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SPARE SOME CHANGE? THE POLICING OF SHELTER-RESISTANT HOMELESS
IN MISSOULA, MONTANA

By

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B.A., St. Mary's College of Maryland, St. Mary's City, MD, 2009

Thesis

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for the degree of

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Spare Some Change?: The Policing of Shelter-Resistant Homeless in Missoula, Montana

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Homelessness rates in the United States have continually increased over the past thirty years. The financial crisis of 2008 has created a ripple effect of unemployment, foreclosures, and an increased presence of homelessness in cities across the country. This increased presence of homelessness has created challenges for service providers and local governments across the country. Many cities, including New York, Los Angeles, and San Francisco have implanted “Quality of Life” ordinances that criminalize certain facets of homeless life. Missoula, Montana has not been impervious to this trend and has a unique labor market that exaggerates the presence of poverty. In 2009, the City of Missoula passed two such ordinances designed to combat crime associated with homeless persons in the downtown corridor; the ordinances outlaw aggressive solicitation and pedestrian interference. The primary offenders have been the downtown shelter-resistant homeless.

My research investigates the pragmatic application of these two “Quality of Life” ordinances in Missoula Montana. What are the outcomes of the interactions between law enforcement and the homeless? What factors determine what kinds of outcomes police and service providers utilize? In order to answer these questions, I employed qualitative research methods, specifically participant-observation and in-depth interviews. I observed at a local emergency homeless shelter, three community meetings, and as a member of a homeless outreach team. I documented my observations and experiences in ethnographic field notes. In addition, I interviewed professional stakeholders representing the Downtown Business Improvement District and the Missoula Police Department.

In my research, I found that there were four possible outcomes of interactions between police or service providers and the shelter-resistant homeless: negotiation, informal resolution, formal resolution, and incarceration. Furthermore, there are four significant factors in determining outcome, including (1) Nature of Offense (2) Visibility (3) “Fatigue” and (4) Cooperativeness. The findings reflect the unique relationship between the Business Improvement District and the downtown officer, as well as the impact of national policing philosophies behind “Quality of Life” ordinances on the shelter-resistant homeless population.

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INTRODUCTION

Homelessness has long been a contentious sociopolitical issue in the United States. Largely due to a combination of misguided social policy and a series of economic and natural disasters, the homeless population in the United States is reaching unprecedented numbers. The National Law Center on Homelessness and Poverty estimate that 3.5 million people will experience homelessness in a given year (National Coalition to End Homelessness 2012). From 2009 to 2011, the homeless population increased by 48%, and the “chronically” homeless increased by 27%; both of which are the second highest increases in that two-year period in the entire United States (National Coalition to End Homelessness 2012:15). Unfortunately, the ubiquitous presence of homeless individuals in large towns and cities across the United States has led many Americans to believe that this is simply the “way things are.” This assumption, paired with neoliberal philosophy, has led many Americans to believe that the homeless are homeless because they are somehow inept at operating or succeeding in society. Missoulians bear witness to American homelessness in the downtown corridor and beyond.

In 2009, the City of Missoula passed two ordinances aimed at managing the shelter-resistant homeless in the downtown corridor. These ordinances will be discussed more in depth shortly. Nationally, homelessness has been on a consistent rise for the past 30 years (Metraux and Culhane 2006). Deinstitutionalization in the late 1960s and early 1970s, coupled with the economic crisis in the 1980s led to a significant surge in homeless populations (Sommer 2001). However, unlike previous periods of homelessness in the United States, homeless populations did not decrease when the economy improved. Rather, they continued to increase consistently to record highs

(Sommer 2001). The last quarter of the 20th century also saw deindustrialization, which shifted the American economy away from its high-wage industrialized production economy to a lower-wage market. In addition, massive outsourcing and globalization led to even fewer high-wage jobs for United States citizens (Sommer 2001). All of these things contributed to the continued rise of homelessness in America (Gowan 2010).

The 21st century also brought along unique challenges to those who were at risk of becoming homeless, in that many Americans living paycheck to paycheck also lost their housing (Metraux and Culhane 2006). The most notable of these challenges came about in 2008 with the collapse of the housing market that sent the global economy into a downward spiral. Foreclosure and unemployment rates soared in what Alan Greenspan would call the “worst financial crisis since the Great Depression” (Kay 2010). The National Alliance to End Homelessness estimated in an executive summary that the number of households that spend at least 50% of their income on rent increased by 6% (5.9 million to 6.2 million) between 2009 and 2010 (National Alliance to End Homelessness 2012:4). Furthermore, one out of every 45 housing units in the United States was foreclosed on in 2010 alone (National Alliance to End Homelessness 2012:5). With more Americans being in real danger of experiencing homelessness, the prevention and management of homelessness is a vital issue. Like most of the country, Missoula has seen an increased presence in homelessness due to the economic crisis, in addition to other local factors that exaggerate the local presence of homelessness.

Homelessness in Missoula

There are several factors that explain the rise of homelessness in Missoula. With over 100,000 people in the greater metro area, Missoula is the second largest city in the state of Montana. It is also the largest city in a region that ranges hundreds of miles in every direction. In addition, Missoula has a relatively mild climate compared to the rest of the state, which some believe contributes to the presence of homeless individuals in the area. Missoula's history has created a unique economic atmosphere with stagnated wages and widespread underemployment.

Missoula is the hub of five different valleys in west-central Montana. Western history's first mention of Missoula comes from Louis and Clark's infamous stop at what is now known as "Traveler's Rest." Missoula has seen relatively consistent growth over the past 150 years. The city was initially the home of a booming logging industry along the Clark Fork River (Missoula Downtown Association). In 1893, representatives of Missoula and Helena made a compromise that led to Helena becoming the state capital and the University of Montana being established in Missoula, a decision that would greatly impact both the social and political climate in Missoula for years to come. Through the first half of the twentieth century, Missoula's economy and population continued to expand largely due to the booming lumber and rail industry that proved to be a lifeline for early Missoula (Polzin 2008). The lumber industry continued to be the primary stimulus to both the economy and population until national trends of deindustrialization came to Missoula. Environmental regulations concerning air quality made it more difficult for industrial growth and sustenance in Missoula (State of Montana 2012), and by the 1990s, legislation and a decreased demand for lumber had begun to

drive the logging industry out of Missoula. This deterioration of the logging industry encouraged Missoula's economy to diversify into other markets including education, healthcare, retail, and tourism.

Despite the deindustrialization that occurred in the late 20th century, Missoula's population continued to grow at astonishing rates, which makes Missoula quite different than much of the rural west. According to census data, Missoula's population doubled from 1980 to 2009, with an average ten-year growth rate in those years of roughly 23.8% (U.S. Census 2010). In addition, Missoula's population is well educated: 40.3% of Missoulians have a bachelor's degree or higher, compared to a national percentage of only 27.5% (U.S. Census 2010). The combination of the rapid growth rate and high education levels has created an extremely competitive employment market. Furthermore, the diversification of Missoula's economy into retail and tourism, paired with a high growth rate, has lead developers to gentrify the downtown area (Homeword 2010). Rapid growth rates and a diverse economy have also lead to significant gentrification in the community starting in the 1990s.

According to Homeword, a local non-profit organization, from 1990-2000 Missoula house prices have more than doubled while wages have only increased 2% (Homeword 2010). Buildings downtown that were once reserved for low-income renters have been developed into more expensive real estate, namely condominiums. This has led to unfortunate circumstances in which lower income renters were priced out of their homes. Many of these individuals still live in or near the downtown area, although they are now homeless.

Community Response to Homelessness

As the size and visibility of the homeless population has risen in Missoula, those individuals have come under significant scrutiny from community members that live and/or work near downtown. In response to these concerns, the City Council voted to implement several policies in November of 2009 that specifically address the presence of homeless individuals in the downtown area. Despite protest from many human rights and homeless advocates, both of the ordinances passed the City Council vote and have been in effect for nearly two years (Stugelmayer 2009).

Recently, the homelessness issue in Missoula has become very public and very contentious. The local homeless shelter, the Poverello Center, has been the center of a heated debate over how to adequately address the growing needs of the local homeless population without attracting more service consumers. In order to better understand the issue, local government agencies funded a needs assessment research project. The subsequent report is titled “Homelessness and Housing Instability in Missoula Needs Assessment” and was released in December of 2010 (Jacobson 2010). The report provides an exhaustive overview of the demographics of the Missoula homeless population and also helps to direct the community in how to best serve these individuals. Interestingly, the assessment found that the 78% of the population’s monthly income fell below the median monthly rent (\$700) of a two-bedroom apartment in the city (Jacobson 2010). In addition, the report found that 65% of Missoula’s homeless have lived here for a year or more, largely dispelling the myth that most of the homeless come to Missoula to use its services (Jacobson 2010).

“QUALITY OF LIFE” ORDINANCES

In response to a perceived increase in panhandling and crime associated with shelter-resistant homelessness downtown, the City of Missoula passed two ordinances criminalizing behaviors associated with homelessness. The two ordinances fall under Chapter 9 of the Missoula Municipal Code, which address “Public Peace, Morals, and Welfare.” Missoula Municipal Code, Sections 34 and 36 outlaw “pedestrian interference” and “aggressive solicitation,” respectively. The two ordinances were passed simultaneously and were deemed “emergency ordinances,” meaning the city council believed that passing the ordinances was extremely urgent. The city council approved the ordinances in August of 2009 and they went into effect later that year.

Pedestrian Interference Ordinance

The first of the two “quality of life” ordinances is the “Missoula Pedestrian Interference Act (2009).” The city council passed the ordinance in response to complaints from several organizations, including the Missoula Police Department and downtown business owners through the Business Improvement District (B.I.D.). The concerns of the police and business owners were cited in the ordinance:

The police department and other city offices have received complaints from citizens complaining that they are afraid to walk, or as business people, are afraid to allow their customers to walk on downtown city streets and riverfront walkways... (Missoula Pedestrian Interference Act 2009).

The wording in the ordinance is interesting because it frames the ordinance as a matter of public safety rather than as an issue of annoyance or negative economic impacts on business owners. The ordinance makes it unlawful for individuals to sit, lie, or sleep on

any sidewalk that is within twelve feet of an entrance to a building or to lie or sleep on any street or alley within city limits. In addition, the ordinance makes it unlawful for:

Any person to walk, stand, sit or place an object in such a manner which obstructs or hinders passage of pedestrian on any street crosswalk, sidewalk or other public right-of-way by leaving less than six contiguous feet of clear right-of-way for pedestrian passage for sidewalks that are twelve feet or wider in width, and no less than fifty percent of the sidewalk width for clear right-of-way for pedestrian passage on sidewalks within city limits (Missoula Pedestrian Interference Act 2009).

Finally, the ordinance makes it unlawful for any person on a bridge, sidewalk, walkway, park or other publicly held land to “purposely or knowingly harass or intimidate another person” (Missoula Pedestrian Interference Act 2009). A person violating the Missoula Pedestrian Interference Act is guilty of a misdemeanor, and will receive a fine not to exceed one hundred dollars (Missoula Pedestrian Interference Act 2009).

Aggressive Solicitation Ordinance

The second “quality of life” ordinance is titled “Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct” (2009), though those who work with the ordinance refer to it informally as the “aggressive panhandling ordinance.” The reasons for passing the ordinance were the same as stated in the “Missoula Pedestrian Interference Act,” namely perceived pedestrian safety and an increase of homeless-related crimes. The aggressive solicitation ordinance allows panhandling as long as it is not “aggressive” or executed during a prohibited time or in a prohibited location.

Authorities consider panhandling “aggressive” if any of the following criteria are met:

- (1) Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or

otherwise be intimidated...(2) Continuing to solicit from a person after the person has given a negative response...(3) Intentionally touching or causing physical contact...without consent in the course of soliciting (4) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle...(5) Using violent or threatening gestures...(6) Using profane or abusive language which is likely to provoke an immediately violent reaction...(7) Following the person being solicited with the intent of asking that person for money (Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct 2009)

In addition to these limitations, the ordinance outlaws soliciting in many locations. No person shall solicit operators of any motor vehicle while that vehicle is located on any road, or solicit on a public transportation vehicle. The ordinance also states that no person shall solicit within six feet of an entrance of any building, or within twenty feet of the following locations: parking lot pay box, any outdoor patio or sidewalk café where food or drink is served, any vendor's location when the vendor has a valid permit, any pay telephone, or any exit or entrance of a public toilet facility (which includes port-a-toilets). The ordinance also outlaws solicitation on private property after being asked to leave, or outside of daylight hours.

In addition to the aforementioned limitations, it is also unlawful for any person to “knowingly make false or misleading representations in the course of soliciting.” False or misleading representations include, but are not limited to the following:

(1) Stating that the solicitor is from out of town and stranded when such is not true, (2) Stating or suggesting falsely that the solicitor is either a present or former member of the armed service, (3) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated, and (4) Stating the solicitor is homeless, when he or she is not. (Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct 2009)

A person found violating any aspect of the aggressive panhandling ordinance shall be guilty of a misdemeanor and fined no more than one hundred dollars (Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct 2009). A violation of either

ordinance results in a summons to Missoula Municipal Court. The police are not authorized to administer a fine on the street; rather, the judge levies a fine based on the crime when the individual appears in court. The ordinances have been in place for nearly three years. Academically, there are two bodies of literature that contribute to the discussion of policing homelessness. Legally, the Supreme Court and U.S. District Courts have ruled on their constitutionality, while sociological literature focuses more on the impacts such policing has on society and individuals.

LITERATURE REVIEW

Due to the unique nature of the study, there are two relevant bodies of literature that need be reviewed: legal and sociological. Legal literature examines the legality of “quality of life” ordinances, and what precedents the U.S. Supreme Court and the U.S. Circuit Court of Appeals have established on the issue. The legal background of these ordinances is also critical in understanding how they interact with First and Fourteenth Amendment rights, and whether or not they are constitutionally sound. Sociological literature is vital in understanding why and how these ordinances are developed and how they impact individuals and society.

Legality and Constitutionality of Ordinances

Opponents of ordinances similar to those passed in Missoula argue that they potentially violate constitutional First and Fourteenth Amendment rights guaranteeing freedoms of speech and equal citizenship. Proponents argue that, although these ordinances do regulate speech, they are justified because they contribute to public order

and safety (Young v. New York City Transit Authority 1990; Loper v. New York City Police Department 1993; Smith v. City of Fort Lauderdale 1999). The United States court system has typically supported the latter argument. The courts have determined that there is a distinct difference between solicitation on behalf of an organization and solicitation on behalf of an individual. Although no panhandling ordinance appeal has been granted certiorari by the Supreme Court, the U.S. District Court of Appeals has ruled consistently in favor of the government's ability to regulate individual solicitation and panhandling.

Solicitation

In *United States v. O'Brien* (1968) the Supreme Court established a precedent concerning free speech and when it can legally be regulated. O'Brien was arrested for burning his draft card, which constitutes a violation of a federal statute. He argued that his expressive action had been unconstitutionally limited when he was arrested. The Supreme Court rejected this notion and developed a precedent known as the "O'Brien Standard" which is a protocol used by the courts to determine whether government regulation of certain speech is constitutional. The standard states that "government regulation is sufficiently justified" when: (1) "it is within the constitutional power of the Government;" (2) "it furthers an important or substantial governmental interest;" (3) "the governmental interest is unrelated to the suppression of free expression;" and (4) "the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest" (*United States v. O'Brien* 1968:376). The O'Brien standard lists four circumstances in which the government can constitutionally limit citizens' speech without violating the First and Fourteenth Amendments, and only one of

the four circumstances need be present. In using the O'Brien Standard, courts have been able to decide cases of this nature with relative consistency.

Another important precedent concerning solicitation and free speech focused on the characteristics of the solicitor. In *Village of Schaumburg v. Citizens for a Better Environment* (1980), the petitioner challenged a municipal ordinance limiting solicitation to organizations that use at least 75% of proceeds for charitable donation. The types of solicitation addressed in the case were street solicitation and "canvassing," a solicitation strategy in which the solicitor goes door-to-door asking for donations. The Supreme Court ruled that such a requirement was a "form of censorship" prohibited by the First and Fourteenth Amendments of the U.S. Constitution (*Village of Schaumburg v. Citizens for a Better Environment* 1980:644).

In *Secretary of State of Maryland v. Joseph H. Munson Co., Inc.* (1984) a similar ordinance was challenged. The case was similar with only two noteworthy exceptions: the statute did not outline a strict limit of charitable proceeds, and Munson Co., Inc. was a for-profit institution rather than a non-profit (*Citizens for a Better Environment*). Regardless of the differences, the Supreme Court ruled that even relatively lenient regulation of solicitation was a violation of First and Fourteenth Amendment rights (*Secretary of State of Maryland v. Joseph H. Munson Co. Inc* 1984:985).

