

fHyper-policing the Homeless: lived experience and the perils of benevolent and malevolent policing

Abstract

Drawing on interviews with 164 people experiencing homelessness across Australia, this article discusses the concept of *hyper-policing* to account for excessive police interventions. Hyper-policing is exhibited in the sheer numbers of police apprehensions of people experiencing homelessness (quantitative aspect) and the extreme use of force (qualitative aspect). By deploying Loïc Wacquant's (2010) notion of hyper-incarceration in "ghettos", we reveal that policing homelessness in Australia creates a panopticon on the streets and a conveyor belt into the panopticon of prisons. The lived experience of homeless participants demonstrates that hyper-policing is characterised by casual and constant encounters that reinforce homeless peoples' status as 'urban outcasts' (Wacquant 1993). With growing pressures on access to housing and the cost of living across the Western capitalist societies, policing is likely to play an increasing role in managing the housing crisis fallout. Homeless participants contend that the antidote to hyper-policing is not better policing but the dilution of policing. A common refrain among participants was for the police to 'leave us alone' – a strategy that does not seek help from community policing but instead seeks peace on the streets. We articulate how the voices of homeless participants furthers 'defund the police' and abolitionist thinking by drawing attention to the need for housing justice over policing interventions in either benevolent or malevolent forms.

Introduction

Homelessness is a growing and urgent justice issue across Western societies. In Australia, homelessness increased by 5.2 per cent between 2016 and 2021 (Australian Bureau of Statistics 2023a). The Australian homeless rate is 4.8 per 100,000, which is exactly the same as the rate in England (Office for National Statistics 2021). At the same time, there is a wide body of evidence that people experiencing homelessness are disproportionately criminalised (e.g. Walsh 2007, Young and Petty 2019). Homelessness, which is entwined with capitalist relations and the state's process of 'organized abandonment', has surged due to neoliberal policies that have eroded already inadequate social security nets and public infrastructure, including public housing (Gilmore 2011, 251). While

people experiencing homelessness have been subject to targeted policing since the inception of industrialisation (Hayashi 2015), the current increase in policing and police funding (Cunneen 2023, 2) has led to opportunities for more police/homeless persons interactions. This study considers the nature of policing homelessness across contemporary Australian society. It centres the perspectives of people experiencing homelessness to identify patterns and themes in police practices. Our project involved 164 interviews with people experiencing homelessness across all eight Australian capital cities and two regional cities. These interviews elicited responses to policing flashpoints, including surveillance, apprehension, searches, move-on orders, charges and arrests and use of force, and levers for change.

From our findings, we discerned a pattern of *hyper-policing* in relation to people experiencing homelessness. We coin this term based on Loïc Wacquant's (2014, 1694) concept of *hyper-incarceration* that demonstrates how the penal state manages social anxiety about poverty through creating crime anxiety and channelling the marginalised into prisons. Wacquant stresses the distinction between hyper-incarceration and over-incarceration. The former is concerned with the targeted race, class and place dimensions of mass incarceration, whereas the latter presumes that mass incarceration occurs everywhere and to everyone (Wacquant 2010). Every-day policing contributes to the stigmatisation of homeless people as 'urban outcasts' (Wacquant 1993). Their predicament is framed as criminality for which policing is the legitimate response. Wacquant's critique of neoliberalism offers an understanding of the 'expansive, intrusive and proactive penal apparatus' that manages 'deepening inequality' in capitalist societies (2009, 307). Whether the police were conducting routine checks or criminalising people experiencing homelessness, participants in our study expressed consternation with the level of policing in their lives. Many regarded police surveillance – whether coercive or benevolent – to be ubiquitous and an ongoing constraint on their freedom. In this way, the surveillance on the streets resembled the panopticon in the prisons for which homeless people are also highly over-represented (Australian Institute of Health and Welfare 2019, viii).

By using the term 'hyper-policing', we do not seek to imply that there is a level of policing that is "just right" or that other groups are not policed. Instead, we seek to highlight the nature of policing targeted at homelessness. Wacquant (2010, 74) distinguishes the term mass-incarceration from hyper-incarceration to reveal its targeting of class, race and place: '(sub)proletarian African American men from the imploding ghetto'. In this article we identify that hyper-policing homelessness in Australia is intermeshed with coloniality and has especially violent

manifestations for First Nations people. Across homeless cohorts (men, women, First Nations, settler and people with disabilities), participants referred to police interference in their lives because of where they slept and how they looked, rather than what they did. Being in clear-sight of police-on-the-beat increases the likelihood of homeless people being apprehended (see Young and Petty 2019, 447) alongside their marginalised status, with participants commenting that professionals on the streets do not attract the same attention. Participants attributed this bias to their living conditions: “because I was homeless, I became a criminal”;

[If I] looked like I had a job and looked like I was going to a job, they wouldn’t even look at me twice.

But because I’ve got [unclear] shirt on and because I smell a bit bad because I haven’t had a shower, of course they’re going to look at you.

