

RESPONDING TO URBAN REGULATION:  
HOW POLICIES OF PUBLIC SPACES AFFECT THE LIFEWORLD OF THE  
CHRONICALLY HOMELESS IN NEW ZEALAND AND ALBERTA, CANADA

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Derrick Callan, candidate for the degree of Master of Public Policy, has presented a thesis titled, ***Responding to Urban Regulation: How Policies of Public Spaces Affect the Lifeworld of the Chronically Homeless in New Zealand and Alberta, Canada***, in an oral examination held on August 16, 2018. The following committee members have found the thesis acceptable in form and content, and that the candidate demonstrated satisfactory knowledge of the subject material.

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## **ABSTRACT**

Public spaces are central places in a community where people will gather to socialize and discuss politics or other community matters. Formal regulations on public spaces, where bylaws can be seen as a way to control for desired behaviour, have been used extensively in many cities. These regulations have actively excluded certain individuals from urban settlements and they continue to do so to create a clean space that is safe.

This thesis uses urban comparison to contrast the four different local authorities of Auckland and Wellington, New Zealand and Calgary and Red Deer, Alberta, Canada using the response of homeless individuals to inform how different factors impact chronically homeless individuals in highly valued spaces. Interviews with homeless individuals, public servants, and enforcement officers can provide knowledge surrounding the regulation of these prime spaces.

All of the chosen local authorities contain varying degrees of bylaws that impact the homeless lifeworld. Wellington has the fewest bylaws with Calgary and Red Deer having the most. It was found that the enforcement of those bylaws was a larger factor in how chronically homeless individuals respond to the bylaws. Enforcement of bylaws in Red Deer are the most severe out of all local authorities. Homeless individuals utilize different responses to remain in a lucrative space to counter the exclusion they face from the bylaws. Red Deer was seen more unlikely to be nonconfrontational because it was more likely to use persistence and voice.

Through the most similar systems design, the factors that contribute to how homeless individuals respond to the regulation of prime spaces are discussed. It was

found that a nonconfrontational response is more unlikely when there were more bylaws, enforcement was stricter, and the downtown core was not stable. Red Deer has been growing their downtown core to provide incentive for the global market to enter that local authority. This conscious growth increases the value the space holds. The research shows that the factors of downtown stability, the number of bylaws, and the enforcement of bylaws, all contributes to how homeless individuals respond to being excluded from prime spaces.

Keywords:

Homelessness, Public Spaces, Bylaws, Social Control, Local Authorities, Neoliberalism

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## **DEDICATION**

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## **INTRODUCTION: REGULATING PUBLIC PLACES CAN CAUSE EXCLUSION**

Public spaces are central places in a community where people would gather to socialize and discuss politics or other community matters. Public spaces are seen as the “heart, the soul and the mind of the city” (Grigoryeva 2013, 1). However, urban planning and regulations on public spaces are designed to favour certain behaviours and people over others (Doherty et al. 2008; Foucault 2009). All large settlements from the classical age and onwards, even before orthogonal layouts, were planned and regulated to suit common purposes (Lilley 1998; Smith 2007), such that settlements were often planned based on some “presumed or promulgated order” (Kostof 1991, 162; Schloen 2001).

Not much has changed over the centuries; the dominating power still dictates how an urban space is planned and regulated, controlling who belongs, who contributes, and who should be outcast from the community (Whiteford 2013; Casana and Herrmann 2010). Changes in urban centres have been due to the expansion of the global economy (McGranahan and Satterwaite 2003) and the intent and tools of regulating urban life have become more advanced.

Unsurprisingly, some of these regulations serve to exclude people who find themselves chronically homeless from the urban landscape (Amster 2003; Horsell 2006; Whiteford 2013). A person who finds themselves chronically homeless is typically one who lives on the street or has precarious housing for over a year or four or more episodes of homelessness in the previous three years (Coleman 2017). The lives of people who find themselves chronically homeless are often lived in the public sphere and this

exclusion from public spaces has a large impact on these individuals in a material and psychological way (Groot and Hodgetts 2015; Laurenson and Collins 2007). This is because what actually constitutes a home is more social and psychological than strictly just physical (Bell and Walsh 2015).

Urban planning and regulation serve to drive people away from certain, favoured areas used by domiciled individuals (Uitermark, Duyvendak, and Kleinhans 2007), usually to make way for the cyclical urbanization that moves through society (Harvey 2008). These policies act to deter people from being a nuisance (Ball 1955) and disrupting other people in hope to recreating the “public sphere as intentionally exclusive ... for the legitimate public” (Mitchell 2003, 183). Individuals who find themselves chronically homeless respond by developing strategies to avoid or maneuver around these policies (Casey, Goudie, and Reeve 2008; Reitzes et al. 2015).

According to Stuart (2015), there are two reasons why public spaces are regulated against the homeless population: economic and cultural. The rise of the neoliberal paradigm – where policy is created to encourage a largely unregulated capitalist system (Kotz 2002) – resulted in deregulation and deindustrialization, which had the latent effect of creating a large homeless population (see Lyon-Callo 2008). This population interferes with the city’s plans to reinvigorate desired areas to make them more competitive in the global market by creating a nuisance and not being a part of the ‘legitimate public.’ In order to clean the area of this, strategies of social control are used (Snow and Mulcahy 2001). The cultural reason for regulating public spaces has to do with class and power relationships (Stuart 2015). The ability for a dominant social group

to decline in the class hierarchy exacerbates the fear of the other (Miyamoto et al. 2018; Lupton 2013); or the fear of those on the lower end of the class hierarchy (Stuart 2014; Dumbravă 2015). Social boundaries (Gordon 2010) and regulations (Mitchell 1998) are then created to secure their positions in the hierarchy. This may be because the very public nature of how individuals who find themselves chronically homeless go about their daily activities and are affected by any regulations on public spaces (Laurenson and Collins 2007; Amster 2003).

This study will be comparing four local authorities from two countries: Calgary and Red Deer in Alberta, Canada, and Auckland and Wellington in New Zealand. These sites will be referred to their city names only where appropriate. Local government and local authorities will be frequently mentioned. Local government is the elected body and local authorities are geographical, social, and political spaces. Additionally, referring to people as the product of their lifestyle is inherently dehumanizing, especially if it is looked at negatively, and understanding that humans create schemata to remember items, this thesis hopes to provide dignity and positive steps towards rectifying the issue at play. For this reason, but for brevity, homeless individuals, or any version thereof, actually means people who find themselves chronically homeless.

### **Structure of Thesis Defined**

The introduction outlines the literature behind public spaces, who are considered homeless individuals, how they are regulated, and how they respond to that regulation. Chapter 1 presents the question this research will undertake and the methods needed to answer it. Chapter 2 goes into detail about the demographics of the homeless population

from each site. Chapter 3 lists the policies for each site that exclude the homeless from public spaces. Chapter 4 talks about how public spaces are enforced for each site. Chapter 5 then goes into detail on how homeless individuals respond to those policies and enforcement. Finally, Chapter 6 brings it all together to answer the thesis question and the sub-questions.

### **Review of the Literature**

The intent of public spaces is to allow a large gathering of a diverse range of people to create a community, but it is often a contested space where cities make their public spaces attractive for investment as well, which serves to increase social inequality and exclusion (Madanipour 2014). Homeless individuals are seen as others, obstructing the clean environment needed to attract that investment and so tactics are used to control behaviours to make public spaces attractive (Thörn 2011; Johnsen and Fitzpatrick 2010). Homeless individuals respond to this control in order to survive, not only on the streets but within the tactics of social control employed by local authorities as well (Hein 2011; Herring 2014). The following discussion will outline each aspect of the intersection of public spaces, who is being regulated, how they are being regulated, and the response to that regulation.

#### ***Prime Public Spaces: a space for community***

Public spaces are democratic areas, accessible to all (Low and Iveson 2016). These spaces are seen as areas in an urban environment that facilitate encounters between people from all class, gender, ethnic, and cultural lines to create a strong sense of community (Bodnar 2015). This idea was redeveloped in the mid to late 20<sup>th</sup> century,

to incentivize businesses to halt the “hollowing out” of the downtown core and reinvest in the inner core of urban centres (Hackworth 2007, 12; Wyly and Hammel 1999).

However, the development of public spaces is moving towards being more restrictive in the name of safety and security (Van Melik, Van Aalst, and Van Weesep 2007; Franck and Stevens 2006), and this contributes to the emptying of public spaces of certain individuals to maintain that sense of safety (Fernando 2006).

This may be because public spaces are regulated to establish a more clean and respected space for appropriate behaviours and business (Mitchell 2003; Otsuka and Reeve 2007). In ejecting unwanted individuals, or deviants, that are unable to contribute, financially or otherwise, to the welfare of the community, the public space can be perceived as safe for individuals and businesses to conduct transactions necessary to make the community able to compete on a global stage (Body-Gendrot 2013; Harvey 2008).

Another reason for exclusive regulations is that the socio-economic factors in which the space is placed and generated affect how it is used and are categorized. There is a constant battle over how public spaces are used, between public and private, often making them more exclusionary to those with lower socioeconomic statuses (Carmona 2010; Bodnar 2015). Public spaces can be owned by the government or corporate sphere, where there are differences in who can make rules over the space. Both can be private, where only qualified individuals can enter, or public, where anyone can expect admittance (Wakefield 2003). A space that is public may also have regulations on it, and while not explicitly excluding any one person or group, there are limits to acceptable

behaviour within that space. Even so, government spaces can have more private areas just as corporate spaces can have public areas (Carmona 2010). There are cases where people imagine public corporate spaces as government spaces, even though the corporate sphere potentially has control over who can enter it, because they are quasi-public spaces where it is virtually public (Doherty et al. 2015). A quasi-public space is one where it is legally private but the public have access (Meert et al. 2006). An example of this is a mall or a café on the sidewalk that people have expressed or implied access.

An operational definition of a public space would be a space that includes these political and economic forces into a democratic area. This is what is found when comparing the definitions in the bylaws from the sites in New Zealand and Alberta, Canada. All sites mention quasi-public spaces, where the public can have access to both government and corporate spaces.

The definition of a public space in Calgary is “any place within the City to which the public may have either express or implied access” (City of Calgary 2014a). Red Deer’s definition is “any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access” (City of Red Deer 2011). New Zealand local authorities have the same definition, where a public place is “a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place” (Auckland City Council 2013; Wellington City Council n.d.a).

Local authorities in New Zealand go a step further in their legislation by saying the owner of the place has the legal right to “exclude or reject” any person. Thus, combining the elements of all the sites’ definitions, a public space is a place that the public has reasonably expressed or implied access, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or expel any person from that place.

In regards to homeless individuals that are often excluded or rejected, Snow and Mulcahy (2001) created a framework to classify urban space into three categories based on use and exchange value: prime space, marginal space, and transitional space. Prime space is a space that has high use, exchange, and political value and is used by domiciled citizens, whether zoned residential or commercial. Marginal space has little to no use, exchange, or political value, and so is safely used by homeless individuals. A space that is in-between is a transitional place, which is usually comprised of lower-middle class inhabitants and can have high exchange value, such as an industrial zone (DeVerteuil, Marr, and Snow 2009).

Homeless individuals disproportionately utilize public spaces in certain areas more than other citizens, and that use is seen as problematic, as it illuminates the fragility of the social system, making people uncomfortable (Doherty et al. 2008; Mitchell 2003). We see this from the increase in regulations on public spaces to exclude homeless individuals from participating in the community (Stuart 2015). This is seen most often in prime spaces, mainly because they can attract desired citizens and businesses.

### ***The chronically homeless: ones that are most visible***

A stereotypical homeless individual is one that looks dirty with no place to call home, while loitering on the streets asking for money. However, research has identified many different ways of defining homelessness (Chamberlain and Mackenzie 1992; Kellett and Moore 2003), and that differs based on the implied interactions within society that affect the perceptions inherent in actors who have the power to enact policy (Béland 2009; Tipple and Speak 2005).

Being homeless involves more than just not having a home to go to, thus the definition should attempt to describe the holistic experience of homelessness (Leggatt-Cook and Chamberlain 2015). According to night shelter stays, an individual is most likely to stay only three days (Segart 2012). However, there is a lower percentage of individuals who stay at shelters less frequently but for longer periods of time. This is an issue because even though it is a small percentage, they disproportionately use the total number of shelter beds (Aubry et al. 2013), they make up a large portion of emergency department visits (Kushel et al. 2002; Mackelprang, Collins, and Clifasefi 2014), and they have increased interactions with police (Durbin, Lin, and Zaslavska 2009).

This small minority of homeless people are usually considered the most visible form of the stereotypical homeless individual: the chronically homeless. These individuals are more likely to have long stays in a shelter and be older (Kuhn and Culhane 1998; Aubry et al. 2013). Chronically homeless people are more likely to have mental health issues (Gaetz et al. 2013; Goering et al. 2014), substance abuse issues

(Palepu et al. 2012; Goering et al. 2014), and poor physical health (Patterson, Somers, and Moniruzzaman 2012; Goering et al. 2014).

Following this, there are central definitions in Alberta and New Zealand, regardless of the local authority, containing four categories that can make comparison between countries more valid (Amore et al. 2013). New Zealand’s definition, category four, includes ‘uninhabitable housing’, which is included in Alberta’s first category (see Table 1). Thus, ‘uninhabitable housing’ can be joined with New Zealand’s first category of ‘without shelter’ to match Alberta’s first category. New Zealand’s and Alberta’s second category are also similar in that they count people who are in emergency shelters but do not have a fixed address. Similarly, for both countries, category three includes living with others or in temporary shelters.

**Table 1 Categories of homeless in official definitions, by country**

	<b>Canada</b>	<b>New Zealand</b>	<b>Similar</b>
Category 1	Unsheltered	without shelter	
Category 2	emergency sheltered	temporary accommodation	✓
Category 3	provisionally accommodated	sharing accommodation	✓
Category 4	at-risk of homelessness	uninhabitable housing	

**Sources:** Parliamentary Library 2014; Turner 2015

Chronically homeless people are the individuals that do not reside in a long-term shelter, but live on the street, in emergency shelters, and do not have secure tenancy. It then can be said that both the first category (with New Zealand’s combined category) and the second category can typify the chronically homeless, the target audience of this research, because they are back on the streets once they are out of the shelter.

### ***Social Control: Measures to Shape Community Norms***

At its very most basic, social control is how society manages and enforces the behaviour of individuals to match desired norms, often of targeted individuals, to manage deviant behaviour (Chriss 2013; Dean 1991; Parsons 1951). Social control is characteristic of the state through governmentality: shaping the motives, desires, and character of individuals by the inherent, very complex power local authorities are afforded, such as through bylaw making authority or land use control (see the introduction in Chapter 3; Foucault 2009). Governmentality illustrates the disproportionate power of local governments to ostracize homeless individuals in their aim to create a sanitized space by formally creating policies to manage and enforce desired behaviour in lucrative areas. This also has a latent effect of allowing informal rules like ridicule, shame, sarcasm, and criticism to force homeless individuals to change behaviour in fear of being excluded (Tepperman and Upenieks 2016; Lee and Schreck 2005; Fischer 1992).

Social control can be separated into either informal or formal social control. Informal social control utilizes peer pressure, whether conscious or not, to ensure conformity to social norms. Formal social control is coercive regulation of behaviour through legislation, enforcement, and other bureaucratic procedures (Tepperman and Upenieks 2016). Formal regulation, where policies on public spaces can be seen as a way to control for desired behaviour, have been used extensively in many cities in Europe, North America, Central America, and Australasia (Johnsen, Fitzpatrick, and Watts 2018). The constant enforcement of formal regulation “breaks down individuals, places,

time, movements, actions, and operations ... into components such that they can be seen, on the one hand, and modified on the other,” where they are categorized to establish optimal behaviour in order to be controlled (Foucault 2009, 56-57).

In order to better describe social control on homelessness, Snow and Mulcahy (2001) used formal social control to develop a three-pronged strategy to describe how local governments exclude homeless people from public spaces: displacement, exclusion, and containment. The use of displacement is to physically remove the homeless presence from a space, whereas exclusion is through keeping the homeless out of designated areas by making them uncomfortable. Containment is a form of formal social control that seeks to reduce the visibility of homeless through regulation.

This thesis will look at containment strategies used by local governments to regulate homeless behaviour in public spaces. It should be noted that one strategy is not separate from another strategy in some instances, as enforcement can blend the three (Snow and Mulcahy 2001). Containment works to regulate people out of an area, but that regulation can also make it uncomfortable to live, and at times, allow enforcement officers to physically remove individuals.

### ***Responding to Social Control: Creating Agency Among Actors***

Much of the research in the 1980s and 1990s focused on the homeless as unwilling participants in urbanization, but it is with Snow and Mulcahy's (2001) frameworks that gave agency to the people who these policies affect (DeVerteuil, Marr, Snow 2009). There is a mode of agency that all people have when looking at power differentials, and according to Foucault, “there are no relations of power without the

potential for resistance” (Casey, Goudie, and Reeve 2008, 900). It is then how homeless individuals are able to show resistance in the face of overwhelming pressure that can illustrate how effective or contemptuous these strategies of social control actually are.

Hirschman (1970) created a framework of exit-voice-loyalty that used behavioural economics to describe an individual’s choice when presented with a poor good or service. He argued that an individual, in an attempt to achieve a better good or service, would either choose to obtain the good or service in another way (exit) or would, often through loyalty to the business or product, choose to voice their dissatisfaction in order to improve the good or service.

According to Hirschman, loyalty moderates an individual’s choice whether to exercise exit or voice in response to a situation (Chisholm, Howden-Chapman, and Fougere 2016). If a customer was loyal to a business or a product, they would prefer to see it improved rather than just leaving it. Hirschman (1974) posits that the greater the attachment to an organization, the more likely one would use voice.

However, when factoring the unequal power differentials that a marginalized population deals with, the homeless population is unable to follow that dichotomy as they lack the resources to do so. People with access to resources are more likely to use voice than those with less resources (Orbell and Uno 1972; Hirschman 1981), as someone with power can more effectively use their voice, even the threat of exiting, in order to improve their situation (Chisholm, Howden-Chapman, and Fougere 2016).

Snow and Mulcahy (2001) realized this and delineated the modes of response by homeless individuals, adapted from Hirschman’s (1970) framework, by adding

adaptation and persistence to exit and voice (see Table 2). Exit is when the individual chooses to leave the area or community, whether permanently or temporarily; voice is where the individual actively expresses their dissatisfaction; adaptation is to change behaviour so as to decrease the chance of dissatisfaction in the future; and persistence is when the individual does not make any change and keeps on doing the same thing (Chisholm, Howden-Chapman, and Fougere 2016). It is through this framework the response to containment measures can be measured in prime spaces.

