

Introduction

During the 1980s and early 1990s, the quality of everyday life in New York City underwent dramatic changes, suffering the twin scourges of rising crime and disorder. In 1991, the city's crime rate peaked at its highest level ever, with more than two thousand homicides, and homeless encampments, panhandlers, and drug dealers became a normal part of the urban landscape. Then in a major shift, by the year 2000, homelessness was largely erased from public view, and crime had dropped to the lowest level in forty years. Somehow, the quality of daily life for millions of New Yorkers had been restored. There was, however, a darker side to this miraculous transformation. By 2004, homelessness reached its highest levels since the Great Depression, with both more than 100,000 New Yorkers relying on emergency shelter at some point during the year and new aggressive policing tactics, which resulted in the incarceration of tens of thousands of people for a wide variety of minor offenses such as drinking or urinating in public, blocking subway stairways, and sleeping in public parks.

This transformation in the quality of life in New York and many other American cities was more than the creation of some new policing tactics or the construction of a new philosophy of the socially marginal. Rather, it was a melding of the two into a coherent new approach toward social control. This "quality-of-life" paradigm emerged as a set of concrete social control practices united by a political philosophy that explained the nature of homelessness and disorder as one of personal responsibility and established punitive methods for restoring social order and public civility. In the process, it changed the way that cities dealt with welfare reform, community development, and policing practices in general.

The quality-of-life paradigm is a way of reorienting the efforts of city government away from directly improving the lives of the disenfranchised and toward restoring social order in the city's public spaces. This

paradigm blames the current crisis on permissive social policies and calls for the implementation of a variety of punitive social control practices directed at minor incivilities as the way to restore neighborhood stability. While the previous paradigm of urban liberalism placed a premium on social tolerance, government planning, and rehabilitation, the new paradigm was driven by a concern with social intolerance, market- and volunteer-driven mechanisms of social change, and punitiveness.

The quality-of-life agenda did more than just criminalize homeless people. It helped transform the way these cities addressed a whole range of social problems. Prostitution, graffiti, and young men hanging out on street corners, as well as panhandlers and squeegee men, were viewed as a source rather than a symptom of urban decline. The government's response was to treat these groups as a major threat to public order and to place them at the center of new aggressive policing tactics and punitive social policies. Part of the innovation of "quality of life" is how it grouped and used punitive tactics rather than rehabilitative or structural reforms.

Society at large usually is indifferent to the means that the police use to maintain order on the edges of society. The police have always treated those on the margins of society in a repressive manner. Vagrancy and loitering laws, roundups of drunks and prostitutes, and the meting out of street justice in the form of physical attacks and personal indignities in a hidden late-night world of alleys, park benches, and skid-row sidewalks have been routine elements of urban life since the creation of police forces more than 150 years ago. Yet the daily lives of social outcasts have rarely been the focus of social movements, political speeches, or popular culture. What made the criminalization of homelessness in the 1990s new was that it transcended this popular disinterest. That is, the public attitude toward the issue of homeless and socially marginal people changed from passive sympathy to active antagonism. In the process, much of the political landscape of urban America was transformed.

This book is about the rise, dynamics, and consequences of a punitive approach to the urban social problems that developed in many American cities during the 1980s and 1990s. As homelessness, crime, and public disorder began to emerge as major social problems in the 1980s, local politicians, economic elites, and local community groups looked for new ways of restoring stability to the urban environment. As part of this process, a new philosophy of urban social control developed that emphasized the centrality of maintaining order through aggressive

zero-tolerance policing and other punitive social policy measures. These were designed to enforce public civility through the fear of negative sanctions rather than simply the provision of enhanced economic opportunities and social services. The result has been the broad criminalization of homeless and other socially marginal people and the abandonment of the liberal ideals of reducing economic and social inequality which guaranteed basic universal human rights, and promoted social tolerance.