Again in 1988, the Supreme Court faced these issues in *Riley v. National Federation for the Blind*. The petitioner, Riley, was the district attorney in North Carolina and contentious point was the constitutionality of "The North Carolina Charitable Solicitations Act" (*Riley v. National Federation of the Blind of North Carolina* 1988:784). The act required professional fundraisers to disclose to donors the gross

percentage of revenues retained in charitable solicitations and also required fundraisers to obtain a license before soliciting on the street or by canvassing. The court ruled that such an act was an infringement on the freedom of speech guaranteed in the First and Fourteenth Amendments and was therefore unconstitutional (*Riley v. National Federation of the Blind of North Carolina* 1988).

The three aforementioned cases highlight the Supreme Court's reluctance to support any limitation of an organization's right to solicit, regardless if that organization is for-profit or not-for-profit. However, the question remains as to whether or not ordinances can constitutionally limit an *individuals'* right to solicit. The Supreme Court has not yet dealt specifically with aggressive panhandling ordinances, although other courts have, namely the U.S. Circuit Court of Appeals. It is important to note that the decisions that one circuit of the U.S. Circuit Court of Appeals makes are not binding in other circuits.

Panhandling

Chronologically, the first of these U.S. Circuit Court of Appeals cases was *Young v. New York City Transit Authority* (1990). In this case, Young was a homeless individual representing those who were "similarly situated," meaning all other homeless people. He was challenging the constitutional legitimacy of the New York City Transit Authority's long-standing policy against panhandling in the subway or subway stations. A year prior to the case, the Transit Authority launched "Operation Enforcement," which increased enforcement and accountability of the panhandling ban (*Young v. New York City Transit*

Authority 1990). Young and others were policed and punished, and appealed by challenging the ordinance itself.

The court used the O'Brien Standard and the Schaumburg ruling, as well as the concept of expressive conduct, to determine that the ordinance was constitutional. The concept of expressive conduct suggests that the First Amendment only protects conduct of "expressive nature" with a "particularized" political or moral message (Young v. New York City Transit Authority 1990:165). Therefore, soliciting for a charity, organization, or business is protected speech, while solicitation by an individual, for an individual, is not. In addition, the court ruled that the subway did not constitute a public forum that was appropriate for exercising protected speech, citing concern for the safety of other passengers. However, just three years later, another case demonstrated that public forums, too, could be regulated.

In 1993, a similar case came before the U.S. Circuit Court of Appeals in New York. In *Loper v. New York City Police* (1993) the petitioner was a homeless woman challenging the constitutionality of an ordinance that criminalized loitering or wandering in a "public place with the purpose of begging" (*Loper v. New York City Police Department* 1993:701). In this case, the court determined that the ordinance was constitutionally legitimate, even though it limited speech in a public forum. The court made this determination based on precedent decisions that differentiated between individual solicitation and charitable solicitation. Because Loper was not communicating a particularized message, her panhandling was not protected speech (*Loper v. New York City Police Department* 1993).

Finally, in 1999 in *Smith v. City of Fort Lauderdale* (1999), an ordinance very similar to the one that passed in Missoula came before the 11th Circuit of the U.S. Court of Appeals. The plaintiff, Smith, was a homeless man challenging the ordinance that criminalized panhandling on the city's beach. Fort Lauderdale passed the ordinance to stop aggressive panhandlers from deterring economic activity (*Smith v. City of Fort Lauderdale* 1999). The City of Fort Lauderdale, much like Missoula, argued that perceived safety of citizens was necessary for economic prosperity for the community. The court ruled that because Fort Lauderdale was acting in the interest of tourists' safety, as well as in the interest of the local economy, limitation of aggressive solicitation was constitutional (*Smith v. City of Fort Lauderdale* 1999).

Based on the precedents set forth by both the Supreme Court and various U.S. Circuit Courts of Appeals, Missoula's "quality of life" ordinances both appear to be constitutional and legally sound. The *City of Fort Lauderdale* ruling demonstrates the likely response from the courts should the Missoula ordinances be challenged. The precedent set forth by the O'Brien standard and Schaumburg rulings, combined with the consistent rulings in *Young*, *Loper*, and *Smith* suggest that the Missoula ordinances, too, are constitutional. Because these ordinances are legal and spreading across the United States, it is important to understand how they impact individuals and society. Therefore, it is important to transition into the sociological literature concerning how quality of life policing affects individuals and society.

Sociological Impact of Ordinances

For decades, sociologists have investigated homelessness in the United States. One focus of the sociological literature is the different ways that criminal law, and its enforcement, has adversely affected the homeless (Berk and Macdonald 2010; Metraux and Culhane 2004; Foscarinis 1996; Fitzpatrick and Myrstol 2011; Gowan 2002; Hodulik 2001). These interactions with the criminal justice system can ultimately make it difficult for an individual to break the cycle of homelessness.

Interactions with the criminal justice system for most of the homeless are initiated on the street through specific policing practices aimed at reducing criminal behaviors. Because these policing strategies are relatively new, sociological research on the topic is limited. Most of the research focuses on testing two hypotheses relating to the policing of homeless: “Rabble Management” and “Broken Windows.” Rabble Management focuses on the reasons why the marginalized, like the homeless, are policed for minor crimes, while Broken Windows justifies that policing strategy. Both theories deal with perception, either of individuals or of social order. The notion of social perception draws upon Symbolic Interactionism. Although Symbolic Interactionism does not dictate or guide this research, it does provide theoretical cornerstones to both aforementioned theses, as well as my primary research methodology, participant observation.

Symbolic Interactionism

Symbolic interactionism is a micro-level theory that deals with human interaction, and places emphasis on the meanings people derive from symbols that they actively transmit to one another. The meaning that people associate with objects or other people is

derived from symbolic meaning and roles, established in interaction. One of the seminal works on symbolic interactionism was Erving Goffman's (1959) *The Presentation of Self in Everyday Life*.

Goffman's (1959) dramaturgical theory maintains that we are all actors in life, and that we have different presentations, or roles, in different social situations. These presentations are part of what Goffman identifies as the "front stage self." The front stage self is the way that an individual presents him or herself when they know that they have an audience. Conversely, the way an individual acts when they know they don't have an audience is what is identified by Goffman as the "back stage self" (Goffman 1959). According to Goffman, an individual's life and identity is a series of front stage or back stage performances. These performances are guided by how an individual understands a social situation and the social actors involved.

Although my research is not a demonstration of symbolic interactionism, similar notions of individuals' perception of social order and social actors are featured in the Rabble Management and Broken Windows theories. John Irwin's (1992) "Rabble Management" thesis emphasizes law enforcement and citizens' perception of offenders, while Wilson and Kelling's (1982) and Kelling and Coles (1996) "Broken Windows" philosophy emphasizes the offenders' perceptions of social order. Symbolic Interactionism has influenced these two theories' emphasis on social perception. In addition, because I utilize participant observation as a primary methodology, Symbolic Interactionism has also shaped the tools I used to answer my research questions.

Policing

Many urban communities across the country have attempted to combat the increased presence of homelessness with ordinances outlawing panhandling and other aspects of homeless life. This process, referred to in the sociological literature as the “criminalization of the homeless,” has been controversial, and its ability to end homelessness has been widely questioned and criticized (Harcourt 1998; Hodulik 2001). The implementation of these policing philosophies created a drastic increase in jail populations, and transformed jails into tools of crime control (Fitzpatrick and Myrstol 2011). The 2009 ordinances passed in Missoula are examples of widespread statutes nationwide known as “quality of life” ordinances. Several studies have investigated the policing of homeless by using “rabble management” and “broken windows.”

Sociologist John Irwin’s seminal work on jails in 1992 used a Symbolic Interactionist lens to understand the policing of the homeless. Irwin (1992) hypothesized that the homeless are policed and imprisoned more than the average citizen not because of their actual criminality, but instead due to their “unsightliness.” For this reason, Irwin (1992) called these individuals “rabble,” and their subsequent policing “management.” According to Irwin, instead of these individuals posing an actual criminal or violent threat to society, they simply pose a threat to public order by threatening and challenging societal norms. Therefore, their unsightly and “unacceptable” lifestyles must be managed and changed. According to Irwin (1992), the rabble has two specific characteristics; they are detached and disreputable.

Irwin (1992) uses the term “detached” to capture the low level of integration the rabble has in community life. Their social networks often do not include the domiciled

and they frequently have minimal involvement in the broader community. Because the rabble represents “disorder,” those who perceive themselves to be “orderly” must manage and control the rabble through policing. Irwin (1992) also hypothesized that the rabble and disorderly are allowed by law enforcement to commit criminalized activity, as long as it is not in the purview of mainstream society or in a space where those behaviors are particularly disturbing. Such spaces that Irwin (1992) highlighted include upper-class neighborhoods and areas frequented by the upper class, such as a business district or a downtown.

Recent incarceration trends lend support to Irwin’s (1992) thesis. For instance, according to the Bureau of Justice Statistics, a public order offense, which constitutes a petty offense, is the most common charge for those serving time in jails (Fitzpatrick and Myrstol 2011). Also lending credence to Irwin’s thesis about the detachment of “the rabble” is the well-supported notion that the inhabitants of U.S. jails are detached from mainstream society. Most jail inmates have limited formal education, one third are unemployed, and only half received income from a job preceding their arrest (Metraux and Culhane 2004). In addition, those housed in jails are more likely to suffer from mental illness, alcoholism, and drug addiction (Fitzpatrick and Myrstol 2011). These characteristics suggest that the majority of those incarcerated would be considered both detached and disreputable.

In 1989, sociologists Snow, Baker and Anderson (1989) investigated the demographics of America’s penal institutions examining theories similar to that of Irwin’s. Snow et al. (1989) analyzed homeless individuals’ arrest records in a large American city and found that more than half of all homeless arrests were for alcohol-

related offenses. Furthermore, 83% of the homeless arrests for non-felony charges were for crimes that were considered to have “no victim” (Snow, Baker and Anderson 1989). These findings provide support for Irwin’s theory of rabble management.

Snow, Baker and Anderson (1989) also found that domiciled men had higher percentages of arrests than domiciled offenders for both felony charges (21% of homeless arrestees compared to 65% of domiciled arrestees) and higher arrest rates for violent offenses including murder, rape, and robbery (1.4% of homeless arrestees compared to 9.9% domiciled arrestees). This is interesting because it demonstrates that domiciled arrestees are more likely to be incarcerated for serious crimes, while homeless arrestees are more likely to be incarcerated for petty crimes, suggesting that they have been policed due to unsightliness rather than being a criminal threat.

In 2011, sociologists Kevin Fitzpatrick and Brad Myrstol also tested Irwin’s thesis. Fitzpatrick and Myrstol did not duplicate Snow, et al study, but conducted 47,592 interviews utilizing a large research team with jailed adults and conducted, as well as ran bivariate analysis and logistic regression on arrest record data from these individuals. Fitzpatrick and Myrstol’s (2011) study produced both qualitative and quantitative support for Irwin’s thesis by demonstrating that most individuals in American jails are incarcerated for petty and public disturbance offenses or are in pre-trial stage of the adjudication process.

Both of these studies suggest that most homeless arrests stem from actions that are part of the daily life of a homeless person, such as sleeping, loitering, or alcohol-related offenses (Snow and Anderson 1989; Fitzpatrick and Myrstol 2011). This phenomenon is known in the sociological literature as the “criminalization of the

homeless,” referring to the process by which aspects of homeless life are criminalized and subsequently policed (Gowan 2010; Morrell 2007). These studies provide some evidence for Irwin’s thesis, but do not address how these policies impact individuals and society.

Research has also addressed the impact that “quality of life” ordinances and the policing of homeless has on the relationship between jails and the policed homeless. Metraux and Culhane (2006) have shown that through the policing of minor crimes committed by the homeless, the criminal justice system takes on a latent function as a service provider of housing, substance abuse treatment, and mental health care. In addition, Metraux and Culhane (2006: 505) identified an “institutional circuit” that is characterized by stays in government institutions in lieu of a stable living situation. Finally, Metraux and Culhane (2006) determined that the homeless have higher incarceration rates than their domiciled counterparts and are more likely to have consistent interactions with law enforcement.

In contrast with the Irwin (1992), Wilson and Kelling (1982) and Kelling and Coles (1996) established a criminological and political approach, justifying the policing of the homeless, rather than explaining it. Unlike rabble management, the “Broken Windows” ideology has been widely implemented, despite academic criticism. Wilson and Kelling’s (1982) “Broken Windows” thesis originally appeared in a 1982 article in *The Atlantic Monthly*, and then in a 1996 book titled *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (Kelling and Coles 1996). Broken windows policing suggests that minor disorder in a neighborhood will result in either more serious crimes or more petty crimes if left unchecked. The theory is best expressed

through the metaphor of a dilapidated building with broken windows; the broken windows demonstrate a lack of social order in the area. According to the hypothesis, this perceived lack of social order encourages citizens to commit more serious crimes because they believe that they won't get caught. In order to maintain the appearance of social order, society must fix all of the broken windows to encourage order and discourage serious violations of social order (Kelling and Coles 1996). The metaphor is primarily used to explain and implement specific policing strategies. By heavily policing lower level crimes, police are allegedly able to demonstrate a high level of social order in their jurisdiction, hopefully deterring more serious crimes from being committed.

Two studies offer substantial support for the broken windows hypothesis. The first study was executed by Welsey Skogan (1992). Skogan's (1992) study and associated book, *Disorder and Decline: Crime in the Spiral Decay in American Neighborhoods* tried to empirically validate using data from an inter-university consortium for political and social research. Although Skogan's (1992) findings initially supported the broken windows hypothesis, efforts to replicate his research have been less convincing (Harcourt 1996). In addition to Skogan, Dutch researchers produced evidence supporting the broken windows hypothesis. In utilizing a random experimental design, Sociologists Keizer, Lindenburg, and Steg (2008) were able to verify a strong causal link between visible disorder and petty crime. In areas where graffiti and other indicators of disorder were present, individuals were more likely to engage in petty crimes, such as littering and vandalism. Although the study demonstrates a link between disorder and petty crime, it does not demonstrate causality between perceived disorder and serious crimes.

Although broken windows policing is a widely accepted policing strategy in the United States, studies suggest that it oversimplifies the reasons that individuals commit serious crimes. Harcourt (1996) has shown that although there is correlation between perceived order and crime rates, these correlations become negligible when controlling for other factors such as poverty, race, and family structure. Despite widespread academic criticism, many police departments nationwide have utilized broken windows policing to address homelessness and the associated crimes.

Incarceration

With the widespread use of these policing strategies, the question remains: how does incarceration affect the lives of those incarcerated, even if that incarceration is brief and for a minor offense? Although this study focuses on the policing of the homeless, it is worth discussing the larger impacts of incarceration for minor crimes. The growing size of the incarcerated population further perpetuates inequality between those who have served time in jail and those who haven't (Western and Pettit 2010). Sociologists Bruce Western and Becky Pettit (2010) have explored the relationship between mass incarceration and subsequent inequality, and found that the vast majority of the incarcerated have not obtained a high school diploma or a GED before their incarceration. The demographics of the homeless and the incarcerated are similar in that the undereducated and minorities are overrepresented in each group (Western and Pettit 2010). Interestingly, as incarceration rates have increased, so have homelessness rates (Western and Pettit 2010).

The most prominent effect of incarceration is the immediate negative impact that incarceration will have on an individual's socioeconomic status. One study, utilizing monthly income as a measure of socioeconomic status, indicated that mere *contact* with the criminal justice system is a "major life event" that has "strong, deleterious effect on an individual's socioeconomic status" (Kerley et al. 2004:564). This decrease of income and socioeconomic status is largely due to decreased employability among ex-offenders. In 2008, the total male employment rate dropped 1.5-1.7% just because of the rise in incarceration, resulting in an estimated loss of output of production in the United States between \$57 and \$65 billion (Schmitt and Warner 2011).

These hurdles contribute to the threat of what is known as the "revolving door," which refers to the cyclic process of an individual leaving prison or jail and getting re-incarcerated. Kushel et al. (2005) suggest that both high homelessness rates among recently released convicts and inadequate social services available to these individuals contribute to the revolving door. Therefore, once an individual is released from prison or jail, they often find themselves back where they started: homeless, unemployable and vulnerable to increased scrutiny from both society and police. For many, the problematic cycle has no end. The more frequently an individual contacts the criminal justice system, the less likely he or she is to find employment or housing.