**Table 2 Response to social control, according to Snow and Mulcahy**

<b>Response</b>	<b>When an individual who is homeless gets told to move on, they:</b>
Exit	Leave the contested space or situation (constitutes evasion rather than active resistance)
Adaptation	Modify their behaviour in situ rather than moving to another place
Persistence	Neither leave nor modify behaviour
Voice	Demonstrate explicit and collective dissatisfaction (includes collective and organized social protest)

**Source:** Snow and Mulcahy 2001

Snow and Mulcahy (2001) inserted loyalty as a response, stating that a homeless individual would listen to what they are told rather than utilize any other response. Although this has been found in some studies using this framework (Snow and Mulcahy 2001; DeVerteuil, Marr, Snow 2009), it can be confused with adaptation or exiting, as the intent of changing behaviour is survival and having the ability to return to the space, and listening can involve exiting or adapting their behaviour for next time.

According to economic theory, the exit response is used when an individual has low loyalty to the place or person and would be the most outraged (Chisholm, Howden-Chapman, and Fougere 2016). Voice is utilized when homeless individuals have loyalty to the place, maybe because they are dependent on particular social services in the area

and feel protesting would advocate for their needs (Hirschman 1974; Lyons and Lowery 1986). When people believe the space provides value (i.e. they are loyal to it), they are more likely to do something that gets them out of a situation and not banned from the particular space. It follows that when an individual feels loyalty to a space (perhaps because it is more lucrative), they are more likely to employ context-specific adaptation strategies for the same reason. For this reason, and to maintain Hirschman’s reasoning behind loyalty as well, loyalty is not a response in the framework for this research (Dowding and John 2012).

**Table 3 Likelihood of theoretical resistance behaviour in prime spaces**

<b>Response</b>	<b>Likelihood</b>
Exit	Very Likely
Adaptation	Likely
Persistence	Unlikely
Voice	Very Unlikely

**Source:** Snow and Mulcahy 2001

Snow and Mulcahy (2001) then predicted the different responses homeless individuals would take based on the type of urban space they were in (as seen in Table 3). These outcomes were then confirmed through multiple studies on both types of urban space and the modes of response (Herring 2014; Marr, DeVerteuil, and Snow 2009; Reitzes et al. 2015). Individuals with more resources are able to use exit in their dissatisfaction (Hirschman 1981), but because homeless individuals do not have many options available to them and due to the disproportionate power with enforcement officers, adaptation strategies will be used more in spaces with higher use value. When people believe the space provides value, they are less likely to do anything that gets them banned from the particular space by using persistence or voice. In the same vein, in

marginal spaces, because there is less regulation and use value for the local government, it is felt they are able to use persistence or voice responses.

It is found that the four responses can be collapsed into two categories of cooperative and protestive (see Table 4). Cooperative responses are ones that homeless individuals utilize in order to stay within a space, whether that is through exiting when confronted or not having to be confronted in the first place through adaptation. Protestive responses are ones that homeless individuals utilize when they feel they belong in a space and will question the enforcement officer. One homeless individual may utilize both responses, depending on the factors involved, such as how they are approached or to not get approached at all. Overall, when these categories are averaged out, another category can be created: nonconfrontational response. A nonconfrontational response is an average of cooperative and protestive responses, when one is more likely to occur than the other, depending on whether they feel they belong in that space, how they are confronted, and their individual understanding of the bylaw.

**Table 4 Types of responses collapsed**

<b>Response</b>	<b>Action</b>
Cooperative response	Follow directions in order to remain in the space
Protestive response	Question directions and remain in the space regardless
Nonconfrontational response	Follow directions and orders

## CHAPTER 1: MEASURING THE HOMELESS RESPONSE TO SOCIAL CONTROL

There has been research confirming Snow and Malcahy's (2001) frameworks on the types of urban space (Herring 2014; Stuart 2014; Marr, DeVerteuil, and Snow 2009) and the modes of response by the homeless (Reitzes et al. 2015; DeVerteuil, Marr, and Snow 2009). Research has not accounted for specific strategies of social control in certain categories of space. Using this larger sample, in multiple cities, the research can focus on one cluster of urban space and type of social control to expose the micro-macro relationship of the homeless response to social control.

The proposed study will now ask the following question: *What are the factors that explain how the chronically homeless respond to a local authority's bylaws in prime spaces?* The research will also answer the following sub-questions:

1. Which bylaws are meant to achieve social control on the lifeworld of the chronically homeless?
2. How does the enforcement of containment measures impact the lifeworld of the chronically homeless?
3. What are the responses to these bylaws by the chronically homeless population?

The research contained in this thesis will answer the main question and sub-questions. A most similar systems design will be used to compare similar sites, where key explanatory factors can explain different outcomes (see Table 1.1; Landman 2008). The key explanatory factors are the first two sub-questions and are answered in Chapters 3 and 4, respectively. The two other key explanatory factors, the date homelessness was

first regulated and economic stability, are further explained in section 1.1.3.1. The outcome to be explained answers the third sub-question (answered in Chapter 5). The main question is answered in Chapter 6 from the understanding of how the key explanatory factors account for the outcome to be explained.

**Table 1.1 Key parts of the most similar systems design comparison**

<b>Key Explanatory Factors</b>		
Economic stability	Containment measures	Enforcement of containment measures
<b>Outcome to be explained</b>		
Nonconfrontational response		

### **1.1 How to Measure the Response to Social Control**

Informed by a critical urbanist standpoint, the study will analyze how chronically homeless individuals respond and act towards the enforcement of policies that have a large impact on their lifeworld. This study compares four different local authorities with the responses of homeless individuals, informing how the policies and their enforcement impact chronically homeless individuals in prime spaces, which will inform ways to politicize the occurrence in a critical urbanist fashion (Marcuse 2012). Most importantly, the study will use Snow and Mulcahy’s (2001) frameworks, instituting containment measures in prime spaces, to illustrate how the chronically homeless population responds to regulation in prime spaces.

To do this, the following section will outline how the data will be collected to complete the comparison between sites and answer the research question. This research will utilize interviews with homeless individuals in order to gather qualitative data to

best understand how policies regulate the chronically homeless and the responses to regulation. A cluster analysis will be used to find which space is a prime space in a site. Finally, the research will employ questionnaires to further investigate the enforcement of those policies.

### ***1.1.1 Research Participants***

This study consists of twenty-four interview participants from a variety of backgrounds. Participants in this study include nineteen individuals who are chronically homeless, five from each local authority. There was one site that only had four participants due to lower participation rate and purposeful sampling error. This site was Calgary, where a homeless shelter attempted to gather participants, but the first two participants were not homeless and did not live on the street anymore, thus not having recent comparative interaction with local authority's policies (Creswell and Plano Clark 2011). This process was mirrored in the Wellington site, where a local homeless shelter brought forward participants and some participants did not have current comparative interaction as well, but effort was made to generate answers that were reflective of interaction with the local authority's policies when they did experience life on the streets by explicitly changing the questions to match their previous experience.

After this strategy of obtaining research participants failed in Calgary, the researcher went out and interviewed participants on the street where they were, which proved to be a better method as participants had recent interaction with local government policies, indicative of purposeful sampling techniques (Creswell and Plano Clark 2011; Patton 2002). Due to timing and weather constraints, only four participants were

gathered in Calgary using this method. Additionally, because of the informal nature of the interviews, some questions were not answered completely. However, after careful review of the transcripts, there was enough evidence to show adequate data saturation within the interviews for all sites.

Because of the difficulty in providing a random sample of the transient, urban homeless population, purposeful sampling was used. Specifically, purposeful random sampling was used to find participants where they are most likely to visit, with the exception of Wellington. Only participants that were available, willing to participate, and had the ability to adequately communicate their experiences and opinions were interviewed (Bernard 2002; Spradley 1979). Effort was made to have participants vary based on ethnicity, gender, and age to control for confounding variables.

A total of five participants were chosen from enforcement officers or public servants who work in the bylaw department; one from each site and two in Auckland. A questionnaire was used to see how bylaws are enforced in each site, and these answers provided increased knowledge and understanding of the regulation of public spaces.

All participants were informed that the interviews were voluntary and could stop at any time. To compensate the participants who were homeless for taking the time to participate in the interview, \$15 gift certificates to a local supermarket or coffee shop, where appropriate, were provided.

### ***1.1.2 Primary Research Instruments***

Primary research instruments consisted of an interview specific to the local authority and a questionnaire. The interview was semi-structured and other leading

questions were asked to generate discussion. The homeless participants were asked about their average day and some specific questions on bylaws (see Appendix C). The other participants were asked about the enforcement of bylaws within the local authority through a questionnaire (see Appendix D). All formal primary research instruments were approved by the Ethics Review Board at the University of Regina.

### ***1.1.3 Design and Procedure***

The proposed study utilized an urban comparison, as cities create greater human interactions and dialogue than suburbs, regions, or as a country (Vidler 2001; Dickens 1990). Using in-depth case studies of four local authorities in two countries, detailed information on multiple factors that focus on the processes and steps for the regulation of public spaces can be made.

This subsection is broken down into four clauses that detail how the research design and procedure was handled. It explains and defends how the sites were chosen, how prime spaces were calculated, how the interviews with homeless individuals took place, and how enforcement in local authorities was calculated.

#### ***1.1.3.1 Choosing the Urban Sites***

An urban context is chosen due to the complex governmental institutions that exist between countries. Canada has three levels of government: federal, provincial, and municipal. Municipalities are created and legislated by the province (Dewing, Young, and Tolley 2006). The difference with New Zealand, though, is that it does not have any provinces and a central government generally controls the sphere that Canadian federal and provincial governments would do. New Zealand thus only has two levels of

government: central and regional/territorial governments (Guerin 2002). Local authorities have somewhat similar powers in both countries, other than where Canada has more clear guidelines on what laws they can implement. In Canada, local authorities cannot enforce laws that infringe on the upper level government's laws, whereas in New Zealand, regional councils can in certain instances (Laurenson and Collins 2006). Both countries provide authority for local authorities to have bylaw making powers.

As stated above, there are four case studies involved in this urban comparison: Auckland and Wellington in New Zealand, and Calgary and Red Deer in Alberta, Canada. There was a conscious choice to include two cities within the same province to control for provincial variations. In each site there is an existence of a downtown core. All urban settlements have one and many local authorities have been upgrading their downtown cores to increase economic stability to compete on the global scale (Turner and Turner 2011). Auckland, Calgary, and Wellington have a developed downtown core that is active with large economic activity. Red Deer, on the other hand, is not as economically stable and is growing the downtown core to capture the global economic market.

**Table 1.2 Features that are generally similar, comparison by site**

<b>Features</b>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
Existence of downtown core	Yes	Yes	Yes	Yes
Bylaw making authority	Yes	Yes	Yes	Yes
Bylaws on public spaces	Yes	Yes	Yes	Yes
Prevalence of chronically homeless	Yes	Yes	Yes	Yes
Economic stability	Stable	Growing	Stable	Stable

Table 1.2 above demonstrates how the chosen sites are generally similar, making them comparable. As already discussed, there exists a downtown core and bylaw making authority in all sites. All of the sites have bylaws on public spaces and a prevalence of chronically homeless individuals in their downtown core (both shown in Chapter 3).

When doing an urban comparison of only two countries, one has to be concerned about selection bias (Landman 2008). Because it is difficult to randomize cities, it would be best to have a larger sample size. As a solution, four cities were compared to one another in this study, similar to how Nijman (2007) looked at how Miami emerged as a world city by comparing five cities across the world. While one has to be careful about generalizations, paired comparisons give in-depth knowledge of the cases involved to best influence policy (Landman 2008).

There is very little debate in the literature on homeless people in multiple contexts, but this may be understandable given “the inherent economic, social and cultural differences between these contexts” (Kellet and Moore 2003, 123). However, seeing different or similar outcomes between countries with similar economic, social, and cultural environments may serve to enhance the debate.

#### *1.1.3.2 Calculation of Prime Spaces*

Space can be categorized into spaces of value for homeless individuals and local governments. Snow and Mulcahy (2001) created a framework that signified the importance of space to homeless individuals, and DeVerteuil, Marr, and Snow (2009) used socioeconomic variables to show the social importance of some communities over others through a cluster analysis. This thesis will utilize the same method to define prime

spaces with the addition of another variable to measure land use policies. This additional variable accounts for the transitory nature of prime spaces when business activities for domiciled people have ended. Appendix B outlines the process to define the categories of public space in this thesis. The spaces where policies were researched and interviews discussed, unless otherwise specified, are prime spaces.

#### *1.1.3.3 Interviewing the Homeless*

Through interviews, seeing how the homeless go about their day and how they react to the enforcement of policies can tell us which policies regulating public spaces impact the lifeworld of the chronically homeless (see Appendix C). Then, analyzing that data with NVivo 10, we can see which policies have the greatest effect in prime spaces through the lens of containment measures. In this case, the policies that have the greatest effect on homeless individuals in public spaces are the bylaws that regulate these spaces. Containment measures will be measured if respondents have mentioned them or if they would impact their daily activities. Certain bylaws have been chosen that represent this interaction with the strength of each one calculated by different factors.

For confidentiality purposes, each participant was provided a pseudonym and will be referred to that name in this thesis (see Table 1.3). Any quote will mention the name and site they were interviewed in (i.e. Toby from Wellington). Demographic information for this sample is not included as a purposeful sample does not need to be representative. The sample does provide a mixture of Indigenous identity, self-identified gender, and the length of homelessness to understand the different experiences of a

similar phenomenon (Ding and Hall 2007; Bai et al. 2015). The names, however, have been chosen to give an indication of gender.

**Table 1.3 Pseudonyms for participants, by site**

<b>Participant Number</b>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
1	Scott	John	Michelle	Tom
2	Jeff	Sara	Bryan	Mike
3	Tim	Jessica	Chris	Ray
4	Matt	Brad	Anne	Toby
5	N/A	Justin	Jared	Rod

#### *1.1.3.4 Calculating Enforcement Practices*

Enforcement practices are how containment measures are enacted and realized. It is important that how containment strategies are enforced in prime spaces is demonstrated for each site. To accomplish this, a questionnaire was devised and emails were sent out to each site requesting that it be filled out by their local enforcement officers who dealt with the urban core and homeless individuals fill it out. The questionnaire dealt with the practices used, how they were used, and the types of enforcement in the local authority. Distinctly, the enforcement of containment measures is organized by how high enforcement measures are and how high the severity is in a site.

#### *1.1.4 Limitations of the Research and Data Gathering*

By doing four site comparisons, one can control for any concomitant variation by choosing different quantitative factors and controlling them across different contexts while going into deeper detail. This generates larger qualitative differences, and along with the triangulation of other research, it produces understanding of how people

respond to regulation, thus creating the ability to transfer results to another similar setting (Anderson 2010). This works to limit the difficulty in generalizing the data from only four sites.

Detailed interviews with five participants from each site provided the saturation needed to obtain an accurate picture. A small sample size of homeless individuals, that may not give a complete and accurate picture of the movements and reactions to regulation, was a possible barrier. However, the researcher's experience working with a marginal population allowed for rapport to be built easily and the relevant knowledge and experience, with the willingness or ability to disseminate that knowledge and experience to an unknown researcher, was achieved to gain data saturation.

Working with social agencies as well as the experience of the researcher, shared knowledge of the general habits of the homeless population solved any issues with geography, weather, and timing, as they can all negatively limit the ability to generate good qualitative data (Holland et al. 2007). While it was winter in both countries when the research was completed, data gathering in Wellington and Red Deer was assisted by working with social agencies that provided day support for individuals. The researcher found individuals in popular hangouts in Auckland and Calgary and by not conducting interviews around dinner time, participants were known not to be occupied by an event.

Working with a similar marginal population in generating rapport and the ability to be open and non-judgemental towards responses allowed the researcher to be able to correctly collect and analyze the data without subjective personal biases. As data analysis and interpretation is time consuming, being open to data and adhering to a

specific philosophical perspective can be challenging (Anderson 2010). While this does not resolve the issue with analysis, it can provide a head start for the researcher to be open to what the data is saying.

The fact that every site has a dedicated downtown core allows for research to be conducted in prime space without having to account for population size or density. Auckland and Calgary are similarly sized local authorities with a population difference of only 200,000, but Red Deer and Wellington are slightly different sizes with over 400,000 population difference (Statistics New Zealand (StatsNZ) 2013; City of Calgary 2014b; City of Red Deer 2015). Because Auckland and Calgary have over a million people, the difference is smaller when compared to Red Deer and Wellington, with smaller total populations and making the difference in population is too large for a proper comparison. This makes a more concise comparison of just one prime space, such as a downtown core, more comparable between local authorities.

## **CHAPTER 2: DEMOGRAPHICS OF THE CHRONICALLY HOMELESS**

Through the study of homeless people, who live in public spaces, the study captures one of the most visible forms of social control in public spaces (Waldron 1991). Further, understanding the demographics of a population can increase the representativeness of policies when the policy specifically addresses that population (Silva, Smith, and Upshur 2013). There is no way of explaining an entire population into one easy category, but, as was explained in the introduction, homeless individuals can be categorized based on how they live their lives.

This chapter explains the socioeconomic characteristics of the chronically homeless in Alberta, Canada and New Zealand and the sites therein. The two sections introduce how homelessness has been dealt with in the country. Whereas the subsections in those two sections, homeless population size will be discussed, outlining some of the issues with that, and the characteristics that are gleaned from those counts for each site. Characteristics include age, gender, ethnicity, the prevalence of a mental health issue, and the length of homelessness.

### **2.1 Chronically Homelessness in Alberta**

When it comes to homelessness as an issue, Alberta is a leader among all the provinces of Canada by being the first province to issue a 10-year plan to end homeless (Gaetz et al. 2016), yet there are still many Albertans who sleep in shelters or on the streets. In 2012, both Calgary and Red Deer had the largest share of people finding

themselves chronically homeless as a percentage of the total population, with the latter being the highest of all cities in Canada who had official counts (Gulliver-Garcia 2014).

### ***2.1.1 Demographics of the Chronically Homelessness in Calgary***

Calgary has a large homeless population and has been enumerated every two years since 1992 (City of Calgary 2006). In 2012, it was found there were 333 people sleeping on the streets, 1703 in emergency shelters, and 189 in the public system (i.e. jails, hospitals, etc.), for a total of 2225 visible homeless (Calgary Homeless Foundation 2012). In 2016, the count showed that there were 206 individuals who were unsheltered and 1784 homeless individuals in shelters and in public systems, for a total of 1990 visible homeless (Calgary Homeless Foundation 2016).

