, branded "Housing not Tents," diverting populist outrage at homeless encampments into criminalization rather than aid. The subsequent articles then explain how such popular presumptions fueled complaint-oriented policing and weaponized shelter to further police public space. However, my ethnographic observations from living on the streets covered in the article "Complaint-oriented policing" paired with the community-based survey featured in the final article "Pervasive Penality" reveal that supposedly therapeutic efforts, and "soft-glove" policing tactics that falling short of arrest are in fact punitive, exacting material, psychological, and social harm. "Complaint-oriented policing" and "complaint-oriented services" end up forming two sides of the same coin in managing the down-and-out. In sum, criminalization and punishment of the unhoused involve state actors of policing and services working in tandem and cannot be rendered outside an analysis that accounts for both transformations within and between the penal *and* welfare state.

Second, the article's *links transformations of criminal justice to those of urban change*, by fusing insights from criminal justice studies with those of urban sociology. The crisis of homelessness that spurred populist calls for anti-homeless laws and literal calls to 911 for homeless complaints, were not driven by increases of homelessness or by internal changes to police protocol, but instead, by urban development and gentrification. Luxury condos and corporate offices for the booming tech sector rose on under-developed land in formerly industrialized areas of the city where the unhoused had long camped out of sight and out of mind of public view—as in the areas featured in Gowan's (2010) and Bourgois and Schonberg's (2009) ethnographies of homeless campers in San Francisco. In 2000 San Francisco only had one Business Improvement District. By 2018 it had sixteen. These Business Improvement Districts, were shown to have played a major role in the criminalization of homelessness across each of the articles, from passage of anti-homeless laws, their enforcement, and the experience of criminalization. This growth in development, BIDs, and the number of commuters, and residents, who were on the whole wealthier and whiter, made homelessness more visible, politicized, and more likely to draw complaints. By analyzing the role of third-party policing of homelessness, the dissertation discloses another mechanism through which gentrification fuels the policing of poverty.

The analysis of how pressures of gentrification manifest in police interactions developed in "Complaint-Oriented Policing" is subsequently expanded in the article "Complaint-Oriented Services." These articles not only document the novel development of homeless shelters within deeply gentrified districts of a city, but also how such development was used to legitimize and mobilize an intensification of policing. Together, the populist-driven delivery of policing and

services amidst rapid gentrification exposes the inherent yet underappreciated tension between the insecurity of the housed and insecurity of the unhoused in the ways "propertied citizenship" (Roy 2003), a rights-based relationship between individual and state premised on one's access to property, is intimately tied to the increasingly popular brand of urban consumer citizenship that envisions the government as corporation, businesses as clients, desirable residents as customers and clients, and the city itself as a product (Brash 2011).

Another theoretical linkage across the articles between urbanization and criminalization are their intersections with race. Because, much of the policing of homelessness is driven by neighborhood complaints, enforcement in gentrified urban zones reflects racist patterns of whites calling police on Blacks. This is in part because African Americans are more likely to experience homelessness. Although 13% of the US population is African American, they represent 20% of those in poverty, and 40% of those who are homeless. In San Francisco, fewer than 5% of its residents are Black, but 36% of its homeless are. As we know from urban and housing scholars, and scholars of racial capitalism, African Americans have historically and continue to be excluded from the housing market in unique ways. In turn, anti-homeless laws disproportionately target African Americans because inequalities in other arenas lead Blacks to a massively higher risk of homelessness. Therefore, the enforcement of anti-homeless laws amidst demographic changes under gentrification between newcomers and the unhoused - the complainers and the targets of complaints – results in yet another form of racialized policing in the American metropolis.

This linkage is especially salient considering the viral media attention during this fieldwork spanning the Movement for Black Lives with the cases of BBQ Becky, Permit Patty, and Cornerstore Caroline in the Bay Area, and the case of Amy Cooper calling the police on a black bird watcher in Central Park. Although such instances have resulted in symbolic bills such as the "CAREN Act" (Caution Against Racially Exploitative Non-Emergencies) and other "#LivingWhileBlack laws, which call for consequences for making racially biased 911 calls illegal in San Francisco and other US counties if a person happens to be black without a home the protections are moot. Finally, research shows that police enforce laws more aggressively against Black people and may use a higher degree of force. Thus, even minor complaints can result in cases of serious violence as they did with the death of Luis Gongora Pat, an unhoused man surviving in the Mission neighborhood who was shot by the SFPD following a 311 complaint during my fieldwork.