Conclusion

In conclusion, the ordinances that Missoula passed are constitutionally sound, primarily due to a specific distinction between organizational solicitation and individual solicitation. Furthermore, U.S. Circuit Courts have determined that limiting panhandling

is a constitutionally legal regulation of speech. Because of these rulings, it appears that the ordinances in Missoula are legitimate, and the continued spread of similar policing philosophies is inevitable. Therefore, we must shift our focus from whether or not these ordinances are constitutional to how these ordinances are pragmatically applied, how they affect policing strategies and how they affect individuals and communities.

Sociologically speaking, there are two primary schools of thought that pertain to “quality of life” policing: Rabble Management and Broken Windows. Irwin focuses on police and societies perception of “rabble,” while Wilson and Kelling focus on offenders’ perception of societal order. Sociological research lends support to Irwin, although Wilson and Kelling’s thesis has sparked a national movement of local policy aggressively policing minor crimes, such as panhandling (Harcourt 1996; Hodulik 2001; Gowan 2002). Numerous studies suggest that incarceration or contact with police can be detrimental to an individual’s economic status and have considerable societal impact. Contributions to the literature have encouraged a dialogue concerning the theoretical grounding of the ordinances and associated police practices. However, researchers do not adequately address how these ordinances affect people, or how they are pragmatically applied on a local level. Therefore, my research fills a void by investigating the pragmatic application of these practices in order to determine the possible outcomes, and what circumstances lead to more severe outcomes. How are these policies pragmatically applied in Missoula? What are the possible outcomes of the interactions between police and shelter-resistant homeless? And what factors contribute to which outcome is utilized?

DATA AND METHODS

In order to answer my research questions, I utilized qualitative research methods, specifically participant observation and in-depth interviews. In order to execute the research, I obtained approval from the Institutional Review Board (IRB) at the University of Montana. IRB approval is necessary in all University of Montana research involving human subjects, but was particularly important to my research because the homeless constitute a “vulnerable” population. In addition to the initial approval, I submitted an amended proposal to conduct interviews with representatives from the Missoula Police Department and the Downtown Business Improvement District. The IRB granted expedited approval to both the initial proposal and the proposed amendments.

Participant Observation

The primary research method I utilized was participant observation. Observations made in the field were extensively documented in field notes after each session. I then coded the notes using the computer program NVIVO and analyzed codes for emergent patterns or themes. My observations covered informal conversations with clients as well as observations of interactions and conversations between shelter-resistant individuals.

The first series of observations were done in the Salcido and Poverello Centers. The Salcido Center, currently located in the basement of the Poverello Center, is a “drop-in” center, meaning that the space is typically utilized during the day for individuals who are under the influence of drugs or alcohol as well as those who aren’t. The Salcido Center does not provide overnight services (Szpaller 2011). From January 2011 to May 2011, I spent 27 hours in the Salcido Center (SEE APPENDIX D). For the entirety of my

time in the Salcido Center, all clients were aware that I was a graduate student from the University of Montana conducting research for a Master's thesis; at no point was I covertly researching the population in the Salcido Center. Despite being met with hostility in a couple of instances, most of the clients were very willing to talk to me.

In addition to observing in the Salcido Center, I observed in the Poverello Center during dinner shifts. In the months of June and July of 2011, I spent 21 hours observing in the Poverello Center. My specific responsibilities entailed sitting at the front desk and helping clients with anything they needed while shelter staff was occupied with dinner shifts. These observations were not as fruitful, but gave me a well-rounded understanding of the make-up of the Poverello clients, as well as the daily operation of the Poverello Center. I did not always document these observations with extensive field notes. As at the Salcido Center, my identity as a researcher was willingly shared with any clients who inquired.

In order to better understand the community perception of the homeless, I also observed three community meetings. One, in February of 2011, was a presentation of Dr. Maxine Jacobson's (2011) findings in "The Missoula Homeless Needs Assessment Survey." The other two were held in the fall of 2011 and focused on the possible relocation of the Poverello Center. At these meetings, concerned Missoulians shared their thoughts about the potential relocation of the Poverello Center. After each meeting concluded, I wrote detailed field notes documenting my observations. The data gathered from the community meetings was beneficial in developing my understanding of community concerns regarding the homeless population downtown. In addition, the

meetings highlighted community perceptions of homelessness in Missoula, and citizen input about how to effectively manage homelessness.

Finally, I participated on the Homeless Outreach Team in order to observe street-level interactions between service providers, police officers, and the downtown homeless. From September to November in 2011, I spent approximately 28 hours participating and observing on the H.O.T.¹. The Homeless Outreach Team (H.O.T.) is operated by the Poverello Center and partially funded by the Downtown Business Improvement District (B.I.D.). The H.O.T. is a “team” comprised of two or more individuals, one always being a member of the Poverello Center staff. The H.O.T. responds to complaints about homeless individuals from business owners and community members and to patrolling the downtown corridor for approximately two to three hours each day. The primary objective of the H.O.T. is to provide services for shelter-resistant homeless individuals in the downtown corridor. However, in spending time on the team and talking to other stakeholders, I have found that the team’s role is multidimensional and expands beyond providing people with services they would otherwise receive at the Poverello Center.

Interviews

The secondary methodology I utilized was in-depth interviews. I recorded and transcribed all of the interviews, removing all identifying information if the respondent

¹ In addition to the outlined observations, I also attempted to join the downtown officer on “walk alongs” to observe the officer’s interactions with the homeless. Due to inauspicious weather conditions, the training of new officers, and inconsistent communications, the observations never came to fruition.

requested anonymity on the consent form.² For the eight interviews I conducted, I used selective sampling. In the Poverello and Salcido Centers, I selected participants who had more experiences with police, those who were articulate about their experiences, and, most importantly, those who I had a strong rapport with. Interview participants not affiliated with the Poverello and Salcido Center were selected based on their professional positions and their experiences dealing with shelter-resistant homeless downtown.

I conducted the interviews in two phases, the first of which was in April of 2011. In this phase, I interviewed three clients who I developed rapport with during my time at the Salcido Center. I used the same interview guide for the three interviews (SEE APPENDIX B). Prior to interviewing these individuals, I secured the interviewees' oral consent to participate in the research and promised them complete confidentiality. In acknowledgement of individuals' participation in the research, I gave them an eight dollar honorarium funded by the University of Montana for a service learning class at the Poverello Center. In addition to the three interviews, an undergraduate student in the service learning class shared one of her transcripts with me. The transcript was included for two reasons: the transcript had data that was pertinent to my thesis and the interviewer was willing to share it with me.

The second phase of interviews began a year after the initial interviews. In this phase, I conducted interviews with representatives from the Missoula Police Department and the Downtown Business Improvement District. Representatives from the Missoula Police Department included Crime Prevention Officer Rob Scheben and the "Quality of Life" Officer who patrols downtown. Officer Scheben's job responsibilities include

² Some respondents, namely public figures, were given the option to be identified by their actual name or their professional position. The homeless participants were only given the choice of confidentiality, given their status as a "vulnerable" population.

administrative duties rather than traditional policing. In addition to aiding in the development of the aforementioned ordinances, he also leads the Graffiti Task Force and orchestrates a policy-oriented approach to crime prevention. The Downtown Officer, who wished to remain anonymous, patrols the downtown corridor and enforces the two 2009 Missoula city ordinances. The interviews yielded data about how the ordinances are enforced downtown. In addition, the interviews allowed me to better understand problems and concerns that the B.I.D. and Missoula Police Department experience in dealing with shelter-resistant homeless.

In addition to the interviews with police officers, I interviewed two representatives of the Downtown Business Improvement District. The B.I.D. is an organization that “enhances the vitality of Downtown Missoula by facilitating commerce, promoting investment, enhancing streetscapes, conducting maintenance, and improving security and safety [downtown]” (Missoula Downtown Association 2012). The organization is governed by a Board of Directors and is funded by ratepayers who own or rent property within their district. According to an Ambassador, the zone 1 is, “not an exact box, it... looks more like a kite... it goes out Broadway to just past Scott street, a block past Scott street and then it goes to Madison street.” Members within “Zone 1” pay higher dues than those members in “Zone 2.” Since 2009, the B.I.D. has also partially funded the salary of the downtown officer in order to ensure that their concerns, and the concerns of their members, are properly addressed. I conducted interviews with Rod Austin, the Director of Operations for the B.I.D., as well as with a Downtown Ambassador, who asked to remain anonymous. Rod is responsible for program

development and management of the B.I.D. and has “played an integral role in the implementation of the Downtown Master Plan” (Missoula Downtown Association 2012).

The B.I.D. has two individuals who serve as Downtown Ambassadors. One of the Ambassadors is employed only in the summer when larger crowds are attracted downtown by community events and good weather. The Ambassador I interviewed serves as an Ambassador year round. The Ambassadors’ salaries are funded by the property owners within the district. Ambassadors’ duties include serving “the businesses, employees, and patrons... with hospitality services for Downtown guests and help...with crime prevention” (Missoula Downtown Association 2012). The Ambassador learns of a disturbance either through a call from the main B.I.D. office, or while they are patrolling downtown. The four interviews in the second phase were conducted in February and March of 2012.

Ethical Issues

There are several ethical issues to consider when researching a vulnerable population such as the homeless. In order to develop rapport with clients, I had to be a consistent presence in the shelter. Consistency is crucial in developing sufficient rapport with clients in order to encourage them to share information. It is not uncommon for homeless individuals to be less trusting of individuals representing large institutions; this skepticism is typically rooted in negative interactions with institutions (Gowan 2002; Gowan 2010; Morrell 2007).

Another ethical issue relates to the interpersonal dynamics between researchers and the homeless individuals they research. Much like Teresa Gowan’s (2010) approach

in *Hobo's, Hustlers, and Backsliders*, I utilized a “research companion” approach, rather than an “informant” approach. In participant observation research, an “informant” is an individual who aids the researcher in developing an understanding of the social dynamics and relevant background information. As Gowan (2010) states, the word “informant” can have problematic implications for the homeless, given that some of the population associate the word with someone who informs law enforcement of illegal activity. In addition to using different terms, the “companion” approach also represents a friendlier and more reciprocal research dynamic. For instance, rather than simply extracting information from my companions, I shared stories, experiences, and opinions with them as well. In my time at the Salcido and Poverello Centers, I developed strong relationships with many of my research companions. Several of them trusted me enough that they would talk to me every time I was present at the shelter and informed me of dynamics of the shelter, as well as experiences with homelessness in Missoula.

Anonymity is another central ethical issue in participant observation and in-depth interviews on homelessness. I assigned all of my research companions pseudonyms to ensure anonymity. The pseudonyms were assigned based on memorable characteristics or personally traits displayed by the individual. Professional interview respondents who wished to remain anonymous (downtown officer and Ambassador) are referred to by their professional title. I did not assign a pseudonym because assigning gendered names would increase the likelihood of them being identified and would likely threaten their anonymity.

SAMPLE

Although most of the interactions that I observed involved homeless persons, my sample was not the entire homeless population. The population of people experiencing homelessness is far from homogenous, including people from all ages, races, and circumstances (Metraux and Culhane 2006). My sample is a specific subset of the larger homeless population. Before I identify the subset, it is important to first address the difficulties of defining homelessness.

Defining Homelessness

To most, a homeless person is someone who does not have a home. Ostensibly, this definition captures all people experiencing homelessness. However, determining what constitutes a “home” can be a relatively difficult endeavor. Does a car count as a home? Is someone homeless if they live on their sister’s couch? If an 18 year-old gets kicked out of his parents’ house and is forced to sleep in the homeless shelter for a night, is he or she homeless? These questions only begin to unravel the complicated process of defining “homelessness.”

For my research, I utilized the United States Department of Housing and Urban Developments (HUD) definition of “homeless” as a starting point. According to HUD, a homeless person is someone who is living in the following locations or circumstances:

- (1) places not meant for human habitation, such as cars, parks, sidewalks, abandoned buildings, or on the streets
- (2) an emergency shelter
- (3) transitional or supportive housing for homeless persons...
- (4) is being evicted within a week from a private dwelling unit and no subsequent residence has been identified and lacks resources and support networks needed to obtain housing
- (5) is being discharged within a week from an institution... in which the person has been a resident for more than 30 consecutive days and no subsequent residence has been

identified and (6) is fleeing a domestic violence housing situation and no subsequent residence has been identified... (U.S. Department of Housing and Urban Development 2012).

Although HUD's definition may seem exhaustive at first glance, it is noteworthy that it does not include people living with relatives for a short period of time or individuals who are temporarily living in a hotel. If HUD were to amend its definition of homeless, it is likely that estimated homelessness rates in the U.S. would be substantially higher than they are. People experience different lengths and patterns of homelessness throughout their lives. Some individuals experience brief bouts of homelessness, while others adapt to a prolonged lifestyle of homelessness without the comfort of an emergency shelter. For my research, I focus specifically on the chronically homeless, "shelter-resistant" population.

"Shelter-Resistant" homeless

The term "shelter-resistant" homeless refers to the subset of the homeless population that is resistant to some or all services provided by emergency shelters or other organizations (Gowan 2002). An individual's shelter-resistance is often linked to either their inability to live in a shelter due to living conditions or substance use that precludes them from services. Shelter-resistant homeless individuals' lives are highly public. Because they spend less time in shelters and with other service providers, they spend more time on the streets and in the public eye. This increased public lifestyle results in a higher likelihood of eliciting a complaint from a citizen, as well as an increased likelihood of being policed than those homeless who aren't shelter-resistant.

For this reason, the shelter-resistant homeless are an ideal population to study when inquiring about interactions between law enforcement and the homeless.

In 2010, the Mayor's Advisory Council in Missoula launched the "Homeless and Housing Instability Needs Assessment 2010." The survey was conducted by a private research consultant with the goal of understanding the homeless population in Missoula in order to address their diverse needs. Among a multitude of other findings, the assessment demonstrated that 80% of Missoula's homeless were considered "transitional" homeless (Jacobson 2010). This category encompasses those who are experiencing their first bout of homelessness and/or have been homeless for a short period of time due to unemployment, under-employment, increased living costs, or other factors. The assessment also found that 9% of homeless Missoulians are experiencing "episodic" homelessness, meaning that they have previously experienced homelessness and are currently experiencing it again (Jacobson 2010). This group is characterized by individuals who enter and exit homelessness more than once in their lives. Finally, the homeless needs assessment determined that 11% of the homeless population in Missoula is considered "chronically" homeless (Jacobson 2010). This group of individuals has been homeless for an extended period of time and has not been able to successfully exit homelessness permanently.³ According to the National Alliance to End Homelessness (2012:12) 17% of America's homeless are "chronic," while nearly a third are considered "unsheltered." From 2009 to 2011, the "unsheltered" homeless population was the only subset of the population to increase (National Alliance to End Homelessness 2012:13).

³ Interestingly, the downtown police officer responsible for enforcing the quality of life ordinances refers to them as the "ten percenters," indicating that he understands that they are a small subset of a larger population of people experiencing homelessness.

Typology

During the time I spent in the Salcido Center, I was able to gain a detailed understanding of the characteristics of the shelter-resistant homeless. The shelter-resistant homeless are a diverse group with unique factors that contribute to their shelter-resistant lifestyle. The five types of shelter-resistant homeless individuals I identified based on my time at the Salcido Center are: Campers, Panhandlers, Drinkers, Mentally Ill, and Tramps. Unlike many other typologies, these types are not mutually exclusive. One individual can be categorized as several types. For example, some individuals demonstrate all five types, while others simply fit into one of the categories (SEE APPENDIX E).

Campers

The first type, and the one that I most frequently observed, is the characteristic “camper.” The term camper is an etic⁴ meaning and I use it to describe homeless individuals who sleep outside of the confines of a building. Most shelter-resistant homeless are campers because they do not stay in traditional emergency shelters. Among the campers themselves, there are emic⁵ definitions that outline differences based on location and demeanor. According to my companions, the best campers for authorities are those that camp outside of city limits along the Kim Williams Nature Trail. These campers have less frequent interactions with law enforcement due to jurisdictional issues and rules that allow for such camping outside of city limits.

⁴ “Etic” meanings are meanings in qualitative research that are created by the researcher about the population being researched.

⁵ “Emic” meanings are meaning that are coined and used by the population being studied, and utilized by the researcher to explain aspects of group behavior and life.

In addition, there are emic definitions of campers as “good” or “bad.” “Good” campers are characterized by being good tenants of the area that they camp. They maintain the identity of “good” campers by avoiding conflict with authorities, and keeping a low profile. Conversely, “bad” campers are those who neither keep a low profile nor respect the area in which they camp. The “good” campers see these individuals as being responsible for giving the homeless campers such a negative image. Because campers that stay downtown are breaking the law, other campers also view them as “bad”. Although many of my companions saw themselves as “good” campers, the “bad” campers have more interactions with law enforcement, and are more likely to be reported to the authorities. Subsequently, the “bad” campers were a more specific focus of my research.