The demographics of the homeless population in Calgary, the 2016 count found the majority of the individuals surveyed to be in the age range of 25 to 44 and 45 to 64, with the latter being more represented in the homeless population (Calgary Homeless Foundation 2016). Of the participants surveyed, 75 per cent of the individuals were male with the rest identifying as female. Calgary only has a 3 per cent indigenous population (Statistics Canada 2017a), but out of the homeless population, 20 per cent identified as Indigenous (Calgary Homeless Foundation 2016). The count did not look at the prevalence of mental health issues or the length of homelessness; however, mental health issues are prevalent among homeless individuals (Aubry, Klodawsky, and Coulombe 2012), and even still, there is a large portion that are undiagnosed and/or have untreated mental health issues (Ganesh, Campbell, Hurley, and Patten 2013).

### ***2.1.2 Demographics of the Chronically Homelessness in Red Deer***

There have been three official counts of the chronically homeless in Red Deer, one every two years since 2012. In 2012 there were a total of 263 individuals that would be considered chronically homeless, with 184 being unsheltered. In 2016, there was a total number of 37 individuals who were sleeping on the street with 112 people in emergency shelters and institutional care, for a total of 149. In comparison, this number is larger than the number of shelter beds available. There was a total of 18 unsheltered individuals who were found in public spaces, such as on sidewalks and in bus shelters (City of Red Deer 2016).

The demographics of the homeless population in Red Deer, the 2016 count found the majority of the individuals surveyed to be in the age range of 25 to 44 and 45 to 64, with the latter being more represented in the homeless population (City of Red Deer 2016). The prevalence of mental health issues within this population count was high, with over half (55 per cent) of visible homeless declaring one. The length of homeless in the 2016 count found that one in five participants have been homeless for over 5 years and another 30 per cent have been homeless for one to five years. Of the participants surveyed, 72 per cent of the individuals were male with the rest identifying as female. There were over two-fifths of the homeless population that identified as Indigenous (City of Red Deer 2016), when Red Deer's total Indigenous population as a percentage is only 5.2 per cent (Statistics Canada 2017b).

## **2.2 Chronically Homelessness in New Zealand**

Homelessness in New Zealand is characterized by the majority of individuals staying with family and friends, sometimes in housing that is unfit for habitation, and it is relatively recent that homelessness has been in the public spotlight (Amore et al. 2013). It was believed that the social and economic supports for homeless were adequate in keeping people off the streets in the many decades prior, but housing shortages and overcrowding became an issue that forced people to live on the street or in precarious housing (Parliamentary Library 2014). The collection of demographics for the homeless population in New Zealand is sparser than in Alberta as there is no official coordinated count. Thus, reliance on demographics may not be representative and have their own flaws.

### ***2.2.1 Demographics of the Chronically Homelessness in Auckland***

Auckland does not have an official count of people who are homeless. In March 2013, within a 3 km radius of the Auckland Sky Tower, the Auckland City Mission (ACM) conducted a street count of the local authority's homeless population. They found 68 individuals who were sleeping on the street, and a further eight people who were in emergency housing and thirteen people in institutional care that would otherwise be homeless, amounting to 89 people to be chronically homeless, or part of the first and second categories of the New Zealand definition (Parliamentary Library 2014). Then, in 2016, the same organization found a total of 177 people sleeping rough with 51 in emergency or institutional care. Numbers can be provided since 2004 and can be seen as increasing (Auckland City Mission (ACM) 2016). When looking at the larger picture,

outside of the downtown core, it is estimated that there are over 3800 chronically homeless individuals in Auckland (NewsHub 2017).

In 2013, the count in Auckland found that the majority of people encountered were under the age of 25 years old (Parliamentary Library 2014). While there are no specific numbers on mental health issues within certain jurisdictions within New Zealand, people who find themselves chronically homeless are disproportionately troubled by mental health issues, which can be the consequence of or drive them into homelessness (Amore and Howden-Chapman 2012). There is no official count on the total length of homelessness in New Zealand. For the 2016 count, the ACM found that 45 per cent of the homeless population in the count identified as female. In the same count, the homeless population identified as Māori (42%), Europeans (33%), and Pacific Islanders (9%) as their ethnic identity (ACM 2016). This is alarming, considering Auckland only has around 10 per cent of its population identifying as Māori (StatsNZ 2013).

### ***2.2.1 Demographics of the Chronically Homelessness in Wellington***

In May 2014, the Downtown Community Ministry (DCM) saw a total of 28 people to be on the streets with 29 people who would otherwise be homeless, for a total of 57 people chronically homeless in Wellington, and this also appears to be increasing over the years (Parliamentary Library 2014). Wellington does not have as reliable data as Auckland does as counting is done by engagement with the DCM, which is an unsatisfactory way to track the homeless as there are many that could be missed. In fact, in one interview, a respondent mentioned how he “was going there, but ... [he] gave up on there” (Tom from Wellington). It is not inconceivable that others may do the same

(Kawash 1998). Furthermore, another respondent claimed that the statistics were misleading, as they are “absolutely rubbish. There's hundreds. There's hundred and fifty-five, maybe two hundred fifty-five” (Ray from Wellington).

However, even not knowing the specific demographics of the population, research has highlighted the disproportionate number of individuals who are chronically homeless that have mental health issues, come from aboriginal ancestry, and mainly male. Mental health, as explained before, are prevalent among people who are homeless and rarely self-identify. In 2014, the DCM counted a total 49 per cent of people who identified as Māori (Parliamentary Library 2014) when Wellington only has around 13 per cent Indigenous population (StatsNZ 2013). In the same count, the majority were male (84 per cent). More specifically, it was found that the chronically homeless, rough sleepers counted 82 per cent male with 46 per cent Māori (Parliamentary Library 2014).

#### **2.4 Conclusion: Demographics of Homeless Individuals Across Sites**

Because the homeless population is extremely transient and there is difficulty with measuring homelessness accurately, there is assurance this issue is large (Gaetz et al. 2013; Amore et al. 2013). The province of Alberta has taken necessary steps in measuring homelessness through having official counts. While any method can only count the minimum of homeless individuals, they provide much needed information to solve this policy issue. Official counts also work to illustrate the demographics contained within the homelessness population. New Zealand does not have any official counts, but the demographics of homeless individuals between countries are fairly similar as a whole.

The typical homeless individual in Calgary is a white male over 45 years old and has the largest homeless population. In Red Deer, the typical homeless individual is a white male over 45 years old with a mental health issue and has been homeless for over 5 years. In Auckland, a Māori male under 25 years old is most likely to be found in the homeless population with Auckland having the second largest homeless population. A typical homeless individual in Wellington is a Māori male and has the lowest population of homeless individuals. While not measured in any of the sites other than in Red Deer, the rate of homeless individuals with a mental health issue is high. Interesting to note, that while all sites had a low population of Indigenous peoples, New Zealand sites had a higher percentage of Indigenous individuals being homeless. Additionally, New Zealand has a younger population of homeless individuals, signalling that the population can be newer and easier to miss.

## **CHAPTER 3: CONTAINMENT MEASURES AS A FORM OF SOCIAL CONTROL IN PUBLIC SPACES**

The regulation of public spaces has become a more potent force in making communities docile. Not only this, but the adoption of neoliberal urban policies has effectively removed barriers to economic development (Wyly and Hammell 1999). Removing barriers that limit renewal or growth of communities and unwanted behaviour, by making the community more welcoming for businesses, tourists, and its citizens by providing incentives through taxation or land use, bylaws, and licensing regulations, makes the local authority more attractive to potential investors and transnational actors (Chen, Zhang, Lui, and Zhang 2014; Arabindoo 2011). Both countries and all sites experience this pressure to make their communities cleaner, more docile, and more attractive to investors (Mitchell 1998).

Over the past few decades, local governments in Canada and New Zealand have been given more autonomy in regulating their land (Dewing, Young, and Tolley 2006; Derby 2012). This autonomy makes the local authority more attractive for investment, as the local authorities are able to create policies that target unwanted conditions or actions, such as crime, homelessness, and low socioeconomic status. Part of ameliorating these conditions are bylaws to meet the needs and safety of communities (Fernando 2006), but these bylaws often contribute to exclusionary practices for marginalized groups (Laurenson and Collins 2006).

In fact, in New Zealand's *Local Government Act, 2002*, clause 10(1)(b), local governments are required "to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses." This clause provides incentives for local governments to create policies that encourage economic stability. In Alberta, on the other hand, *The Municipal Government Act*, subsection 3(b) and (c), legislates local governments "to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality, and to develop and maintain safe and viable communities." This legislated responsibility mandates local governments to make communities safer. This is one of the purposes of local governments for existing and can illustrate some pressure to make sure communities are clean or safe for citizens or businesses to make the local government desirable to live and entertain in (Kennelly and Watt 2011).

This chapter disseminates the containment measures used in all sites by listing all bylaws that regulate behaviour in public space. Bylaws are chosen that reflect the respondents' average day, as gleaned from the interviews. Each subsection represents a site, so, it can be seen which bylaws exist in each site and the strength of the bylaws. The strength of bylaws is determined on how fully they can impact a homeless individual's daily routine and whether or not a respondent mentioned how the bylaw affected them. In the first section, the respondents share their opinions of bylaws, their knowledge of the bylaws' existence and if the bylaws are directed at any one population.

### 3.1 Respondent’s Opinions of Bylaws

Because bylaws can be a source of exclusion for marginalized individuals, many researchers claim they are targeted to a specific population and the actions that the policies aim to control are already contained in criminal codes, making them redundant (Schneiderman 2002; Doherty et al. 2008; Low and Iveson 2016). The majority of respondents were aware that bylaws existed (see Table 3.1). It was found that, of the participants who were asked this specific question and, were aware of the bylaws regulating public spaces in the first place, the majority (90.9 percent) of respondents believed the bylaws were directed at a specific population and almost 90 percent believed they were directed at the homeless population itself. The perception that these bylaws targeted homeless individuals was felt more so in New Zealand.

**Table 3.1 Homeless individual’s perception of local bylaws, by site and country (%)**

Site	Aware of Bylaws	Directed at Population	Directed at Homeless	Realization of Bylaws
Auckland	100	100	100	20
Wellington	80	100	100	80
Calgary	100	33	NA	50
Red Deer	100	100	50	20
New Zealand	90	100	100	50
Canada	100	66.5	50	35
Combined	95	83.3	75	42.5

Just under half of respondents described the bylaws being present to protect people or that law enforcement is just doing their job, even when a specific question was not asked. This shows a level of realization of why the bylaws exist in the first place. Of the respondents who believed the bylaws were directed towards a certain population, four out of five talked about realizing why the bylaws were in place; and all four of the respondents who discussed this realization, believed the bylaws were directed towards

the homeless. This is not surprising to see, as discussed further in Chapter 4, many of the respondents expressed similar perceptions.

### **3.2 A Comparison of Containment Measures in All Sites**

Social control is a way to maintain order within a society by making people conform to the social norms, as mentioned in the introduction. Homeless individuals need a space to “represent themselves as a legitimate part of ‘the public,’” and the regulation of public spaces disproportionately impacts their lives over the lives of domiciled individuals, even though the bylaws are directed to all (Mitchell 2003, 1 29).

This section will summarize the bylaws that can impact the lifeworld of homeless individuals. Bylaws that affect a homeless individual will be one that is mentioned by a respondent in any site or impacts their daily routine. For comparative purposes, for example, if one bylaw was mentioned in Calgary by a respondent, and it exists in Auckland but no respondent mentioned it, it would still be added for that site. The comparison will be added in the conclusion. The bylaws discussed are related to alcohol, camping, having feet on benches, having fires, loitering, being in groups, panhandling, urinating, and washing vehicle windshields.

This section is organized by four subsections according to sites. Each subsection will contain where homeless individuals are more likely to be in prime spaces and some of their daily activity. It will also contain a clause that discusses the current containment measures in that site. At the end of each clause, a table will illustrate the types of bylaws in place at that site. The strength of each bylaw is scored between '0' and '1,' with '0' indicating no bylaw in existence and '1' being an over-encompassing bylaw. Anything in

between is based on how active the bylaw is on a homeless individual's life and how encompassing it is within the bylaws. Bylaws not in place will not be discussed until the conclusion.

### ***3.2.1 The Location of Homeless Individuals in Calgary***

When looking at where visible homeless congregate in Calgary's downtown core, they are seen on the corner of 8<sup>th</sup> Avenue and 8<sup>th</sup> Street, Victoria Park, Kensington, and the 17<sup>th</sup> Avenue SW, among other places. According to the interviews, many homeless people frequent spots around the Drop-In and Rehab Centre (DI), the Mustard Seed, the Tim Horton's by the library, Cash Corner (between 12<sup>th</sup> Ave. to 13<sup>th</sup> Ave. SW on Centre St.), by Victoria Park, on 17<sup>th</sup> Avenue SW at various spots, and at multiple fast food restaurants. There are a variety of churches that supply dinner (Jeff from Calgary) as well as shelters other than the DI near which the homeless population would congregate, some of which are in the downtown core (Scott from Calgary). According to the categories of urban space, the downtown core is a prime space.

Not including other shelters located around the downtown core, the DI itself has over 960 wet and dry shelter beds, excluding detox beds (Calgary Drop-In & Rehab Centre 2017a). A wet shelter allows for intoxicated people to sleep there. The DI is also host to a soup kitchen that provides three meals every day (Calgary Drop-In & Rehab Centre 2017b). Another shelter, the Mustard Seed, provides 370 beds as well as food. Daily, the Mustard Seed provides breakfast, lunch, and a bagged lunch (Mustard Seed 2015). Many of these beds are full for both the DI and the Mustard Seed, but most of the respondents said that they do not spend the night at these places as they are not safe.

There are homeless individuals who do recycling work picking bottles and cans around the city, with each person having their own routes, so there are some individuals who extend past downtown for work, but come back for other services, such as food and friendship (Tim from Calgary). There is a mix of individuals who choose to sleep outside downtown or just outside of downtown (Tim from Calgary; Jeff from Calgary).

### *3.2.1.1 Current bylaws in Calgary*

Calgary has many bylaws regulating public spaces. According to the *Parks and Pathways Bylaw* in Calgary, last amended in 2011, people cannot use the firepits provided in parks after 10:30 at night. The weather in Calgary can easily get below negative forty degrees Celsius at night in the winter, and without enough shelter beds for everyone and the Inn From the Cold experiencing funding issues in the past few years (Van Rassel 2013; CBC News 2013), it can be a challenge for homeless individuals to find a way to stay warm. Making fires in a firepit can keep a group of individuals warm, cook any food they may have, and help develop a sense of community. Making a fire was not mentioned by any respondents but is known to be important to some individuals who are homeless and other respondents from other sites mentioned starting fires and using firepits.

Additionally, under the same bylaw, no person is allowed to camp or erect a structure in a park (City of Calgary 2011). While some individuals stay in shelters, in order to shelter oneself from the elements, such as the cold, precipitation, and wind, erecting a structure in a wooded area, in a park near downtown services, can be a survival strategy that allows one to be safe both from the elements and others. This

bylaw gives the power to peace officers to enforce where individuals can sleep.

Respondents did mention sleeping outside all the time but did not specify if they erected a structure to stay warm. Many find natural or man-made shelters to sleep in rather than making one of their own. This saves them time from making a camp because homeless individuals sleep in multiple spots and they cannot leave their belongings at a single camp as their belongings may get stolen (Matt from Calgary; Matt from Calgary).

A fire bylaw that was first passed in May 2003 and amended in January 2015 does not allow the starting of a fire in a unit that is not part of the *Fire Operation and Fees Bylaw*. The bylaw dictates what kind of fire or what can be burned on private property and is enforced by the fire department (City of Calgary 2014a).

The *Panhandling Bylaw* in the local authority was implemented in March 1999 and was last amended in 2008 and is enforced by any enforcement officer. It restricts panhandling, while not outright banning it, by regulating the time one can panhandle, where it can be done, and how many people can do it together (City of Calgary 2008). Panhandling can only occur for twelve hours, starting at 8 o'clock a.m. While the daylight hours of work can be helpful, working alone in that environment makes the worker vulnerable to emotional or physical harassment, which many individuals face (Tim from Calgary; Matt from Calgary).

Panhandling is also not allowed to occur 10 metres from a financial institution, an automated teller machine, a transit stop, or any pedestrian walkway (City of Calgary 2008). This limits the ability of people congregating outside of financial institutions, asking people for money, and acts much like a zoning bylaw for incorporated businesses

to limit where homeless individuals can work. There are also many other rules regulating panhandling that protects other pedestrians and drivers from blocking their walking path or while they are stopped at an intersection. All respondents from Calgary used panhandling as a source of income.

The general nuisance bylaws in Calgary are governed by the City of Calgary Council and are enforced by peace officers or the Calgary City Police. The *Public Behaviour Bylaw* is related to public behaviour which dictates that one cannot loiter to obstruct other people, place their feet on benches or tables, and defecate or urinate in a public place (City of Calgary 2014a). Calgary has one public washroom accessible to the public in the downtown core. Given that the washroom is dirty and people do not feel safe using them, the lack of available washrooms can be an issue when being out in the downtown core. One respondent states that “it took me ten minutes to scrape out the needles and the dirty clothes” (Tim from Calgary). Many homeless individuals resort to using business for washing up and going to the bathroom (Scott from Calgary; Tim from Calgary; Matt from Calgary).

While loitering can be seen as a negative and possibly intimidating phenomenon, when one lives on the street and that is their home, it is very difficult to not stay in one location and socialize with friends, much like what domiciled individuals do. However, the bylaw has a qualifier that the loitering must not obstruct other pedestrians, which allows for people to stay in a spot and socialize. One respondent felt that he got harassed a lot for loitering though (Scott from Calgary).

The same goes for putting one's feet on benches or tables, as that effectively limits homeless individuals from sleeping on a raised surface rather than on the ground (Holland et al. 2007). Bylaws can be interpreted in multiple ways, and law enforcement is the front line when it comes to interpreting, because even a warning can be a hassle, not to mention that people with a lack of resources are less likely to fight a ticket in court (Douglas 2011).

The existence and strength of bylaws in Calgary can be viewed in Table 3.2. Calgary does not have any bylaws referring directly to alcohol use, being in groups, or washing vehicles. They have a total of 5.50 on the strength of bylaws, which gives them a high rating for containment measures.

**Table 3.2 Existence and strength of bylaws in Calgary**

<b>Bylaw</b>	<b>Strength</b>
Camping	1
Fire	0.75
Panhandling	0.75
Urinating	1
Loitering	1
Feet on Benches	1
<b>Total</b>	<b>5.50</b>
<b>Containment measures</b>	High

### ***3.2.2 The Location of Homeless Individuals in Red Deer***

Some of the spots frequented by homeless individuals in Red Deer's downtown core are the shelters and soup kitchens. Red Deer has two shelters: one in Riverside Meadows and the other in the Railyards. Riverside Meadows is outside of the downtown core in transitional space. The shelter in the Railyard neighbourhood, which is on the outskirts of the downtown core, is a wet shelter. There are services around the shelter in

the Railyards that some respondents use to socialize (Sara from Red Deer; Jessica from Red Deer; Brad from Red Deer), but the respondents only used the shelter to sleep in sporadically.

