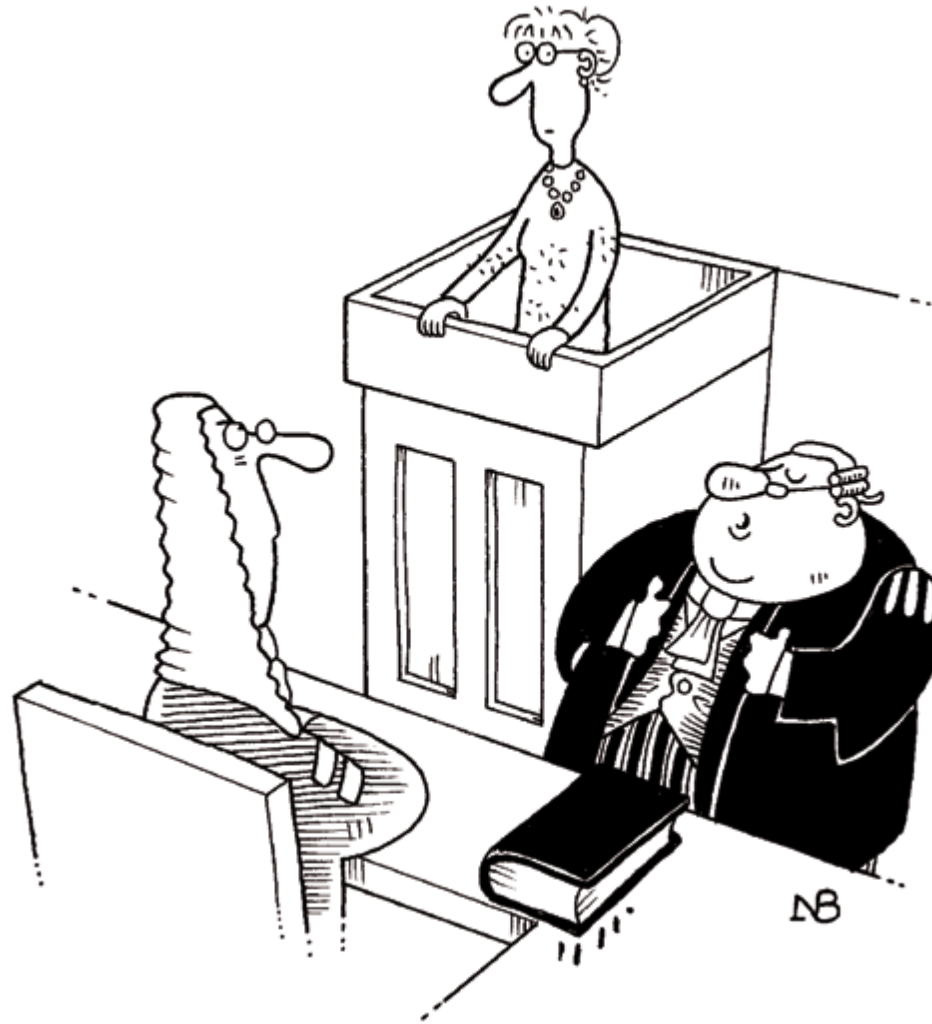


# Law Enforcement and Legal Responses to Street Homelessness in England

*Prof Sarah Johnsen*

Institute for Social Policy, Housing and Equalities Research (I-SPHERE)





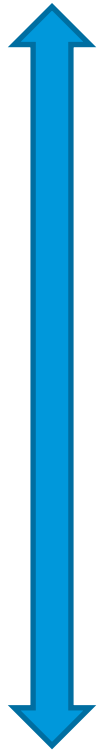
“Found in possession of soup with  
intent to supply, M’Lud”

# Outline

- ‘Place’ of law enforcement in responses to rough sleeping
- Measures employed
- Scale of use
- Impacts
- Rationale for and against
- Conclusion

# ‘Social control’ spectrum

Greater



Lesser

- **Force** – removes possibility of non-compliance (e.g. law enforcement)
- **Coercion** – secures behaviour change via threat of deprivation
- **Influence** – promotes behaviour change via persuasion or nudge (e.g. assertive street outreach)
- **Bargaining** – incentivises behaviour change via promise or exchange of gains or losses (e.g. personalised budget)
- **Tolerance** – no active attempt made to secure behavioural change (e.g. traditional night shelter / soup run)



ANNO QUINTO

GEORGH IV. REGIS.

\*\*\*\*\*


C A P. LXXXIII.

An Act for the Punishment of idle and disorderly  
Persons, and Rogues and Vagabonds, in that  
Part of Great Britain called *England*.

[21st June 1824.]