Building these theoretical linkages in the analysis of the criminalization of poverty complicates the Foucauldian renderings of disciplinary power undergirding the frameworks of aggressive patrol and therapeutic policing that permeate the scholarship on poverty governance. Complaint-oriented policing does not primarily entail "taming" and "training" the homeless into "docile and productive subjects" (Foucault 1977) by using penal repression to push people into jail, as under the approach of "rabble management" (Bittner 1967; Irwin 1985), or using penal means toward welfare ends to shepherd homeless people into rehabilitative programs, as under "recovery management" (Stuart 2016). Instead, the dissertation documents a range of street-level bureaucrats engaging in burden shuffling across street and shelter, and between agencies, that is less about criminalizing, medicalizing, or socializing the poor than about *neutralizing poverty*: a process of both *invisibilizing poverty* with ambivalent ambitions of rehabilitation, punishment, or aid (Wacquant 2009: 214) and *de-politicizing poverty* so as to be understood as the outcome of personal failings rather than failures of the state and capitalism (Marcuse 1988).

Policy Impacts and Implications

The articles of this dissertation also hold implications for policy and resistance. In contrast to the school of thought in social science that intervention invalidates findings because the researcher becomes implicated in the object under study, I argue that intervention can permit us to make empirical discoveries and test our working theories. Several scholars have shown the analytic insights gained from intervening in the lives of marginalized individuals we're researching with (Bourgois and Schonberg 2009, Desmond 2016, Gowan 2010, Knight 2015); I also contend that there is a need for an interventionist policy ethnography, whereby researchers intervene and interfere with politics and policymaking within their field of inquiry. In contrast to existing conceptions of public sociology (Burawoy 2005, Adam et al. 2009) that largely focus on impact in terms of the distribution of knowledge, or activist scholars who emphasize the moral, ethical, and political imperatives of such efforts (Bevington and Dixon 2005, Piven 2010), each of the articles of the dissertation demonstrate how interventions in the bureaucratic field can produce and uncover hidden or non-existent data (such as convincing city officials to start tracking and collecting data of interest) or test theories of bureaucratic power and interest (such as presenting research to supervisors and officials and observing their response and (non)actions). In this concluding section I consider recent policy developments as well as various interventions I engaged within the judicial, legislative, and bureaucratic arenas along with those of organizers, politicians, and policymakers.

Under the banner of "house keys, not handcuffs," local coalitions on homelessness across the US not only continue to protest evictions of homeless encampments but have increasingly challenged anti-homeless ordinances in the courts, legislatures, and government agencies. The first article spotlighted the critical role of therapeutic penal populism in the passage of anti-homeless laws and incentives of local politicians to use anti-homeless laws for political gain. Therefore, one strategy to resist further criminalization of homelessness is to simply remove this policy option from the menu of local electoral and legislative action. This can be done through judicial challenges that find city policies in violation of people's civil rights. In August of 2015, the US Department of Justice filed a statement of interest on the side of homeless plaintiffs charging the city of Boise with "cruel and unusual punishment" because the city cites and sometimes arrests homeless people who sleep in public space when there are no available shelter beds. This represents the first time the Federal government recognized such enforcement as a violation of the US constitution (DOJ 2015).

The federal decree follows decisions at lower level courts including rulings that prohibiting resting in public spaces was a violation of homeless people's Eighth Amendment right to be free from cruel and unusual punishment, destroying people's tents and property is a violation of Fourth amendment guarantees against unreasonable search and seizures (NLCHP 2017), and that purportedly neutral laws used to criminalize homelessness allow selective enforcement that violates Fourteenth Amendment constitutional guarantees of equal protection (*Martin vs. Boise* 2014).[lvii] The impacts of anti-homeless enforcement's pervasive penality for the unhoused featured throughout the articles provide further empirical support to these conclusions, which have been utilized in class action lawsuits against the City of San Francisco, Seattle, and LA for the destruction of homeless person's property. These judicial challenges are not originating from civil rights attorneys or an activist judiciary, but rather local organizers who are documenting this criminalization day-in and day-out, publicizing its impacts, and advocating for the houseless, to which researchers can help aid.