There are two main soup kitchens along with multiple churches having dinners provided in the downtown core. One soup kitchen is in Riverside Meadows and the other is in the heart of downtown, which many of the respondents use one or both (Sara from Red Deer; Jessica from Red Deer; Brad from Red Deer; Justin from Red Deer). According to the categories of urban space, the downtown core is a prime space.

Many of the homeless move around the local authority, either through work, accessing supports, or living at multiple camps located around the local authority (Neilson 2015). Individuals perform many types of work and have created an unwritten structure in which the homeless population adheres to. For instance, there are individuals who panhandle for money, while others collect recyclable bottles and cans or go binning. Even binning can be broken down to people who gather items they can barter or sell to metal and copper. This work takes the individual to all areas of the local authority, as each individual generally has their own routes they regularly work (Justin from Red Deer; Jessica from Red Deer; Brad from Red Deer). Regarding camping, many homeless individuals who sleep outside have multiple camps set up, usually in wooded parks such as down along the river, Rotary Park, Waskasoo Park, by Gaetz Lakes Migratory Bird Sanctuary, or other parks outside of the downtown core (Jessica from Red Deer; Brad from Red Deer).

### 3.2.2.1 Current bylaws in Red Deer

Due to being in Alberta, Red Deer has many similar bylaws on public spaces as Calgary. However, the modern policies that shape how homelessness is dealt with were brought in early 2000, with the adoption of the *Parks and Public Facilities Bylaw*, which designates where one can camp (City of Red Deer 2007a). It dictates that there is no camping allowed in public spaces unless it is on a city campground. There is only one city campground near the downtown core. No respondents mentioned living in a formal campground, but some mentioned camping in parks and other public spaces (Jessica from Red Deer; Brad from Red Deer).

According to the *Fire Permit Bylaw*, adopted in April 2007, people are not allowed to have a fire anywhere on a public space unless they were designed for one (i.e. campgrounds, parks, etc.), whether to cook food or keep warm (City of Red Deer 2007b). If it is a designated place, the person who starts it must retain control over it. When the weather can get to below negative forty degrees celsius outside, it serves to have a fire if the shelter is full, which it usually is (City of Red Deer 2016; see Chapter 2). This is a real problem, because as there used to be an extra shelter during the winter, funding instead went to a day shelter in 2013, and individuals would gather together to stay warm where they can build a fire, such as in Rotary Park (City of Red Deer 2016).

Another regulation under the *Parks and Public Facilities Bylaw* is that a group of five or more cannot congregate or camp together past 11:00 p.m. This bylaw prohibits chronically homeless individuals from sleeping, and less obviously, from napping or even just lying down. Additionally, while this policy can be seen to discourage people

from partying in the parks, this directly impacts the visible homeless who choose to sleep outside rather than in shelters, as they cannot sleep in groups to promote safety and security. Furthermore, the police can act on the bylaws if they view the activity to be a nuisance (see the next chapter). For instance, one individual said that he worked out a deal to allow a group of people sleep in a park, saying “that as long as the fire was low, the police weren't called, and we cleaned up every morning, I was allowed to live in [Rotary Park]” (John from Red Deer).

In February 2007 the local authority implemented the *Community Standards Bylaw* (City of Red Deer 2011), where people are not allowed to urinate in a public space, loiter anywhere that could obstruct another person, and be in a group of three or more people that a peace officer may think could disrupt the peace. Because people who are homeless live in public spaces, and it is often safer to be in groups, there are often groups that may be seen as unsavoury. Many homeless individuals do not have places to go all the time, so have to loiter or walk around, sometimes in groups, (John from Red Deer) or the ones who panhandle are on the side of the sidewalk (Justin from Red Deer). Again, this gives disproportionate power to law enforcement; depending on who the officer is, a group can be disadvantaged. Even if one urinates in a secluded back alley because there are no public washrooms around or open, they could be charged. All other sites have public washrooms on the street.

Then in 2008, the bylaw was amended to add in panhandling, where it does not ban it outright but regulates the time, place, with how many people, and whether one is intoxicated or not (alcohol or other). This is a significant portion of many homeless

individuals' income in Red Deer. It is also a source of productivity for individuals in the informal street economy, rather than being passive, sedentary citizens (O'Grady and Gaetz 2007). Panhandling is only allowed between the hours of 8 am to 5 pm, where only one person can engage in this work that has to be at least 10 metres away from an ATM, financial institution, bus stop, or liquor store (City of Red Deer 2011). Similar concerns are involved here as with people who panhandle in Calgary. None of the respondents partook in panhandling, but there were plenty of visible individuals that were.

The existence and strength of bylaws in Red Deer can be viewed in Table 3.3. Red Deer does not have any bylaws referring directly to having feet on benches or washing vehicles for income. It has a total of 5.25 on the strength of bylaws, which gives it a high rating for containment measures.

**Table 3.3 Existence and strength of bylaws, in Red Deer**

<b>Bylaw</b>	<b>Strength</b>
Camping	0.75
Fire	0.50
Alcohol	0.25
Panhandling	0.75
Urinating	1
Loitering	1
Being in groups	1
<b>Total</b>	<b>5.25</b>
<b>Containment measures</b>	<b>High</b>

### ***3.2.3 The Location of Homeless Individuals in Auckland***

When looking at Auckland's downtown core, the chronically homeless can be found near the shelters of Auckland City Mission (ACM) and Lifewise in the downtown core. As the interviews were completed in the downtown core, the majority of

respondents would reside in this area than any other part of the metropolitan city, mainly due to transportation costs and the location of social services (Michelle from Auckland; Anne from Auckland; Jared from Auckland; Chris from Auckland). Both the ACM and Lifewise are some of the few remaining services in Auckland's downtown core and so a disproportionate number of homeless individuals congregate around them (ACM 2017). Both of these places have areas for people to eat and congregate for a small amount of money.

Just recently the ACM and Lifewise started a joint housing first project to provide permanent housing to the most marginalized individuals on the street (Lifewise n.d.), but currently there is only one emergency shelter in the downtown core, the James Liston Hostel. This shelter, mess hall, and lounge has beds available for people to sleep in and get washed up. None of the respondents stayed in this shelter but would use it for food and showering (Jared from Auckland). Because there is a lack of beds, many other people sleep on the streets and in parks. They find multiple spots so they can move around, as very few people stay in the same spot in order to avoid law enforcement (Chris from Auckland; Anne from Auckland; Michelle from Auckland). Such spots include Victoria Park, Myers Park, Alberta Park, Victory Park, and the Auckland Domain Park.

Socially, there are many homeless individuals that congregate in or near the library (Michelle from Auckland; Bryan from Auckland; Chris from Auckland). The library allows these individuals the ability to stay warm, catch up on news, surf the internet, meet with others, and learn through reading (Hodgetts et al. 2008). Other places

are in malls, food courts, and fast food places. These are places for cheap food but also to socialize with friends in a warm place (Jared from Auckland).

Other places to find homeless individuals, is to look where they work. Because there is no can and bottle recycling in New Zealand, there are very few people who go binning and traverse around the local authority like many homeless individuals do in Canada. Instead, a way to make money for homeless individuals is to either panhandle, wash vehicle windows, or other ways of busking. This is a relatively stable job that does not require moving around the local authority, as there are some key spots that make people money. All along Queen Street there are people quietly sitting along the sides of buildings, with a hat or cup in front of them, waiting for people to give them money. According to the categories of urban space, the downtown core is a prime space.

#### *3.2.3.1 Current bylaws in Auckland*

As the Auckland local authority merged with surrounding local authorities to create a metropolis, the previous bylaws of those local authorities, called legacy bylaws, are being replaced by newer bylaws to account for the entire metropolis. Some bylaws are staying in place, like the freedom camping bylaw, to better reflect the community. In regards to camping, as a legacy bylaw as of October 2015, an individual may not camp or sleep overnight in any public space unless otherwise posted. Individuals are also unable to erect any structure to get reprieve from the weather (Auckland City Council 2015a). Even with a national policy of freedom camping, the *Legacy Bylaw Provisions on Freedom Camping* outlines certain exemptions on camping within Auckland. This bylaw gives the officer the authority to remove a person from the public space for a day

or an extended period of time. There are specific zones where freedom camping is allowed, but no zones exist in the downtown core. This serves to guide the homeless to sleep in places where they are less likely to get hassled, like just outside of the downtown core (Bryan from Auckland); move around to different spots in the downtown core, such as in parks, to avoid detection (Michelle from Auckland; Chris from Auckland; Anne from Auckland); or just out in the open in the downtown core, like many other homeless individuals, under the awnings of businesses (Jared from Auckland).

The fire bylaw in Auckland was adopted in December 2014, which replaced four other bylaws, and allows outside fires in an urban area only if it is contained within an outdoor fire device (Auckland City Council 2014). One respondent discussed how lucky she was to get a portable burner to cook her food (Michelle from Auckland). Where New Zealand does not get as cold as Canada, the increased humidity makes the weather cold enough to drop body temperatures dangerously low, which makes it all the more important to start a fire to stay warm. With a lack of shelter beds available for all of the homeless individuals, there are some that need to survive on the street, and sometimes it is important to stick in groups to not only stay warm, but to stay safe as well. Respondents in Auckland did not specify using open fire, but when walking around, homemade fire pits were found near encampments on the outside of the downtown core.

In November 2010 the local authority placed a ban on alcohol consumption all over Auckland, most specifically in the downtown core, which is coincidentally where many chronically homeless people are located. Only one of the respondents mentioned

using alcohol (Anne from Auckland), but alcohol use appeared to be present among some chronically homeless individuals. The stated purpose of this bylaw “is to control the consumption or possession of alcohol in public places to reduce alcohol related harm” (Auckland City Council 2015b, Section 4). The alcohol bylaw prohibits open liquor from being consumed in any of the specified zones.

Where definitely many homeless individuals do not consume alcohol, there are some that self-medicate due to the stress of not having a home, numb oneself from the street life, and mental health issues. Because the fine is \$250 (Auckland City Council 2015b), this may cause an issue for those individuals that do consume alcohol as that charge can prohibit them from obtaining services in the specific area, especially if they use alcohol consumption as a coping method. As an example, in order to avoid the possibility of getting a fine, individuals who have been drinking or are currently drinking, will avoid going to public spaces where enforcement officers can frequent.

With the public safety and nuisance bylaws, which came into effect on May 2014 to replace 11 other bylaws, a person cannot consume, inject, or inhale any mind-altering substance (which includes alcohol); cannot panhandle in a way that may intimidate or cause a nuisance to someone; and cannot wash a vehicle that may cause a nuisance or impede traffic (Auckland City Council 2013). Not being able to consume alcohol or drugs in a public place can affect some individuals on where they can drink. The latter two deal with how individuals make money. All respondents dealt with panhandling as a source of income, and as with Canadian bylaws, this impacts homeless individuals on how they can work and make a living. While there is an average of around 500 breaches

a month (Slade 2016) and there is no fine attributed to breaches, it can lead to removal from a place (Michelle from Auckland). This hassle has created certain responses to avoid getting harassed, which will be discussed in Chapter 5.

The existence and strength of bylaws in Auckland can be viewed in Table 3.4. Auckland does not have any bylaws referring directly to urinating, loitering, being in groups, or having feet on benches. They have a total of 3.00 on the strength of bylaws, which gives them a low rating for containment measures.

**Table 3.4 Existence and strength of bylaws in Auckland**

<b>Bylaw</b>	<b>Strength</b>
Camping	0.25
Fire	0.25
Alcohol	1
Panhandling	0.50
Washing vehicles	1
<b>Total</b>	<b>3.00</b>
<b>Containment measures</b>	<b>Low</b>

### ***3.2.4 The Location of Homeless Individuals in Wellington***

In Wellington's downtown core, the main places that homeless individuals visit are social services that offer food and support. Places such as the DCM, the Wellington City Mission, the Salvation Army, and the Hope Centre are all places that respondents said they frequented. These places do not provide accommodation. The one place that does, the Wellington Night Shelter, was not named by the respondents, as they preferred to sleep in the downtown core (Mike from Wellington), in the town belt (Tom from Wellington; Toby from Wellington), or their vehicles (Rod from Wellington; Ray from Wellington).

The parks that homeless frequent are just outside the downtown core in the town belt, a large reserve of mountain and natural forest (Tom from Wellington; Ray from Wellington; Rod from Wellington). Many of the respondents stated they choose to sleep outside of the downtown core because it is relatively close to the town belt (Tom from Wellington). The parks located around downtown are also used to sleep in but also as a place to relax. There were a couple of respondents who lived in their vehicles and parked around the local authority in parks (Ray from Wellington; Rod from Wellington).

Individuals also frequent the library, Cuba mall, and public parks during a day (Toby; Ray from Wellington; Rod from Wellington). These are all located downtown, but there are some individuals who own a vehicle and can then get away from the downtown core and move to other places. The library is a place that is chosen in all four sites as a place that all people can relax, read a book, charge their phone, stay warm, or search the internet (sending emails, watching videos, be on social media, etc.). Cuba mall is a strip of shops that many homeless individuals can be seen panhandling or socializing with friends. According to the categories of urban space, the downtown core is a prime space.

#### *3.2.4.1 Current bylaws in Wellington*

The general nuisance bylaws within Wellington control for public spaces, and more than just the bylaw, the council can erect signs further limiting activity in public spaces. Apart from the federal *Freedom Camping Act 2011*, individuals are prohibited from camping in the Wellington Town Belt (a forested area within the local authority) and around the coastal area but are allowed to camp anywhere else that is not restricted

(maps are provided on the Local authority website to depict which areas are prohibited). The restrictions are in a lot of parks, usually around the harbour, but looking at the maps, there are some parks that are not restricted (Wellington City Council n.d.a). It was found that homeless individuals stay in both the town belt and in local authority parks, regardless of the rules (Tom from Wellington; Toby from Wellington). However, the restrictions with freedom camping involve only being allowed to stay four nights in either of the open sites in one calendar month without being told to move on. This includes both staying in a vehicle and in a tent. One respondent talks about how vigilant law enforcement is on administering this bylaw: “You have to move on within two days. You can only park on the council or government regulated place for two days and you got to move on in Wellington. It's the rule.” (Ray from Wellington).

There is a fire bylaw in Wellington that dictates when one can have a fire in public spaces without council permission. While it does not outright ban all fires, the fire has to be controlled using either charcoal or gas and is subject to the restrictions on the use of a specific place. The flames are to be less than 1.5 metres tall, 1 metre away from a building, and on non-combustible material. This bylaw was adopted in December 2008 and is enforced by the Wellington City Council (Wellington City Council n.d.b). A respondent actually describes how important it is to start a fire and how they regulate them to be safe and not be caught. “Um, like if you got wet, um, and you didn't have a drier or, and sometimes you have to sleep with wet clothes. Or get under a building where there is a concrete floor so you can't burn it down and light a fire. That's why, in the building, you wouldn't be seen” (Toby from Wellington).

Another bylaw that affects public spaces is the *Liquor Control bylaw*, adopted in July 2008 and extended in June 2010, and is enforced by the police (Wellington City Council n.d.c). The bylaw prohibits alcohol use and transportation of open canisters in a specific area called the Control Area that includes the Wellington Central Area, Oriental Bay, Mt Victoria lookout, Aro Valley, Central Park, Mt Cook, and Newtown (Wellington City Council n.d.d). Importantly, this covers areas where visible homeless people mainly frequent. Like explained with Auckland, many individuals who are homeless do not consume alcohol, but for the ones that do, usually the ones who are the most vulnerable to chronic homelessness (Palepu et al. 2012), this bylaw will impact their activities. One such respondent explained how he has to handle this when they are “drinking in public place, the police come and you quickly stand in a dark spot so you can't be seen” (Toby from Wellington).

Wellington would thus be considered a regulated place, but when compared to other local authorities, it is not as regulated. For instance, unlike all of the other local authorities, Wellington does not place restrictions on panhandling, nor does it regulate public behaviour, prohibiting such actions as loitering or other nuisance behaviour. Council has repeatedly not voted in a bylaw restricting panhandling, opting to work with social agencies in order to help get them off the street and saying that a ban will not accomplish what they want (Devlin 2017).

The existence and strength of bylaws in Wellington can be viewed in Table 3.5. Wellington does not have any bylaws referring directly to panhandling, urinating, loitering, being in groups, having feet on benches, or washing vehicles. They have a total

of 2.00 on the strength of bylaws, which gives them a very low rating for containment measures.

**Table 3.5 Existence and strength of bylaws in Wellington**

<b>Bylaw</b>	<b>Strength</b>
Camping	0.75
Fire	0.25
Alcohol	1
<b>Total</b>	2.00
<b>Containment measures</b>	Very Low

### **3.3 Conclusion: Containment Measures Across Sites**

The formal means of social control include regulations or policies on public spaces to influence actors to conform to the social norms of society. In the case of homeless individuals, bylaws on public spaces, places where the homeless most frequent and have to live, have the greatest effect on their lives. While respondents overwhelmingly felt that bylaws were directed towards them, some also believed, without prompting, that enforcement officers were just doing their job and realized that bylaws had to be in place to keep order.

All sites had some form of formal social control regulating their public spaces within their jurisdiction. As shown in the matrix provided below (see Table 3.6), sites are compared with the same bylaws and are compared based on the strength of the bylaw. The strength of each bylaw is scored between '0' and '1,' with '0' indicating no bylaw in existence and '1' being an over-encompassing bylaw. Anything in between is based on how active the bylaw is on a homeless individual's life and how encompassing it is within the bylaws.

**Table 3.6 Existence and strength of bylaws, comparison by site**

<b>Bylaws</b>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>	<b>Average</b>
Camping	1	0.75	0.25	0.75	0.63
Fire	0.75	0.50	0.25	0.25	0.63
Alcohol	0	0.25	1	1	0.56
Panhandling	0.75	0.75	0.5	0	0.38
Urinating	1	1	0	0	0.50
Loitering	1	1	0	0	0.50
Being in groups	0	1	0	0	0.25
Feet on benches	1	0	0	0	0.25
Washing vehicles	0	0	1	0	0.25
<b>Totals</b>	5.50	5.25	3.00	2.00	
<b>Social control</b>	High	High	Low	Very Low	

It was found that Calgary had the highest containment measures in public spaces, with Red Deer close behind. This being because sleeping activities in Calgary are harsher than in any other site. Auckland had a low form of containment with Wellington having the fewest containment measures, with restrictions on Alcohol and camping only. It then appears that New Zealand has a fewer containment measures than in Canada (see the last row of Table 3.6). This could be for a variety of reasons, much of which is explained in the Visible Homeless in New Zealand section in Chapter 2.