Panhandlers

Another behavioral characteristic of the shelter-resistant homeless is their propensity to panhandle for income. As previously stated, the growing presence of panhandling downtown served as a motivator for the quality of life ordinances in Missoula. A large part of panhandling is finding an advantageous location to panhandle. The most successful locations to panhandle are those locations with substantial pedestrian traffic. Accordingly, most of the panhandlers in Missoula are downtown because of the potential of successful panhandling due to substantial foot traffic. If panhandlers find a place that yields substantial income, they become dependent on that income to purchase things they use in their daily lives. Many of them panhandle in order to purchase intoxicants, primarily alcohol.

Drinkers

Many of the shelter-resistant homeless are engaged in substance abuse, specifically alcohol abuse. Alcohol abuse can play a substantial role in a homeless individual's shelter resistance. For instance, the Poverello Center does not allow people to utilize overnight services if they are intoxicated. Although this is not always strictly enforced, an apparently intoxicated individual can be asked by staff to blow into a breathalyzer. This policy is ignored when the temperature drops below a certain level. In these instances, the Poverello Center exercises their "weather policy," which allows the intoxicated to sleep in the shelter. Individuals are also allowed to come in for a meal while intoxicated if they are not disruptive. If a person is refused services because they are drinking, they are given two choices: reattempt entry to the Poverello once sober or opt not to receive services from the Poverello at all. In addition, if a person is violent, disruptive, or flagrantly violates the rules, they can be given an "out," meaning they are kicked out of services. The length of an "out" varies from 24 hours to permanent.

Mentally Ill

Mental illness can lead to shelter-resistance in two significant ways. First, mental illness can contribute to substance abuse that disqualifies them from traditional shelter services. Second, mental illness can make emergency shelters unlivable environments. This occurs through two ways; the first of which is that their mental health problems are so severe that they pose a threat to themselves or other clients at the shelter. In these instances, either precautions are taken by staff to ensure the safety of others, or the person is introduced to other services. More frequently, individuals have mental illness that

makes the environment miserable for them. Although the overcrowded conditions in a homeless shelter don't sound enjoyable to most, for mentally ill shelter-resistant homeless, the climate can be unbearable. Research has shown that Post-Traumatic Stress Disorder (PTSD) often hinders people from receiving services at emergency shelter (Roisman 2005). When left with the decision to sleep in a shelter or outside, many choose outside. The development of PTSD is typically linked to sexual or physical abuse experienced as a child or to combat situations experienced by veterans (Roisman 2005). Because the shelter-resistant homeless are a predominantly male population, the majority of people I encountered with PTSD were veterans⁶.

Nationally and locally, veterans constitute nearly one quarter (23%) of the homeless (Jacobson 2010; Hodulik 2001). This is striking given that only approximately 9% of the general population is veterans. These statistics suggest that once veterans come back from active duty, they might be more likely to experience homelessness than their civilian counterparts (National Center for PTSD 2012). This is likely due to the fact that many of the veterans have PTSD.

PTSD is a mental illness that occurs after an individual has been exposed to a significant enough amount of trauma that it permanently impairs brain function (National Center for PTSD 2012). One of the symptoms of PTSD is “hypervigilance,” meaning that they are hyper aware of potential threats due to a reduced sense of safety associated with previous traumatic experiences. PTSD and hypervigilance can make a crowded room so intimidating and overwhelming that a person would avoid entering the room at any cost

⁶ Many women experiencing homeless also experience PTSD stemming from sexual abuse, physical abuse, or other traumatic experiences. However, research has shown that women have more social networks, both formal and informal, that prevent them from being shelter-resistant at the same rate of their male counterparts. According to Arth (2012), 80% of homeless women are victims of abuse.

(National Center for PTSD 2012). Emergency homeless shelters, which are typically overcrowded, present numerous hurdles for those suffering from PTSD. This makes homeless people experiencing PTSD a difficult group to service and creates a demanding hurdle in trying to help them exit homelessness.

Tramps

The final type of shelter-resistant homeless person is quite different than the previous four. “Tramps,” as they are called by service providers and homeless alike, are younger wanderers who often travel across country by train. In the words of Aldous, a companion of mine, “we get a lot of traveling tramps through here, and you just see them once and they go away.” Typically the tramps can be seen with their dog and guitar, occupying the corner of Higgins and Broadway during the summer months⁷.

The downtown officer also identified the distinction between the younger tramp crowd and the older shelter-resistant population. According to the officer, “the young kids come through, we call them the rainbow kids... they’re all headed to the rainbow gathering from Vermont, Connecticut, [and] back east.” The officer explained that their presence has decreased significantly since the ordinances have been passed. Although they are a small subset of the shelter-resistant, my study focuses more specifically on the shelter-resistant homeless that reside in Missoula all year.

To reiterate, the five types of shelter-resistant homeless presented above are neither mutually exclusive nor exhaustive. Rather, the typology demonstrates the

⁷ I refer to them as tramps because that is what the homeless and service providers refer to them as. The term is not meant to be pejorative.

different types of shelter-resistant homeless. Despite their differences, patterns emerged as to the possible outcomes the experience when policed.

FINDINGS: OUTCOMES OF INTERACTIONS

Many of the shelter resistant homeless in Missoula have frequent and consistent interactions with law enforcement, emergency medical services, and other service providers. Individuals or business owners report the homeless for public intoxication, boisterous and/or disturbing behavior, open container violations or violations of the quality of life ordinances. The different service providers that respond are the H.O.T., B.I.D. Ambassadors, and the downtown police officer. During my research, I observed that service providers employ four different outcomes when dealing with the shelter-resistant homeless. These four outcomes vary in their degree of formality. Starting with the least formal, they are (1) negotiation, (2) informal resolution, (3) formal resolution, (4) and incarceration (SEE APPENDIX F). Service providers take into consideration a number of factors when initiating these potential outcomes. These factors include: severity of offense, “fatigue,” visibility, and cooperativeness.

Negotiation

The least formal outcome employed by service providers in downtown Missoula is “negotiation.” “Negotiation” is the outcome in which a service provider other than a police officer interacts with a shelter-resistant homeless person who is either violating

one of the Quality of Life ordinances or causing a public disturbance,⁸ and engages in either “direct” or “indirect” negotiation. “Direct negotiation” refers to the process by which the negotiators immediately provide services or items the homeless individual needs. Although these services may not lead to them exiting homelessness, they do improve their quality of life. The negotiation is direct in that either a member of the H.O.T. or a B.I.D. Ambassador directly negotiates with the individual, rather than incorporating a third party into the negotiation. In contrast, “indirect negotiation,” describes when a member of the H.O.T. or a B.I.D. Ambassador refers the individual to a service that they need. Examples of services include healthcare, the Salvation Army, Veterans Affairs, or other social services that the individual qualifies for, but is not utilizing. I refer to this type of negotiation as indirect because the negotiator is not providing them with what they need, but is referring them to beneficial services.

Typically, the negotiation process is initiated in one of two ways. The first, and most frequent, is that a concerned citizen or business owner reports the disturbance to one of two entities: the Poverello Center or the Missoula Downtown Business Improvement District (B.I.D.). The two organizations have a separate protocol for dealing with these calls. The second way that it is initiated is that members of the H.O.T. or one of the Downtown B.I.D. Ambassadors witness a disturbance or unlawful act while they are patrolling the downtown corridor. In either case, the organizations have different goals and different methods to manage public disturbances.

Most public disturbance complaints the negotiators field comes from downtown business owners. These owners pay membership dues to the B.I.D., and subsequently

⁸ “Public disturbance” is a broad term, meant to encompass any behavior that elicits a complaint from a business owner or citizen.

they often call the Downtown B.I.D. Ambassador first. The Ambassador carries around a cell phone while patrolling the downtown. Once the Ambassador receives a direct complaint from a member, or one is transferred from the office, the Ambassador reports to the location of the disturbance. In 2011, the Ambassador responded to over 4,000 calls that were initiated from a complaint concerning a homeless person. The 4,051 calls that year constitute nearly 20% of their total calls, 21,132. That call volume averages approximately 11 calls a day, given that the ambassador has five-day workweeks.

Once at the scene of the disturbance, the Ambassador exercises a primary duty: “keeping the peace.” Keeping the peace entails informing both parties of laws that govern the specific situation, as well as mediating potentially heated exchanges. If someone is violating an ordinance or a law, the ambassador contacts law enforcement officials. According to the Ambassador, the presence of an officer in the downtown corridor has been extremely helpful in validating the position and negotiations. The presence of the officer and the ordinances allow for what the Ambassador called “accountability,” which refers to a homeless person’s coming to understand that there are consequences for violating the ordinances.

The Ambassador is responsible for meeting the needs of the business owners who pay membership dues to the B.I.D. Therefore, the main concern is to keep the downtown thriving and clear of any behaviors that could deter people from enjoying certain businesses or festivities. Subsequently, the Ambassador’s contribution is more often manifested in the “informal resolution” outcome. However, the Ambassador still intervenes in ways that I would consider “direct negotiation,” largely because the

Ambassador has developed a rapport with these individuals and is often able to talk them down.

The Downtown B.I.D. directly supports the Homeless Outreach Team's negotiation procedures. In 2010, the B.I.D. launched the "Spare Change for Real Change" initiative, which is designed to encourage citizens to contribute their spare change to small containers placed throughout downtown rather than to panhandlers. The reasoning behind the program is that due to the high availability of homeless services and food provided by the Poverello Center, panhandlers will use the money to purchase intoxicating substances. The B.I.D. used the funds accumulated by the "spare change" program to contribute to the creation of the Poverello Center's Homeless Outreach Team. Given that the outreach team serves a very different purpose than the Downtown B.I.D. Ambassador, they have their own unique protocol in trying to negotiate the interactions.

When the Poverello Center receives a complaint regarding a homeless person, they notify a member of the Poverello Center staff on the H.O.T. In my research, I accompanied "William Skink." When there was disturbing or unlawful behavior reported to the Poverello, the Poverello would call William, inform him of the nature and location of the complaint, and typically in ten to twenty minutes, he and I would respond to the location. The characteristics of the intervention vary greatly because the nature of negotiation is adapted to the person in question and their needs. The two primary types of negotiation I observed were direct negotiation and indirect negotiation.

Although direct negotiation is less time consuming and probably more frequent, the indirect negotiations are better suited to help shelter-resistant homeless individuals achieve long-term stability. In my experiences, indirect negotiation is the ideal goal for

the H.O.T. or the B.I.D. Ambassador. In these instances, the service providers are able to get the person the help they need. Two examples from my observation best demonstrate the importance of indirect negotiation in helping get people off of the streets.

One example of successful indirect negotiation happened the first day I was on the H.O.T. William and I reported to the courthouse lawn for a complaint about a specific individual that a citizen had reported to the Poverello Center. We found an elderly Native-American man, “Slick,” wrapped in blankets, sitting on the courthouse lawn. His unkempt hair and tattered clothing made him appear disheveled, and his odor and speech led me to believe he was heavily intoxicated. Slick’s unhealthy state is documented in field notes from September 1st, 2011:

William warned me while we were walking over that one of the men we would be dealing with was a chronic inebriate. Evidently, he has been causing a lot of commotion because he is almost always so drunk that he can’t control his bowels or bladder... William also told me that the man definitely has Hepatitis C, and that rumor has it he is also suffering from AIDS. Anyway, we came across the man and he was clearly drunk and smelled of urine and feces. The odor was extremely powerful. William sat down near him and attempted to spark up a friendly conversation... Slick, as I will call him, is 77 years old. He sat along the courthouse lawn next to his broken walker... [He was] wet, shoeless, and covered in his own excrement.

Unfortunately, Slick’s declining health was the topic of conversation for many of the homeless people in the immediate vicinity. They shouted from where they sat “take him away!” and “he needs help, man.” For 20 minutes, we tried to convince the man that he needed to go to a low-income medical service provider. Evidently, the man had been kicked out numerous times for drinking, and the healthcare provider did not want him back. Eventually we were able to convince Slick that he needed to get help, and that he needed to be cleaned up. Although reluctant at first, he finally agreed to go to the medical provider.

Once Slick was cooperating, William called the medical service provider, and started trying to convince them to take Slick. They explained that Slick has come to their facility to get services before, but his substance abuse precludes him from receiving long-term help. Due to William's persistence, they agreed to take Slick. Fortunately for the woman who responded from the facility, the H.O.T. continued assisting her when she arrived:

When she arrived, it was time to move Slick, which I was very reluctant to do. William gave him some hand sanitizer, and then gave him a hand getting up. I made sure that his rickety walker was a step ahead of him and that it wasn't collapsing. Meanwhile, the nurse was putting down a diaper type material all over the seat. When Slick stood up, I noticed that his pants were far below his waistline, and that he was completely covered in feces. When William noticed this, he immediately asked the nurse if she had any rubber gloves. She had only one pair, so William took the initiative and put them on. The smell was horrendous, but it didn't deter William from maintaining his composure. Not only did he help the man into the van, he also continued to treat the man with both dignity and respect. (September 1st 2011)

William spoke to the man without any hostility in his voice and maintained a friendly and helpful demeanor the entire time. It also demonstrates how indirect negotiation is an integral part of the mission of the H.O.T. When the woman arrived, she immediately recognized Slick and made a comment indicating that she has dealt with Slick numerous times before and was not pleased with his current condition. In helping Slick get in the van and relieving the nurse of an unsavory duty, William alleviated some of her fatigue in dealing with the same homeless man. By reducing these pressures and encouraging a cooperative approach to service providing, William was able to get Slick into services he otherwise would not have had access to. By getting Slick into services, William was also successful in getting him off of the courthouse lawn, where he had been accruing community complaints and tickets for some time. Due to our negotiation efforts, the

downtown police officer will not have to deal with Slick's public intoxication and defecation for that day, hopefully decreasing his fatigue in dealing with Slick and others.

I witnessed another example of indirect negotiation in November of 2011. Despite the weather getting colder, the H.O.T. was very busy with the Occupy Missoula movement, due to the large number of homeless people staying on the courthouse lawn. While in the main tent one morning, William and I talked to a young man who had previously been kicked out of the Poverello Center:

The young man sat huddled in the corner of the main tent at the "Occupy Missoula" demonstration. Like many of the occupiers, the young man had recently been kicked out of the Poverello Center and was seeking refuge on the courthouse lawn. The young man seemed confused by his surroundings, and not completely aware of what was going on around him. He reintroduced himself to me five or six times and to William five or six more. His sentences were short, disjointed, and didn't always make sense. However, he seemed very eager to take William up on an offer to speak with a mental health specialist. (November 11 2011)

In addition to appearing and sounding mentally disconnected, the man had also recently engaged in behavior that called his mental stability into question. After the interaction, William told me that just a couple of days prior, the man had been kicked out of the Poverello Center for trying to set fire to it. Apparently, the young man tried to do so by bundling up a small pile of paper, pushing it against an outside wall of the Poverello building, and trying to set it ablaze. His behavior was reported to Poverello staff by some of the clients that witnessed it. Although his attempts were futile, he got kicked out of the Poverello Center due to the danger he posed for the clients, volunteers, and staff.

When William talked to the man, he was very friendly, but frank about his actions at the Poverello Center. It became obvious in their conversation that the man had come from Warm Springs, and was perhaps in need of the services provided by the institution.

William offered to get the young man mental health services that he seemed to need, and the young man was eager to take William up on his offer. Before we left, William assured the man that he would get him the mental health services he needed, starting by introducing him to a mental health specialist later that afternoon.

By introducing the young man to the mental health services he apparently needed, William diverted the man from further interactions with law enforcement. Rather than write the man ticket after ticket, William was able to get the man directly to the services he needs, indirectly lifting the burden of fatigue for law enforcement and emergency service providers who would have otherwise dealt with him. Through the process of indirect negotiation, as demonstrated with Slick and the young man, the service providers collaborate to introduce many of the shelter-resistant homeless to the services they need.

While participating on the H.O.T. I also observed numerous instances of direct negotiation. Almost every day, H.O.T. members distribute water, food, and other needed supplies to the shelter-resistant homeless population as a form of direct negotiation. Typically, H.O.T. members carry bottled water, sack lunches, and personal hygiene items, as well as information regarding the services provided by the Poverello Center. In the colder months of outreach, they also carry hand and feet warmers to distribute. As frostbite is a serious medical concern for many of these individuals, these supplies have great value to not only the individuals using them, but also the community. By slowing the process of frostbite or hypothermia, the H.O.T. is able to decrease the amount of public spending used for medical services for the aforementioned conditions. These forms of direct negotiation are plentiful, and

are utilized by the members of the H.O.T. numerous times on a daily basis. However, direct negotiation is not always as simple as distributing low-cost supplies.