The relief from criminalization for the unhoused gained in these rulings is unfortunately limited and temporary after lengthy and costly proceedings. The most common result are injunctions on criminalization until cities find workarounds, pay-outs to a lucky few, and at best, changed protocol that provide greater due process. In the article "Complaint-Oriented Services" I document how the *Martin vs. Boise* ruling did not lead to a halting of enforcement or the facilitation of solutions, but instead forged new paths to continuing such enforcement under the guise of sanitation and public health.

Another strategy to effectively nullify local anti-homeless ordinances is through legislative action and, if possible, to move the struggle from the city government to state legislature. As discussed in the dissertation's first article with the case of California's Right to Rest Act, since 2013, coalitions organized through the Western Regional Advocacy Project (WRAP) have asked state legislatures in Oregon, Colorado, and California to pass bills that would make it illegal to cite or arrest those for resting in public spaces when shelter is unavailable. Just as most judicial cases are initiated through local community organizers, so too have these pieces of legislation. In each of these state hearings I have provided policy briefs and in the California case, worked to organize grassroots support and provided expert testimony at the assembly hearing. While no bill has successfully passed, the legislation is increasingly becoming a point of distinction in progressive credentials among left-leaning politicians and political groups, in forcing them to support or oppose a "right to rest" and has squarely shifted the concept of "the criminalization of homelessness" from a social movements slogan into the lexicon of journalists, lawyers, politicians, and policymakers.

As challenges to the criminalization of homelessness moves forward in the judiciary and state houses, struggles at the city level nonetheless remain the most frequent. Local homeless advocates and organizers remain largely on the defensive: publicly scandalizing the most egregious acts of criminalization aimed at the down and out, defending encampments from evictions, providing citation defense, and hosting know your rights trainings. As shown in the article "Complaint-Oriented Policing," the mayor and police command are not as consequential as earlier scholarly accounts suggest. Therefore, resisting the criminalization of homelessness cannot solely take aim at Mayoral administrations or Police Departments, but requires engaging various arenas of the bureaucratic field. For instance, after uncovering the devastating impacts that citations for anti-homeless laws have on the unhoused in San Francisco in our research we successfully ended the issuance of bench warrants and the revocation of driver's licenses to those who failed to pay tickets for anti-homeless offenses by targeting the District Attorney rather than the police. The DA ended up annulling 60,000 existing bench warrants issued for unpaid citations, ended the practice of issuing warrants for unpaid citations and practice of revoking drivers licenses. Recognizing the role of the new 311 app and dispatch led to the Department of Emergency Management to re-design the app menu and filtering of dispatch protocols to reduce complaint volume. These are just two examples of how recognizing the city government or criminal justice "system" not as a single monolithic entity, but rather a space of contention between various bureaucratic agencies (Bourdieu 1994, Wacquant 2009) which opens up opportunities to blunt the punitive treatments of homelessness beyond traditional political channels.

Each of these legal, legislative, and bureaucratic challenges are met with counterarguments by opponents who argue that homelessness remains to some degree a problem of individual's resisting the offers of shelter and services that have been offered by the state who are in need of a punitive push towards more responsible choices. However, as has been shown

across the four articles these services are not only quantitatively and qualitatively inadequate in providing shelter for all but are often imbricated in the penal state apparatus. Scholars and advocates must not only continue to reveal the links between capitalist urban development and the policing of poverty, but also how this process is veiled and legitimated through therapeutic logics and practices, no matter the intent.

The findings of this research also point to the degree of structural change necessary to halt the rising tide of criminalization aimed at the unhoused. Beyond the dismissal of bench warrants and reforms of dispatch protocols, this research has contributed to the commissioning of a budget legislative analyst's office report assessing the annual costs of these policing practices, hearings at the board of supervisors and the police commission, general directives issued by the Police Chief, and the passage of a resolution for the end of police serving as first responders to homeless complaints by the police commission. Nonetheless, despite these policy changes that have blunted the intensity of punishment towards the unhoused, the criminalization of homelessness has persisted and even increased over the past five years in San Francisco. The implications of these policy impacts points to the limits of reform and the need of abolishing the policing of homelessness in public space altogether.