This process can be most clearly seen through the lens of the homelessness crisis. In response to the explosive growth in the number of homeless people across the country in the 1980s, cities created new policies that restricted a wide variety of behaviors associated with them, including panhandling, sleeping in parks, and sitting on sidewalks. These policies were joined under the rubric of quality-of-life improvements to emphasize their focus on visible forms of disorder that directly affect the everyday lives of urban residents from all social strata. The term *quality of life* has come to mean more than a set of policies, however; it also is a new way of thinking about urban social problems that attributes neighborhood decline to the presence of visible disorder. Rather than focusing on structural solutions to homelessness, unemployment, and crime, the new paradigm redefines these problems as one of individualized moral failure leading to neighborhood disorder and decline. Mass homelessness is thus transformed from a social problem of housing and social services to a law enforcement problem of maintaining order. The result has been a rejection of urban liberal politics in much of urban America.

As homelessness dramatically expanded in the 1980s, it evoked a variety of individual, community, and governmental responses. People were motivated to volunteer in soup kitchens, give out clothing, stock food pantries, and give money to panhandlers on the streets. The government produced a number of emergency responses, including shelters, soup kitchens, and a variety of social services designed to get people back on their feet. In these early days, homelessness was often viewed through the lens of the early 1980s recession and was therefore seen as a short-term economic problem that would improve along with the economy. Little effort was made to invest in more substantial responses such as housing and residential mental health and drug treatment facilities or to look at the ways in which housing and labor markets were being altered by both global and local political and economic factors.

As the recession gave way to the economic expansion of the late 1980s, the problem of homelessness became more obstinate and odious. The number of homeless people grew, and their impact on the daily life of the city became more problematic as subways, sidewalks, and parks became the living rooms for tens of thousands of people. At the same time, these people's connection to any specific economic downturn became harder to discern. Government and individual responses slowly became more routinized and structured. Emergency shelters became long-term shelters or transitional housing. Soup kitchens had to rely more and more on large government budgets to hire professional staffs rather than using volunteers.¹ Although people continued to give their time and money, only a few sought to develop long-term solutions, preferring instead to respond in some small way to the cries for help ringing throughout America's cities.

As the 1980s drew to a close and homelessness continued to pervade the urban environment along with the intertwined scourges of drugs and crime, a siege mentality emerged in the cities. Local residents felt that their public spaces were becoming unusable. Residents awoke to find people sleeping on their front stoops; merchants found encampments in their doorways and panhandlers on their sidewalks at all hours; and the city's subway system and parks became massive homeless shelters for thousands of people. Physical and social disorder in the form of the remains of cardboard beds, human waste, panhandling, and the ghostly presence of the mentally ill wandering the streets became omnipresent assaults on the population's sensibilities. The focus gradually shifted from how to help homeless people to how to reduce the impact of homelessness on the rest of society. As a result, society's charitable impulses turned from restoring the homeless to restoring communities. Urban residents, politicians, and business leaders began to demand that the visible symptoms of the growing urban crisis—crime, disorder, and homelessness—be directly and immediately resolved through punitive means.

The Rise of Disorder

The city that was the most dramatically affected by demands for improving the quality of daily life was New York. Whereas other cities—such as San Francisco, Los Angeles, Seattle, Baltimore, and Chicago—

experienced similar political upheavals in the face of growing disorder, New York's changes were the most pronounced. During the 1980s, New Yorkers witnessed a continuous rise in the level of disorder in public spaces. Tens of thousands of homeless people could be found in all parts of the city, both above and below ground. Estimates of the number of people living in shelters and on the streets have been difficult to gauge, in part owing to the extent and scope of the problem, but the most reliable figures are the number of people relying on emergency shelters on any given night. In October 1986, New York City's Human Resources Administration, which operates the shelter system, stated that 4,500 families and 9,000 single adults had entered the system, with an average of 450 new families seeking shelter each month.² Less than a year later, the numbers were 9,000 single adults and more than 5,000 families.³ These numbers continued to increase throughout the late 1980s and early 1990s. Homeless advocates estimated that an average of 50,000 people were homeless at one time during this period, and 200,000 were living with friends and relatives or in substandard housing.⁴