While observing the H.O.T., I witnessed other, more complex forms of direct negotiation. On September 14th 2011, William and I responded to a call about an individual downtown who, according to William, was in desperate need of medical attention. The individual, “Wally,” was incredibly street savvy and knew where to hide from us. With the help of another homeless man, “Tyson,” William and I were able to locate Wally. When we came upon Wally it was clear to us that he was too intoxicated to be admitted into any type of medical facility. Wally had apparently suffered extensive frostbite on his toes the previous winter. William was aware of the deteriorating state of Wally’s health and subsequently urged Wally to let us change the bandages on his feet in lieu of receiving more extensive medical treatment. Although Wally was reluctant at first, William convinced the man to let us help him. Unfortunately, we did not have the appropriate supplies with us, so we had to go to the Poverello Center to acquire them. Once we returned, the two men were even more intoxicated, but Wally was still willing to let William and I address his bandage issues.

William took the lead and began removing Wally’s shoes. His frostbitten feet were wrapped in bandages that appeared to have been in use for weeks, if not months. Despite the smell of decay and the blood stained bandages, William continued to unwrap Wally’s feet. Once the bandages were removed, William and I filled up a small plastic container with antiseptic and water for Wally to soak his exposed feet into. Before dipping Wally’s feet into the solution, William carefully removed the

dead tissue from around Wally's infected toes and heels. Wally patiently lay on the sidewalk while I assisted William in replacing his bandages, socks, and shoes. Wally appeared appreciative of the services he was receiving, thanking us intermittingly. A homeless companion of his, a young woman, sat with us while we helped Wally. As we were working, she told William multiple times how "good of a man" she thought he is.

Although the services did not help Wally exit homelessness, it did have a drastic positive impact on his life. By replacing his bandages, William and I were able to prevent emergency medical service providers doing the same task. Not only does this save taxpayers money by avoiding a costly medical response, but it also reduced service providers' fatigue from interacting with the shelter-resistant homeless. Sadly, this would be the last time I saw Wally, who was a consistent presence downtown. The following month, Wally passed away due to blood-related issues, likely a result of his drinking.

Negotiation is a substantial aspect of the policing of homeless in Missoula. As the section illustrates, the B.I.D. Ambassador and the H.O.T. work diligently to provide services, food, and conversation to the shelter-resistant homeless in Missoula. Without this negotiation, there would likely be far more citations distributed downtown, and fewer homeless people introduced to services that could aid them in exiting homelessness. Whether direct or indirect, negotiation is invaluable in improving the lives of shelter-resistant homeless, reducing service provider fatigue, and encouraging entry into services that can help people exit homelessness.

Informal Resolution

“Informal resolution” refers to service providers resolving the disturbance without a punishment or formal citation. Typically, this consists of the responders asking someone to move along or telling him or her to, essentially, “cease and desist.” While spending time in the Salcido center, numerous companions discussed informal resolution in regard to the enforcement of the quality of life ordinances. In most instances, if the offender is willing to stop the problematic behavior, then the issue is resolved informally. Police officers seem willing to offer a certain degree of leniency and frequently only give individuals verbal warnings, as seen in an April 2011 interview with Aldous:

They just pretty much try to neutralize whatever the situation is... Except for the panhandling, which they will just come up and say, “you know you can’t do that” and unless they have to tell you that four or five times, they are just going to give you a warning and then [they] go on their way.

As Aldous indicates, many times the police are more interested in defusing situations rather than administering formal sanctions. According to Aldous, if the offenders in the downtown area are cooperative and compliant, they are not likely to be written a citation. By highlighting the “traveling tramps,” Aldous indicates that these tactics will more likely be used against individuals who are unaware of the ordinances in the city and have yet to fatigue law enforcement officials.

Aldous’s observations were also validated by the downtown officer. In an interview in March 5th 2012, the Downtown Police Officer explained the ordinances and the utilization of informal outcomes:

Soliciting in certain places is prohibited is one that went through. Its’ part of that pedestrian interference stuff. And that one’s helped a lot, because it’s given me so far from an ATM, so far from a business door. It’s helped me to move, relocate people. And even some of the traveling kids that just want to play music and nobody says, “you can’t play music.” We love it! I’ll just show them a location,

“how about this, over here, this is a good corner.” [They say,] “ok!” and they move right over there.

The excerpt demonstrates that the downtown officer willingly utilizes an informal outcome to resolve certain situations. Specifically, the officer communicates the ordinances with those who are not familiar with them, without issuing a formal citation. Also, the officer states that the ordinances offer opportunities to “move” and “relocate” people to legal locations. This shows that the officer is willing to avoid a formal outcome, as long as the person is willing to move to an appropriate and legal location for their activities.

In addition to law enforcement, the H.O.T. and B.I.D. Ambassadors also utilize informal outcomes. Based on my observations, I have found that the service providers are willing to avoid a formal outcome even if the individual is not cooperating with them or being respectful. This was demonstrated in a September 7th, 2011 outing with the H.O.T. On that day, we were called to a downtown coffee shop to talk to a man who had been sleeping at a table for hours. Rather than call the police and risk a formal outcome, William and I talked to the man, who I call Davidson, as documented in my field notes:

In trying to be nice to Davidson, William explained that talking to us was a better alternative than being cited for a ticket. The man called us [several vulgar names] and continued to call us “Pov cops.” In an apparent display of bravado, Davidson told us that he wasn’t scared of the cops, or anyone else... After a while longer, he took off on his bike and told us he was leaving town.

Despite substantial hostility and name calling, William kept calm and opted not to call the police. By doing so, he assured that the man would not receive a formal citation.

Davidson’s hostilities made negotiation impossible and seemed to make a citation likely.

However, William got the man to wake up and leave the coffee shop that he was disturbing, without pursuing a formal outcome.

Based on my experiences, it is clear that all parties try and resolve the apparent conflicts informally. Members of the homeless community are aware that the police and service providers actively pursue informal resolutions. Furthermore, I have seen the commitment to informal resolution while on the H.O.T. and heard about it in interviews with representatives from the B.I.D. and Missoula Police Department. Despite the police and service providers' willingness to avoid formal outcomes, those outcomes can sometimes be unavoidable. If an individual is committing a severe enough crime or continues to be disruptive, the police officer is often left with very little choice but to cite the person at hand.

Formal Resolution

If an individual is unable to reach an informal resolution with law enforcement or service providers, they will be processed formally. A formal resolution occurs when an interaction results in a formal citation. Because law enforcement officials are the only actors authorized to write a citation, formal resolutions can only be administered by law enforcement. As previously mentioned, the citation is not a direct fine; rather, the individual is summoned to appear in Municipal Court before the judge, who issues a fine to the perpetrator.

While I was in the Salcido Center, it was clear that the police issue citations to people for violating the two ordinances. My companion Aldous also observed police officers issuing citations, as evident in an April 2011 interview:

[The chronically homeless alcohol abusers] get enough money to buy one of the \$4.50, cheap Mr. Boston Vodkas and just sit there and drink all day. They are always getting in trouble with the law because they are panhandling, which is explicitly against the law... or [they are] just passed out on the courthouse lawn.

What law enforcement essentially does with them is unless they are being belligerent or getting in fights, which do happen, then they usually just take them away... and just give them a ticket.

Aldous's description demonstrates that when an individual is blatantly violating an ordinance, the police officers will issue them a citation. Although most of these people lack the ability to pay a fine, the reason for these citations came up in several of my interviews.

The idea of "accountability" was discussed by all of my professional interview participants. By accountability, they mean establishing that there will be consequences for violating the ordinances, in order to deter them from violating. The ability to issue a citation and a penalty to these individuals holds them "accountable" for their actions.

This penal philosophy was described in my March 5th 2012 interview with the downtown police officer:

I've had people walking by me on the street, writing a ticket, "oh why don't you just [quit] wasting time, wasting money?" And I suppose that's one way to look at it but we need to set that precedent of being firm. And this is what we don't want to have happen, here's the rules, and for the most part they get it. And they're like "oh yeah, I'm within 12 feet of that door aren't I?" And they know. "Yes, you are." I mean they know what the rules are, sometimes they choose to ignore it, fine, then we'll deal with it. But for the most part, if you come out and tell them, "this is what I don't want to have happen," they'll deal with it.

The explanation demonstrates the officer's commitment to holding the individuals accountable for their actions. By consistently showing the downtown homeless population that they will be cited if they do not adhere to the ordinances, the officer is establishing what behaviors are not acceptable, and what the consequence there will be if the ordinances are violated. The officer highlights that people choose to ignore the rules, and so they are dealt with accordingly. As previously mentioned, the officer is willing to resolve a disturbance with an informal outcome if the person does not know the

ordinance; however, if they voluntarily violate or ignore the rule, the officer is likely to issue them a citation.

The officer also referenced accountability and how recent changes in the municipal judiciary have increased accountability. The officer discussed the new judge in the same March 5th 2012 interview:

Sometimes they're like, "come on, you're writing me another one?" Yeah. Yeah. With the new judge in office, it's helped, because she's being stricter on this stuff, making people being held accountable. And once they're held accountable it makes my job way easier. And it's not just a sheet of paper to them anymore. They understand, "now I gotta go see the judge."... That part is a big change.

The officer believes that the ordinances, and their enforcement, keep people accountable. The officer also explained that the new municipal judge is also holding people even more accountable by being stricter with the enforcement of fines.

Recently, the local newspaper released an article about the new Municipal Court judge, Kathleen Jenks, and how much stricter she is than her predecessor. The article, posted on April 22nd 2012, quoted Senior Deputy City Attorney Gary Henricks saying, "You'll hear transients asking one another if they've been Jenksed" (Florio 2012). The article describes the term as a verb that refers to aggressive sanctions applied by "Judge Kathleen Jenks to folks who don't show up for court appearances or pay their fines" (Florio 2012). The article states that from December 2010 to March 2011, the Missoula Municipal Court collected approximately \$450,000 in fines under Jenks's predecessor, Don Loudon. In that same time frame in 2011, Judge Jenks collected over \$695,000. It seems that the new judge is holding the transient population more "accountable" by levying more fines, and trying to enforce their payment. Of course, this does not eliminate the possibility that some of the population will not be able to pay those fines.

Incarceration

Critics of “Quality of Life” ordinances, in Missoula and beyond, argue that penalizing panhandlers and other shelter-resistant homeless with fines is ineffective because they lack the ability to pay them. When an individual in Missoula is unable to pay their fines, they are violating an order of the Municipal Court. As Officer Rob Scheben explained to me, the police cannot arrest someone for not paying fines; what they can arrest them for is contempt of court. To increase the accountability of the perpetrators, the judge occasionally resorts to incarceration.

One individual I encountered during my time with the H.O.T. experienced the process of multiple tickets and incarceration. “Jackson” has been in and out of jail in Missoula due to multiple violations of the quality of life ordinances. This pattern was demonstrated in my field notes from September 1st, 2011:

[Jackson] said he and his wife had spent time in Mississippi and that panhandling there was far more prosperous than it is here. William... asked the man if he had been ticketed recently. Jackson confirmed that he had received three panhandling tickets in the last month or two, and that the fines stacked up. Rather than pay the fines (which he did not have the money to do), he nominated to serve a six-day jail sentence at the local jail. He was recently released and back on the streets panhandling.

Jackson explained that he continued to get ticketed for his consistent violation of the ordinances. His experiences show law enforcement’s willingness to write tickets, even if the citations won’t likely be paid. Jackson’s story also illustrates that punishing the behavior does not necessarily prevent it from reoccurring. Jackson has been a presence in downtown Missoula for years, and although he appears to understand the ordinances, he willingly violates them. This was demonstrated by Jackson’s determination to ask

members of the H.O.T. if they have spare change or cigarettes even after we told him no, which is a violation of the aggressive solicitation ordinance.

Although incarceration can occur, I saw scarce evidence of this. For an individual to be incarcerated, they have had to exhaust the possibility of an informal outcome numerous times, and have received several fines that they are unable to pay. I didn't encounter this outcome consistently in my data, which suggests that it does not happen frequently.

FINDINGS: EXPLAINING FORMALITY OF OUTCOMES

In my research I have found that there are four factors that influence the formality of an outcome: nature of offense, visibility, fatigue, and cooperativeness (SEE APPENDIX G). For instance, visibility of offense is on a continuum. The offense can either have high visibility or low visibility; all offenses have some level of visibility. Therefore, the visibility of the offense can either contribute to negotiation, informal or formal resolution, or even incarceration. In addition to these four factors, who responds to the disturbance also impacts the formality of the outcome. These factors contribute to an outcome; none of the factors independently dictate the outcome of an interaction. Rather, these factors contribute to the police officer's or service provider decisions how to resolve the public disturbance.

Nature of Offense

An influential factor in determining the outcome is the nature of the offense. In most circumstances, the catalyst for the interaction is a potential misdemeanor that I refer to as a “public disturbance.” If certain offenses are committed, it is unlikely that police or service providers will deal with the individual informally. For instance, if a homeless person downtown were to physically assault someone, it would likely destroy his or her chances of being dealt with informally. Conversely, if an individual’s behavior is only a minor infraction of the law such as panhandling, or they are simply causing a disturbance, then it is very likely that the individual will be dealt with informally. Therefore, the nature of offense impacts whether or not the police or service providers will pursue a formal outcome.

There are several offenses that are serious enough that they are never dealt with informally. For example, any felony or crime against a person is typically dealt with formally and prosecuted. In a February 23rd 2012 interview, a representative from the Missoula Police Department said that theft, vandalism, or other crimes against property will always be dealt with formally. In addition, the Downtown B.I.D. also guides the downtown officer’s discretion. In an interview with the Director of the Downtown B.I.D., he explained that the organization funds 25% of the downtown officer’s salary. As the downtown police officer said in a March 5th 2012 interview, there are “two bosses... the chief of police and... Rod Austin (the Downtown B.I.D. director).” The officer explained Rod’s expectations in the same March interview:

Rod’s good about letting me decide where I need to be or what I need to do or what hours I need to work or how to address problem. Rod’s really good as long as I’m fielding the complaints from the business owners and his group is happy. And to keep them happy, you know they want to see a guy out in uniform walking

around. So I interact with them quite a bit, the downtown ambassador, if [the Ambassador] has any issues [the Ambassador] calls me... I try to stop in and see Rod at least once a week. Stop by his office, see if anything's cropped up, if he has some of his business people seeing a pattern develop then we'll go address that.

The downtown officer and the B.I.D have a unique relationship. Because the officer answers to Rod Austin, and since B.I.D.'s objective is to keep the members of the B.I.D. "happy", the officer must appease the business community. Although the downtown officer is allowed discretion in the downtown policing, this discretion is limited if the business owners are not pleased. As the officer stated, as long as business community's complaints are being addressed, the officer can continue to use personal discretion. Because the officer has continued to respond to the complaints of the business owners, the officer's discretion plays a substantial role in what offenses warrant a formal outcome.

In addition to felonies and crimes against persons or property, there is one offense that the downtown officer deals with formally every time it occurs. As the officer explained during the interview, the officer "set a precedent early that [there] was going to [be] a zero tolerance [policy] towards alcohol... absolutely none." For the shelter-resistant homeless population, this means that an open container violation will never be dealt with informally by the downtown police officer. In the same March 2012 interview, the downtown police officer stated that violation of the pedestrian interference ordinances was one of the "three big ones," meaning it is one of the three violations that the officer writes the most citations for. The other two "big ones" that the officer writes the most citations for are illegal camping in city limits and open alcohol container violations.

Although the officer does not express a zero tolerance policy on camping and violation of the pedestrian interference ordinances, they are likely to elicit a formal outcome.

The two ordinances also affect police discretion, namely whether or not to issue a citation. While on the H.O.T., I noticed that the pedestrian interference ordinance frequently results in a formal outcome. On a September 28th 2011 outing, William and I came across a man with a slip of yellow paper in his hand, and talked to him:

William began talking to [the] man. He confirmed [to me] that the man was a veteran, which was also displayed on his baseball cap. In the man's weathered hand was a crumpled up yellow piece of paper. William warned the man that [the downtown officer] had been giving a lot of tickets in the downtown area lately. The man replied, "I know, I got one this morning." Travis asked him what he was doing and the man explained that he was sleeping in a public area.