## **CHAPTER 4: ENFORCEMENT OF CONTAINMENT MEASURES IN PUBLIC SPACES**

The previous chapter delineated the bylaws used to initiate some types of social control, and it was shown that all sites used containment measures to influence human behaviour in public spaces. However, bylaws do not actually create social control in and of themselves (Nye 1958). They are a factor in shaping behaviour to fit social norms and it is the enforcement of those bylaws that actually make them efficient in creating social control. There has been a change from hard to soft enforcement, where police arrest, issue citations, physically remove people, etc. to enforcement through education, warnings, and community relations (Pendleton 1998; Weine, Younis, and Polutnik, 2017). Local governments enforce containment measures to create a community with similar norms.

Containment measures reduce the visibility of homeless individuals and keep them away from public spaces through strict enforcement and disrupting the daily routines and practices of homeless individuals without fixing the structural issues (Lanegger and Koester 2016; see Hennigan 2017). Through enforcement practices, bylaws are given meaning and impact a homeless individual's life. It has now been shown that containment measures impact the lives of homeless individuals and it is presumed the enforcement of bylaws will exacerbate that impact.

There are fines for all of the bylaws in each of the cities in Alberta, and for the homeless population any amount can be seen as detrimental to their cost of living. There

are penalties in New Zealand as well, but do not always equate to fines. Fines do not seem to have a deterrent effect with this population, considering many still contravene the bylaws by adapting their behaviour to avoid interaction with enforcement officers (as discussed in Chapter 5). This lack of deterrence and change in behaviour in all sites illustrate that the fines, while having the ability to impact the lives of homeless individuals, have minimal impact on stopping the undesired behaviour. For this reason, it is not imperative that fines be compared between jurisdictions.

This chapter will first discuss the reasoning behind the bylaws according to respondents. By looking from this angle, the severity of enforcement can better be illustrated and how a person responds to enforcement can be better understood. The next section deals with enforcement being directed at homeless individuals, from the respondents' perspective. This discussion contributes to how severe enforcement is in their local authority. Finally, the last four sections deal with enforcement practices in each of the sites. This can illustrate how high enforcement measures are in each site. Adding together the height of enforcement and severity, a total of enforcement activity can be achieved.

#### **4.1 Reasons for the Bylaws: A Homeless Perspective**

The social relations between actors serve to construct the spatial contexts in which individuals find themselves in (Giddens 1984). In this sense, the policies on public spaces, for example, are based on having a clean environment that creates a safe environment for tourists and can attract business, and the homeless population is seen as

a barrier to that (Doherty et al. 2008). For this very same reason, an individual's spatial context and experiences can help define their actions.

Comparing what an individual perceives the reason why a bylaw is made can assist in seeing how they may respond to a bylaw. An individual may believe the reason for a panhandling bylaw is justified because some individuals can scare off or bother people. This will make them alter their behaviour to accommodate people walking on the sidewalk so they do not intentionally bother someone. For this reason, respondents were asked why they believed bylaws existed and replied within the context of which they were speaking. Many respondents agreed with the bylaws, or at the very least realized why they had to be there, hinting that they “keep order” (Chris from Auckland) and “so people behave” (Jared from Auckland). For instance, Mike from Wellington stated that bylaws existed because homeless individuals:

“will offend the public themselves. Like if they wake up in the morning and they see people standing at the door, lying at the front of their door, and all the shopkeepers and everything ... wouldn't want it, wouldn't want to see people doing that you know?”

Jessica from Red Deer agreed, rhetorically asked: “you don't want people just on the side of the street, like down city hall, camping and stuff, there has to be some kind of rules and regulations, right?” The creation of bylaws help

“to keep people from being bothered when you are trying to go in and buy things. Do not interfere with the bottom line of the different businesses that are there that are trying to make money by getting these people in their doors as

well. You're asking for their money and that's money that they're not going to get from them” (Matt from Calgary).

And Rod from Wellington believed that:

“they're there so that people don't congregate and cause trouble and intimidate people, because a lot of homeless people do, intimidate the public. Sometimes it's they are not meaning to, sometimes they and a lot of people complain, and a lot of it's done because people have complained and so they create the bylaws.”

It is interesting to note that these particular respondents (Mike, Matt, and Rod) have an average of 6 years of homelessness and that they responded in such a way that internalizes blame for the creation of bylaws regulating public spaces. The longer one stays in a negative situation (i.e. being blamed for not making the local authority a clean or safe place; see Chapter 3), the greater the probability that one conforms their perspective to fit the one they live with (Berger 1963; Bourdieu 1991; Cooley 1902). They realize that bylaws have to be in place because of how homeless individuals stereotypically act. Tom from Wellington illustrates that bylaws are created to put on an act of a clean and safe community:

“Well tourism is a major factor. They want the face, the side of the city to look as if, I suppose, there's no poverty or major sort of world, big city, world cities, the problem's not here in terms that people can safely walk the street when they can visit while they ... they want that sanctuary of pure New Zealand imagery. That's probably the most major, that we are supposed to be these quaint little Lord of the Ring Hobbits and Elves. And many of the beggars look like that,

they are quite passive, they're not threatening and any of them that show any absolutely, there is no tolerance on any of them showing aggression, the police will turn up and take them away. And they will be recorded that those people are aggressive. Zero tolerance on that. If you look like little elves and hobbits and smile sweetly and looking innocently poor, they're left alone. ... But if they are drunk, disorderly, doped out, and carrying on, they will quickly get them off the street. So they are watched by the walkers and there's constantly walkers, and they are constant in that sense.”

It was correctly believed that bylaws are created “so things flow more better and just so things are safer” (Bryan from Auckland), ultimately serving “to keep the public safe” (Michelle from Auckland), “because other people want to enjoy [public spaces] as well” (Brad from Red Deer). Keeping its citizens safe is a responsibility of a local authority, and these responsibilities keep an orderly space for citizens, business, and tourists to enjoy.

A clean local authority is not only one where there is a lack of refuse and crime, but one that is ascetically pleasing for both businesses and visitors, as Tom from Wellington, Matt from Red Deer, and Ray from Wellington mentioned having areas that are clean. He believed that

“the reason for bylaws, I suppose, to preserve a lot of that area and they probably say that it doesn't look too good for a lot of the homeless to stay there. You know, and the rubbish that they may be left behind.” (Ray from Wellington)

Many respondents were observant on which rules they should follow in order to avoid being noticed. However, two respondents, one from Auckland and the other from Red Deer, identified why and how the bylaws were made in the first place, stating that they were created to solve specific issues, even providing examples. Bryan from Auckland thought that:

“Generally it's the council, the council are the ones that come up with the bylaws, then sometimes it is pressure from the public, and sometimes they come up with the bylaws after, for instance the police might recommend certain bylaws, like for instance, the no alcohol one. When people could drink alcohol in town, this was over ten years ago, it would cause a lot of fights and a lot of trouble, so the council introduced a bylaw, under recommendation from the police. That's generally the place where the council that will, um, come up with the idea of certain bylaws.”

And John from Red Deer discussed the enforcement side of bylaws, stating that:

“some cities and some because of their, because of certain things that are being addressed here, even in Red Deer, because there is a lot of needle usage. And it's kind of gotten out of control. Because ... that's the reason why all these peace officers and bylaw officers are out enforcing all these bylaws, right. I mean, if there wasn't anybody who was, you know, ignorant or lazy and they picked up after themselves and cleaned up after themselves, I guarantee you we would have a whole different change in that.”

The respondents have provided comparable reasoning as to why bylaws are created in the first place, even responding on how they get passed. The common theme of creating them for the public is shown across all sites. Some mentioned the economic aspects, such as keeping the place clean for tourists, which was seen more in New Zealand. It is important to note that these explanations are highly dependent on context in which the individual finds themselves in, expressing their experiences living in public spaces. The next section discusses how enforcement is directed towards the homeless from their perspective.

#### **4.2 The Bias of Enforcement: Being directed at the Chronically Homeless**

Bylaws are created to impose socially acceptable norms for the community. Some of those norms improve health and safety, while others provide a viable economic environment. Citizens can view these reasons differently though and depending on the spatial context one finds themselves in, individuals can perceive the actions of another to be more nefarious than the original intent. This section is a conversation continued from Table 3.1 in Chapter 3, where respondents from different sites discussed the reason for the bylaws, if they are directed at anyone, and realizing why the bylaws had to be enforced.

Many of the respondents talked about the bylaws being created surrounding issues of homelessness, but some respondents were more explicit saying that the bylaws were there “to keep beggars away” (Justin from Red Deer). While many saw the bylaws as necessary to keep the community safe and clean, they felt the enforcement of the bylaws were misdirected at times. Michelle from Auckland recounted that

“when we sit down on the footpath, you know, we are straight away, we get annoyed, not anybody else. We straight away get annoyed by the bylaw, but the tourists can sit there and block the doorways and not get told off by bylaw.”

In fact, when the researcher went to the supermarket to obtain the gift card for Michelle’s participation, it was noticed that the security guard in the store asked her to leave her backpack at the front door and ignored the researcher. When asked if she was caught taking stuff from there before, Michelle said that they knew her as a homeless individual. When talking with another respondent in the same local authority, they described how a security officer in a supermarket took out all of their belongings from their bag. This is a huge inconvenience because many individuals carry much of their belongings. He went so far as to argue with them, saying “you wanted it, open it, and I want everything put back in it” (Chris from Auckland).

There were other individuals, also from Auckland, who provided stories on why enforcement of the bylaws discriminated against individuals who found themselves chronically homeless. Chris from Auckland recalled that:

“a foreigner, and I got nothing towards foreigners, can walk down the street with an open bottle of beer. If we were to do that, they come down on us like a tonne of bricks. A tonne of bricks. And time and time again I seen it happen. ... The foreigners will get told to tip it out, and they will put us in handcuffs.”

While Anne from Auckland alluded to the fact that people who are homeless get blamed for leaving a mess in the local authority:

“I think it's for the people who come into Queen Street that mess up, throw things around. They don't even know what a rubbish bin is. Whereas, I do. And you see my space now, it's clean. But they will still come up to me.”

Then in Red Deer, especially when camping, respondents notice that enforcement officers are arbitrarily taking down camps when they find them (John from Red Deer; Jessica from Red Deer). When officers get calls from citizens about any issue, even if it does not concern the majority of homeless individuals, “the bylaw officers go out and hunt for us and make sure we are not doing anything in the [downtown core] or in parks” (John from Red Deer). Homeless individuals have schedules they follow (e.g. soup kitchens, support meetings, shelters, etc.) and having their belongings taken from them on top of having nowhere to sleep just adds to the stress homeless individuals already carry (Lippert and Lee 2015). A respondent talked about how demoralizing it was:

“I started over maybe ten times. And every time it costs me more money. This last time I had income support, I was buying tools, like I was buying sockets sets, I was buying other stuff to make my life a little easier. But, they are all gone.” (Brad from Red Deer)

In addition to this, many homeless individuals are victims of verbal aggressions, but because the police are seen as pushing homeless individuals away from their home, homeless individuals do not see the police as allies when they are victims themselves (Jesilow, Meyer, and Namazzi 1995). This discourages them from seeking assistance and reporting crimes. In addition, there is a section of homeless culture where going to the police is frowned upon (Baron, Forde, and Kennedy 2001).

There is a noticeable difference in how individuals talked about enforcement: respondents in New Zealand spoke about how heavy it is, while respondents in Calgary demonstrated more of an understanding of enforcement. This may be due to a couple factors, but because Chapter 3 showed that Calgary has high social containment measures, simply assuming that Alberta sites have low enforcement would be incorrect. Because Canada dealt with homelessness earlier, there is a social perception around homelessness and the best way to eradicate it. There was a sense that homelessness is an issue that required enforcement, but over time, through symbolic violence and a “misperception of social space” (Weininger 2005, 145), homeless individuals create a “habitus” where enforcement is normalized through socially constructed “thoughts, perceptions, expressions, and actions” (Bourdieu 1990, 55).

It is through the different habitus that homeless individuals will perceive other individuals through the status of their practices and misperceive the objective basis in which they are held, as “[t]he very lifestyle of the holders of power contributes to the power that makes it possible, because its true conditions of possibility remain unrecognized...” (Bourdieu 1990, 139). This perception creates the status quo and is internalized by homeless individuals.

Because this normalization is internalized, people are less apt to believe enforcement is any higher than what it should be. If this is true, then Red Deer, which holds some normalization of enforcement practices in Canada, should have a low belief that bylaws are directed at homeless individuals, like Calgary. Because they do not, it is reason to believe that the enforcement in Red Deer is actually higher than normal.

The next four sections will now deal with how enforcement is structured in each of the sites. Each section will illustrate the authority that is given to enforcement officers and how each one deals with bylaw infractions. Additionally, the following sections will cover the ways in which enforcement has changed, as was discussed in this chapter's introduction.

### **4.3 Containment Measures: Enforcement in Calgary**

The enforcement of social control in Calgary is mainly done through the use of peace officers and city police. Bylaw officers are used, but the program has now ended and the sole use of peace officers is being phased in. While city police can enforce bylaws, it is peace officers who have the responsibility to enforce bylaws. The main priority of the peace officers is to administer the bylaws to ensure there is compliance. They do this by conducting patrols (either on bike or on foot) or by taking calls and by giving education, warnings, and tickets.

There are over 90 peace officers employed with the City of Calgary, sectioned into a variety of divisions to cover the many responsibilities. Specifically, there is one division that works in the downtown core, working on two main teams: the Partner Agency Liaison (PAL) team or the beat team. The PAL team addresses homelessness and rough sleeping by responding to vulnerable populations and their needs. Working with numerous social agencies, PAL works to help them secure housing by dissolving illegal encampments and educating them on positive solutions (City of Calgary 2018). The beat team does patrols around the downtown core, using the similar strategies listed above, to ensure bylaws are being followed and that the area is safe for pedestrians. This

is accomplished mainly through education and warnings, but written warnings, tickets, and arrests will be done if warranted.

Officers have some flexibility to enforce the law, and the ones who work the same route in the city get to know the individuals who live on the street, and they may be more liable to flex their latitude to some individuals, as stated by one respondent (Tim from Calgary). These officers are trained to look at why someone deviates from following the bylaws. Depending on the situation, the rising severity of enforcement is by giving a verbal warning, a written warning, three tickets, and if the third ticket does not work, then they are given a mandatory court appearance. It often does not reach the top level, but the option is there.

Over the years, the peace officers have focused less on enforcement and more on compliance-based work. Rather than reacting to people who are breaking the law, the peace officers act to educate and help people to follow the bylaws in order to be safe. In fact, one respondent noticed this shift and stated that “it was five years, the cops, if you were homeless, they were on your face. Oh they were there. But not anymore” (Tim from Calgary). Another respondent claimed he did not have any interaction with police other than polite discussion (Jeff from Calgary). One even claimed that the peace officers provided rides to services, such as shelters and soup kitchens (Scott from Calgary).

This information demonstrates how high the enforcement measures are in Calgary. Calgary has two set patrols in the downtown core, which creates visibility and so enforcement measures are high. Along with section 4.2, the severity of enforcement appears to be on the low side because there was training and they have moved towards

soft enforcement. Based on the findings for enforcement measures and severity, the total enforcement activity in Calgary is medium.

**Table 4.1 Measures of enforcement in Calgary**

<b>Site</b>	<b>Enforcement Measures</b>	<b>Severity</b>	<b>Total Enforcement Activity</b>
Calgary	High	Medium/Low	Medium

#### **4.4 Containment Measures: Enforcement in Red Deer**

Red Deer utilizes security guards as well as compliance and RCMP bylaw officers to enforce the local government bylaws. More specifically, looking at the bylaws that impact homeless individuals, compliance officers, who are a part of the Inspections and Licensing department, and the RCMP bylaw officers have the majority of contact with people who are homeless. Less so, there are security guards, contracted out by the security firm Commissionaires, who enforce parking infractions or patrol buildings and have contact with homeless individuals but are unable to give tickets.

Compliance officers enforce any contraventions of the *Community Standards Bylaw*, which, as explained in Chapter 3, deals with standards in public spaces and impact the social interactions of homeless individuals. When it comes to complaints that deal with the sidewalk, people are encouraged to call the RCMP (City of Red Deer 2018). Both can provide warnings, tickets, or remove homeless individuals, depending on the severity of the infraction. If the ticket is not paid at a municipal level, it progresses to a provincial ticket where the fine can be paid at the provincial level or a plea entered. If the individual pleads not guilty, then a trial may occur.

According to some respondents, enforcement has been becoming more stringent, (John from Red Deer; Jessica from Red Deer; Justin from Red Deer). Respondents felt that not only are the compliance officers becoming stricter over time, the bylaws are more numerous than other surrounding communities and the local authority “has like the harshest bylaws” (John from Red Deer). The same respondent suggested that “there's been a change in attitude towards a lot of it, within the last four or five years for sure.” It was felt that Red Deer employed more peace officers and bylaw officers to enforce all of the bylaws (John from Red Deer).

There are also times where enforcement officers would patrol wooded areas and dismantle homeless camps (Brad from Red Deer). Even when in places where the public does not go and if the area was kept clean, the respondents felt that they would get picked on, where their camps would be raided, their belongings would be thrown out, and they would be told to move on (Jessica from Red Deer; John from Red Deer; Brad from Red Deer). This issue is confirmed to occur by some service providers in Red Deer and news reports (Neilson 2015). One respondent said that the enforcement officers usually would give them a 24-hour notice to vacate their camp, and if someone does not leave, the officers would just “come in and just clear out all of [their] stuff and it's gone” and “even made [them] move in the winter” (Jessica from Red Deer). It is also “getting really strict on [panhandling] over at 7-11 (in the downtown core)” (Jessica from Red Deer; Justin from Red Deer).

This information demonstrates how high the enforcement measures are in Red Deer. Red Deer does not have patrols in the downtown core, which lowers visibility and

so enforcement measures are medium/high. Along with section 4.2, the severity of enforcement appears to be on the higher side because of how service providers and respondents perceive it to be. Based on the findings for enforcement measures and severity, the total enforcement activity in Red Deer is high.