Due to the pervasive and invasive nature of policing homelessness, a common refrain among participants was to ‘leave us alone’. In this respect, participants were not calling for better policing but the dilution of policing to enhance their sense of safety. This resonates with contemporary debates on defund the police, which point to the need for social infrastructure rather than law enforcement (Cunneen 2023, 2). We augment the defund the police literature, which illustrates the harms of police (e.g. Cobbina-Dunby and Jones-Brown 2023), by also demonstrating that even where police are malign in their engagement with homeless people, they stigmatise, control and inhibit their freedoms. This article begins by exploring the quantitative aspects of hyper-policing (numbers of interventions) and qualitative aspects of hyper-policing (use of force in relation to people experiencing homelessness) before considering the ‘leave us alone’ strategy in the final section. We make links to abolitionist literature that theorises the need for carceral institutions to be displaced by public infrastructure, especially housing and social welfare (Gilmore 2011).

Method – centring lived experience

Our research sought to honour the lived experience of homeless people who, as Armstrong (2020) notes, ‘can offer insights into how a system operates in ways that a person with learned experience cannot’. Their perspectives are also unique to the perspectives of law enforcement professionals who work within the system. We co-designed the methodology with ten homeless legal services that could support the safety of participants and respond to their

needs. Interviews were conducted by staff and volunteers of the services chosen by the services. Among these volunteers was the first author of this article.

By centring lived experience, we provided an open space to convey interactions with the penal system. We invited broad reflections on law enforcement, which distinguishes our approach from other criminological projects that sought to engage participants on responding to reformist agendas, such as the police outreach teams (West and Abdel-Samad 2018); improving homeless people's relations with police (Huey and Quirouette 2010); or examining the utility of a specific police practice such as confiscation of syringes of homeless injection drug users (Alderson and Perrone 2019). Participants in our project conveyed accounts of the burden that hyperpolicing placed on their lives. Whether police are benevolent or malevolent in their interactions with homeless people, participants described a desire to be free from constant police harassment.

Between 2017 and 2021, we recruited 164 adults experiencing homelessness across 10 capital and regional cities. Recruitment was based on 'purposive sampling' where people using homeless services were personally invited to participate (see Ames et al. 2019). Others were recruited through 'voluntary sampling' where people came forward to participate through word-of-mouth or seeing publicity (Cheung et al. 2017). Our participants were diverse in gender, age and First Nations / settler identity. Most participants had experienced homelessness on the streets. We are aware that there was selection bias in terms of participants who were more likely to engage in services (see Etikan et al. 2016) and were in the community at the time, rather than in custody.

The study was underpinned by ethical protocols in which semi-structured interviews were *participant-centred* to enable the participant to address what was important for them in relation to law-enforcement. Interviews were conducted in *safe spaces* that were convenient, familiar and non-threatening (e.g. homeless support centres and private rooms in homeless legal services). Attempts were made to break down power relations (e.g. interviewers sitting on the floor). Interviewers spoke in plain English and interviewees were offered a support person to make the interview *accessible*. We promoted *reciprocation* through reporting back findings; ensuring that participants were supported by legal services if needs were identified; and providing financial compensation for their time.

We engaged a narrative analysis that located themes within the overall account of an individual person's experience. This gave context to comments and avoided simplifying individual quotes. The themes were derived from multiple coding of the interview data by separate researchers. Consequently, the pattern of hyper-policing was identified based on the repeated reference to policing across participants and throughout their individual

experiences of homelessness. Policing was a more prevalent theme than other law enforcement interventions (such as courts, community corrections and prisons) in the narratives of individuals. Finally, we adopted an “interpretative phenomenological” technique (Frechette et al. 2020, 3) to attribute meaning to the lived experiences of participants through the rubric of Wacquant’s theory of managing the marginalised in neoliberal society.



Hyper-policing the homeless as a *quantitative* excess

A remarkable feature of homeless participant accounts of policing is the degree to which police were in their lives. As one participant asserted, [I was policed] “pretty well constantly”. Interview material was replete with the sentiment that policing was pervasive and over-bearing, debilitating and a safety risk because of the use of force. This section focuses on *quantitative* hyper-policing to elucidate the widescale policing in the everyday existence of people experiencing homelessness on the streets. The following section identifies the *qualitative nature* of police force, although this overlaps with the sheer quantity of police checks which participants regarded as a forceful invasion of their liberty. Participant narratives demonstrate hyper-policing across all pillars of police procedure: surveillance, apprehension (stopping, identification checks, questioning), issuing fines and move-on orders, charges and arrests. Irrespective of whether there was ensuing criminalisation, people experiencing homelessness felt continuously “targeted”;

[The police] have a tendency to go for people that look down and out. And I, myself, since I’ve been homeless, am very nervous around the police because any interaction with them is probably going to be negative. I’ve got enough problems as it is ... I’ve developed a fear of police and I don’t even actually do anything wrong.