The efforts outlined above, may seem aimed at the pitiful right to stay put on the street (and out of jail) and narrowly framed within the idiom of individual civil and human rights. They are nonetheless essential towards pushing for broader collective economic rights to quality housing, income, and a dignified life. The assertion and politicization of such rights insists that the unhoused and unsheltered are not in such a position simply by a choice of their own, but rather a commodified housing market and meagre welfare state. If local governments were prevented from utilizing police to manage homelessness this could in turn promote other means of regulation and possibly support. The need for police to address unsheltered homelessness in the first place is primarily a function of the lack of affordable housing. After all, what ultimately undermined the successful scaling-up of the new shelters across San Francisco during my fieldwork was the lack of affordable housing to move its clients into. Both shelter and housing placements were outpaced by the expansion of investment in sanitation workers and police patrols dedicated to clear encampments. Without the expansion of deeply affordable housing or the abolition of criminalizing homelessness, police will continue their role as service providers of last resort, and shelters, even those designed and supported by providers and advocates, will remain at risk of becoming tools of forced confinement and purveyors of exclusionary policing in public space.

Notes

1. Therapeutic Penal Populism

[i] See Phillip Smith's "Punishment and Culture" for a reconstructed Durkheimian perspective on contemporary punishment.

[ii] See Sparks 2000, Taylor 1995, Taylor et al. 1996, Girling et al. 2000 on the emotional and common-sense dimensions of Penal Populism.

[iii] In the US context homelessness is particularly charged with associations with criminality and Blackness. 12 percent of the U.S. population is African American, 23 percent of those in poverty are African American, and 41 percent of those counted as homeless are African American (HUD 2017). Researchers have found that homelessness was 7.5 to 11.3 times more prevalent among jail inmates than the general population (Greenberg and Rosenheck 2008).

[iv] Taking on a series of oppositional positions between officials/advocates, houseless/police officers, social workers/sanitation workers, etc. follows Duneier's (2011) call for "ethnographic trials" through "inconvenient sampling," where ethnographers broaden their observations by including the people and perspectives that are *least* convenient for the impressions developed in the initial phases of fieldwork, in the same way a prosecutor might call potentially hostile witnesses to the stand.

[v] In contrast the other articles produced from this research study that focus on interactions between the houseless and agents of the state as well as their individual logics, rationales, and understandings behind such interactions, this article focuses on the public-facing discourses and representation of practices in the criminalization of homelessness. It draws heavily on Gowan's method of an "ethnographic form of discourse analysis" (2010:24). I consider "Therapeutic Policing" less as an actually existing practice, as Stuart (2016) and instead a "grammar of action" deployed by state actors and the citizenry. Rather than treating discourse and practice as essentially different, this method treats speech as action (like the symbolic interactionists), but also understands action as a kind of speech: a vehicle of meaning in its own right.

[vi] See Alex Vitale's book *City of Disorder* which analyzes the simultaneous rise of broken windows policing as a reaction against urban liberalism in New York City. In 1993 as former DA and Republican Rudolph Giuliani came to defeat the Democratic incumbent David Dinkins, the first and only black Mayor of New York City to date who supported a variety of liberal social welfare programs.

[vii] Gowan notes that while Brown energetically pursued clearances, that as the former California speaker known as an advocate for the poor, he seemed "caught between system and sin, between his old discursive comfort zone of civil rights talk and the pro-development realpolitik of his slater years" (2010: 262).

[viii] Many US cities, not only in California, have so many anti-homeless ordinances that they are simply redundant (see Adcock et al. 2016, Fisher et al. 2015, Olson et al. 2015).

[ix] The political distinctions in San Francisco in this era tracked closely between the Democratic Presidential nominees of Hillary Clinton and Bernard Sanders, whereas those supporting the anti-homeless legislation had supported and/or were endorsed by Clinton, and most of those opposed had publicly supported Sanders and/or received Sanders endorsement.

