

No Home and Criminal Justice: Therein Lies the Rub

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Many people today are living rough. There are those without a home to call their own. Even with a home, many people struggle to cover day-to-day expenses, thus affecting the quality of their life experience. There is not one issue that stands alone, unrelated to others, that drives people to the margins and to be excluded by society. Rather, there are a series of complex relationships, one being that between the lack of suitable and affordable housing, and the criminal justice system.

So what then *is* the experience that people have with the Police, with the Courts, and with Corrective Services when they are struggling to establish a secure house and home?

This question was recently examined through a study on criminalisation and poverty. A diverse group of 22 Queensland organisations engaged Dr Tamara Walsh of the University of Queensland to undertake the study. Dr Walsh is one of only a few Australians publishing on the impact of the law on people in poverty. Her research to date has included examinations of vagrancy law, social security law, corrections law, citizenship and human rights law. The report, *NO VAGRANCY: An examination of the impact of the criminal justice system on people living in poverty in Queensland* was published in June 2007.

Input was sought from a range of target groups including, people experiencing poverty in Queensland; community service workers and advocates who work closely with people experiencing poverty in Queensland; lawyers who represent and advise people experiencing poverty in Queensland, particularly community lawyers and Legal Aid lawyers; judges and magistrates; prosecutors; police officers; and corrective services officers. Unfortunately, the views of police officers and corrective services officers were not well represented, as approval to conduct the project could not be obtained from the Queensland Police Service or Queensland Corrective Services.

Individual interviews and focus groups were conducted with people experiencing poverty in Brisbane, Townsville and Cairns (data was obtained from a total of 131 people). Criminal justice and related professionals were invited to complete an online survey instrument (eliciting a total of 54 responses).

I strongly encourage you to obtain the full report (a link is provided at the end of this article). It is only by reading the full report that one can obtain a real sense of how people described their experiences. The following is a summary of the key findings that emerged from the study.

- 1. People experiencing poverty and homelessness endure extraordinarily high levels of police harassment and interference in their lives.** Allegations of police harassment were made in 83% of the Brisbane interviews, all but one of the Brisbane focus groups, and 75% of the interviews in Townsville and Cairns.

2. **People experiencing poverty and homelessness report being frequently searched, often unnecessarily, and sometimes unlawfully.** In 15 of the Brisbane interviews and five of the Brisbane focus groups, participants stated that they were frequently searched for no reason; some reported that they had been strip searched in a public place and/or by a police officer of the opposite sex.
3. **Many people experiencing poverty and homelessness report suffering physical brutality at the hands of police officers.** Allegations of police brutality were made in 18 of the Brisbane interviews, five of the Brisbane focus groups and eight of the interviews in Townsville and Cairns.
4. **Indigenous people living on the streets are particularly vulnerable to police interference and harassment.** There were many allegations made by participants (Indigenous and non-Indigenous) that police were more likely to target Indigenous people than others.
5. **The court system is often experienced as intimidating and confusing by people experiencing poverty and homelessness,** although the Special Circumstances Court was cited as an exception to this.
6. **Many people experiencing homelessness and poverty have been supervised by community corrections, and/or have been housed in a correctional facility.**
7. **Some people experiencing poverty in Queensland report having insufficient income to provide themselves with the necessities of life, including food, shelter, clothing and access to amenities.** 37% of the Brisbane interview participants were sleeping on the streets, and many participants stated that they often did not have enough money to buy food for the week. For some, engaging in criminal activity, such as welfare fraud, shoplifting or participating in the drug trade, was the only way they could make ends meet.
8. **Many of those experiencing homelessness and poverty report feeling looked down upon, discriminated against, and excluded by mainstream society.** Participants commented that they felt like they were ‘a bit of dust’, ‘a fringe dweller’ or ‘on the outskirts’ of society.
9. **People experiencing homelessness and poverty are generally of the belief that they have no human rights, and/or that they are not capable of ensuring that the rights they do have are respected.** They made comments like: ‘I believe I don’t have many rights. I feel I have just got enough rights to breathe. They are the only rights I’ve got.’ ‘I don’t think we’ve got many rights at all, once you get a criminal conviction.’

The survey of criminal justice and related professional people resulted in highly similar findings about the visibility of people experiencing homelessness. Specifically, those surveyed believe that when a person is homeless, police tend to notice such people much more than others and that police then discriminate against those persons. The key findings from the online survey are:

- **Those working within the criminal justice system alongside people experiencing poverty believe that the high visibility of homeless and poor people in public space results in increased police attention;**
- **Many of those working within the criminal justice system alongside people experiencing poverty believe that police discriminate against people experiencing homelessness and poverty, particularly Indigenous people;**
- **Lack of access to legal advice and advocacy assistance is perceived by criminal justice and related professionals to result in adverse outcomes for people experiencing poverty in criminal trials;**
- **Many criminal justice and related professionals believe that the court system is inordinately intimidating and complex, and that people experiencing poverty are more likely to be adversely impacted by this than others;**
- **Criminal justice and related professionals agree that people experiencing poverty are more likely to have convictions recorded against them, and are more likely to end up in prison;**
- **Many of those who work with people experiencing poverty observe the extraordinary strength and resilience that their clients demonstrate, despite the multiple layers of disadvantage they are faced with.**

Within the report, Dr Walsh made 20 recommendations relating to all arms of the criminal justice system though most, given themes emerging from the data, relate to the Queensland Police Force. Two of the recommendations are over-arching and represent significant actions the commissioning group is asking the government to implement.

Recommendation 1 That an independent inquiry into policing amongst poor, Indigenous and other vulnerable groups be undertaken, with serious attention being given to the wide-spread allegations of excessive police harassment and brutality.

Recommendation 18 That government fund a wide-scale public education campaign aimed at humanising people experiencing poverty. The campaign should aim to inform the public of the: extent and causes of poverty and homelessness in Australia; resilience demonstrated by people experiencing poverty and homelessness in Australia; and inappropriateness (both socially and economically) of applying a law and order response to poverty and homelessness in Australia.

This report is essential reading for all of us (not just those in the criminal justice system) who are concerned with how we as a society treat those who are not getting their fair share of society's riches: a good home, supportive relationships, meaningful work, and the many other good things that flow from those.

To obtain either a summary or full copy of the report, No Vagrancy, download it from <http://www.ucareqld.com.au/SocialJustice>. For paper copies contact the Centre for Social Justice on (07) 3512 9421 or email your request to uc.socialjustice@ucareqld.com.au.