People experiencing homelessness believed they were brought into the policing web because of the clothes they wore and the camps they set up. The ‘blight’ of homeless camps – whether a tent or a sleeping bag – has become a device for police control to reinstate an urban order that conceals a housing crisis. This type of policing has deep roots in the management of capitalist industrial society (Vitale 2018, 25). Wacquant’s (2001: 95, 103) analysis of United States ghetto, elucidates the continuum between the coercive stigmatisation of the ghetto to the

confinement of prison. The “territorial stigmatization” of places with marginalised people garners ‘punitive management’ in the absence of social responses (2014, 1692-3). In Australia, hyper-policing entrenches the stigmatisation of homelessness by attributing a criminal connotation to their existence. Participants refer to police treating them as “no hoppers”, “rubbish”, “a bit of dirt”, “a bad rash”, “junkies”, “uneducated” and “criminals”. Hyper-policing also puts in train a series of coercive interventions that not only can lead to prison but also further homelessness. This is indicated in Australian data show that one-third of people who enter prison are homeless; and one-half of people who exit prison are homeless (Australian Institute of Health and Welfare 2019, viii). This speaks to the carceral continuum between homelessness and prison (see Schneider 2023).


Hyper-surveillance and the panopticon effect

Police patrols and use of surveillance technologies around people experiencing homelessness made participants feel continuously watched by police. Participants regarded police surveillance as disproportionate to any threat they posed. The omnipresence of police was perceived whether they were on a footpath, in a park, under a bridge, at a train station, in a car, at a food van or in a homeless shelter. People experiencing homelessness described police keeping-watch as geared towards managing and alienating them. The only exception to hyper-surveillance was when they were victims of crime, in which case some participants said that the police were “nowhere to be seen”. One person explained that even if the person experiencing homelessness is “the one that’s called the police for help”, the police will think that they are “the problem”.


For many participants, the gaze of the police was inescapable. One participant attested that the police were always “watching you, keeping an eye on you”. Other participants described feeling under siege, including due to sirens blaring “all the time” and “big vans [parking] in public places to let the people know there’s the police here”. One participant articulated hyper-surveillance,

We always get hassled. Every day, every night, every minute, every hour. ... We never do anything wrong, just sitting there quietly. ... They tell us, you’re on camera.

There was a conviction among participants that they are surveilled “completely differently” to housed people. The effect of this was described by one participant as follows: “If I weren’t homeless, all of us sitting there in this park

now, we wouldn't have trouble". Instead, despite "doing the same things every day" and "being as nice as pie", the police "just can't leave [us] alone". Strategies of hyper-surveillance included creating a digital panopticon where the individual feels constantly monitored by digital police and security equipment. According to one woman, the police liked to remind people experiencing homelessness that "we're watching you". People experiencing homelessness felt like they were, according to another participant, "on the cameras all the time", including when they were putting their "clothes on". These accounts reveal actualised and internalised police surveillance, creating a fear that the police were always watching and recording (see Akintoye 2023). This panopticon-effect sears discipline into everyday lives  such that participants felt that they were unable to exist without being watched.

Constant apprehensions for just 'sitting there'

Various participants described excessive apprehensions – involving stopping, questioning and checking identification. "As soon as they pass me they'll stop me," one person who was frustrated with the harassment remarked. Even where it is under the guise of a welfare check, participants said they were worn down by the relentless nature of being stopped by police. They commented that people experiencing homelessness get "pulled over, questioned for no reason" except for the way they look and "just because we're there". One person explained  it in the following way: "I think that certainly the police have a second radar for homeless people". This person commented that police questions were intrusive: "[I]t's not very nice being asked questions. You still want to be a free person." The questions were repetitively mundane and mixed with a splash of contempt among other participants,

[The police] give everyone that's homeless trouble. ... Just walking down the streets. ... They just pull you up and ask you where are you going?

[The police] asked a lot of questions ... where you from, where you staying?

[The police will] wander through [homeless camps] trying to find out what you're there for, asking questions ... How long have you been staying here and how come you're out on the streets, and check their credentials.

As soon as [the police] spot me, they always [ask]... What are you doing, [name redacted]? You drinking, today?

Recurring identification (ID) checks also featured in concerns among people experiencing homelessness. Although police can only require disclosure of identity as part of an investigation or to issue an order (e.g. *Law Enforcement (Powers and Responsibilities) Act 2002* ('LEPRA') s 11), homeless people were made to feel coerced into providing their details. Participants described police checking them late at night or in the early hours of the morning. Refusal to supply ID resulted in participants being fined, strip searched and/or arrested. While police would often claim to require ID to check if there is a warrant out for the person's arrest, participants recounted the same police doing the same checks on the same people on the same day, which would amount to a breach of the law. Participants variously recalled the vexatious nature of checks,

I see it every day. The police walking around the city with their iPads, checking all the homeless people on the street ... checking the same people day after day.

[I]f he was just a streetie, and [the police] saw him, you know, he had a rucksack or whatever, sitting there, you know, they'd come along and say, what are you doing? ... [T]he first thing they do is ask for ID, "Where's your ID?"

[Police] come late at night and shine their torch right in your face ... looking if they've got a warrant or something, but they know who's there, because they're always going past and they've got the cameras and all that.