[x] When I shared that I was co-authoring legislation to roll-back the criminalization of homelessness with one city official, they warned me that it may invoke backlash that further increased criminalization. Their cautions proved prescient.

[xi] Homelessness has consistently ranked as the #1 or #2 issue in local political elections in San Francisco over the past decade. In 2002 Gowan notes that it ranked as the top issue in the election. From 2014 – 2019 it ranked as the top issue beating out affordable housing, which ranked number two. However, in national and state election polling the issue does not even register, pointing to the peculiarly localized scalar perception of housing insecurity under US federalism.

[xii] While sexual abuse and assault is a serious issue within encampments, my research with colleagues uncovered that the criminalization of homelessness in fact increases women's sense of insecurity, fear of assault, and risk of sexual abuse (Herring and Yarbrough 2015, Herring et al. 2020).

[xiii] The first 311 system, adopted by Baltimore, Md., in 1996, coincided with a sentiment among government that the public sector can and should be more closely connected with citizens and their needs. It was also initiated as a "safety-valve" to an overwhelmed 911 system, which had been a growing pressure point on politicians for slow police response times.

[xiv] After sharing this research finding with city officials the "well-being check" selection was subsequently dropped from the homeless concerns drop-down menu after which 311 complaints experienced a significant drop.

[xv] These images were pulled as screenshots from my personal iPhone. All 311 app reports are publicly viewable for a number of days, including photographs and locational geocodes, to instill a sense of transparency and accountability. Many of those unhoused who I was spending time with, saw the app as a sort of voyeuristic poverty porn and punitive attack. Within days of the app's release, they deemed it the "snitch app."

[xvi] It's worth noting that such reports of "services denied," which are now frequent on the app, did not emerge as a response on the app until 2018, after the 9th circuit court's ruling on *Martin vs. Boise*, which found that enforcing anti-homeless laws when shelter was unavailable amounted to a violation of person's 8th amendment rights and is a form of cruel and unusual punishment. See also Herring forthcoming and Rankin 2020 on the implications of Martin vs. Boise on enforcing anti-homeless ordinances.

xvii For news coverage of the hearing that pitted my own research against the SFPD see:
https://www.sfexaminer.com/news-columnists/police-stop-offering-one-night-shelter-stays-to-homeless-after-realizing-it-doesnt-work/ and https://missionlocal.org/2019/08/san-francisco-homeless-policy-assailed-as-cruel-ineffective/

xviii San Francisco's Union Square BID has an entire webpage dedicated to highlighting their charitable work towards the unhoused: https://www.visitunionsquaresf.com/about-bid/services/union-square-cares-homeless-services

2. Complaint-Oriented Policing

xix Herbert et al. (2017) present three approaches to policing marginality: aggressive patrol, therapeutic policing, and officer-assisted harm reduction. The harm reduction approach is a nascent model, that comprises extremely small team of officers in early adopting cities and so is not considered in this study.

xx I took various steps to ensure to the best of my ability that I did not take a shelter bed from someone who needed one. While shelters were at full capacity nearly all the time, during the first week of each month there were often free beds due to welfare payouts, during the winter months with shelter expansion one-night beds also became regularly available. Many additional nights I would wait for hours and walk-out if it was apparent someone may not receive a bed.

xxi My main ethical concerns of observations on official ride-alongs were gaining authentic consent and avoiding traumatizing or losing trust among those I had spent time with on the streets, whether as a researcher or an advocate. Although I worried about the coercive incentive of gaining permission in the presence of law enforcement, I was later told by many that they were grateful I was present and felt that I provided a shield from harsher or improper treatment.

xxii The 911 data used in this analysis can be found on my website Chrisherring.org under "Data Sets." Addresses are removed due to privacy restrictions of a Data Use Agreement I signed with the San Francisco Department of Emergency Management.

xxiii I later confirmed the accuracy of the officer's understanding of the radio code with Department of Emergency Management officials. Another benefit of multi-sided ethnography is the ability to fact-check "hearsay" of bureaucrats implementing policies with those supervising and visa-versa (see Lubet 2017).