Most of these people stayed in shelters, meaning that they were not a visible presence at night. In many cases, however, even those staying in the shelter system were forced out in the early morning to fend for themselves until the early evening. A significant number of these people spent their days working, searching for work, and navigating the social welfare bureaucracy. Many thousands, however, left the shelter system each morning and went into the surrounding neighborhoods looking for opportunities to make money, engaging in substance abuse, and, in some cases, wandering aimlessly. Even more distressing were the thousands of people not using the shelter system. Each night, the subway alone housed thousands of people in stations, tunnels, and subway cars. Many of them set up full-time residences in out-of-the-way corners of stations or deep in the labyrinth of tunnels and service rooms below ground. Those above ground slept where they could, alone or in groups. The most noticeable were the large encampments in which sometimes dozens of people set up makeshift tents in abandoned lots, under freeways, or even in public parks. These camps usually were characterized by the presence of drug use, trash, and human waste. Since the mentally ill and hard-core substance abusers were the groups most likely to avoid the regimented and sometimes dangerous shelters, those sleeping on the streets were more likely to be a source of aggressive panhandling, intoxicated or mentally ill behavior, and petty crime.

As homelessness grew, neighborhoods throughout the five boroughs were confronted with people living in their parks, subway stations, and even doorways. Automated teller machines and the fronts of all-night markets were favorite spots for round-the-clock panhandling and sleeping, with occasional late-night battles over the prime spots. Many residents had to walk a daily gauntlet of homeless people at the store and at the bank and sleeping on the sidewalk and in the subway. In addition to the constant requests for handouts, the visible presence of so many disheveled people and their possessions became a landscape of disorder, despair, and, in some cases, fear.

These conditions worsened throughout the late 1980s, but 1989 was a watershed year that both typified the period and displayed some of its worst characteristics. The city estimated that ten thousand homeless mentally ill people were on the streets of New York that year.⁵ That spring, the shelter system housed more than eleven thousand single adult and close to five thousand families, with advocates claiming there were twenty thousand to thirty thousand more on the streets.⁶ The transit authority counted one thousand people living in its stations on a single winter night, not including people sleeping on trains or hidden away in the tunnels.

That year, the city was filled with quotidian indignities for both the housed and the homeless. In particular, there were three social landscapes that exemplified the extent of the problem and the seeming inability to do anything substantive about it. Each of these shows the central role of homelessness in unraveling New York City's social fabric.

West Ninety-sixth Street

A paradigmatic sign of the disorder crisis of 1989 was the arrest of Larry Hogue on Manhattan's West Ninety-sixth Street for vandalizing a church on that block. A homeless veteran with serious psychiatric and substance abuse problems, Hogue had been a fixture on that street since the mid-1980s, using his monthly disability check to buy alcohol, crack, and other drugs. At his best, he slept and wandered the streets as a ghostlike presence. When high on crack or other drugs, however, he was often a raging menace, threatening passersby, vandalizing cars and buildings, and occasionally assaulting local residents. He was arrested in 1989 after he caused \$10,000 to \$20,000 in damage by throwing bricks through the stained-glass windows at the First Church of Christ,

Scientist, at 1 West Ninety-sixth Street. After being psychologically evaluated, he was deemed mentally incompetent to be held accountable for his actions, and after being medically stabilized and treated for his drug use, he was judged to be stable enough to take care of himself without harming himself or others and was discharged back onto the streets.

This was not the first or last time this would happen. Hogue was arrested nine times in the twenty years from 1972 to 1992, and he was sentenced to prison six times, with sentences ranging from five days to a year. During that same period, he was hospitalized more than twenty times in city facilities and several more times at VA hospitals. The most serious incident involving Hogue occurred in 1988 when he assaulted a sixteen-year-old girl and pushed her in front of a moving truck, leading to another temporary involuntary hospital commitment. In 1994 he was arrested again for throwing slabs of concrete through the windshield of an occupied car.

During this period, residents around West Ninety-sixth Street were continually threatened by Hogue's presence in the neighborhood, often feeling that it was not safe to walk down their own block when he was around, for fear of his constant verbal and even physical harassment. They felt incapable of doing anything about this, because each time Hogue was arrested or committed, he was soon released and allowed to return to the same street. Mental health officials pointed out that with the loss of almost half the city and state's mental health beds since the 1960s, there was nowhere to put people with minor psychological problems exacerbated by regular substance abuse. According to psychiatrist Gregory A. Miller, who frequently treated Hogue, "The system is so overburdened that even the mentally ill addicts that beg for treatment do not get it, much less those that resist treatment. What it boils down to is that we as a society have decided to ignore the problem and then get mad when someone is out on the street."⁷