Fines and neoliberal politics

The expansion of fine regimes for minor offences in Australia is part of a "neoliberal" penalty that has widened penal nets (Methven 2019). Not only are homeless people punished for their abandonment from capitalist society but they are made to literally pay a price for such abandonment. Participants attest to the frequent imposition of fines for offences arising from the mere status of homeless people, such as public nuisance or public disorder

offence. In New South Wales, people experiencing homelessness have the highest incidence of fines (Wei et al. 2018, 8). Some participants accrued tens of thousands of dollars in fines. One person said,

It's the same thing over and over, public nuisance. \$75, \$75 fine. And we're getting picked up for, like every day for it. Haven't they [got] other things better to do? Go and look for people selling the drugs or killing people, not us struggling people.

Not only do fines deepen poverty, but can cascade into “getting into more trouble”, as one participant explained. Inability to pay fines can lead to the loss of a driver's licence or vehicle registration, and precipitate imprisonment for driving offences (Justice Connect 2022) or confiscation of property (also see Northern Territory Legal Aid Commission et al 2019). Yet participants felt police would impose fines for trivial matters knowing that it could compromise their safety – e.g. forcing them to sell the car that they were sleeping in. One person commented, despite this the “officer just didn't give a shit, he didn't care less”. Through repeatedly issuing fines for the same offences, participants felt tormented by police and could this lead to escalation of charges. The following incident reveals a participant who was fined for public nuisance and fare evasion in the same encounter:

When I explained [to the police] why I couldn't afford a [train] ticket, they didn't understand and they were very mean and prejudiced towards me and my partner at the time. And they riled me up and just kept feeding into my anger. So, I ended up going off at them in public. So, I ended up getting a \$550 fine for being a public nuisance. And then they gave me a \$400 fine for fare evasion. 

Move-on orders and street sweeping

Move-on orders are a graphic illustration of how the penal state in the ‘neoliberal city’ “act[s] as a ‘street sweeper’ and disciplining device for the mounting wave of the urban poor” (Wacquant 2011, 207). Homeless people are a focal point for move-on orders that upend them from their social environment and belongings. One participant who was aghast by the constant issuing of move-on orders, remarked that the police expected them to “just fucking vanish, like evaporate”. Participants felt that they were being made to “hide in the shadows”. Others perceived that homeless people were “fair game” for police who sought to “clear people up and keep the place presentable”.

Australian states and territories empower police to move-on people from a particular place for 24 to 48 hours. This not only displaces people experiencing homelessness from their living arrangements and belongings, but also compromises their safety as they are forced onto unfamiliar places. One person recalled that they were forced onto the outskirts of the city, and that “scared the absolute death out of me”. One person lamented being asked to move late at night,

If you can imagine someone finally finding somewhere safe out of the cold and out of the breeze to sleep, and then being moved along by the police for no reason.

While issuing move-on orders requires the officer to have a reasonable suspicion the person will commit an offence and the person is endangering safety or “causing anxiety” to others or is breaching the peace (e.g. *Police Powers and Responsibilities Act 2000* (Qld) ss 46-7; *Criminal Investigation Act 2006* (WA) s 27), participants describe the frequency of such orders to be about control rather than crime prevention or disruptive behaviour. As one person asserted, “[H]ow are we disturbing the peace when we’re trying to sleep?”. Sparks (2019) points out that maintaining urban governance through cleansing homeless camps where homeless people collectively congregate requires continual reinforcement (see Sparks 2019; Martin et al. 2019). Participants in our study explained the high frequency with which they received move-on orders:

I see people getting harassed all the time, purely because they’re homeless and they may congregate in communal areas. ... It would be astronomical the amount of move-on notices that get issued around this place, and that’s not for people doing anything wrong.

“Trumped up and bullshit charges”



Hyper-policing, for our participants, tended to be characterised by day-to-day police harassment that contributed to their sense of social exclusion, rather than necessarily laying charges. We contend that the focus on charges by law enforcement data collections (e.g. Western Australian Police Force 2022) does not paint a holistic picture of the mundanity of hyper-policing homelessness. Nonetheless, our participants did refer to policing homelessness as a pipeline to the courts and prisons, especially through minor charges such as public disorder, public intoxication, traffic offences, and breaching justice orders. This contributes to the high homeless population in

Australian prisons (Australian Institute of Health and Welfare 2019, viii) and, as Wacquant (2010, 75) puts it, prisons becoming ‘frontline dams of social disorders in the city’.

Another technique of hyper-policing that contributes to imprisonment is “trumped up” charges. Homeless people recounted the accumulation of minor charges in one incident. One person described “trumped up, bullshit charges” to include resist arrest and assault police that are layered on a minor charge. Another explained that the police “upset you [by laying the initial charge] and then you’re going to go and do something stupid and they’re going to get you for it”. One participant illustrates this course of events:

We were just chilling, not harming anything, just sitting there. I had four cops on bikes come up and just drag me away once. I was on my way to the police station and they made a scene and that, and then they charged me with disobeying a police officer.