There is a high likelihood of receiving a ticket from the downtown officer when violating the pedestrian interference ordinance. My research verifies that lying down in a manner that obstructs pedestrians will likely elicit a formal outcome if the downtown officer witnesses it. According to the downtown police officer, the pedestrian interference ordinance is easier to enforce than the aggressive panhandling ordinance due to clearer language in the ordinance.

The aggressive solicitation ordinance has many clauses that, according to the officer, make it more difficult to interpret and enforce. The ordinance outlaws soliciting in an aggressive manner, and does not permit people to intimidate, harass, threaten, pursue, or badger an individual in order to obtain money. Despite the lengthy list of prohibited actions, the downtown officer explained on May 5th that it is difficult to prove if panhandlers are actually violating this ordinance. Specifically, proving that solicitation was aggressive or threatening can be difficult without a witness, which they rarely have:

The wording in the [Aggressive Solicitation ordinance] makes it restrictive. So I know what they were getting at if somebody says no and they continue to ask, but the way it is worded and the way that law is put in it makes it really hard... I talked to [the City Attorney] about it and [the City Attorney] goes, “well you could have the person that was feeling harassed by the aggressive panhandling but you also need a witness,” and nobody wants to stick around!

As demonstrated, the officer experiences difficulty in legitimizing claims of “aggressive” panhandling. However, if an individual violates the time or space restrictions, it is easier to enforce. For example, if a person is panhandling within 20 feet of a bus stop, it is explicitly against the law. If a person is panhandling at night it is also a clear violation of the ordinance. As explained in the interview, the downtown officer hides in alleys near bars at night and listening for panhandlers asking for money. Once they do, the officer comes out from hiding either asks the individuals to move along, or writes the individual a ticket.

The formality of the outcome depends largely on who responds, who witnesses the illegal behavior, and three other factors (visibility, fatigue, and cooperativeness). Regardless, there are certain behaviors that will almost always warrant a formal outcome. These offenses include felonies, crimes against people, crimes against downtown business owners, and open container violations. In addition, behaviors that explicitly violate the pedestrian interference and aggressive solicitation ordinance will potentially elicit a formal outcome. According to the downtown officer, the “three big ones,” or the three violations that receive the most tickets, are open container violations, pedestrian interference violations, and camping in city limits. However, a violation of any of these behaviors does not necessarily result in formal resolutions.

Visibility

Another factor that influences the formality of the outcome is “visibility.” I found two types of visibility that affect both the likelihood of the public disturbance being reported and the formality of the outcome. The first type of visibility, and perhaps most obvious, is the visibility of the offense to the public. As is the case with most crimes, the more visible the act, the more likely it is to be reported. Based on my observations and interviews, increased visibility warrants a more formal outcome and an increased likelihood of being reported.

During my time with the H.O.T., it became clear that higher visibility is a contributing factor to formality of outcome, and also that the very goal of policing procedures is to make certain behaviors less visible. Because the Downtown B.I.D. is so intricately involved in the passing of the ordinances, funding of the downtown police officers, funding of the H.O.T., and communicating with local business owners, their concerns seem to be paramount in determining the goals of the police. The goal of these policing strategies, and supplemental programs, is to keep certain behaviors out of the downtown area, not necessarily to stop them from happening entirely. This strategy was clear in my interviews with representatives of the Missoula Police Department and the Downtown B.I.D.

The goal of the ordinances, according to the Director of the B.I.D. and the Missoula Crime Prevention Officer, was to remove certain behaviors from the downtown corridor. However, the downtown police officer mentioned that visibility of offenses in downtown Missoula was practically as important as stopping the behaviors entirely. In a March 5th 2012 interview, the officer explained, “We don’t want those bad behaviors

downtown. If you want to do that, go somewhere else other than downtown.” Although the authorities do not like the behavior, they are more concerned with removing the behaviors from downtown than stopping them entirely.

In the same interview, the officer reiterated the importance of visibility several times, “And there are times I tell them, ‘you don’t want to see me, and I don’t want to see you.’ And they do. They go down to the river or something.” The officer demonstrates a connection between visibility and formal outcomes. As previously mentioned, the Downtown Officer answers to “two bosses,” the B.I.D. Director and the Chief Mark Muir. Therefore, it is clear that the objective of the policy makers and enforcers is to decrease the visibility of these behaviors. It is not surprising that high visibility contributes to formal outcomes while low-visibility contributes to informal outcomes.

The downtown officer also acknowledges that discretion plays into visibility. In the same March interview, the downtown officer highlighted the role visibility plays in policing decisions:

...sometimes I think more than just tickets, more than just getting tickets, they see me. They get tired of looking at me... and that’s fine. I don’t mind. I don’t mind at all. I just come by and say, “Hi,” and they’re like, “Really, dude?” And maybe they’ll try and get more creative in hiding their booze. I don’t care. Fine, do what you gotta do, I just don’t want you downtown. That’s it.

Although the officer does not directly mention visibility, it is clear that the officer’s main concern is to make behaviors, such as drinking, less visible to citizens downtown. As the downtown officer states, it doesn’t matter if they hide their booze, or drink it anywhere other than downtown. The main objective is to assure that the behaviors do not happen in the B.I.D.’s district. If it does happen, the officer would prefer it to be hidden or less

visible, which is demonstrated with the “do what you gotta do” attitude. In my research, I found that visibility plays a large role in the enforcement of the ordinances.

My research indicates that low visibility leads to less policing, and high visibility leads to more policing, and subsequently, more formal outcomes. This was demonstrated through conversations I with shelter-resistant campers about their experiences along the Kim Williams Nature Trail in the Salcido and Poverello Centers. It became clear, in talking to the campers, that as long as they are not visible to citizens using the trail or living in East Missoula, then there was virtually no likelihood of being policed. Shelter-resistant campers are cognizant of the fact that high-visibility is connected to formal outcomes. My field notes from March 7th 2011 provide an example of this phenomenon:

According to Houston, not being noticed is very important in order to avoid attention from either bush beaters or police officers. He told me that last night he saw a camp not far from his burning a relatively large fire. He assured me that with that kind of behavior, it would only be a matter of time until the police cleared out their camp. The only reason they hadn't up to this point, according to Houston, was because it was too muddy and slushy to get police cars to the sites.

Houston's explanation highlights that the shelter-resistant homeless community is aware that lack of visibility is the key to avoid being policed. He also mentions the presence of “bush beaters,” which is an emic term used to describe people who steal items from other campers camps. On April 11th 2011, Houston also told me that the police left him a small note commending him for his camp, specifically due to its cleanliness and low profile. The low-visibility and orderly maintenance of the camp are directly connected to the police department's management of the camp. These examples demonstrate that visibility dictates how the shelter-resistant homeless are policed differently based on their visibility, whether they are camping or downtown.

Just as visibility of camp contributes to the likelihood of being policed, so too does visibility of behavior. My companions at the Salcido and Poverello Centers mentioned this several times to me. Many companions of mine stated that having a fire in your camp drastically increased the likelihood of getting reported to police. This happens because residents of East Missoula can see the fires burning on the hill and report the homeless camps to the police. However, if campers are able to keep a low profile, and keep their visibility to a minimum, they are able to camp without the apparent threat of being policed.

In conducting my research, I have found that the shelter-resistant homeless and police officers have a mutual understanding that low-visibility is vital in avoiding a formal outcome. I had one such conversation with a shelter-resistant homeless couple on September 28th:

According to the couple, [the downtown officer] is very knowledgeable about the different places that people hang out and drink, and is very likely to “sneak up” on them and write them a ticket for what they are doing. Subsequently, the homeless people in the downtown corridor feel more pressure to find slightly less visible places to engage in such activity.

Both parties agree that lack of visibility is important in avoiding formal outcomes.

Interestingly, the excerpt also demonstrates that the shelter-resistant homeless population has adapted its behaviors to the policing patterns of the downtown officer. Because the officer has written them tickets for drinking in places that are too public, they have learned to find less-visible places to spend their time to avoid police and a formal outcome.

In conclusion, visibility affects not only the severity of outcome, but also whether or not the individual is policed. If acts are highly visible, specifically to citizens and

business owners, it is likely that the acts will lead to a formal resolution. Conversely, if individuals are able to hide their behaviors, then they are more likely to avoid being policed at all. In addition, whether or not a person's crime is visible in the downtown corridor dictates whether or not they are policed. Because the objectives of the ordinances are to keep certain behaviors out of downtown, those behaviors are not as likely to be policed elsewhere.

“Fatigue”

“Fatigue” refers to the exhaustion that service providers and police experience when repeatedly dealing with the same individual or group of individuals. When the service provider is forced to continually interact with the same individual, often for the same illegal behavior, the service provider becomes exhausted and impatient. The more frequently a service provider responds to a public disturbance instigated by the same individual or group, the less likely the provider will be to utilize an informal resolution.

In my research, it was clear that certain individuals constitute a large percentage of the complaints that the H.O.T., B.I.D., and Missoula Police Department respond to. In an interview with members of the B.I.D. and Missoula Police Department the repeat offenders were generally referred to as the “frequent fliers,” “the regulars,” or “problem children.” The downtown officer explained this in a March 5th 2012 interview:

So I'm hoping that this summer, we can have a little more positive impact on some of [the repeat offenders], some of the chronic people, not just the kids traveling through. We can deal with that, but it's the chronic ten percenters, the abusers. Yeah it's tough doing the repetition. It's not fun for me either. If that's what we gotta do to get the point across, hold people accountable, then that's what we'll do.

The excerpt reflects the officer's frustration in dealing with the chronic offenders, or the "ten percenters." The officer demonstrates how fatigue develops through "repetition" by saying that, "it's not fun for me either." In order to try and "get the point across," the officer tries to "hold people accountable," by writing them tickets for the behaviors he has been telling them to stop for some time. In the same interview, the officer explained willingness to compromise with people who were unfamiliar with the ordinances, resulting in an informal resolution. However, when the individuals who understand the ordinances continue to violate them, the officer has few other options but to issue them a citation. The officer continued to explain the need for persistence, stating, "And it's just that relentless [effort]. You have to be relentless. You gotta be a little heartless on it. Honestly, I mean you do. You just gotta keep after it and after it and after it."

Rod Austin, the director of the B.I.D., explained that he would ideally like the officer to be dedicated to more "proactive" responsibilities, rather than the officer constantly addressing violations by repeat offenders. These proactive responses included inventory protection, educating about safe lighting schemes that deter theft, and other duties that are designed to prevent crime, rather than punish crime. Instead, the officer is tries to hold these individuals accountable for their actions in order to deter future behavior. The officer also explained that approximately 90% of their time is dedicated to these "frequent fliers." With the proactive vision of the position not coming to fruition due so many interactions with shelter-resistant homeless, it is not surprising that the officer eventually bypasses informal outcomes, and move straight to writing citations, which will eventually lead to incarceration in many cases.

Research companions also observed fatigue. In an April 2011 interview, Aldous explained that, “[the police] do have continual interactions with the same community of people over and over again. Either mentally ill or alcoholics, like [Wally].” The repetitive interactions with the same group of people can become time and cost intensive. It is understandable that these service providers would begin to lose patience with the individuals who commit these crimes, and feel the need to hold them accountable for their actions.

In addition to the police experiencing fatigue I witnessed how fatigue impacts the severity of outcome on September 7th, 2011. After talking to Jackson again, who refused to cooperate, we felt it necessary to talk to the owner about what to do next:

He immediately recognized the shirts we were wearing and made time to talk with us. William told the man that outreach efforts for Jackson had been extremely unsuccessful, and that if Jackson continued to give them problems, they should call the police to deal with the issue... William and I tried to talk to Jackson last week, and he seemed like he would consider a change. However, this proved to be inaccurate. The man confirmed that he would call the police in the future and thanked William and I for what we were doing.

Jackson’s reluctance to cooperate with the wishes of the business owner and the H.O.T. captures the reluctance to change among many “frequent fliers.” As the excerpt highlights, Jackson refused to heed the requests week after week. This reluctance led to an increase level in fatigue for William, who was ultimately left with little choice but to tell the owner to call the police. Unfortunately for Jackson, that means that he has eliminated the possibility of the negotiation outcome. Furthermore, if Jackson continues to fatigue the police officer, it is likely that he will drastically reduce the likelihood of informal resolution, practically guaranteeing more fines and more times in jail.

Visibility plays an important role in interactions between shelter-resistant homeless and service providers. Specifically, the downtown officer is concerned with the visibility of offenses in the downtown corridor. If petty crimes happen outside of this area, it is beyond the purview of the B.I.D. and the downtown officer. These findings indicate that the presence of the illegal behavior is not as important as the location and visibility of the illegal behavior. This finding lends support for Irwin's rabble management thesis. Rather than being concerned of the criminality of the homeless, the downtown officer is concerned about the visibility of petty crimes in the downtown corridor. Based on my experiences, Irwin's (1985) assumption that the "rabble" are policed because of their unsightliness and disorder rather than actual criminality is validated.

Cooperativeness

In most interactions, the policed individual's ability or desire to cooperate influences the formality of outcome. Cooperativeness is defined as a perpetrator's willingness to work with the negotiator or police officer. If the individual is cooperative, service providers and police officers are typically more willing to work with them in order to achieve a less formal outcome. This is often manifested in a police officer or service provider reminding the individual that what he or she is doing is against the law, and that they need to move along. On the other hand, if an offender is belligerent, combative, or otherwise uncooperative, it diminishes the likelihood of an informal outcome. Cooperativeness serves a unique function compared to the other factors in that it comes into play while the interaction is occurring. When entering the interaction, the

provider knows what happened (the nature of offense), where it was reported (visibility), and how frequently they respond to the individual causing the disturbance (fatigue). Conversely, cooperativeness is a factor that comes into play while the interaction is occurring.

During my 28 hours with the H.O.T., I saw cooperativeness play a substantial role in determining outcomes. William and I responded to a complaint about an intoxicated homeless man sitting outside of a business disturbing customers. Jackson is a consistent presence in the downtown area, and I have never seen him sober. He also has a very volatile personality; his behavior is cooperative one minute and aggressively combative the next. Every time we received a complaint about Jackson, it came from the same downtown business along North Higgins Street.

On the day in question, William and I first entered the business to talk to the person who reported the activity. He explained that Jackson was causing a disturbance sitting at tables outside of his business. When we walked outside, we found Jackson shirtless, intoxicated, and smoking a cigarette directly beneath a no-smoking sign. As we sat, he immediately raised his voice and started yelling, “What did I do wrong? Drinking a coke ain’t against the law!” We sat with him for five or ten minutes trying to convince him to come to the Poverello Center for some lunch and to meet with a case worker. When it appeared that Jackson would not cooperate, William made an interesting discovery:

Suddenly, William gained the leverage against Jackson he needed to get him to move along; he discovered a large bottle of vodka that Jackson was pouring into his beverage. Once William and I knew he was doing this, Jackson’s reluctance to leave immediately vanished, and he gathered his things and left in a very cooperative manner. It was interesting to see the shift in the tide of his behavior. (September 1st, 2011)

Although reluctant at first, once Jackson realized that he could get in trouble with the police for his actions, he immediately cooperated with the H.O.T. By cooperating, he ensured that the outcome was informal. If he had not chosen to leave and continued to maintain that he was doing nothing wrong, we would have had little choice but to call the police once we knew that he was breaking the law. By being cooperative, Jackson assured an informal resolution.

Another interaction with Jackson demonstrates how lack of cooperation can elicit more formal outcomes. After several weeks of dealing with Jackson's behaviors in front of the same business, when it became apparent that the H.O.T. did not have the tools to adequately deal with him, either through negotiation or informal resolution.

Subsequently, we encouraged the business owner to utilize a more formal outcome on September 8th 2011:

[Jackson] appeared to be intoxicated and smelt of alcohol. After talking to Jackson, we walked inside to talk to the owner of [the business] about him. [The owner] immediately recognized the shirts we were wearing and made time to talk with us. William told the man that outreach efforts for Jackson had been largely unsuccessful, and that if Jackson continued to give them problems, they should call the police to deal with the issue.

Jackson's unwillingness to cooperate led to a formal outcome, which arguably also reflects fatigue. As mentioned earlier, I know Jackson has been in jail several times for his continued behaviors in downtown Missoula, demonstrating a lack of cooperativeness. Lack of cooperation typically leads to more formal outcomes and irritated service providers or police; it is not surprising that service providers would start to develop fatigue in response to individuals' continuous lack of cooperation.

The two excerpts also demonstrate the difference in outcome when an individual is reluctant to cooperate. In the first instance, Jackson was cooperative and the interaction

ended with an informal outcome when he chose to walk away. The second excerpt demonstrates how similar behavior, from the same person, warranted a call to the police department because he refused to cooperate with the requests of the business owners and members of the H.O.T.