**W**HEREAS an Act was passed in the Third Year of the  
Reign of His present Majesty, intituled *An Act for conso-* 3 G. 4. c. 40.  
*lidating into One Act and amending the Laws relating to idle*  
*and disorderly Persons, Rogues and Vagabonds, incorrigible Rogues*  
*and other Vagrants in England:* And whereas the said Act was to  
continue in force until the First Day of September One thousand


ESSEX POLICE



## DISPERSAL ORDER NOTICE

South Western Division  
ANTI SOCIAL BEHAVIOUR ACT 2003 PART 4

Authorisation is hereby given to designate the following area under Section 30 of the Anti Social Behaviour Act namely:




South from A127/Uppermayne to Pound Lane, West from Pound Lane to Burnt Mills Road, North from Burnt Mills Road to Eastmayne, Eastmayne to Crane Farm Road, North from Crane Farm Road to Uppermayne, East from Uppermayne and all roads and car parks within.

**Authorisation valid from:**  
Sunday 1st May 2011 to Saturday 1st October 2011

The Map below shows the dispersal area. Any enquiries in relation to this order should be made to Basildon Police Station on 0206 323 44 44

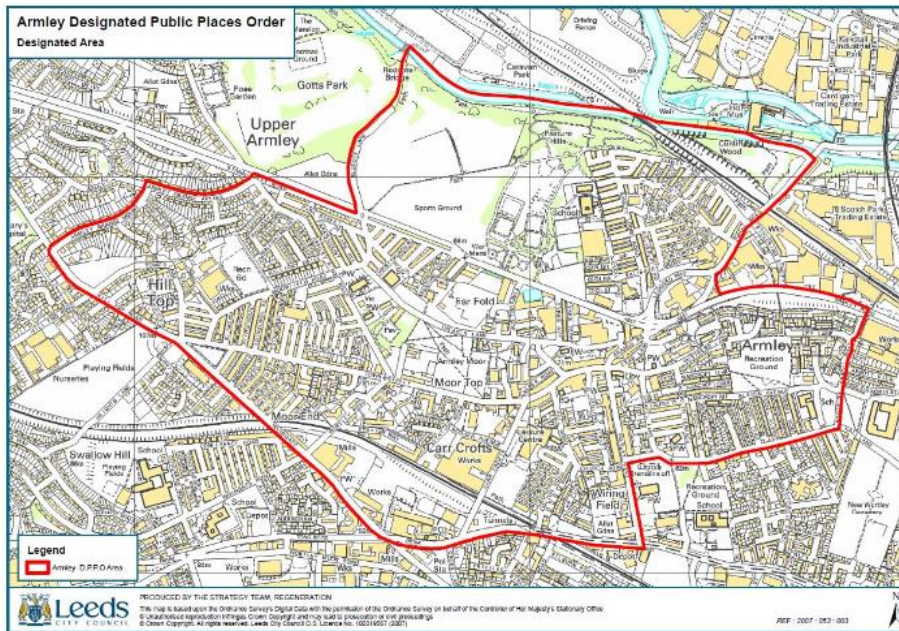
As required by section 30(1) of the Anti Social Behaviour Act 2003, the following notice is hereby given. The notice shall be made to Basildon Police Station on 0206 323 44 44.

www.essex.police.uk



**ASBO**





**EDEN DISTRICT COUNCIL**

**YOU ARE IN A  
DESIGNATED  
PUBLIC PLACE**

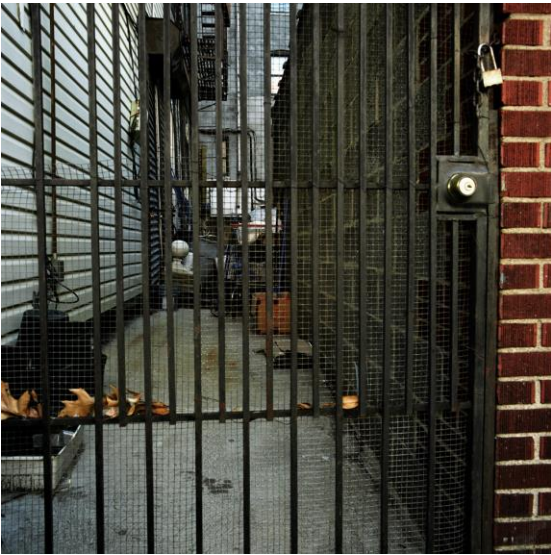


**If you continue to drink alcohol in this area when asked not to do so by a police officer, you are liable on conviction to a**