xxiv This dispatch protocol ended in 2018 when "well-being check" was removed from the 311 app as an option for users. Subsequently 311 homeless complaints decreased as did the portion of police dispatches, which a DPW administrator attributed to be primarily due to this option's removal. This points to the power of technological and bureaucratic classification in the policing of poverty.

xxv Although homelessness ranks as a top 911 call for service, the only training officers received on the issue was a 30-minute overview during their Academy training, which I became a regular instructor at by the end of my fieldwork.

xxvi Our city-wide survey comprised a representative sample of those experiencing homelessness across shelter/street status to match the city's official point-in-time count. Only 50% of those surveyed resided primarily on the streets, as others resided in shelters, vehicles, or hotels. For the sub-population on the street, over 90% had been forced to move from public spaces and 85% received citations, with nearly 40% receiving 5 or more citations in the past year.

xxvii In similar disproportions to San Francisco, 12% of the US population is African American, 23% of those in poverty are African American, and 41% of those counted as homeless are African American (HUD 2017).

3. Complaint-Oriented "Services"

xxviii In a visit just two months prior to Farha's, another UN envoy, Philip Alston, Special Rapporteur on Extreme Poverty visited the city and highlighted the same cruelty. In the statement he released from his visit across the US, Alston's main take-away from his time in San Francisco was where he "witnessed a San Francisco police officer telling a group of homeless people to move on but having no answer when asked where they could move to" (Allston 2018).

xxix In November of 2018, after this year of record investment in homeless services, San Francisco voters passed a ballot proposition to tax its largest corporations to further double its annual budget spent on homelessness with the goal to add 1000 new shelter beds in two years and rapidly expand its supportive housing stock.

xxx Although federal spending targeted on those already homelessness increased, the federal government's housing budget was halved from $77.3 to $30.9 billion over this same period (Goetz 2013).

xxxi This is not to challenge Stuart's assertion that the development of shelters can enable an ideology of "therapeutic policing." Quite the opposite, as this article shows how this conception not only circulates among officers as studied by Stuart, but among agency officials and politicians as well. Rather, it adds an additional line of analysis that may be clearer in the San Francisco case, but I would argue is also evident in Los Angeles and numerous US municipalities.

xxxii*Territorial Stigma* mates Goffman's (1963) view of *stigma* as 'discrediting differentness' flowing from the ordinary gaze of others in face-to-face interaction with Bourdieu's (1991) theory of *symbolic power* as 'performative nomination' by an authority capable of making its representations stick and come true (Wacquant, Slater, and Pereira 2014). To Bourdieu's founding proposition that symbolic power contributes to the 'making and unmaking of groups' by cutting up social space in ways that (de)mobilize putative members, Wacquant adds the

crucial mediation of place as material container, social crossroads, and mental imagery carrying deep emotional valences.

xxxiii I took every step to ensure I did not take a shelter bed from someone who wanted one. While shelters were at full capacity nearly all the time, during the first week of each month there were often free beds due to welfare payouts, during the winter months with shelter expansion one-night beds also became regularly available. Over two years I was able to reside 96 nights in shelter and several more waiting.

xxxiv See "Between Street and Shelter*"* (2019) and "Precarious Housing Fixes" (Forthcoming) where I trace the individual trajectories of my research companions between street, shelter, and housing more intimately whereas this article focuses primarily at tracing the trajectory of bureaucratic power rather than people.

xxxv Taking on a series of oppositional positions between officials/advocates, houseless/police officers, social workers/sanitation workers, etc. follows Duneier's (2011) call for "ethnographic trials" through "inconvenient sampling," where ethnographers broaden their observations by including the people and perspectives that are *least* convenient for the impressions developed in the initial phases of fieldwork, in the same way a prosecutor might call potentially hostile witnesses to the stand.

xxxvi Although San Francisco derived its navigation center model from one by the same name in Philadelphia, far more city officials from around the country visited and consulted San Francisco's before opening their own and refer to San Francisco's success in their talking points with community members and media. This article deals solely with the new shelter models of navigation centers and pop-up shelters, but the expansion of sanctioned camps/tiny home villages and homeless campuses are also two models that have been increasingly adopted since 2010.

xxxvii The numerous reports filed on the navigation center's first year can be found at:

xxxviii I witnessed this from the other side as well. Some of those in camps I resided alongside had been instructed by social workers to stay put so they could eventually be placed into the navigation center were simultaneously forced to relocate by police officers.