I also found that rapport is a necessary precondition in eliciting cooperation from individuals; in order for the homeless person to cooperate, they typically need to have some kind of relationship with the responder. Many of my research companions were aware of the need to cooperate with police to avoid a formal outcome. In an April 2011 interview, my research companion Aldous explained that he doesn't:

...think the cops go out of their way to mess with anybody, or kind of hurt the homeless community. But, they do have continual interactions with the same community of people over and over again. Either mentally ill or alcoholics, like [Wally] and all these people... Most of the time they are pretty respectful or courteous when they deal with them. I have never seen them beat the crap out of someone for no good reason.

Aldous identified the police officers' "respectful and courteous" demeanor when dealing with the homeless; such characteristics are crucial in developing rapport with any population. Then, the development of the rapport is reciprocated by cooperativeness on the side of shelter-resistant homeless. Interestingly, all of the service providers I observed or interviewed also highlighted the importance of rapport building.

In a March 5th 2012 interview the downtown officer explains how he works diligently to develop rapport with the population:

Most of [the shelter-resistant homeless] I've had plenty of dealings with, and I try to develop a rapport with these people. You try to issue tickets and be firm and yet still be able to talk to them and try to get them to do what you want them to do. It's a lot of work... they may not like me all the time, but... they do show me respect... they won't talk to any other patrol guys but they'll talk to me. So if something big goes down, you know where it's a homicide or whatever, or suspicious death that we're investigating, they will talk to me and nobody else.

The officer understands the importance of developing rapport, but also that there are real benefits from developing such rapport, such as getting the people to “do what you want them to do.” The officer highlighted another important benefit of developing rapport: individuals are more likely to share sensitive information regarding crimes downtown. By developing such a rapport, the officer is encouraging the homeless to be more cooperative, and this indirectly helps the officer be more effective.

The officer explained that rapport building could lead to increased cooperativeness even among unfamiliar homeless people. In addition to the people the officer deals with on a daily basis, there is also a crowd of younger “tramps” who travel through Missoula. In the same interview, the officer explained developing rapport with these individuals:

Most of them don't like law enforcement period. You know, it's just that culture. And I don't blame them. That's fine. And then I sit there and talk to them and they go, “wait a minute, this guy's not hassling us, he's just telling us the ground rules.” And then they kind of change their minds a little bit. A lot of them... I might see them two, three days... one of them was back this winter and I called him by his first name... or street name, and he was like, “you remembered!” and he thought that was pretty cool.

The officer develops rapport with people in a relatively short time period, and by developing a positive rapport, the officer encourages the shelter-resistant homeless to be more cooperative. According to the officer, this cooperativeness can facilitate an informal resolution when disturbances arise. Whether the offender is someone who has been downtown for years, or a person traveling through Missoula, the downtown officer's ability to develop rapport with these individuals is vital for avoiding more formal outcomes.

The police officer is not the only party that focuses on building rapport. The B.I.D. Ambassadors and the H.O.T. also build rapport with the downtown homeless. Both the B.I.D. Director and Ambassador discussed the rapport that ambassadors have developed with the downtown homeless population. In his February 28th, 2012 interview, the B.I.D. Director explained that:

Actually, our Ambassadors did a good job of creating relationships with “the regulars,” if you will. I know one of them passed [away] here just a few weeks ago, and the Ambassadors were sitting here talking about it with tears in their eyes. So there is a relationship in that case, and many others, I think.

The fact that the Ambassadors became emotional at the death of one of these individuals highlights the level of rapport and relationships that they have developed with members of the community. On February 17th, 2012 the B.I.D. Ambassador echoed that sentiment:

I have the regulars that are year round guys and they tend to... oh if a new guy comes to town and he might give me a little crap or something and he doesn't know who I am and what role I play downtown or why are you bugging me kind of thing, the other guys that are around will be like “hey, you be nice to [the Ambassador].”... So we have this interesting dynamic but... I enjoy visiting with them, but definitely... they have problems. It would be nice if we could solve them.

The fact that many of “the regulars” downtown stand up for the Ambassador highlights the existence of rapport between the Ambassadors and the downtown homeless population. The Ambassador's concern about their problems, demonstrates that although the Ambassador is an authoritative figure, there is still a working relationship and concern for each other's well-being. Rapport is vital in avoiding formal outcomes when the B.I.D. interacts with the homeless.

The H.O.T. also focuses significant energy on rapport building. Among the service providers the H.O.T. often has the most rapport with the homeless people in the downtown corridor. One of the first steps in rapport-building for the H.O.T. is distancing

themselves from law enforcement. While observing on the H.O.T., William and I have been called a series of names, including “fake cops,” “Pov cops,” and a handful of other terms. This indicates that some of the downtown homeless population views the team as an extension of law enforcement. This perception is damaging to the H.O.T. because, as the Downtown Police Officer stated, some of these individuals despise law enforcement. A substantial amount of energy on the H.O.T. is spent demonstrating to the shelter-resistant homeless that the team’s objective is to help them, not punish them. This was explained in a March 5th, 2012 interview with the Downtown Police Officer:

Having the Homeless Outreach Team to interact with “the ten percent”... a ten percenter’s sitting out here that they’re tired of looking at me, I’m tired of looking at them and at least [William] has something to offer them other than a ticket. He can come out and say, “ok look this isn’t working. [The Downtown Officer]’s going to continue to harass you and pour your booze out unless you change. And here’s how we’re going to do this. I’ll bring you some food, you need to go over here.” Whatever. [William] works his little magic and away they go.

The downtown police officer identifies the important role that the H.O.T. plays due to their rapport with people who are “tired of looking at” the officer or “scared of the uniform.” It also highlights the importance of utilizing rapport to initiate informal resolutions, rather than utilizing a formal resolution for the disturbance. This process and rapport is what the downtown officer refers to as William’s “little magic.” In fairness to William, he is patient and respectful in dealing with the population, so he really does bring a “little magic” to the interactions.

Cooperativeness is an important factor in determining the formality of the outcome. If the shelter-resistant homeless cooperate with the police or other service-providers, then it is more likely the issue will be resolved with an informal outcome. Conversely, if they refuse to cooperate, they elevate the likelihood of the interaction

ending in a formal outcome. However, cooperativeness must be thought of as a mutual relationship. An individual's willingness to cooperate with authorities is almost always predicated on whether or not the officer or service provider has developed a rapport with the individual. Without the development of rapport, it is less likely that the individual will cooperate and more likely that the interaction will end in a formal outcome.

Conclusion

In my research, I have found that there are four typical outcomes when police or service providers respond to a public disturbance caused by a shelter-resistant homeless individual. These outcomes are either informal or formal, and increase in severity. Whether direct or indirect, negotiation can be pursued by either the H.O.T. or the B.I.D. Ambassador. If the negotiation phase is not successful, service providers and police utilize informal resolution by asking the individual to move along or stop their perceived problematic behavior. If these informal outcomes cannot be achieved, the police will likely exercise a more formal outcome by writing the individual a citation. Finally, if the person is unable to pay the subsequent fines, he or she will be held in contempt of court and will be incarcerated.

There are four factors that contribute to the outcome of the interaction: nature of offense, "fatigue", visibility, and cooperation. The nature of offense impacts the discretion of the police officer or service provider, and sometimes compels them to utilize a more formal outcome. The fatigue of police or service provider also contributes to whether or not they are willing to pursue an informal outcome. The cooperation between the two parties, which is fostered by rapport building, impacts whether or not the parties

are able to achieve an informal outcome. Finally, the visibility of the crime impacts how it is handled, which highlights the unique relationship between downtown business owners, the B.I.D., and the downtown police officer. As long as crimes and behaviors were not visible in the downtown corridor, policing that crime was considered beyond the scope and concern of the downtown officer and the goals of the ordinances themselves. This finding lends support for Irwin's (1985) rabble management thesis, specifically that the "rabble" are policed due to their unsightliness rather than their criminality. This policing strategy is due to the B.I.D. partially paying for the downtown officer's salary. The officer is then responsible for responding to the specific needs of the B.I.D. members. This raises interesting questions about the impact of the pseudo-privatization on police forces. In addition to the questions of pseudo-privatization, I also uncovered interesting philosophical framework behind the ordinances themselves, as a manifestation of the crime prevention officer's commitment to Broken Windows policing strategies.

DISCUSSION: BROKEN WINDOWS POLICING IN MISSOULA

During the course of my research, I became aware of the theoretical foundation of the policing strategy behind the ordinances. In a February 23rd 2012 interview, the Missoula Crime Prevention Officer explained that "fear of crime," which refers to citizens' fear that their community and police have lost control of petty crimes, such as vandalism or panhandling, shapes his policing strategy. According to the officer, policing these petty crimes will increase the perception of order and control in the community, and deter more serious crimes.

This theory is not unique to the Missoula Police Department; it was introduced in a 1982 article in *The Atlantic Monthly* as “Broken Windows” theory (Wilson and Kelling 1982). Later, the theory was introduced into the disciplines of criminology and sociology through the book, *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (Kelling and Coles 1996). The theory suggests that enforcement of small, petty crimes will deter individuals from committing more serious crimes. In his interview, he offers his own take on the theory and how it influences his approach to policing:

“You have bigger fish to fry,” I hear that all the time. And my approach to this is if a community tolerates these low level crimes, we tend to tolerate bigger crimes as well. You know, there’s reasons why communities have gotten out of control where the crime is out of control. It’s because they tolerated those low level things. And I really think that’s super important.

The officer’s reasoning mirrors “Broken Windows” policing. His belief that communities are “out of control” because they “tolerate” lower level crime demonstrates his association between lower-level crimes and more serious criminal activity. Given this belief, it is reasonable that he would suggest policing procedures that aggressively target lower-level crimes. His commitment to the theory also carries over to his work on the Graffiti Task Force, because graffiti is normally seen as an indicator of disorder in “broken windows” policing.

In addition to displaying his commitment to the theory, the officer also shared insight on the spread of the policing strategy. The officer’s philosophical orientation is demonstrated in an excerpt from the February 23rd interview:

And it’s called, one of my other theories, which I unfortunately didn’t make up, is called the “Broken Windows Theory.” And that was successfully used in cleaning up New York and I feel that that is a very important theory and I use that philosophy here in Missoula.

The officer goes on to explain that he grew up in New York and watched these policies being implemented by then mayor Rudy Giuliani. Based on his perceived success of these programs, he implemented the same policies in Missoula. These policies are reflected in the “quality of life” ordinances that Missoula City Council passed in 2009. This “broken windows” philosophy that the Missoula Crime Prevention Officer adheres to requires that the policing of these minor offenses are dealt with formally to maintain order and discourage more serious offending.

The spread of broken windows policing is not unique to Montana, neither is the fact that Rudy Giuliani is partially responsible for its widespread use. Starting in 1985, George Kelling, the co-author of the broken windows philosophy, was hired as a consultant to the New York City Transit Authority. Later, in 1990, William Bratton became the head of the New York City Transit Police; Bratton referred to Kelling as his “intellectual mentor” and implemented zero-tolerance policies for crimes such as fare dodging, panhandling, and loitering. When Rudy Giuliani was elected in 1993, he appointed Bratton as his police commissioner and adopted Bratton’s (and subsequently Kelling’s) policing philosophy. Ostensibly, the shift in policy caused a significant decrease in crimes, both petty and serious. However, research suggests that the changing crime rates were actually due to larger socio-economic trends and policy decisions (Harcourt 1998). Potential explanations include the waning crack epidemic and associated crimes, unrelated growth in prison population due to tougher drug laws, and a decrease in the proportion of males aged 16-24 (the population with the highest rate of offending) in the larger population (Harcourt 1998).

Despite questionable evidence, several cities and police departments across the

nation modeled their policing philosophy after New York's broken windows policing. American cities from east to west began adopting broken windows policing, including Albuquerque, New Mexico, Los Angeles, California, Lowell, Massachusetts, San Francisco, California, among others. Over the next ten to twenty years, the philosophy continued to spread to smaller cities, due to the fact that these cities, like Missoula, frequently base their policing models on larger regional cities with perceived success. Because the broken windows policing had spread to both coasts, it spread to both mid and smaller cities in the interior western and eastern U.S relatively quickly.

Sociologically speaking, broken windows theory has not been definitively substantiated. Studies that purportedly support the theory have been widely criticized as flawed or inaccurate. The general response to broken windows theory in the sociological community is that it oversimplifies the motivations behind serious crimes (Harcourt 1998; Hodulik 2001). Many criminologists and sociologists maintain that people commit crimes for reasons other than their perception of social order (Harcourt 1998; Hodulik 2001). Regardless of its academic merit, broken windows policing has spread throughout the country, and those suffering the most are those who are policed frequently for petty crimes, namely the homeless.

CONCLUSION

The policing and management of the shelter-resistant homeless population is far more complex than a police officer patrolling the beat, strictly enforcing the letter of the law. Rather, it involves a cooperative network of agencies working together in a manner that is mutually beneficial for all involved. Businesses, police officers, service providers,

volunteers, and citizens all work together in a collaborative effort to best address the issues the downtown homeless present. In my research, two actors in the process emerged as absolutely vital to the process of managing the homeless population downtown: the B.I.D. Ambassador and the Homeless Outreach Team.

The B.I.D. Ambassadors and the H.O.T. play a substantial role in diverting formal resolution and incarceration through their dedicated presence on the street. Rather than referring people directly to police and increasing service provider fatigue, the two entities are able to share that burden. By consistently developing rapport with the downtown homeless, they are also able to directly address the needs of local businesses on the street before they resort to calling the police. In doing so, business owners indirectly contribute to the likelihood that the individual will be introduced to services that will increase his or her likelihood of leaving homelessness, rather than utilizing the penal process. The presence of the Ambassadors and H.O.T is absolutely vital to the success of the goals of the ordinances. Without these actors participating in the process, more interactions with police would occur, more citations would be levied, and fewer homeless individuals would be negotiated into the services that they frequently need.

In addition, I found that two salient factors emerged in avoiding more formal outcome. Cooperation and visibility play substantial roles in whether or not an individual is able to avoid a formal resolution, or even incarceration. Cooperativeness is an important factor in encouraging a police officer to utilize discretion by avoiding more formal outcomes. Equally as important, how cooperative a shelter-resistant homeless person is relates directly to the level of rapport the police officer or service provider has developed with that individual. Also, the visibility of offense is important in determining

whether or not a person receives a citation, or is even policed at all. My research shows that if a person commits an act downtown, it will likely be policed, but if they commit the same act elsewhere, it won't be policed. Furthermore, the visibility of the offense highlights the unique dynamic between the business owners, the B.I.D., and the downtown police officer.

Future Research

I have two recommendations for future case studies that investigate homelessness in Missoula. These studies could increase community understanding of homelessness in Missoula, and encourage a more informed and appropriate response to the issue. The first potential study would test the effectiveness of local broken windows policing. A longitudinal study of petty and serious crimes rates over the past three years could demonstrate the impact that the "quality of life" ordinances have had on crime rates in Missoula. If such a study concludes that broken windows policing is not the cause, then policing strategies could be reevaluated.

In addition, it would be beneficial to research local emergency medical response to the homeless, and the individuals' subsequent treatment at local hospitals. Based on my experiences, a vast amount of community resources are spent responding to, and treating, a small population of chronically inebriated homeless. Research would enable sociologists and community members to better understand the interactions between emergency medical services, government medical coverage, and the chronically homeless. In developing a better understanding, the City of Missoula could address the

issue more appropriately, and ideally make it more cost effective and collaborative through programs like the H.O.T.

RECOMMENDATIONS

In executing this research, I have heard recommendations from some of the stakeholders, as well as developed my own. To conclude my research, I have five policy recommendations: modify the policing strategy, gather additional funding for the H.O.T, implement a community service option, fund more public restrooms, and fund a detox center. The issues of homeless policing and management are vastly complicated; progressive policy and further research would enable the community to more appropriately address the situation with long-term success.

Modify Policing Strategy

The recommendation I support most is a modification of current policing strategy concerning downtown homeless. Current policy adheres to criminological theory that has questionable academic validity. As they are written, the ordinances encourage that the problem be addressed through a penal modality, hoping that punishment will deter unfavorable behaviors. I suggest that policy makers shift towards a treatment modality, and encourage behavioral change through introduction to services and appropriate treatment. I am confident that this will be more successful than current policing strategies for two reasons.

The first reason is due to a shortcoming of the penal modality when considering the nature of panhandlers. Citations and fines will not deter homeless populations from panhandling downtown. As long as they are able to make money downtown, they will continue to panhandle there. Consistently penalizing them seems senseless, as if trying to extract blood from a stone. Once they do not pay the fines, they are placed in jail, which exerts even more pressure on an already overburdened tax base.