Tompkins Square Park

One of the most contentious and notorious signs of the declining quality of public life in 1989 could be seen in Tompkins Square Park on the Lower East Side of Manhattan. Beginning the previous summer, a mixture of young street kids, homeless men, and drug dealers and users had taken over the park. Local residents complained that they could not use the park and that the noise from the people congregated there kept

them up at night despite an existing midnight curfew. The situation became worse as people living in the park set up makeshift tents, lit fires in trash barrels, and accumulated large amounts of possessions in boxes and shopping carts. Noise, trash, discarded drug paraphernalia, and even human waste came to overpower the park and its surroundings. Residents formed new neighborhood groups designed to pressure the city to take action, which it did on August 6, 1988. That night, police evicted people in the park after midnight, sparking a riot as park dwellers, along with many community supporters, resisted the eviction and police attacked them in large numbers. Dozens of police, rioters, and passersby were injured in the confrontation that lasted until the early hours of the morning.

The neighborhood was deeply divided by the eviction. Mayor Edward Koch rescinded the curfew in the face of organized community opposition to it because of the absence of an adequate alternative place for the people to go to. But by the summer of 1989 the park was again besieged by the overlapping populations of homeless people, drug dealers, and street kids. Another round of community organizing resulted in the police's restricting the use of tents or other structures by the hundreds of people living there. This low-level harassment of the park dwellers satisfied neither side of the divided community. It failed to provide real alternatives for the people there, and it failed to remove them from the park. This halfhearted approach further polarized the community and highlighted the city's inability to develop real services for single homeless adults with mental health and substance abuse problems. By the summer of 1991, even many supporters of the homeless, who had preferred an expansion of services instead of evictions, were ready to support the closure and renovation of the park as a way of displacing the problem from their midst. On June 2, Mayor David Dinkins did just that, closing the park for more than a year in order for it to be rehabilitated. Since then, the park has been closed each night at midnight, and no sleeping materials or tents are allowed during the day.

Subways

Conditions in the city's subway system also were at a low point in 1989. The New York Transit Authority (TA) estimated that more than two thousand people were living in the system's stations and trains, but advocates maintained that the number was several times larger. Indeed,

conditions were so bad in some areas that the TA believed that it was at least partially responsible for the first fall in ridership levels since the fiscal crisis of the mid-1970s. Riders complained about the usability of cars occupied by sleeping people who had not bathed or had soiled themselves. Entry areas were populated by people disabling the turnstiles in hopes of obtaining errant tokens for resale. Benches throughout the system were turned into beds, especially on cold winter nights. Panhandling was endemic as well, especially during heavily traveled daytime hours. And more than two dozen homeless people died in the system that year after being hit by trains or electrocuted by the third rail while looking for shelter in tunnels.

The situation became so bad that in October the TA announced the creation of new rules for the system that prohibited blocking stairs or platforms, sleeping while lying down, trespassing in the tunnels, and panhandling, as well as the stricter enforcement of existing rules prohibiting public drinking and intoxication, vandalism, smoking, and littering. Operation Enforcement, as it was called, was designed to restore order to the subway by strict “zero-tolerance” enforcement of minor violations. The hope was that this would give officers the tools to root out those who were making the subway less usable and, in the process, set a tone of law and order that would draw back the riding public. This initial effort, however, was unsuccessful due to the lack of support by New York’s governor, Mario Cuomo, and many police officers, as well as resistance from homeless advocates who brought a number of lawsuits against the effort. As a result, thousands of people continued to live in the subway system.

The Quality-of-Life Response

By the early 1990s, the unabated increase of public disorder caused a dramatic shift in social policies and urban politics that ushered in an urban political backlash in New York and many other American cities. This is not to say that before 1990 all homeless policies were therapeutic and that after 1990 all were punitive. Nonetheless, during the early 1990s, there was a radical change in emphasis toward punitiveness that could be seen all across the country. The National Law Center on Homelessness and Poverty identified forty-two cities that developed new antihomeless measures in 1994, compared with only nine cities in 1991.