Participants remarked that police tended to proceed with the humiliating and harmful process of arrest, rather than issue a court attendance notice that is available as an alternative to arrest (e.g. *Criminal Procedure Act 1986* (NSW) s 47). One person said they had lost count of “how many times I went to lock up”. Legislation provides for an arrest to prevent a continuing offence or ensure compliance with criminal investigation (e.g. *Police Powers and Responsibilities Act 2000* (Qld) s 365). Yet participants described unnecessary arrests to punish homeless people, including by locking them up overnight only to release them at dawn when they were tired and had no easy way to return to their belongings or finding that their belongings were taken. Participants regarded “being locked up for no reason” as a powerplay (see also Kyprianides et al. 2021). One person asserted that “if you’re homeless, if you’ve got nowhere to go, well, they’ll give you a home in a cell because you’re arcing up”. Once arrested, homeless people are more likely to be remanded and receive a prison sentence compared to those given a court attendance notice.

Hyper-policing the homeless: *qualitative* intensity

It is not simply that people experiencing homelessness are policed more frequently, but participants describe a distinctively violent edge to policing. Wacquant (2008b, 60) explains police violence as part of the ‘control of

dispossessed on the streets' which arises from colonial invasions. Growing urban marginality, according to Wacquant (2008b, 68), has intensified state violence towards those on the 'ladders of deprivation'.

Coloniality of policing homelessness

While violence was discussed across all homeless cohorts, the coloniality of Australian policing, as one participant said, means "Aboriginal people... get targeted even more" (see Dimou 2021). This is embedded in histories of dispossession, in which police carried out widescale violence, including waging massacres, to render First Nations homeless on their homelands (Cunneen 2001). First Nations people not only experience homelessness at rates six times higher than the general Australian population (Australian Bureau of Statistics 2023c), but also experience police violence at greater levels (Knaus 2023). First Nations participants described police violence against them as "brute force". A First Nations woman described being beaten and having her fingers broken in a police cell after being arrested for public disorder, while others referred to the violence of strip searches (see below). A repeated, and well-founded, concern among First Nations participants was that being locked up in a police cell could be a death sentence,

[I]f you're heavily intoxicated... they take you into custody and they call it protective custody .. and there had been a lot of problems and even incidents and even deaths in custody.

There are similar manifestations of forceful colonial policing across British settler colonies, including Aoteroa (New Zealand), Canada and the United States (see Blagg and Anthony 2019, 98). Andrew points out that policing Indigenous homelessness is embedded in systemic racism and racial inequalities (Freistadt 2016, 70). In Australia, First Nations deaths in custody, including through direct police violence and police neglect in protective custody (for intoxication), have a notorious history (Anthony and Whittaker 2019). In 2022/23, a First Nations person was over 10 times more likely to be killed by police compared with a non-First Nations person (per 100,000 of their respective populations, Australian Institute of Criminology 2023, 16, 28). Kamilaroi Professor Larissa Behrendt (2015) highlights how criminal procedures that punish homeless people 'fall disproportionately on Indigenous Australians', and Palawa lawyer and Chief Executive of the Aboriginal Legal Service NSW/ACT, Karly Warner, notes violent policing of Indigenous people on the streets can result in serious injuries and fatalities (Brennan 2024).

Police violence across the board

Interviewees across all homeless cohorts divulged that police violence made them feel dehumanised, stigmatised and afraid. Participants regarded police violence as a marker of their worthlessness and pointed to the irony that police were there “to protect”:

I’ve had a cop kicking the back of my head to wake me up, and that sort of stuff. Simply because we’re homeless and we’re just shit on the bottom of their shoes.

They handcuffed me, they scream at me saying get down. I ripped my whole face open on the concrete ... So, this is the justice system in this country. They’re meant to be there to protect people.

Participants were conscious that they were “picked on” because they were seen as the lowest of the lows in the capitalist economy and urban streetscape,

They think I’m like some burden to society, that I don’t really contribute, which I do. Like I do volunteer work; I’m trying to find employment, but I can’t sustain work because of my condition, so... they just treat you differently.

When homeless people compared their interactions prior to experiencing homelessness, they noted the intensity of police interactions. For participants who raised safety concerns, police violence was the most common safety fear (see also Jordan 2012). Some participants recalled “broken noses, broken wrists, dog bites”, brain injury and permanent disabilities caused by police. They spoke about having their “head sat on”, “dragged up the concrete”, and being tasered. The brutalising nature of policing was described by one participant as “hunting the homeless”. She asserted,

[T]hey’re out hunting and doing their job. That’s all they do. Oh, you can’t sleep there. Let’s search you. ... They’ll kick you. I’ve had physical abuse by the police, yes.

In our research, several participants described the violent “bully tactics” that were used routinely against people experiencing homelessness. Police would tightly place handcuffs on people even when they were not mandated due to the person’s compliance (e.g. LEPR s 230-231) and in some cases this led to bleeding of wrists. Police dispersed homeless people by “kick[ing] the fuck out of you and just tell you to move along”. Questioning the use of police powers also invoked violence. One participant recalled saying to a police officer who was treating him harshly, “sorry I didn’t know we’re in America”, which resulted in the officer returning “with about ten police [who] just beat the shit out of me, knees on the head and the back of the head.” The prevalence of police violence is indicated in the following comment:

If you got 20 streeties sitting down in a circle, every one of them, every one of those streeties would have a story of police brutality in one shape or form.