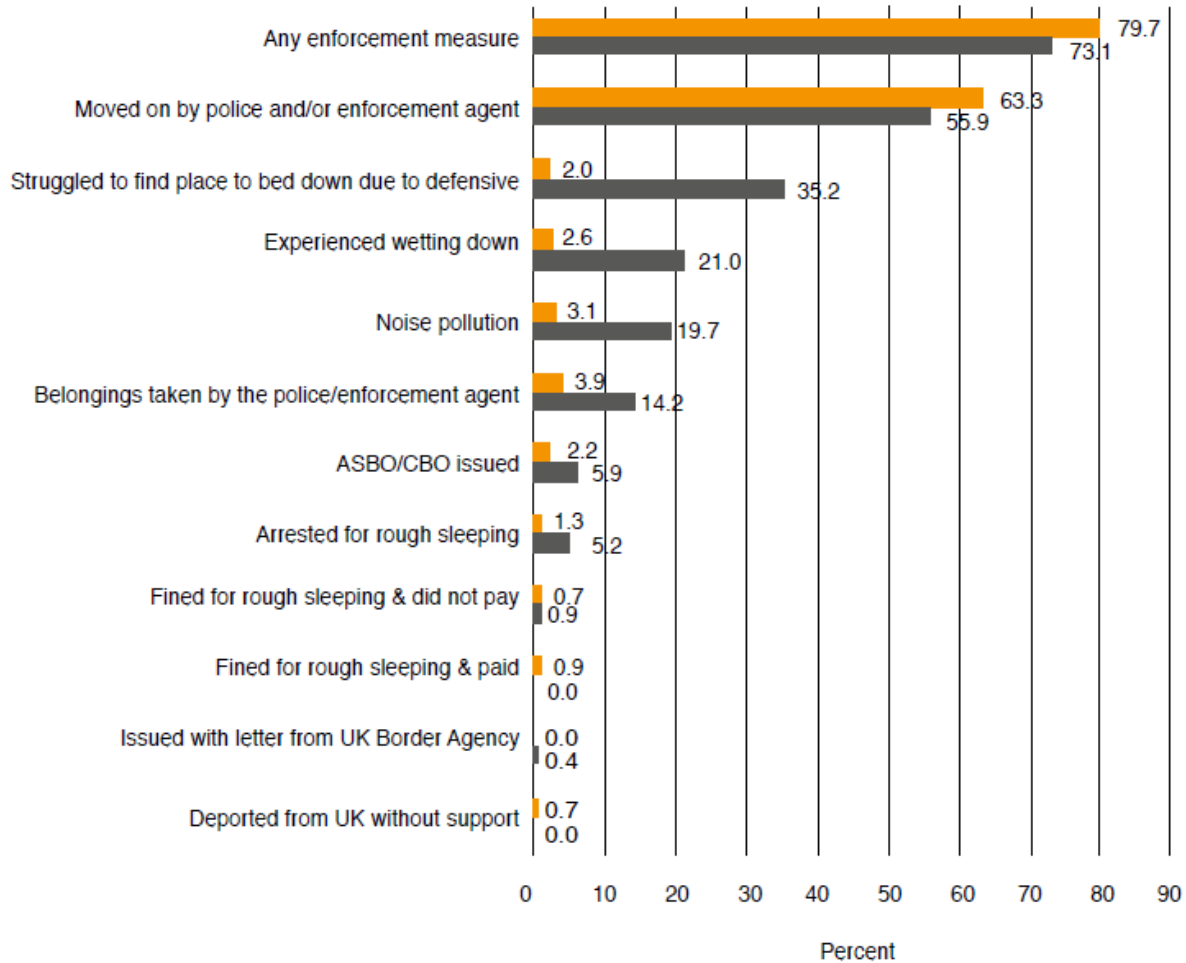
**MAXIMUM FINE OF £500**

**You may be arrested if you fail to surrender any intoxicating liquor to a police officer in this area**

**Criminal Justice and Police Act 2001**



# Scale of Use



More than 12 months ago In last 12 months

Source: Crisis survey, 2017

n = 458, source: survey with homeless people

# Impacts

- Positive:
  - ‘crisis point’ prompting discontinuation of harmful activities, and engagement with support services
  - tool to break up large groups which enmesh newcomers in street lifestyle
  - undermine influence of exploitative group members
- Negative:
  - displacement
  - undermine trust
  - strengthen resolve to remain on the streets
- Positive outcomes most likely when high quality, tailored, supportive interventions are integrated
- But, difficult to predict how individuals will respond; ‘high risk’

# Justifications for enforcement

- Central and Local Govt. justifications include:
  - Public complaint / intimidation and distress
  - Environmental hazards
  - Public have a right to expect hostel places/support to be taken up
- Govt. (and some voluntary sector reps) also argue that:
  - Rough sleepers disproportionately represented in drug deaths
  - Rough sleepers vulnerable to attack, extreme ill health etc.
  - Addiction/ mental ill health impairs ability to judge what's in best interests
  - Non-interventionist approaches do not 'work' with some people; enforcement does in some circumstances

# Objections to enforcement

- inadequate supply or quality of emergency accommodation and treatment facilities
- contravenes the 'right' to sleep rough / live alternative lifestyle
- compromises 'therapeutic relationship' between recipient and service provider
- potential for negative consequences unacceptably high; evidence that enforcement does not 'work' in all circumstances and can undermine welfare

# Conclusions

- Most rough sleepers get 'moved on' by the police, but only a small minority have direct experience of measures involving legal penalties
- Increasing consensus that force is justified when behaviour harms others, but disagreement when behaviour apparently harms targeted individual ('only')
- But, significant caveats around the circumstances in which force should ever be considered, esp. re provision of support given the 'risks' involved