**Table 4.2 Measures of enforcement in Red Deer**

<b>Site</b>	<b>Enforcement Measures</b>	<b>Severity</b>	<b>Total Enforcement Activity</b>
Red Deer	Medium/high	High	High

#### **4.5 Containment Measures: Enforcement in Auckland**

Social control in Auckland is enforced through security officers, compliance officers, and the New Zealand Police. The security officers are employed by the local authority's public service and are under a contract. The compliance officers are employed with the local authority in different departments and enforce a local authority's bylaws. The New Zealand Police are employed by the central government as a department and enforce New Zealand's criminal and traffic law. These enforcement powers are accomplished through providing education, warnings, tickets, and imprisonment among others.

The security officers are employed by a security company and is contracted out by Auckland City Watch through a tendering process by the Heart of The City. This company is employed seven days a week to complement policing resources during regular business hours. These individuals are employed principally "to improve the community's perception and experience of safety in the city centre, particularly in relation to breaches of the *Public Safety and Nuisance Bylaw*" (Heart of the City 2017, 1). Specifically, their intent is "keeping a watch on general security and any anti-social

behaviours, ... particularly in relation to window washers, beggars, street vendors, buskers etc." (Global Security 2013, 1).

The City Watch are the only enforcement officers that cannot issue tickets, but they can provide education and warnings. These individuals would often give written warnings and are labelled as "the council" by the streeties (Michelle from Auckland; Bryan from Auckland; Chris from Auckland; Anne from Auckland). City Watch officers would call on compliance officers if they needed to issue a ticket or remove someone in a behavioural situation and an ongoing issue. The New Zealand Police would only be called on if there was a danger to the public. Compliance officers are usually called to react to complaints from the public in regard to persons breaching bylaws. They would rarely prosecute, taking a proactive role in educating people to follow the bylaws and be safe.

Most respondents expressed that the council harass them and never mentioned if the situation has deteriorated over the past years. This is interesting because all enforcement walkers have a level of discretion when enforcing the bylaws, as expressed by Bryan. In an interview with a non-profit service provider, the Auckland City Council provides education to officers and that the City Watch officers had to get more because they were seen as not being fair to individuals who were homeless. Even while there was a recognized issue with the front-line enforcement performed by City Watch in the past, because of the increased education in partnership with the Auckland City Mission, relative enforcement may become lighter.

There were many encampments in the surrounding local authority greenspaces. None of the respondents talked about enforcement officers taking them down, which may be because of the confusion *The Freedom Camping Act, 2011* causes (Osborne 2017). Respondents did mention that they get removed from parks within the downtown core when they are sleeping (Chris from Auckland), while others do not get bothered when they are camping out (Bryan from Auckland).

This information demonstrates how high the enforcement measures are in Auckland. Auckland has a set patrol in the downtown core, which creates visibility, but because they have received training and have no power to give tickets, enforcement measures are medium. Along with section 4.2, the severity of enforcement appears to be on the medium/high side because the respondents talked about it being severe, but there was training and they have soft enforcement. Based on the findings for enforcement measures and severity, the total enforcement activity in Auckland is medium to high.

**Table 4.3 Measures of enforcement in Auckland**

<b>Site</b>	<b>Enforcement Measures</b>	<b>Severity</b>	<b>Total Enforcement Activity</b>
Auckland	Medium	Medium/high	Medium/high

#### **4.6 Containment Measures: Enforcement in Wellington**

In Wellington, there are no dedicated bylaw officers; they have people from different departments of the council go out to deal with different bylaws. There are various teams that work to enforce bylaws depending on where they are located. For instance, there are park rangers that enforce provisions contained in the *Freedom Camping Bylaw* and the New Zealand Police to enforce the liquor bylaws and any other possible criminal offence (i.e. intimidation, damage, etc.). This does not make it possible

for homeless individuals to consistently deal with the same individual, as there is a positive correlation with increased contact and soft enforcement (Novak et al. 2002). Dealing with the same enforcement officer has had positive effects with other respondents in other sites, such as with Tim from Calgary.

Wellington has employed a group of street ambassadors, called Local Hosts, to assist tourists and citizens with directions, information about local authority events, and emergencies in the downtown core. These Local Hosts walk down the streets every day and evening from Wednesday to Saturdays. One of their responsibilities is to report any safety concerns, such as reporting concerns to one of the teams or the police or assisting the police on the street (Wellington City Council n.d.e). This can mean any assistance with aggressive begging, even though there is no bylaw against it, for the safety of tourists.

Many of the powers within the *Public Places Bylaw* are implemented or administered by the various business units within the Council. There is the Encroachments team, the Traffic/Roading team (i.e. manages footpath licenses, signage etc.), the Parks, Sports, and Recreation team (i.e. manages access to sports fields), the Property team (i.e. managing property records), and the Graffiti Prevention team (i.e. working with others to reduce graffiti). This structure illustrates the fragmented enforcement of the Wellington City Council, which is natural considering they have very few bylaws that impact the homeless lifeworld (see Chapter 3).

However, just because there are very few bylaws that regulate public spaces for homeless individuals, that does not mean Wellington does not influence human

behaviour in public spaces. While a majority of the respondents indicated that there were no major issues with enforcement officers, some respondents expressed how park rangers enforced parks with those that slept in their vehicles. Respondents would often feel they were singled out and told to move on more than anyone else, even in public parking spaces (Ray from Wellington; Rod from Wellington). One respondent stated that he has:

been moved on in daylight hours. When I had a car and it, got stuck on it with rubbish, scrap metal and other stuff and I was actually moved on at two o'clock in the afternoon up at [Mount Victoria]. At the car park. I have been asked to move by a Wellington City council ranger. Which I thought was unacceptable, but I think he was only picking on me because he knows I am homeless. (Ray from Wellington)

This information demonstrates how high the enforcement measures are in Wellington. Wellington has a patrol in the downtown core, which creates visibility, but because they cannot give tickets, enforcement measures are low. Along with section 4.2, the severity of enforcement appears to be on the medium side because respondents complained how it impacts them and they use soft enforcement. Based on the findings for enforcement measures and severity, the total enforcement activity in Wellington is low to medium.

**Table 4.4 Measures of enforcement in Wellington**

Site	Enforcement Measures	Severity	Total Enforcement Activity
Wellington	Low	Medium	Medium/Low

#### **4.7 Conclusion: Enforcement Activity Across Sites**

Enforcement measures are used to administer social control within a jurisdiction, and every site has been shown to have some method of enforcing bylaws in their community. Homeless individuals gave varying reasons why bylaws are in place, but mainly agree they are there to keep order and cleanliness of the local authority to attract visitors and businesses to an area. When bylaws are meant for all areas of the local authority, this chapter has shown that downtown prime spaces are enforced more often than other spaces, especially in New Zealand.

Homeless individuals believed that the bylaws are directed at them and that enforcement officers unfairly target homeless individuals. This was seen more in Auckland and Red Deer, but it was noted in Wellington and, to a lesser degree, in Calgary. Again, this may have to do with homelessness being a relatively new phenomenon in the public sphere, but the severity of enforcement can be measured through a high or low dichotomy and measured by the homeless respondents who experience the level on a regular basis (shown in Table 4.5).

The actual enforcement can be seen in how the enforcement feels to and acts on homeless individuals (as seen in Table 4.5). Some sites have less social control measures in their community with lower monitoring of the prime spaces in their jurisdictions, where there are higher measures and lower enforcement in other jurisdictions. Total enforcement activity in Red Deer is the highest of all sites. This was because respondents talked about how much they get harassed from enforcement. More than that, possibly because of the stability of the downtown core or the length of homelessness, when

discussing bylaws with a service provider, it was illuminated how enforcement has become harsher within the last few years.

**Table 4.5 Measures of enforcement activity, comparison by site**

	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
Enforcement measures	High	Medium/high	Medium	Low
Severity of enforcement	Medium/Low	High	Medium/high	Medium
Total enforcement activity	Medium	High	Medium/high	Medium/Low

Auckland's total enforcement activity is the second highest out of all sites because the local authority contracts out a security company to monitor the downtown core and many respondents talked about being harassed most of the time. There was an education program instituted for compliance officers and while that may not have been noticed by the respondents, knowledge eases the playing field.

Wellington and Calgary have the least amount of total enforcement activity in their cities. Wellington has systems set up to enforce bylaws but rarely enforces them, with street ambassadors that patrol the streets to make sure everyone is safe. They have park rangers that can be a source of harassment for homeless individuals staying in parks where there is no camping. Calgary has the third lowest total enforcement activity as they have a high rate of enforcement measures, with exact teams patrolling the downtown core.

## **CHAPTER 5: RESPONDING TO SOCIAL CONTROL IN PUBLIC SPACES**

Human beings are active agents in their surroundings, where, apart from internalizing the social order, they are able to be cognizant of environment factors and externalize their subjective consciousness (Berger 1963). As has been shown in chapter 3, the clear majority of homeless individuals are well aware of existence of bylaws and how they impact them, and if they were not aware they exist, they “realized there must be some reason for [the police] to [move me from the shopping area]” (Mike from Wellington). Thus, the control of human behaviour in public spaces can impact a person’s routine and galvanize the individual to change their behaviour.

As seen previously in Chapter 3, respondents moved through multiple spaces within a single day. Each section in this chapter is broken down into whether a response is cooperative or protestive (explained in the introduction). Using the framework developed by Snow and Mulcahy (2001), the subsections contain the type of resistance behaviour developed by the homeless individual. Because behaviour is being separated by a category, separating them by sites would have been redundant. The adaptation response is the only resistance behaviour that has been divided into two clauses: complete avoidance and avoidance maneuvers. Based on the respondent’s answer, the likelihood of each resistance behaviour will be rated on how likely a response would be in a prime space.

## **5.1 Cooperative Responses by the Homeless**

As was discussed in the introduction, a cooperative response is one that is amenable of the bylaws. This would include the responses of exit and adaptation. When confronted by an enforcement officer, the homeless individual will listen and exit the situation. Even more so, because they are aware of the bylaws, they will maneuver around them so they have less of a chance to interact with enforcement officers through adaptation strategies.

### ***5.1.1 The Exit Response: A Cooperative One***

This form of resistance behaviour, according to the framework, is one that is most likely to be used in prime spaces. The exit response is used when confronted by an enforcement officer. It was found, like the other responses explained further, that it was mainly dependent on how they are approached, but overall, there was very little evidence that anger affected their decision to stay or not, as many respondents from both countries stated they would leave when asked.

When respondents were asked how they would react when they were approached by an enforcement officer, many did point out that they would move when asked and that “there is no point in having an argument because we just get arrested” (Michelle from Auckland). In a relationship where they have less power and face some distressing consequences, people tend to listen and exit the situation to appease the individual with more power (Orbell and Uno 1972), as it made them feel “uncomfortable. ... because it wasn't part of [their] schedule” (Toby from Wellington). Rod from Wellington discussed the long-term consequences of arguing with an enforcement officer, saying that “because

you don't want to cause grief, because it just affects the next person and at the end of the day, even though they are wrong, they are only doing their job.”

Most homeless individuals, as mentioned in Chapter 4, understood that enforcement officers were just there to do a job, so when asked to move on, many would just “walk away” (Chris from Auckland). Officers would request that a homeless individual “‘please move to another place, this is a public area and you are blocking the sidewalk’ and that's all. So I just respect them and [get] up and [leave]” (Mike from Wellington). Many other homeless individuals “once [they] have been moved on, don't get angry. [they] don't swear at them, [they] just go, move along” (Rod from Wellington) because they “move hopefully somewhere better” (Tim from Calgary).

More individuals from New Zealand chose this option than those from Red Deer. Also, many respondents from Canada would often move nicely for the enforcement officer to not create any trouble but go back to the same spot later, especially if it is a lucrative spot (Matt from Calgary; Brad from Red Deer). For Albertans, it was mainly about how well they can survive. That if they “like the stuff that's in there, then yeah I still go around there” (Jessica from Red Deer). Others would just move on and not come back to the area (Scott from Calgary). For example, when asked if he goes back to the same spot after he has been told to move on, Rod from Wellington stated that he “won't park anywhere again where [he has] been moved on from. I don't want to be noticed.” Homeless individuals, being transient, can easily go to other public spaces and come back later when it suits them because of the low cost of exiting public spaces (Cairns and Cairns 1994).

This response was context-specific, where it depends on how the respondents were approached. Most sites were very likely to choose this response, especially when confronted by enforcement officers (see Table 5.1). Red Deer was less likely, as they mainly talked about how they would employ other responses in dealing with enforcement officers instead.

**Table 5.1 Likelihood of the exit response, comparison by site**

<b>Response</b>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
Exit	Very Likely	Likely	Very Likely	Very Likely

**5.1.2 The Adaptation Response: A Cooperative One**

As the previous section illustrates, all sites chose to exit an area when confronted, with minor variances between countries. This seemed like a very popular choice, perhaps due to the low cost of exiting for homeless people. However, there was still a cost born by homeless individuals, as they had to possibly leave a lucrative spot, to have the officers notice them in a negative light, and to be publicly shamed. Homeless individuals then try to create adaptive responses when it comes to social control, to which one has creatively called “playing the game” (Matt from Calgary), even when they are not confronted. This is the only resistance behaviour that does not depend on being confronted.

Playing the game is like “cat and mouse” (Ray from Wellington), where the homeless learn the rules of the game (containment measures), learn where the enforcement officers make their rounds, and learn the active avoidance of containment measures and enforcement officers. There are some individuals who avoid the banned

activity completely, whereas there are others who create maneuvers in order to avoid negative detection.

#### *5.1.2.1 Complete Avoidance as an Adaptation Response*

Complete avoidance is a strategy to avoid a banned activity or enforcement officer in order to keep on performing an activity or evade being hassled. Some homeless individuals from New Zealand learn what the bylaws are and follow them to avoid being hassled (Jared from Auckland, Ray from Wellington). Others do not because they “didn’t really care if [they were] seen or not. It was just more of, just easier to stay out of the way” (Toby from Wellington, Jeff from Calgary, Jessica from Red Deer). Some would just “see the sign [and] don’t do it” and “[you] don’t give them a reason to notice you” (Rod from Wellington). For example, Bryan from Auckland “will just find somewhere to smoke as long as [he is] not interfering with the bylaw.”

#### *5.1.2.2 Avoidance Maneuvers as an Adaptation Response*

However, on the other side, one that is favoured by Canadians, because they were already aware of unfavourable locations or where enforcement officers perform their “haunts” (Tom from Wellington), homeless individuals would adapt avoidance maneuvers that limit any negative interactions. In fact, homeless individuals “just know where to go and where the walkers are and know to move on and re-establish each night” (Tom from Wellington, Bryan from Auckland). Or as Matt from Calgary would say, in order to avoid being hassled:

“I’m pretty wary of where they are at all times and looking out from, so I move myself along before they have a chance to move me along. That’s just the game

you play, and you go around in a circle, and they leave and then you come back.  
You just got to be mindful of where they're at.”

Others, like Matt, remove themselves from the situation before they get into trouble as well. For example, when Michelle from Auckland is “sitting and I will see a whole bunch of streeties and I see the police, I will actually move away from the situation so I don't get annoyed;” or Mike from Wellington “can see it on a person's expression, he's annoyed with me being out in front of the store, so I don't bother. I go away from there.” Anne from Auckland actively chose a place from where council will not kick her out.

Other ways to avoid being told to move on is to limit the amount of calls being made to enforcement officers regarding one's behaviour (Jeff from Calgary, Jessica from Red Deer). This would entail being nice to the ‘legitimate public,’ even if they are being rude in the first place. Homeless individuals would not “sink to their level and tell them to have a good day, even though it might hurt inside” (Matt from Calgary) or “you just cross the street. Go somewhere else” (Tim from Calgary). Even other homeless individuals seek to ask others with power to help them out by not calling enforcement. They:

“had it worked out at the park just down the by greyhound there. Rotary Park.  
... I worked out with the person who does the, that takes care of that, that as long as the fire was low, the police weren't called, and we cleaned up every morning, I was allowed to live there.” (John from Red Deer)

Like John, many found out that by keeping their area clean, they could avoid any negative attention and enforcement officers would not hassle them (Justin from Red Deer). Jessica from Red Deer found out that when “security would come around and as long as you are not leaving a big mess, they really don't” bother you. This was often a strategy used when working. Another strategy used when working is to go out during the night (Jessica, John, and Brad from Red Deer). This helps them from getting bothered by shop owners, the public, and enforcement officers; it also keeps the bugs and smell down due to the cold.

There are some homeless that take precautions for when they are confronted. Regardless of whether the legislation is written out that way or not, John from Red Deer has developed a strategy that can provide an excuse to linger in public spaces. John, for instance, knows:

“that I just have to keep a couple bucks in my pocket in change and they can't charge you with anything. It's the law. They have to have enough money to call somebody who cares. That's what the law stands for. ... a bylaw or peace officer comes by to tell you to move for loitering, you just say I'm not loitering, I got a couple bucks in my pocket. I'm just waiting to see, get my number from somebody or get this for that. They can't tell you to move on.” (John from Red Deer)

The adaptation response was very likely in all sites, other than in Auckland, where avoidance maneuvers were more likely to be used than complete avoidance (see Table 5.2). This is due to the fact that the majority of Auckland in the downtown core

used it as a space to make money from panhandling and it is difficult to avoid this lucrative area.

**Table 5.2 Likelihood of the adaptation response, comparison by site**

<b>Response</b>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
Complete Avoidance	Very Likely	Very Likely	Likely	Very Likely
Avoidance Maneuvers	Very Likely	Very Likely	Very Likely	Very Likely
Total Adaptation	Very Likely	Very Likely	Likely-Very Likely	Very Likely

## **5.2 Protestive Responses by the Homeless**

A protestive response is one that is used when a homeless individual feels they have a right to be there. This would include the responses of persistence and voice. When confronted by an enforcement officer, the homeless individual will protest the warning by either voicing their discontent or continuing what they are doing (perhaps a block away instead). According to Snow and Mulcahy (2001), these responses are less likely to occur in a prime space.

### ***5.2.1 The Persistence Response: A Protestive One***

There are some respondents, mainly from Alberta, that claimed that their decision to exit or use voice was dependant on how the officers approached individuals to enforce bylaws (Sara from Red Deer). They believed that “as long as they are not overly aggressive, towards me, then I’m not overly aggressive back” (John from Red Deer) and that “if they come at you aggressively, you put a wall up, then they become more aggressive” (Sara from Red Deer). Ultimately, it “depends on who we talk to. If you get the one who talks to us [poorly], then” homeless individuals may react in a negative way (Michelle from Auckland).

Given that a response is dependent on how the individual is approached, there were some that were more explicit in their responses. For instance, Anne from Auckland would say that she “fights them” when asked to move on. Anne is part Maori and believes she has a right to be on the streets, not only because she is tangata whenua (an original inhabitant of New Zealand), but because she lives on the streets. She questions “how do you work out whose property it is when we are tangata whenua? Whose property is it? And you are going to tell me that I have to move? Off my own land?” She then states that “[t]hey're trying to [remove] me from the streets. How? I live on them. ... so every now and then, I will protest.”