xxxix The Division Street tent city was itself a product of a change in penal enforcement towards the homeless, following a pattern of "punitive containment" I identified in the emergence among thirteen durable encampments across the west coast (Herring and Lutz 2016). During the January lead-up to the Bay Area's hosting of the US National Football League's Superbowl, several blocks of the city's downtown were cordoned off to make way for "Superbowl City": a multi-week waterfront festival. The area's homeless were promptly evicted from this prime location and many relocated under a highway underpass on the ironically named Division Street. After I reported this to advocates, we organized and got a substantial amount of press criticizing the city for these actions. This led the to halt the enforcement of anti-homeless laws on Division street, creating a situation of "tolerated seclusion" (Herring 2014), where officials designate a segregated area where the unhouse can reside without punishment, while enforcement prevails

elsewhere. Reaching to an estimated 300 unhoused residents at its peak right as the Super Bowl came to town, the tent city once again captured international headlines shaming the city and its leaders for the extreme poverty in such plain sight. The Division Street tent city was the only mass encampment that emerged during my five years of fieldwork.

[xl] It is ironic that a facility for another sporting mega-event for the wealthy (America's Cup) was recycled to eventually hide and warehouse the unhoused for another (Superbowl L).

[xli] On two separate police ride-along I witnessed (and corrected) officers telling those in camps that they could show up to the Pier 80 shelter and ask for a bed, not realizing they needed a referral. Department of Public Health workers I was on outreach with told some camps that they could store all their belongings at Pier 80 only to have the Department of Public Works who was providing transport to the shelter tell them that they could only take a small portion of their belongings.

[xlii] In February 2016, the month preceding the Division Street eviction, the City received 4,349 complaints, and in March 2016 the number of complaints increased to 5,058, the largest jump in any given month that year.

[xliii] Although there is no evidence that such bus-tickets lead to even short-term housing, in 2016 city officials touted that 78% of exits from the navigation center were into housing even though 54% of those exits were bus tickets (Controller's Office 2016). City officials continue to use the homeward bound exits to increase the proportion of positive exits into housing of their program at the time of publication.

[xliv] In reaction to presentations of research that I gave at both the City Board of Supervisors and Police Commission, requests were made from these bodies to the Department of Homelessness to begin tracking the exits of those leaving the navigation centers. At the time of publication, data remains uncollected.

[xlv] For a broader critique of the Mission Outreach policing effort, which became the prototype for HSOC see a public memo I ghost authored for the Coalition on Homelessness and distributed to city supervisors and the media that created such an uproar that it received a five page rebuttal from the Department of Homelessness (insert links).

[xlvi] I presented research based on the public record act request documents at each of these meetings alongside officials. Videos and transcripts of these proceedings can be found at: (insert links).

[xlvii] In 2019 there was a nearly 30% decrease in 911 dispatches after a change to the mobile 311 app and reform Department of Emergency Management dispatch protocol. Changes that occurred in part from my research on "complaint-oriented policing." Nonetheless, the number of police officers assigned to homelessness doubled and a larger proportion assigned to sanitation details addressing 311 complaints. In this sense "complaint-oriented policing" still remains the dominant policing approach, however is increasingly driven and hidden as efforts of public sanitation and public health.

xlviii Following in the lineage of the "sturdy beggar" enshrined in Statute of Cambridge 1388 used to differentiate between those were capable of working, but chose a life of wandering and begging, and the infirm (handicapped or elderly) poor who had no choice, the characterization of the "service resistant" as undeserving hinges on the assumption of individual choice, and/or the mental "insight" to make such a choice (see also Gong 2017).

xlix The construction of the "service-resistant homeless" plays into a broader politics of *therapeutic penal populism*, which I discuss elsewhere (Herring forthcoming). In contrast to the tough-on-crime, zero-tolerance, victim's rights brands of penal populism (Pratt 2007, Roberts et al. 2002) associated with the bi-partisan drive towards mass incarceration in the past, or current politics of punishment still existing today in conservative cities (Capps 2019), liberal and progressive politicians are today increasingly required to pair and disguise efforts of criminalization with expanded assistance. Doing so reframes displacement, forced confinement, and control over unsheltered people not as criminalization, but as compassion.