The second reason is based in the strength of the treatment modality. Introducing shelter-resistant homeless individuals to services might contribute to them exiting homelessness. Of course, success rates for service providers directly contributing to a person exiting homelessness may not be phenomenal. However, it seems plausible that introduction to services is *more* likely to result in the individual exiting homelessness than fining them multiple times or incarcerating them.

The shift towards the treatment modality would be characterized by more interactions that result in informal outcomes, ideally negotiation, and fewer that result in formal outcomes. However, I am not suggesting that the police officer be stripped of his ability to write tickets. In my research, I have found that there are instances in which the only reasonable outcome is the police officer citing, or even arresting, individuals. This authority seems necessary in keeping perpetrators accountable and the rules enforceable. What I am suggesting is that we reassess the philosophy that we are utilizing to address homelessness. Rather than punish the homeless until they change their behavior, why not *help* them to change their behavior?

Funding the H.O.T.

The second recommendation I have is motivated by the success of the H.O.T. that I have both seen and heard about. William Skink, one of my primary research companions, is an integral part of the H.O.T.'s mission and character. Members representing the homeless population, the B.I.D, and the Missoula Police Department all recognize the substantial positive impact William and the H.O.T. are having on the downtown corridor. Through patience, dedication, and rapport-building, members of the H.O.T. have facilitated more successful communication between all stakeholders, while maintaining dedication to their ultimate goal: helping the homeless.

Beyond facilitating negotiation and communication, the H.O.T. has also made other service providers' jobs easier. The H.O.T. does a tremendous job reducing fatigue among all other stakeholders, from police officers to emergency medical workers. In addition to reducing their fatigue, the H.O.T. also directly reduces their workload. Based on my experiences, this level of support is invaluable in the successful management of the downtown homeless population. Subsequently, it only stands to reason that funds be dedicated to assure the H.O.T.'s long-term existence. The H.O.T. has a service niche that no other service organization could adequately provide, and the loss of the team's service would be devastating. In the words of Rod Austin, the director of the B.I.D., "I think [the H.O.T. team is] pretty successful... We'll see how another year [goes]... hopefully a whole year of outreach team, because I think that is almost [as], if not more so, impactful than the police officer."

I suggest that the Spare Change for Real Change program continue, and that the B.I.D. continues to partially fund the H.O.T. In addition, I recommend that the Missoula

Police Department also partially fund the H.O.T. Obviously, government entities such as a police department operate on a tight budget. However, in my research I have found that the police department is one of the primary benefactors of the services of the H.O.T. Furthermore, the benefit and services provided by the H.O.T. are relatively affordable, given that members of the team are often times volunteers or year-long Jesuit volunteers that work at the Poverello Center. If the community of Missoula funds the long term continuation of the program, I am confident it would be a worthy investment.

Community Service Option

The third recommendation I have pertains to the incarceration outcome. This specific recommendation was not one of my own creations, but was mentioned during interviews with representatives from both the B.I.D. and the Missoula Police Department. Rather than requiring that the individuals with unpaid fines be jailed, respondents suggested that the city implement a community service option. The B.I.D. operates a “clean team,” which is a group that cleans downtown streets by picking up trash, cigarette butts, and cleaning the sidewalks and streets. I suggest, in concurrence with several respondents, that individuals charged with contempt of court for unpaid fines are given the option to work off the debt or go to jail. This would be advantageous for two reasons.

First, allowing them to work to pay off their fines is cheaper than incarceration. Jailing individuals, even for a short time, cost a substantial amount of money. To accept that this “pays back” society for their debt is illogical. Rather, the individuals in this situation should be given the option of incarceration or to pay back their debt through

community service. However, I do not think it should be a mandatory program because forcing an incarcerated individual to work could be morally questionable.

The second reason the community service option would be beneficial ties into Irwin's (1985) Rabble Management thesis. As Irwin observed, the "rabble" that are policed are "detached" from community life. If this feeling of detachment can be minimized, the population will likely feel less marginalized. By encouraging these individuals to give back to the community, our city would be encouraging them to increase their emotional investment in the community. If a member feels integrated into the community, it is more likely they will be willing to follow community ordinances, as well as have an increased sense of self-worth.

Public Restrooms

Respondents did not uniformly support my fourth recommendation. Based on my experiences, I favor the creation of more restrooms for public use in the downtown corridor. Several of the shelter-resistant homeless that I interacted with downtown had been ticketed for public urination. Almost all of them were elderly and had medical problems that made their restroom use less controllable. By facilitating the placement of public restrooms, the City of Missoula and the B.I.D. could potentially reduce the occurrence of urination or defecation in downtown doorways, which was a complaint cited by most interview respondents representing the B.I.D. and Missoula Police Department.

The downtown officer voiced a specific concern about public restrooms downtown. The officer believes that a public restroom would become a hot spot for

illegal activities. Specifically, the officer was concerned about drug use in the restrooms. In order to place the public restrooms without creating a location with high-density illegal activity, police officers would have to collaborate on ways of ensuring that the public restrooms are not used for drug use or other crimes.

Detox Center

The last suggestion is something that is somewhat outside the scope of my study, but came up consistently in interviews and informal conversations with service providers. My final suggestion is that Missoula funds a detox center. According to Rod Austin, the director of the B.I.D., a city the size of Missoula has the population large enough to demand, and support, a detox center. This resource would be invaluable in lessening the financial burden on larger local hospitals. It would also be beneficial in providing a place for chronic substance users to go to begin their recovery process. Support for the center has been vocalized by community members, as well as service providers I encountered in my interview. A center of this nature would substantially improve the quality of life for many Missoulians, whether directly or indirectly.

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APPENDIX A. MISSOULA POLICE AND BID INTERVIEW GUIDE

Interview guide for Missoula Police and BID

1. Can you tell me a bit about what you do, and what being the (specific position) in the Missoula Police Department entails?
2. In the context of your position, what issues does the Missoula homeless population present?
3. In your opinion, how does the existence of the homeless population impact Missoula, specifically downtown?
4. How frequently are you required to interact with homeless people downtown in the capacity of a law enforcement agent?
5. What is your typical interaction with a downtown homeless person that is allegedly or apparently doing something illegal or causing a disturbance?
 - a. Can you explain the process in its entirety?
 - b. What factors contribute to your decision on whether or not to administer a citation, or other types of formal punishment?
6. What changes have you noticed since the City of Missoula passed the “Aggressive Panhandling” and “Pedestrian Interference” ordinances?
 - a. How has it changed the way you do your job?
 - b. How has it changed the way you interact with downtown homeless?
7. What changes have you seen since the department appointed the downtown “quality of life” officer?
8. Have you seen any changes since the Poverello Center developed the Homeless Outreach Team?
9. How do you think the homeless situation could be improved in Missoula, specifically in regards to the downtown corridor?
 - a. How could the situation be improved from a law enforcement perspective?
 - b. What have police departments done elsewhere to deal with similar issues?
10. Is there anything else you would like to add on the subject of homelessness in Missoula? Anything that I am missing, or that I need to know?

APPENDIX B. SALCIDO CLIENT INTERVIEW GUIDE

Salcido Client Interview Guide

1. Where are you from? Where did you grow up?
2. In your opinion, what events, or series of events, led to you becoming homeless?
3. Explain the series of events that led to you coming to Missoula.
 - a. What are your opinions of Missoula?
 - b. How does it compare to other places you have lived?
4. Do people treat you differently because you are, or appear to be, homeless?
 - a. How so?
5. Have you had any significant interactions with law enforcement that were negative? If so, explain.
6. Have you had any significant interactions with law enforcement that were positive? If so, explain.
 - a. Have you ever been convicted of a crime? If so, explain.
 - i. What punishment were you sentenced with?
 - b. If prison time was served:
 - i. Tell me about your transition out of prison.
 - ii. What things made the transition more difficult? Why?
 - iii. What things helped in the transition? Why?
7. Do you feel that law enforcement treats you differently than other people because you are homeless?
 - a. If so, how?
 - b. Do you have any examples you would like to share?
8. In which ways has the justice system made your transition out of homelessness more difficult?
9. In which ways has the justice system positively contributed to your transition out of homelessness?
10. What policies concerning homelessness do you find beneficial to your transition out of homelessness?
11. What policies concerning homelessness do you find counterproductive to your transition out of homelessness?
12. Do you have anything else you would like to share about either your experiences as a homeless person or your experiences with the justice system?

APPENDIX C. INFORMED CONSENT FORM
CONSENT TO PARTICIPATE IN RESEARCH

TITLE

The Policing of Shelter-Resistant Homeless in Missoula, Montana

PROJECT DIRECTORS

Daisy Rooks, PhD, Department of Sociology, University of Montana, Missoula, MT 59812.
(406) 243-2852.

Jacob Coolidge, BA, Department of Sociology, University of Montana, Missoula, MT
59812. (406) 243-2852.

SPECIAL INSTRUCTIONS

This consent form may contain words that are new to you. If you read any words that are not clear to you, please ask the person who gave you this form to explain them to you.

PURPOSE OF THE STUDY

You are asked to participate in a research study conducted by Daisy Rooks, PhD from the Department of Sociology at the University of Montana, and Jacob Coolidge, B.A., from the Department of Sociology at the University of Montana. You were selected as a possible participant in this study because either you, or your organization, were involved in efforts to effectively deal with the homeless population in downtown Missoula. This study utilizes interviews and participant observation to better understand the homeless, their policing, and the subsequent interaction with the criminal justice system.

PROCEDURES

If you volunteer to participate in this study, you will be asked to participate in a single interview that will last approximately an hour. This would be the extent of your participation.

Your initials here _____ indicate your permission for the interview to be audio recorded.

PAYMENT FOR PARTICIPATION

You will not receive any payment for your participation in this study

RISKS/DISCOMFORTS

There is no anticipated discomfort for those contributing to this study, so risk to participants is minimal.

BENEFITS

For subjects, there are no direct benefits to participation in this study. There are several benefits of this research to scientific knowledge, however. This study will explore the issue of homelessness in downtown Missoula, and hopefully contribute to a stronger understanding and effective management of the issue.

CONFIDENTIALITY

With your consent, the interview will be taped. Only the researchers will have access to the audio tapes. Interview tapes and transcripts will be stored in a secured computer file. Your signed consent form will be stored in a locked cabinet separate from the data. At the conclusion of the study, all interview tapes will be destroyed.

Interviewees can choose whether to be identified in any publications or presentations that result from this study. If anonymity is requested, the tape recording of your interview will be transcribed and a generic label will be applied to the informant. Examples of generic labels include “Representative from the Downtown Improvement District” or “Member of Missoula Police Department.”

Your initials here _____ indicate your permission to be identified by name in any publications or presentations.

Your initials here _____ indicate that you do not want to be acknowledged by name in any publications or presentations.

COMPENSATION FOR INJURY

Although we do not foresee any risk in taking part in this study, the following liability statement is required in all University of Montana consent forms: In the event that you are injured as a result of this research you should individually seek appropriate medical treatment. If the injury is caused by the negligence of the University or any of its employees, you may be entitled to reimbursement or compensation pursuant to the Comprehensive State Insurance Plan established by the Department of Administration under the authority of M.C.A., Title 2, Chapter 9. In the event of a claim for such injury, further information may be obtained from the University’s Claims representative or University Legal Counsel.

VOLUNTARY PARTICIPATION/WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you don't want to answer and still remain in the study.

QUESTIONS

If you have any questions about the research now or during the study contact: Daisy Rooks, PhD, or Jacob Coolidge, BA, Department of Sociology, University of Montana, Missoula, MT 59812. (406) 243-2852. If you have any questions regarding your rights as a research subject, you may contact the Chair of the IRB through The University of Montana Research Office at 243-6670.

STATEMENT OF CONSENT

I have read the above description of this research study. I have been informed of the risks and benefits involved, and all my questions have been answered to my satisfaction. Furthermore, I have been assured that any future questions I may have will also be answered by a member of the research team. I voluntarily agree to take part in this study. I understand I will receive a copy of this consent form.

Printed (Typed) Name of Subject

Subject's Signature

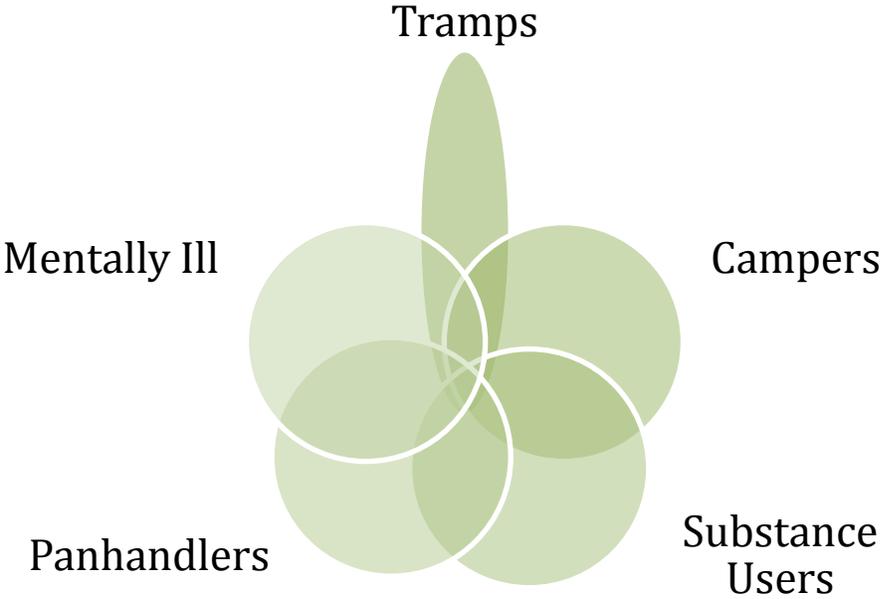
Date

APPENDIX D. OBSERVATION AND INTERVIEW TABLES

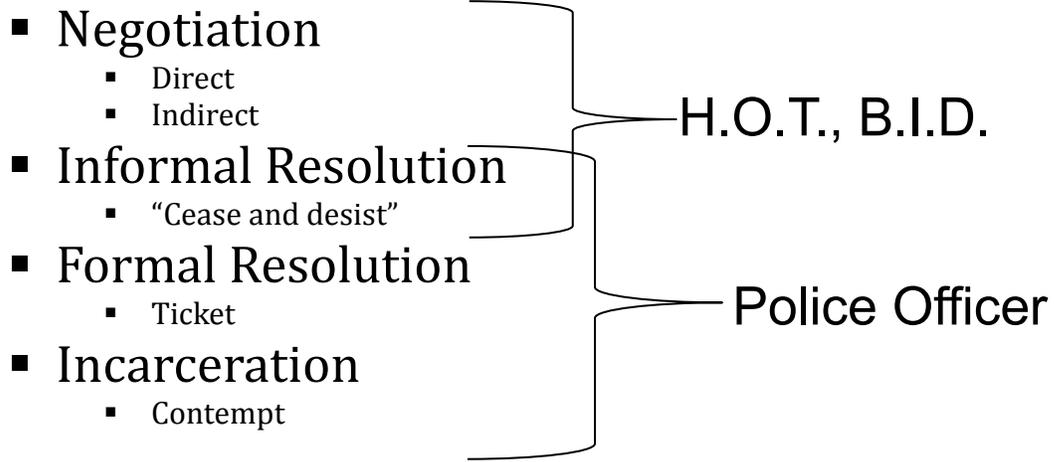
Observation Location	Observation Length	Observation Dates
Salcido Center	27 Hours	February 2011-April 2011
Poverello Center	21 Hours	June 2011-July 2011
Community Meetings	3 Meetings	February 2011 and September 2011
Homeless Outreach Team	28 Hours	September 2011-November 2011

Respondents	Interviews	Respondents
Homeless	4	Aldous, Bubba, Wavy, and Cowboy
Missoula Police Department	2	-Crime Prevention Officer Rob Scheben -Downtown “Quality of Life” Officer
Downtown Business Improvement District	2	-Director of Operations Rod Austin -Downtown Ambassador

APPENDIX E. SAMPLE: SHELTER-RESISTANT TYPOLOGY



APPENDIX F. FINDINGS: OUTCOMES OF INTERACTIONS



APPENDIX G. FINDINGS: EXPLAINING FORMALITY OF OUTCOMES

- Nature of Offense
 - “Three big ones”
 - Pedestrian Interference
 - Illegal Camping
 - Open Container
- Visibility
 - Downtown Patrons
 - Business Owners
- “Fatigue”
 - Police
 - Service Provider
- Cooperativeness
 - Rapport Building