Searches and strips as police assaults on people experiencing homelessness

Police conduct undignifying searches of people experiencing homelessness, including strip searches, with the effect of further stigmatisation. Strip searches were conducted “in front of” or “on the side of” shops and in clear view of people, making homeless people feel “violated”, “embarrass[ed]” and put on display. One man said, “They stripped me down to my boxers and just searched me, put me on show.” Another decried the search as sexual assault: “[T]hey can stick their fingers up your arse, pretty much. And that’s what they do.”

Invasive police searches compound the stigma of ‘urban abandonment’ attached to homelessness (Wacquant 2008a, 114). Wacquant regards such police practices as directed to ‘behavioral modification’ and social control of a group otherwise neglected by the state (Wacquant 2010, 83). One participant asserted, “as soon as you tell them you’re homeless, I’m just going to be honest, you are flagged to be searched”. Participants said that being searched was like “someone mobbing you”. Participants compared their experience prior to being homeless when they had never been searched.

Despite police strip search powers being fettered by legal requirements (e.g. conducted in private and only with reasonable suspicion of an offence: LEPR s 21, 33), participants reported that the searches were conducted in public view and appeared to lack justification other than being homeless. They commented that “we always get

searched” and they see it happen “every day”, whereas “well-dressed people in the park” or “anybody else sitting down and having a cigarette” eluded search powers. When homeless people questioned the police search power, it was not usual to be threatened with arrest,

They just walk up to us, grab our bag and look at our personal stuff. They just rip it open and chuck everything out on the ground. When they come to my bag, I say have you guys got a warrant for that? They say if you talk smart, I’m going to chuck you in the watch house.

In several participant cohorts with high First Nations women participants, police searches were described as culturally offensive, especially where they were conducted by male officers (see Larkin 2021). In Australia, First Nations people are 15 times more likely to be imprisoned compared to non-First Nations people, and 23 times more likely for First Nations women (Australian Bureau of Statistics 2023b, Table 21). As Wacquant (2010, 84) observes in the United States, ‘class, race, and imprisonment’ are tightly knotted together. Equally in the settler colony of Australia, First Nations people bear the brunt of criminalisation and oppression. First Nations women recalled the cultural shame of being made to “empty your bags”, go through “our personal things”, and “throw [our belongings] on the ground”;

I’m a lady, I’m a woman, I got things in there that I don’t want men, anybody to see. You know, lady things, like tampons.

The police always nag me, even when I’m up in the city they follow us around. And they want to look in my bag, if I’ve got like wine in there, if I’ve got something in my bag. And I haven’t got it, but then, they’re just making a public scene and making me look bad down in front of the colours, white and black. ... And if they can’t find nothing on me they move on to the next Indigenous person they can see.

Hyper-policing and lack of accountability: “the biggest scum ... and they can get away with it”

Hyper-policing presents is not only often an abuse of law, as discussed in the foregoing section, but also above the law. Participants felt that they were subject to legal abuse without legal recourse. For Wacquant (2008, 67), ‘discretionary coercion’ is sanctioned by courts on the basis that police are justified in treating the dispossessed

as more suspicious than the 'middle- or upper- class'. This legitimates all manner of force where police claim to be acting within the rules (Wacquant 2008, 67). Participants, nonetheless, observed what they saw as the mentality that comes with policing the streets,

As soon as they step in that uniform, they think they're better than everybody, but they're not. We're all human, we're all equal. It just comes down to having that badge and that little bit of power.

Such an attitude could be sustained because of the lack of legal redress available to people experiencing homelessness,



[You cannot] stand up for your rights ... a six-foot two aggro cop ... doesn't give a fuck, because he looks at you, thinking, you are so far down that totem pole, you've got no fucking rights anyway.

[A] lot of [the police] think that they are better than us ... because they've got the power on their side and they know the courts are always going to believe them before anyone else.

One First Nations woman stated that police trumped up charges and "will make up and do whatever they can to make things go their way [in court]". Other participants who asserted their rights became further victimised or threatened. One woman said she gets "strip-searched every time they pull me over" and "harassed on a daily basis" and if she questions the police officers, they threaten to take her "out back and flog" her. A number of participants who made complaints about police violence were ultimately dismissed by courts. One person described how police gaslight homeless people,

[The police] could beat you up and you wouldn't have a leg to stand on ... they only have to say [to the courts] it was resistance, resisting arrest, and they can beat you to a pulp.

According to participants, police relied on people's lack of awareness of their legal rights to "get away with what they can". One participant who had been kicked and tasered by police said they did not make a complaint because, "Who's going to listen to you?" Another participant said the system was biased because it relied on police investigations: it amounted to "complaining to police about police", and consequently, "nothing would get done".

One participant's experience of police bullying after making a police complaint, made him fear that, "if I do say anything ... they'll probably stomp on my head". Another described the "repercussions" of making a complaint: "The police would just pick on me even more".