John from Red Deer believes he has a right to be on the streets as well, stating that he only “would move twenty feet” when confronted. John did not claim the land like Anne, but that is because he knew the bylaws and “exactly what [the enforcement officers’] job is,” he could use that to justify why he should be allowed to remain doing what he was doing. On the other hand, Jeff from Calgary stated that he ignored the bylaws and did his own thing.

Analysis of the responses have shown that this response is not used as much, possibly because it comes with the consequences of being removed from the area, fined, or arrested, and is used only by a certain group of individuals (see Table 5.3). It is believed that the more homeless individuals believe they have the right to be there, the more likely they are to fight back (as witnessed by Anne from Auckland, Sara from Red Deer, and Jeff from Calgary). Seeing how the response by homeless individuals is dependent on context and how Red Deer respondents seem to provide more possible

aggression towards bylaw, it is not surprising to see the persistence response used more often in Red Deer than any other site.

**Table 5.3 Likelihood of the persistence response, comparison by site**

<b>Response</b>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
Persistence	Very Unlikely	Likely	Unlikely	Very Unlikely

### ***5.2.2 The Voice Response: A Protestive One***

There were only a couple respondents who mentioned that they would use their voice to stand up for themselves when confronted by an enforcement officer. One respondent from Auckland, for example, stated that she would stand her ground when they would take her sign away or try to move her (Anne from Auckland). It was also noted that on one day that the researcher was interviewing respondents, he was informed that there was a march to the seat of government by homeless individuals and supporters (Ray from Wellington).

Further, when the enforcement officer is being rude, according to one respondent, they will not cooperate with that officer and demand they call the police if it is a serious matter (John from Red Deer). Many homeless individuals feel that regular bylaw officers do not have the power to arrest an individual and are lower on the hierarchy of enforcement. This was mentioned in general conversation by many individuals, from different sites, when discussing the powers bylaw enforcement has (refer to Chapter 4). Additionally, voice is more likely to be used when an individual feels they have the right to be in the place (Anne from Auckland; John from Red Deer), contributing to the amount of loyalty one feels to a space.

With the findings found in this chapter, it could therefore be postulated that voice is still unlikely to be used in prime spaces but is dependent on multiple factors, such as the level of enforcement officer, how they are approached, what power dynamics exist, the level of outrage, and the loyalty they have to the place (see Table 5.4). Voice is not even the last resort in many cases, because as mentioned previously, bylaws force the homeless population to be meek and quiet, and over time that generates an otherness that decreases the likelihood of voice being used.

**Table 5.4 Likelihood of the voice response, comparison by site**

<b>Response</b>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
Voice	Very Unlikely	Likely	Very Unlikely	Very Unlikely

### **5.5 Conclusion: Responses Across Sites**

This chapter demonstrates how people who find themselves chronically homeless are not just passive individuals but are actors that are both influenced by and participate in the construction of community and society, creating human agency to express their individual power in the face of the social structure of the local authority (Harre et al. 1979, cited in Dickens 1990). The ability for individuals to respond to social control as well as containment measures shows a level of understanding and a sense of respect for social outcomes. Many of the individuals were aware of the bylaws not because they read them, but because they viewed them in practice or they were taught through the street community. In order to survive and keep doing their subsistence activities, homeless individuals developed responses for resistance.

As can be seen, all sites practice each type of response, and the respondents show that, generally speaking, all sites, with a few noted differences, conform to the

framework that was presented by Snow and Mulcahy (2001), as presented in the introduction. It can also be noted that respondents utilized multiple responses in the same situation and over time. Under the resistance behaviour of exit, it was shown that in prime spaces, it was very likely to be chosen in every site except Red Deer where exit was just likely to be chosen than other resistance behaviour. For adaptation, all sites were very likely to choose this response except for Auckland, where it was between likely and very likely. Calgary and Wellington, somewhat surprisingly, were least likely to choose to persist with their action than Auckland and Red Deer, where Red Deer was actually somewhat likely to persist (even though it was based on how they are approached). Finally, Red Deer was only slightly less unlikely to use voice than in Auckland, Calgary, and Wellington. These sites were very unlikely to use voice when confronted.

Overall, when the responses are averaged out, another category can be created: nonconfrontational response. Red Deer, as with the four responses, is an outlier. It is only likely to cooperate with the bylaws compared to very likely for the other sites. It is also more likely to protest the bylaws, which thus makes it less likely to be nonconfrontational, in general, than the other sites. Table 5.5 illustrates the likelihood of resistance by the site in prime spaces.

**Table 5.5 Likelihood of resistance behaviour, comparison by site**

<b>Response</b>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
Exit	Very Likely	Likely	Very Likely	Very Likely
Adaptation	Very Likely	Very Likely	Likely/Very Likely	Very Likely
Persistence	Very Unlikely	Likely	Unlikely	Very Unlikely
Voice	Very Unlikely	Likely	Very Unlikely	Very Unlikely
Cooperative	Very Likely	Likely	Very Likely	Very Likely
Protestive	Very Unlikely	Likely	Unlikely	Very Unlikely
Nonconfrontational	Very Likely	Unlikely	Likely	Very Likely

## **CHAPTER 6: BRINGING IT ALL TOGETHER**

Public spaces, as central spots for people to create community, are regulated to varying degrees to promote the health and safety of the ‘legitimate public’ (Mitchell 2003). The regulation has an effect of excluding some individuals by labelling them as illegitimate, especially if they do not follow the social norms that have been set forth (Horsell 2006). This cleaning of space is seen as a way to criminalize homelessness under global economic pressure (Amster 2003; Stuart 2015). Local governments in Canada and New Zealand are no strangers to regulating public space to meet this demand.

Four local authorities were chosen as they have similar authority to create bylaws in similar political and social climates. All local authorities in Canada and New Zealand can create bylaws for the health, safety, and welfare of its inhabitants. The local authorities of Auckland, Calgary, and Wellington have established economic stability in their cores (downtown or central business district). Red Deer is in the process of generating economic stability and reinvesting in their downtown core. Reinvestment appear to maintain high containment measures and increase enforcement, developing a clean image to attract global economic investment.

Attempting to categorize an entire community of people is difficult. As there are a variety of factors that separate individuals from one another (Flaskerud and Strehlow 2008), there are some standard ways to create groupings of people. Chronically homeless individuals have been chosen for this thesis because this group mainly resides in public

spaces. There are differences of the amount of homeless in each site, but each has a prevalence of visible homeless.

In prime spaces, which includes both public and private areas, the geographic area within a community is seen as having high use and exchange value, usually, but is often used for creating a safe and inviting atmosphere for economic development. Ultimately having more space that is prime within a community can encourage more economic investment, but with that, the population increases and the space becomes marginal and transitional as a result. It is within these prime spaces that social control is the heaviest in order to keep that economic investment, resulting in homeless individuals being actively excluded.

A substantial level of social control in public spaces is through formal containment measures that legislate which activities can take place. More specifically, bylaws created by local governments can be used to demonstrate how containment measures exclude homeless individuals from prime spaces. All local governments within Canada and New Zealand utilize containment measures. Based on the average daily activities of homeless individuals, there are some main and some other, site-specific bylaws that impact their lifeworld. However, it is through the enforcement of containment measures that life is breathed into those bylaws.

The enforcement of the bylaws can be accomplished in many ways and are experienced differently by the different actors. Bylaws can be enforced through education, warnings, fines, removal from an area, or being arrested. Most enforcement officers prefer to enforce the bylaws through education and warnings (Weine, Younis,

and Polutnik 2017), but even this is context dependent, where it depends on how aggressive one is and the repeated interactions between the actors.

Many homeless respondents, other than in Calgary, felt the bylaws and the enforcement of those bylaws were directed at the homeless population, even though believing that enforcement officers were just doing their job. As Canada has experienced bylaws on homelessness for a longer period, many of the homeless population has internalized the enforcement through symbolic violence. It separates Calgary from feeling that bylaws were directed at the homeless. Red Deer, while having internalized symbolic violence as well, experiences enforcement to a greater degree, thus making it more severe.

The homeless population, in order to escape enforcement of bylaws and to create a sense of freedom from social control, respond to enforcement to survive on the streets. These responses can be broken down into four categories: exit, adaptation, persistence, and voice. Exit was found to very likely be used by all respondents in prime spaces other than in Red Deer. Creating adaptive strategies to avoid bylaw and enforcement officers was used by the majority of respondents in all sites. Persistence, on the other hand, was heavily context dependent and most unlikely to be used in all sites other than in Red Deer. Expressing explicit and collective dissatisfaction through voice was very similar. The likelihood of responses used in prime spaces to avoid bylaws and their enforcement in Red Deer were more varied than in any other site.

Seeing how the homeless respond and change their behaviour to containment measures and their enforcement not only illustrates their ineffectiveness in halting

certain activities, it further outlines how bylaws can be written to improve their life on the street. Ultimately, comparing four similar sites has the ability to assist in illustrating how the economic stability of a local authority can influence the response to social control from homeless individuals.

The next four sections will answer the thesis question and the sub-questions that were posed in Section 1.2. The sub-questions will be discussed first to understand the full breadth of the main question. The sub-question of which specific bylaws are meant as social control to regulate the behaviour of homeless individuals will be looked at. The next sub-question of how the enforcement of containment measures impacts the homeless population will be reviewed. Finally, the third sub-question of what types of responses are used by the chronically homeless population will be discussed. Once these sub-questions have been answered, the response to the main question of which factors can explain how the chronically homeless respond to a local authority's bylaws in prime spaces will take place.

### **6.1 Which containment measures affect the chronically homeless lifeworld**

This section answers the sub-question: *which bylaws are meant to achieve social control on the lifeworld of the chronically homeless?* The bylaws used to regulate public spaces are used in every site. Most sites had some main bylaws that affected homeless individuals, while others had some more context-specific bylaws (see Chapter 3). The research used the interviews to determine which bylaws would affect the lifeworld of a homeless individual. Table 6.1 illustrates the existence of bylaws that were mentioned by the homeless respondents.

**Table 6.1 Existence of bylaws, comparison by site**

<b>Bylaws</b>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
Camping	✓	✓	✓	✓
Fire	✓	✓	✓	✓
Alcohol		✓	✓	✓
Panhandling	✓	✓	✓	
Urinating	✓	✓		
Loitering	✓	✓		
Being in groups		✓		
Feet on Benches	✓			
Washing vehicles			✓	

Psychologically, people are motivated to satisfy three needs in order to accomplish a fulfilling life (Maslow and Langfeld 1943; Hagerty 1999). People need to satisfy basic needs (food, shelter, security, etc.), psychological needs (relationships, friends, prestige, etc.), and self-fulfillment needs (achieving one’s full potential). Each need is more important to survival than the next and the first two needs can be done together. Living a life in public spaces, these decisions are more difficult, especially considering to accomplish these needs one needs to maneuver around legislation, enforcement officers, support services, and people telling them how they ought to live their lives. Maslow’s Hierarchy of Needs can be used to describe the lifeworld of a homeless individual trying to accomplish a fulfilling life.

The main bylaws that affect the chronically homeless population deal with their ability to survive on the streets. Basic needs are regulated against, such as camping; having a fire to stay warm or cook food; bylaws dealing with alcohol; and panhandling or washing vehicle windshields to remain financially secure. The other bylaws that infringe on the lifeworld of the homeless deal with their psychological needs. Bylaws impacting the creation and maintenance of relationships, either to fight boredom or to

create alliances for survival, deal with loitering or being in groups. These bylaws are actively outlawing survival tactics and blocking the path to a dignified life for homeless individuals.

As can be seen in Table 6.1, Wellington only legislated against a small part of the basic needs to reach fulfillment, with Auckland more so by including financial security needs. Calgary and Red Deer have high containment measures that cover basic and psychological needs. Looking back at Chapter 3, the strength of the bylaws was slightly higher for Calgary but not significantly. Obstruction of these needs shows that containment measures affect the homeless lifeworld. This lends support to local governments excluding life on the streets by criminalizing the lifestyle of homeless individuals needing to survive.

## **6.2 Policies on public spaces realized through the enforcement of containment measures**

This section answers the sub-question: *how does the enforcement of containment measures impact the lifeworld of the chronically homeless?* Policies in public spaces only act as a deterrent if people know, understand, and follow them. Even though homeless individuals know of the policies impacting them, they keep on doing the activity if it benefits their survival. Where policies have a large impact is when they are put into action and enforced. The level of enforcement is perceived differently depending on the actor experiencing it. Table 6.2 illustrates how enforcement can differ between sites.

**Table 6.2 Measures of enforcement activity, comparison by site**

	<i>Calgary</i>	<i>Red Deer</i>	<i>Auckland</i>	<i>Wellington</i>
Enforcement measures	High	Medium/high	Medium	Low
Severity of enforcement	Medium/Low	High	Medium/high	Medium
Total Enforcement activity	Medium	High	Medium/high	Medium/Low

Enforcement in local authorities is context dependent. While there is an established set of authoritative guidelines awarded to the police and local enforcement officers (i.e. giving out fines, conducting arrests, etc.), the local enforcement officers are locally established and are different for each local authority. Beyond this authority to respond to the encroachment of bylaws, how a local authority manages their local enforcement officers can influence how aggressive they are in imposing the bylaws. Depending on how the enforcement officers respond to violations of a bylaw and the actions they take to solve it, the enforcement of a bylaw can be established.

The severity of enforcement practices, on the other hand, are revealing of how they affect the lifeworld of a homeless individual. Respondents generally stated that bylaws and enforcement officers were severe, but that was dependent on other factors, such as the internalization of enforcement activity affecting how a homeless individual perceives the severity of the enforcement of bylaws.

Comparing enforcement practices and how severe homeless individuals perceive them to be, the measure of enforcement in a local authority can be discerned. As can be seen in Table 6.2, the severity of enforcement is slightly higher than the enforcement activity in Auckland and Wellington, but significantly lower in Calgary. Red Deer is the outlier because total enforcement activity is higher than in all other sites. The finding

that the homeless lifeworld is being excluded from prime spaces by local governments is supported.

### 6.3 The chronically homeless’ responses to enforcement and containment measures

This section answers the sub-question: *what are the responses to these bylaws by the chronically homeless population?* Homeless individuals are not passive vessels that change their behavior solely based on the influence of bylaws; they are actors in a changing community that adapt based on where they are and how they need to survive on the street. As with other research, homeless individuals’ actions are for their survival in highly enforced areas (Ferguson, Bender, and Thompson 2015; Georgiades 2015; Hein 2011).

**Table 6.3 Likelihood of nonconfrontational response, comparison by site**

<i>Response</i>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
Cooperative	Very Likely	Likely	Very Likely	Very Likely
Protestive	Very Unlikely	Likely	Unlikely	Very Unlikely
Nonconfrontational response	Very Likely	Unlikely	Likely	Very Likely

The responses to bylaws and their enforcement generally matched the response framework developed by Snow and Mulcahy (2001). Each response can be collapsed into two groups, cooperative and protestive, which can then be averaged into how confrontational a response is likely to be (see Table 6.3 above). Not surprisingly, Red Deer is the outlier, where it is less likely to have a nonconfrontational response (seen in Chapter 5). This is because they are more likely to have a protestive response and use persistence or voice. Auckland slightly varies from the remaining sites when it comes to protesting enforcement. They are more likely, while still unlikely, to use persistence. It

appears as though the homeless population adapts to the level of enforcement to keep their options open so that they can survive on the street.

#### **6.4 Comparing how the chronically homeless respond to local policies in prime spaces across local authorities**

This section answers the main question: *what are the factors that explain how the chronically homeless respond to a local authority's bylaws in prime spaces?* This research looked at one cluster of urban space and social control to expose the micro-macro relationship of the homeless response to social control. Explicitly, it used containment strategies in prime spaces to see how chronically homeless individuals would respond. Enforcement of containment strategies was inserted into the research as it enhances the discussion on how these strategies impact the homeless lifeworld.

The drive of local government to adopt neoliberal policies, the provincial or national push to eliminate homelessness, and the local government to clean its space for business are all macro influences that force local governments to adopt containment strategies to create good, normative behaviour. This normative behaviour generates a safe and clean space that economic stability can balance, but it also impacts how individuals maneuver through public space. Homeless individuals, who live on the streets, navigate public space differently and more frequently than domiciled individuals; they have to survive living on the streets, avoiding enforcement, and thus respond to bylaws and their enforcement to remain in spaces that provide them value and enrichment.

This micro-macro relationship can be compared, not only across local authorities in the same country, but between countries as well. The four sites that have been chosen are comparable, as the policy context is similar and share similar features. Certain factors can explain why certain outcomes are more probable to occur (Landman 2008). Table 6.4 illustrates the features of similar sites, the key explanatory factors, and the outcome that is explained by those factors.

**Table 6.4 Analysis of chronically homeless responses through a most similar systems design**

<b>Features</b>	<b>Calgary</b>	<b>Red Deer</b>	<b>Auckland</b>	<b>Wellington</b>
Existence of downtown core	Yes	Yes	Yes	Yes
Bylaw making authority	Yes	Yes	Yes	Yes
Bylaws on public spaces	Yes	Yes	Yes	Yes
Prevalence of chronically homeless	Yes	Yes	Yes	Yes
<b>Key Explanatory Factors</b>				
Economic stability	Stable	Growing	Stable	Stable
Containment measures	High	High	Low	Very Low
Enforcement of containment measures	Medium	High	Medium/high	Medium/Low
<b>Outcome to be explained</b>				
Nonconfrontational response	Very Likely	Unlikely	Likely	Very Likely

The key explanatory factors outline how stable the economy is in a downtown core, how high containment measures are, and the severity of enforcement measures that explain the response to these micro-macro factors. The outcome that is explained by those factors is how nonconfrontational the response from homeless individuals is. It can then be postulated that the economic stability of a downtown core, the amount of

containment measures, and the enforcement of those measures have a strong influence on how homeless individuals react to bylaws in prime spaces.

It is through looking at all of the factors that one can explain the outcome as presented. While Calgary and Red Deer have greater containment and enforcement measures than Auckland and Wellington, with Wellington having the lowest, Red Deer has the highest enforcement. They also have a growing downtown core, where economic stability is encouraged, as many other local authorities have been doing lately (Hackworth 2007).

Calgary uses a high amount of containment strategies in comparison to enforcement measures with other sites. This is because Calgary has moved away from heavy enforcement to a less severe one, where the enforcement officers assist individuals to support services. The containment measures would thus still be active from when they were first put in place, but just not enforced. Wellington has high enforcement measures when compared to their containment measures. This is mainly because there is a group called Local Hosts that warn enforcement officers when an infraction occurs and how homeless individuals perceive some officers to be aggressive, even when there are very few containment strategies in place.