l For an extended critique of the Healthy Streets Operation Center see the memo I authored, which was referenced and used to guide the line of questioning by city supervisors and police commissioners at: https://medium.com/@streetsheet/interrogating-san-franciscos-approach-to-street-homelessness-fb6b393df41b

li For a transcript and media coverage of my presentation of research and the Police Commission decision see: (insert links).

lii This construction of the "shelter resistant" among politicians is not new in San Francisco. As Gowan (2010) documents in the 1990's, San Francisco officials had already begun marrying "sin talk" and "sick talk" to "provide local politicians vital legitimacy for their clearance policies" (260). However, whereas Gowan notes that "it was far from clear that shelters would attract enough clients to justify their existence," the findings of this paper show rather that it was not so much that punitive means necessary to push people into shelter driving policy (there was always excessive demand for shelter vs. supply), but rather shelter's being used as means to carry out sweeps.

liii One of the great ironies of the evolution of San Francisco's navigation center was that it was initially designed explicitly to debunk the myth of service resistance in the public's eye, but yet became a key institution in its perpetuation. One evening over drinks at the home of the Mayor's Director of Homelessness I raised concerns over the policy at the time of giving all the city's housing referrals to the navigation center at the time. Yes, the statistics of housing placements for the shelter looked amazing, and would make the mayor look great for his re-election showcasing the success of his new shelter, however the housing placements at the center were not mainly due to the intensive work of social workers (although this was critical), or an expansion of housing, but rather simply taking the housing placements that were distributed across the other shelters onto this single site. The director's responded that this was justified in part by the fact that the folks in the navigation center had been ignored by the traditional system for so long, but also that he wanted to prove to the general public that those on the streets who people are convinced will never move inside are not in fact shelter resistant, if you show them a path to housing, treat them with dignity, and adjust some basic conditions and rules to accommodate their need. Essentially a proof of concept *against* the popular belief of "service resistance."

liv Similar dynamics between camp clearances and the seclusion of the unhoused has occurred through the spread of city sanctioned camping areas and safe parking programs that my previous studies drew attention to (Herring 2014, Herring and Lutz 2016). Since these studies, legal villages, camps, and safe parking programs have like shelters been used in consort with camp clearances elsewhere in cities including Modesto, Oakland, Berkeley, Sacramento, and San Jose, California, and widely expanded in Seattle, Washington.

lv In a column in the *Washington Post* I discuss the bipartisan efforts of criminalizing homelessness, arguing that when it comes to the criminalization of homelessness, most of Trump's policies align with those enacted by California's democratic leadership: https://www.washingtonpost.com/outlook/democrats-hate-trumps-plan-for-homelessness-its-their-plan-too/2019/09/18/b3c31a5c-d98e-11e9-a688-303693fb4b0b_story.html

lvi In contrast to the school of thought in social science that intervention invalidates findings because the researcher becomes implicated in the processes under study, I argue that intervention can permit us to make empirical discoveries and test our working theories. While myself and others have shown the analytic gains from intervening in the lives of marginalized individuals we're researching with (Bourgois and Schonberg 2009, Desmond 2016, Gowan 2010, Knight 2015) I similarly contend that there is a need for an interventionist policy ethnography, whereby researchers intervene, interfere, and formulate policy experiments and reforms within their field of inquiry. In contrast to existing conceptions of public sociology (Burawoy 2005, Adam et al. 2009) that largely focus on impact in terms of the distribution of knowledge, or activist scholars who emphasize the moral, ethical, and political imperatives of such efforts (Bevington and Dixon 2005, Piven 2010, Tarlau 2014), this article demonstrates how interventions in the bureaucratic field can produce and uncover hidden or non-existent data (such as convincing city officials to start tracking and collecting data of interest) or test theories of bureaucratic power and interest (such as presenting research to supervisors and officials and seeing their response or if they do or do not take action).

lvii For an analysis of court decisions and legal arguments on anti-homeless laws see Foscarinis 1996, Mitchell 1998a, 1998b, and Waldron 1991.

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