On the infrequent occasion that participants challenged charges in court, they did not feel that it delivered justice. At most, courts would throw out charges due to lack of police evidence, but there was no redress for false imprisonment and harm. Others said that the court process was overwhelming when they brought actions against police. One participant felt he was "set up to fail" because the rolling court dates for pleas, mentions and hearings were impossible to manage, forcing him to withdraw the case. Ultimately, participants perceived the ledger was weighted in favour of the police. Several participants sought to illustrate the substantial powers of police in relation to people experiencing homelessness with reference to Nazi-like controls: "They can do what they like. That's the ... Nazi mentality kicking in"; "they can treat you how they like ... like the hard Gestapo line"; "Their word will always outweigh your word... They are Nazis, basically".

What about the good cops?

On occasion, participants referred to "good cops", especially participants who were sleeping in their cars who may not have the same stigma as street sleepers. Participants described individual officers as "friendly", "good blokes", "just doing their job" and exercising "patience". One recalled an officer who "offered to buy me food" and "[tried] to help me a bit". Some officers were described as "real nice" for looking out for their safety and offering to "call the homeless shelter". One participant said: "the odd ones" were willing to "just look the other way". The Australian Capital Territory, in particular, had a number of positive responses to policing. We discerned that this had less to do with legislation – which was consistently broad reaching in police powers and use of discretion – and more to do with police culture. In Brisbane, where lawyers commented that policing practises in relation people experiencing homelessness had improved over the past decade, the shift was attributed to incentives in the police force to build relations with community, including by attending community events.

More positive experiences with police do not diminish the concept of hyper-policing. Instead, they indicate that surveillance has both a punitive and charitable guise. Both types of policing pivot on the same strategy, as

Wacquant (2009, 108) puts it, to reinforce a 'paternalistic and punitive' state that manages the dispossessed. Benevolent, or 'community-oriented' policing, extends the omnipresent surveillance and assures the status of police on the frontline of the state's interactions with people experiencing homelessness. Care-oriented policing legitimises a model of pervasive policing and detracts from investment in non-policing models of care (see DeVerteuil 2012).

Moreover, our narrative analysis of individual accounts found that positive comments about police were frequently juxtaposed with concerns that police will give with one hand and take with another. The abovementioned participant who referred to the offer of food contrasted this with other officers who are "definitely arsehole ones". In the main, "good cops" were praised for not being "bad cops", by virtue of *not* opting for the most punitive option (e.g. choosing to issue a move-on order instead of "taking them to the watch house"). This sense of relief when homeless people do not confront the brutal arm of policing represents a normalisation of hyper-policing where the question is one of degree of police intensity rather than whether police should be on the front line altogether.

Antidote to hyper-policing: "just leave me alone"

People experiencing homelessness were asked about what could be 'improved' in relation to policing. Our study found that overwhelming participants expressed a desire for policing to be minimised in their lives. They regarded the unbearable intensity of police prevalence, irrespective of whether the police were acting benevolently or coercively. In either refrain, police presence would make people experiencing homelessness feel stigmatised, intimidated and harassed. Even when trying to help, police presence would compound matters for the individual. One participant experiencing a mental health episode, for instance, said police intervention made the situation worse because it heightened the person's stress: "I just feel like it would've been a lot better if they just left me alone". For participants who identified as having mental health issues, police were regarded as a threat whether they were acting in a therapeutic or penal role. Several participants discussed the role that mental health services had played in their criminalisation – some said the police had been called 'on them' by clinicians when they expressed suicidal thoughts or behaved erratically.

Other participants described police welfare checks, even a simple "how are you going?", as unnecessarily encroaching. One person said that "friendly" police interactions felt intrusive, expressing, "I'm not here to talk to

you, so don't talk to me ... [get] out of my life". This sentiment coheres with research in the United States where "quality of life" policing directed at moving people off the streets and into services was regarded by people experiencing homelessness as making their lives "more challenging, more stressful, and less safe" (Robinson 2019). Participants discussed experiences where police were nice to "suck what they want out of you" and "then they'll turn nasty". One conveyed the view that "no one thinks" that police help even when they are trying to help,

All homeless people think police are ready to get them. They just want to have some at any opportunity.
But yes, I don't think any homeless person trusts the police.

One First Nations person experiencing homelessness described the toll of police harassment and violence,

[The police] makes us feel real bad inside us. *We just want them to leave us alone ...* [T]alk to the Police Commissioner, tell them what the police, why are they chasing us? ... [W]e're not doing any harm, we're just only homeless people. (emphasis added)

In this sense, the antidote to hyper-policing homelessness is not some normal level of policing or better policing – but freedom from policing. Even with the best intentions, police could not be anything but, as articulated by one participant, an "authority figure" who could "use force" at any time. A First Nations woman stated that the police made her feel vulnerable: "we just need to stop the cops" in order to live without fear. Others conveyed,

[J]ust leave us alone. We're just trying to find somewhere warm to sleep.

[J]ust stop coming in the park [and searching us] for nothing.

Just stop harassing people that don't need to be harassed.

I think if you're not done anything wrong, regardless of your situation, leave that person alone. They're going through enough shit as it is without your bullshit.