In regards to the response to these factors, homeless individuals do what they can to stay in prime spaces, regardless of the severity of enforcement. The majority of respondents will either exit or adapt in response to enforcement officers so that they do not get removed from an area or arrested. The minority would use persistence or voice to stay where they are, but this is not the case in Red Deer.

In Red Deer, where the homeless population is more likely to persist and use their voice than in local authorities that have lower enforcement of bylaws and greater economic stability, they are less likely to be nonconfrontational. This does not support the framework developed by Snow and Mulcahy (2001), where in prime spaces, it is unlikely and very unlikely for a homeless individual to use persistence and voice, respectively. While this is accurate for the other sites, this appears to be different for Red Deer due to competing economically on a global level.

### **6.5 Policy Recommendations**

The impact of these findings can inform local authorities on how their bylaws can influence the behaviour of homeless individuals, such that the bylaws almost do the opposite of what is intended. Because homeless individuals are aware of what bylaws exist, they respond to bylaws in a certain way to continue what they are doing if it is lucrative for them. It has been shown that these bylaws are directed at criminalizing the lifeworld of homeless individuals to exclude them from prime spaces. While understanding the need for safety, by seeking out the basic and psychological needs, it creates more hardship that local authorities purportedly want to solve. If a local authority wants to support these individuals and create a strong relationship with the homeless population, they would be more successful in trying to help them from the bottom up by either amending or getting rid of some of the bylaws and providing significant education to enforcement officers.

Additionally, some of these bylaws, such as those on panhandling, being in groups, and loitering, serve to protect citizens, or those that are seen as legitimate. What they do not do is protect the homeless individual from abuse or to feel safe. Many

homeless individuals suffer more crime and harassment than domiciled individuals on a regular occurrence (see Novak et al. 2009). Even while some bylaws are seen as being redundant because they repeat laws that are already in criminal law (Laurenson and Collins 2006; Schneiderman 2002), if a local authority feels they need to create more stringent bylaws than the provincial or federal government, then the bylaws can be amended to protect all parties, even the ones without a home.

Most importantly, local authorities that plan on improving their downtown cores to compete on a global scale must be cognizant that cleaning space through enforcement is not a dignified and effective use of resources. Homeless individuals will do the opposite of what is imposed on them in order to fight the exclusion from spaces with high exchange and use value. Living on the street is difficult and while they may not overtly protest policies that exclude them, they will actively integrate their protest through their response. This is why the soft enforcement of bylaws can be seen as more effective in creating a less confrontational response in homeless individuals. By creating relationships of trust and respect, enforcement officers can enforce the bylaws to create public safety or not enforce them when there is little chance of public safety being a concern.

While many homeless individuals realize why bylaws have to be instituted, local governments may not need to enforce those bylaws in all instances on all people. They can utilize those bylaws in severe cases, much like Calgary, and not issue fines, like New Zealand, in order to provide support. Further, because of this realization, local governments, businesses, service providers, and the public can and should consult with

the homeless population to see how best to work with them and to implement regulation that helps create safety while not excluding the homeless from meeting their basic and psychological needs. This consultation must not be looked at from the perspective as a war on homeless but as a way to collaboratively work towards a positive future that accepts all actors.

## **6.6 Future Research**

This research has provided understanding of how homeless individuals respond to local policies on public spaces in prime areas. It also introduces further exploration into the subject, where many other articles have ventured. Specifically, future research should look at how successful the modes of response are in avoiding both bylaws and enforcement officers. Seeing which modes are more successful can assist service agencies and local governments in developing strategies on how homeless individuals can receive help while they are living on the streets in the most dignified way possible.

It was shown that the homeless lifeworld is being excluded from prime spaces, but future research could look if this is the case in other types of spaces, such as marginal spaces. According to Snow and Mulcahy (2001), this should not be the case, but research has not looked at this specific matter yet. Further, why an individual chooses which response, based on the type of space, should be looked at closer.

Not all local authorities may be working to actively stabilize their downtown core for economic development. While many elected officials may be looking to increase this, some local authorities are built around economic sectors that do not require large infrastructure, such as in smaller rural communities that focus on agriculture. For this

reason, it would be important to look at the size of communities to see if all communities actively create incentives for economic development or if it is based on size.

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# APPENDIX A: ETHICS APPROVAL FORMS



## *Research Ethics Board Certificate of Approval*

PRINCIPAL INVESTIGATOR  
Derrick Callan

DEPARTMENT  
Johnson-Shoyama Graduate School

REB#  
2016-118

Supervisor:  
Bruno Dupeyron

TITLE:  
Regulating Homelessness to Exclusion: How policies of public spaces cause social exclusion in New Zealand and Alberta, Canada using urban comparison

APPROVED ON:  
July 27, 2016

RENEWAL DATE:  
July 27, 2017

APPROVAL OF:

Application for Behavioural Research Ethics  
Review Email to Agency Representatives Email to  
Council Members  
Non-Homeless Debriefing Script

Interview Questions (Homeless, Non-Homeless, Law  
Enforcement, Service Agency, City Council)  
Homeless & Non-homeless Consent Forms List  
of Support Services

Full Board Meeting

Delegated Review

The University of Regina Research Ethics Board has reviewed the above-named research project. The proposal was found to be acceptable on ethical grounds. The principal investigator has the responsibility for any other administrative or regulatory approvals that may pertain to this research project, and for ensuring that the authorized research is carried out according to the conditions outlined in the original protocol submitted for ethics review. This Certificate of Approval is valid for the above time period provided there is no change in experimental protocol, consent process or documents.

Any significant changes to your proposed method, or your consent and recruitment procedures should be reported to the Chair for Research Ethics Board consideration in advance of its implementation.

ONGOING REVIEW REQUIREMENTS

In order to receive annual renewal, a status report must be submitted to the REB Chair for Board consideration within one month of the current expiry date each year the study remains open, and upon study completion. Please refer to the following website for further instructions: <http://www.uregina.ca/research/for-faculty-staff/ethics-compliance/human/forms1/ethics-forms.html>.

PRINCIPAL INVESTIGATOR  
Derrick Callan

DEPARTMENT  
Johnson-Shoyama Graduate School

REB#  
2016-118

SUPERVISOR:  
Bruno Dupeyron

TITLE:  
Regulating Homelessness to Exclusion: How policies of public spaces cause social exclusion in New Zealand and Alberta, Canada using urban comparison

AMENDMENT APPROVAL OF Revisions to:	ORIGINAL DATE of APPROVAL	NEXT RENEWAL DATE	Date of Amendment Approval
<ul style="list-style-type: none"> <li>• Interview Questions(Homeless and Nonhomeless)</li> <li>• Consent forms (Homeless and Nonhomeless)</li> <li>• Recruitment Email (Enforcement, council member, agency representative and business owner)</li> <li>• Title and Thesis question</li> </ul> Increase in compensation Addition of business owners as a study group.	July 27, 2016	July 27, 2017	August 8, 2016

Full Board Meeting

Delegated Review

**AMENDMENT CERTIFICATION**

The University of Regina Research Ethics Board has reviewed the changes to the above-named research project **as outlined in your e-mail dated August 8, 2016** and they are approved.

**ONGOING REVIEW REQUIREMENTS**

In order to receive annual renewal, a status report must be submitted to the REB Chair for Board consideration within one month of the current expiry date each year the study remains open, and upon study completion. Please refer to the following website for further instructions:

<http://www.uregina.ca/research-for-faculty-staff/ethics-compliance/human/forms1/ethics-forms.html>

PRINCIPAL INVESTIGATOR  
Derrick Callan

DEPARTMENT  
Johnson-Shoyama Graduate School

REB#  
2016-118

SUPERVISOR  
Dr. Bruno Dupeyron

TITLE: Regulating Homelessness to Exclusion: New policies of public spaces cause social exclusion in New Zealand and Alberta, Canada, using urban comparison.

AMENDMENT APPROVAL OF	ORIGINAL DATE of APPROVAL	NEXT RENEWAL DATE	DATE OF AMENDMENT APPROVAL
<ul style="list-style-type: none"> <li>• Additional interviews with key enforcement officers</li> <li>• Revised Consent Form</li> <li>• Bylaw Enforcement Questionnaire</li> </ul>	July 27, 2016	July 27, 2019	March 6, 2018

Full Board Meeting

Delegated Review

**RENEWAL CERTIFICATION**

The University of Regina Research Ethics Board has renewed the above-named research project for an additional 18 months beginning July 27, 2017.

Any significant changes to your proposed method, or your consent and recruitment procedures should be reported to the Chair of the Research Ethics Board for consideration in advance of implementation.

**AMENDMENT CERTIFICATION**

The University of Regina Research Ethics Board has reviewed the changes to the above-named research project as outlined in your memo dated January 11, 2018, and they are approved.

**ONGOING REVIEW REQUIREMENTS**

In order to receive annual renewal, a status report must be submitted to the REB Chair for Board consideration within one month of the current expiry date each year the study remains open, and upon study completion. Please refer to the following website for further instructions:

<http://www.uregina.ca/research/for-faculty-staff/ethics-compliance/human/forms1/ethics-forms.html>

## **APPENDIX B: CALCULATING CATEGORIES OF PUBLIC SPACES**

Public spaces are treated differently by citizens, businesses, law enforcement, and government based on the importance they place on the areas. Some are more economically beneficial for businesses and government. Other spaces are more important for citizens and government, where other spaces are more important to individuals who live on the cusp of society. Even while public spaces are democratic (Bodnar 2015; Low and Iveson 2016), some individuals have less of a say in what goes on than others, which is illustrated in the definitions of local government bylaws. After a decade of research, Snow and Mulcahy (2001) developed categories of space (as described in the introduction) that highlight these differences.

Public spaces each have their own value depending on the social, economic, and geographical significance they are appropriated by different actors, one of which, according to common law, is the state, who controls a substantial portion of its significance. How the land is developed and used is controlled by the state, and in Canada the provinces bestow the authority of land use to local authorities and in New Zealand, the authority is also given to local authorities (i.e. territorial authorities, which includes district and city councils). Land use defines the use value of a public place, but it also is defined by the value people who most frequent the land put on it. Each piece of land has a different meaning for each group or individual person. It is through this dialectical process that land is used in different ways.

Of course, spaces are continuously in flux, never remaining stagnant for very long (Snow and Anderson 1993). In a word, this means that a space that attracts one population in one year could advance into another space for economic development in the next decade if it is decided by local government. This is commonly seen under gentrification, which serves as a “restructuring of space” (120), where, ever since the 1980s, the gentrification of marginal and transitional spaces has acted to price certain individuals out of those areas (Hackworth 2007).

The next section deals with how the categories of space are calculated. A quantitative tool will be utilized so that each category of space can be clustered. A k means cluster will be used to do that. Another variable is added on top of the socioeconomic status. Data will come from national statistics gathered during census years. Once this is completed, then it can be known for sure that downtown cores are actually prime spaces or not.

### **B.1 The Categories of Space: Using Cluster Analysis**

The categories of public spaces that Snow and Mulcahy (2001) developed is about how spaces are defined in the face of regulation. To study the differences, it matters on how one can calculate those differences in order to distinguish between the uses of those spaces. Based on its use value, Snow and Mulcahy (2001) looked into how the spaces were used to define whether the space is prime, marginal, or transitional; each

with its own use value for individuals who find themselves chronically homeless (as described in the introduction).

Because there are large socioeconomic gaps between neighbourhoods due to gentrification (Shaw 2005), ten socioeconomic variables from the 2011 Census and National Household Survey for Canada and the 2013 Census for New Zealand were identified for their effectiveness in differentiating place types in public places, serving to differentiate between marginal, prime, and transitional spaces, similar to how DeVerteuil, Marr, Snow (2009) have done. Socioeconomic data was gathered at the census tract and census area unit level for Canada and New Zealand, for each site, respectively, and then a K-means cluster analysis was used to categorize all data into prime, transitional, and marginal space.

Variables that are known to highlight the stratification of socioeconomic status were chosen and cover race, poverty, citizenship and language, and housing status. All variables for all sites were shown to significantly determine the categories of space with 95 per cent confidence.

A k-means cluster reduces data into defined non-hierarchical categories, in this case three clusters for each category of space. This iterative process works to minimize within-group and maximize the between-group variation to get distinct categories where the variables have similar correlations (Rogerson 2006). This method of clustering has some limitations, such as the fact one needs to define the number of groups beforehand and that there may be no natural clusters, forcing the researcher to impose structure rather than letting the data speak for itself (Kuncheva and Vetrov 2006). This issue is lessened due to the fact the number of clusters is based off research and has been used to significantly identify communities with low socioeconomic status overall in multiple studies (DeVerteuil, Marr, and Snow 2009; Snow and Mulcahy 2001; Marr, DeVerteuil, and Snow 2009).

This was completed by transforming all data into a percentage as a population for each census area. The percentage data was then converted into a z-score to standardize the data for comparison (Rogerson 2006). There were 10 iterations computed with the three clusters. This was done separately for each city.

Stuart (2015) suggests that as local governments are competing for a piece of the global market, they require clean spaces that will attract businesses, setting these spaces aside as prime (see Otsuka and Reeve 2007). Further, businesses in prime spaces actively lobby to enforce exclusionary anti-homeless ordinances (Herring 2014). Because the state, more specifically the local state, have a large ability to define and enforce the regulations of a space, it is appropriate to look into the land use that is categorized by the local government in order to best define what is prime space or not. Land use planning is also important to homeless individuals, not only as it defines what category of space it is, but because it can shift where support services are located (Kuzmak and Muller 2010; Ranasinghe and Valverde 2006). For this reason, a variable that looked at what areas are deemed more important in attracting businesses was added to the analysis. The addition of a commercial zone variable will be used to compute this.

This variable actively changed a downtown core from a marginal space to a prime space. The limitation with this is when the business is not in operation, the area can cease to be prime. However, that solves the issue that DeVerteuil, Marr, and Snow (2009) had with the downtown cores not being seen as prime when that is usually where services are located and containment measures are typically seen the most. As will be seen later, there are specific units to enforce local government bylaws in these areas and are cause for economic concern, which grant the assumption that during the day, these areas are actually prime spaces.

The results show that the spaces for the downtown cores in all sites can be classified as prime space, at least during the day when businesses are open. Seeing as how private businesses share valid concerns over how their shop is viewed in the morning, enforcement at all times are important. Coming to work, for example, and having their doorstep dirty takes time out of their day and serves to confirm the belief that the homeless problem exists.

## **B.2 Conclusion: The Downtown Core as Prime Space**

Space can be categorized into spaces of value for homeless individuals and local governments. Socioeconomic variables can be used to show the social importance of some communities over the other. While not a perfect way to measure public spaces, as qualitative measures may need to be taken into account, it provides a basic difference between the value of space. The issue of the downtown cores being classified as marginal or transitional spaces was solved by adding in zoning for commercial properties, making them prime spaces during the day, when most businesses are open. This coincides with research as presented and the research done by other scholars (Lanegger and Koester 2016; Stewart 2015; DeVerteuil, Marr, and Snow 2009). With the downtown core being properly classified, a look to see how public spaces are controlled will illustrate how these spaces are being regulated to change human behaviour.

## APPENDIX C: CHRONICALLY HOMELESS INTERVIEW QUESTIONS

### Daily Activities:

1. Where do you regularly go to sleep?
  - a. Do you stay at friends' places regularly?
  - b. Do you frequent shelters? Go to the hospital? Have a spot in the city where you sleep?
  - c. Do you sleep around friends in the same spot?
  - d. Is this the same in the summer and winter months?
2. How do you travel from place to place?
  - a. Do you usually walk? Ride a bike?
  - b. Do you take the bus? Why or why not?
  - c. Do you take a cab? Why or why not?
3. Do you usually travel with friends or by yourself?
4. What do you carry with you? Do you keep some of your belongings hidden away?
  - a. Do you have anything stored at a service agency around town?
5. Do you use the community kitchens around town to eat? Why or why not?
  - a. How often?
6. Where do you usually choose to socialize with others? Do you have a favourite spot in the city?
7. What do you do to keep busy on an average day?
  - a. Do you frequent the drop in and community centres located around town?
  - b. Do you socialize at a friend's place or on the street?
8. Do you have a job or make money other than from the government?
  - a. If you do, can you tell me about your job or how you make money?
9. Do you have a bank account?
10. Do you get any financial support from the government?

A public space is a place that the public can have regular access to whether or not they have paid admission to get into it or not. Examples are sidewalks, parks, malls, outdoor cafes, and government owned property.

1. Are you aware there are bylaws limiting the behaviours of people in public spaces?
2. What do you think is the reason for having these bylaws?
3. Are these bylaws directed at a certain population?
4. Do you believe the bylaws have an effect on the homeless population?
  - a. If you do, then how?

Bylaws that affect the use of public space are: (**dependent on city**).

5. Have you been affected by any of the bylaws limiting the behaviours in public spaces?
  - a. If you have, how you been affected by any of the bylaws limiting the behaviours in public spaces?

6. Have the police ever approached you regarding these bylaws?
    - a. If the police have approached you, did you get a ticket or violation?
    - b. If the police have approached you, what was the outcome?
  7. Do you personally know someone who has been affected by any of these bylaws?
  8. Do these laws have an effect on your life and where you choose to walk?
    - a. If they do, what actions do you take to avoid the laws?
- 
1. Do you find shop owners confront you to leave or are they generally nice to you?
  2. Are there areas where you don't go around because of the businesses there?
    - a. Why? What is the story of why you don't go around that area anymore?

## **APPENDIX D: BYLAW ENFORCEMENT OFFICER QUESTIONNAIRE**

1. What city do you work in?
2. What is the name of your position?
3. Where do you work at?
4. What are your daily duties as an officer?
5. What is the focus of your job according to the job description?
6. How do you regularly come across infractions? Through calls or patrol? (Check all that apply) Calls  Patrols  Other:
7. If you do patrols, where do you usually do them? (Check all that apply) Downtown  CBD  everywhere  certain subdivisions
8. What options do you have to enforce the bylaws? (Check all that apply) Education  Warnings  Tickets  Remove them  Ban them  Other:
9. If you come up to an individual who is violating a bylaw that you deem to be non-threatening and genuinely unaware of the bylaw, can you interpret the bylaw to fit the situation rather than giving them a penalty? Always  Sometimes  Never
10. What would the situation look like to make you call the police?
11. What happens to the individual if they do not pay the fine?
12. Does your city have security guards that patrol for safety, security, or to enforce bylaws employed by the city? Choose an item.
13. Which enforcement officers have the ability to give out tickets or tell someone to move on? Security Guards: Give tickets  move someone on  Neither  Bylaw officer: Give tickets  move someone on  Neither