Participants also referred to the need to reallocate investment from police to public housing. In Australia in 2022/23, government funding to law enforcement amounted to \$23.2 billion (with police accounting for 65% and corrections amounting to 26% of this expenditure) (Productivity Commission 2024, Part C). By contrast, funding for social housing amounted to \$4.9 billion (Productivity Commission 2024, Part G). Wacquant (2009, 160) dryly observes in relation to the similar occurrence in the United States: “the construction of prisons has effectively become the country’s main public housing program”. Certainly, in Australia, the \$6.02 billion expenditure on prisons in 2022/22 overshadows the social housing expenditure. One woman participant explained that the money is there, it’s simply a matter of priorities:

If you can facilitate the funds from the government to support police officers to do that work [of checking IDs], you should be able to facilitate funds to get these people off the street.

While most of this research was conducted on the eve of COVID-19, measures undertaken during the COVID-19 lockdowns demonstrate how the state can pivot rapidly from a law and order response and towards a housing response. In the Australian Capital Territory (ACT), the government funded emergency and long-term accommodation for people otherwise forced to sleep on the streets (ACT Government 2020). By contrast, the Northern Territory government’s response to people experiencing homelessness during COVID-19 was to empower police to hand out masks (and fining those who refused to wear them) (Allam 2021). Unsurprisingly, in the first quarter of 2021, NT prison numbers increased by 6% – the highest rate in Australia – whereas the ACT experienced the greatest decrease of 5% (Australian Bureau of Statistics 2021). The ACT approach, which resonated with the shift in NSW and Victoria, moved Australia closer, at least for a finite period, to the Housing First approach that has been long-implemented in Finland,

The COVID-19 experience provides material examples of abolition in practise. House and Okafor (2020) point to housing justice as an abolitionist response to police and prisons. Scott Cummings (2018) identifies that during COVID-19 and the ascendancy of the Black Lives Matter (BLM) movement, which gained traction in Australia at the same time, there was pressure placed on police to curb the excess of intrusive practices. In contrast to BLM impacting police policy reforms in the US (see Peay and McNair 2022), the BLM movement in Australia did not stem the tide of growing police numbers, police violence (especially against First Nations people) or the expansion of police powers. Indeed, the timing coincided with intensified racialised policing, including on homeless people

(see Boon-Kuo et al 2021). The more notable shift with COVID-19 was that governments elevated health and safety above law and order politics. This resulted in a decline in prison rates and an increase in community accommodation options, which aligns with Brown and Schept's (2017, 444) notion of abolitionism – a shift from the state intervention models of imprisonment and carceral violence and towards safety, accountability and justice.

Other suggestions proffered by participants included the substitution of police with community-based advocates and supports. They explained that homelessness is “not even a policing issue, it’s a social issue”. They spoke about the need for such services to be run by people who had experienced homelessness because they knew what was needed. Participants said they should be employed as a point of contact for people “doing it rough” and would act to “diffuse things” rather than inflame situations. These responses demonstrate the need for people experiencing homelessness to co-design strategies and implement them on the ground. One participant stated that people experiencing homelessness themselves have “got the skills”, networks and knowledge to work with people.

These self-determining strategies would mitigate the risk of replacing police with other coercive regimes that are dressed up as therapeutic. Jacobs et al. (2021, 40) discusses how social workers tend to operate in concert with law enforcement to further carceral agendas. Caution against rolling out community workers who will equally enforce surveillance and control is also raised in research by Walsh and Douglas (2009). Instead, spaces should be opened up for communities “to collectively build new, interdependent, and sustainable social relationships” (Jacobs et al. 2021, 54) that are free from the coercive arm of the state.

Conclusion

Research in our study on policing people experiencing homeless in Australia resonates with Wacquant's concepts of hyper-incarceration in managing the dispossessed. This is not only in the transition to prison, but also as a form of urban governance where police are agents of *territorial stigmatization* to assure marginalisation of the dispossessed on the streets. By engaging homeless people at the centre of our research design, we found that hyper-policing is experienced as omnipresent surveillance where the boundaries of the carceral state have no beginning and no end. Hyper-policing emanates in both benevolent and malevolent police interactions, that collectively seek to control, subordinate and displace people experiencing homelessness. This furthers concepts

of oppressive policing in the ‘defund the police’ scholarship by revealing that police harm to homeless people in not only through the use of force but also by virtue of police omnipresence in their lives.

Hyper-policing the homeless in Australia entrenches the ‘carceral continuum’ (Wacquant 2001, 114-116) from sleeping on the city streets to sleeping in prisons. It is not simply that pervasive policing entangles homeless people in the criminal system, but it also makes their life on the streets exist in panopticon-like conditions. The response of people experiencing homelessness is to emancipate themselves from the hyper-policing: “leave us alone” were calls smattered among eight states and territories, including regional areas, in which we conducted our research. This demonstrates how policing studies that are centred on lived experience illuminate understandings for change beyond reform, and have implications for calls to defund the police and to shift resources from prison housing to community housing in accordance with abolitionist frameworks.

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