The report indicated that the adoption of punitive measures was widespread and occurred in both historically liberal cities such as San Francisco, Santa Cruz, and Seattle, and conservative cities such as San Diego, Houston, and Denver. It also showed that these actions were often taken with broad grassroots support, as evidenced by the success of ballot measures and political candidates who championed the new punitiveness.⁸

In 1991, the Miami police regularly arrested homeless people for sleeping, eating, and urinating in public. In 1994, they used bulldozers to demolish a homeless shantytown in downtown Bicentennial Park. Later that year, they also passed new laws restricting “aggressive solicitation” and “pedestrian interference.” In fact, these attacks became so intense that a federal court in *Pottinger v. City of Miami* (1991) ruled that the city’s intent was to criminalize the essential acts of homeless people who had no alternative, given the almost complete lack of a homeless shelter system, and that the city must establish safe zones where the police would be prevented from harassing people living outdoors.

In 1993, the city of Seattle created a new ordinance making it illegal to sit or lie down on the sidewalk in many public places, including the central business district. Police, working closely with area merchants, also began rigorously enforcing obstruction, begging, and trespassing laws. The result was hundreds of arrests and numerous large “sweeps” of public places in the central city.

In 1993, a number of local groups in Santa Monica, California, proposed a local ordinance banning both camping in any public place and abusive solicitation. After a broad mobilization in support of the ordinance, the city council passed it in 1994, as well as tough restrictions on the public distribution of free food. The effect of these measures was to criminalize the basic social and bodily acts of homeless people, forcing them to choose among jail, an overcrowded shelter system, or moving to another town, with similar consequences.

One of the clearest examples of the new backlash was the creation of the Matrix Program in San Francisco in 1993. Matrix relied on a wide variety of enforcement tools against public disorder, including the zero-tolerance enforcement of existing nuisance laws, the resurrection of nineteenth-century municipal statutes, and reinterpretations of existing state laws, local ordinances, health codes, and park regulations. Matrix resulted in the arrests of hundreds of people for sleeping in

parks, panhandling, loitering, urinating outdoors, and serving free food in public. More significantly, it generated thousands of citations that quickly became arrest warrants when people failed to make their court appearances or to pay their sometimes sizable fines. In an effort to increase the tools available to the police, the mayor (and former police chief), Frank Jordan, supported a local initiative to criminalize “aggressive panhandling,” which the voters passed in 1994 and the police used to sweep central commercial areas.

New York City, which like San Francisco represented the pinnacle of liberal approaches to social problems, stepped up its punitive measures against the homeless in 1990 with the ejection of large numbers of homeless people from the state-run subway system. This effort was led by William Bratton, the chief of the New York City Transit Police. In 1991, Mayor David Dinkins, a liberal Democrat, expanded this approach with the sweeping of Tompkins Square Park and numerous other public encampments. In 1993, Mayor Dinkins also initiated a police enforcement effort targeting “squeegee men,” who wash car windows at intersections for spare change. The move toward punitiveness did not begin in earnest, however, until Rudolph Giuliani took over as mayor in 1994. Giuliani immediately brought in William Bratton to be commissioner of the New York Police Department (NYPD), and together they developed a number of new tactics to drive the homeless from public space.

Giuliani reformulated the homeless problem as a disorder problem by framing the issue in terms of “quality of life,” which allowed him to treat homelessness as a criminal justice issue and not a social services one. He switched the focus of urban social policy from improving housing, employment, social services, and fighting poverty, to using the police to control public disorder. Rather than expanding access to affordable housing or social services or improving labor market opportunities for those with limited skills, Giuliani dramatically expanded the size and role of the police department. The NYPD became the agency of first resort for complaints about the declining quality of community life, including homelessness. This approach concentrated on the impact of homelessness and other low-level disorders on residents and neighborhoods rather than focusing on the plight of the people who were the source of this disorder. The police department’s primary new directive on homelessness, “Police Strategy No. 5: Reclaiming the Public Spaces of New York,” addressed the policing of specific behaviors such as

street peddling, panhandling, and squeegee cleaning, rather than explicitly targeting the status of being homeless: “Over the years, enjoyment of public space has been curtailed. Aggressive panhandling, squeegee cleaners, street prostitution, ‘boombox cars,’ public drunkenness, reckless bicyclists, and graffiti have added to the sense that the entire public environment is a threatening place.”⁹ These behaviors were mainly but not exclusively associated with people living on the streets. As a result, these behaviors became code words for the presence of homeless people, and in the process, rather than focusing on homeless people as such, this directive and its enactment established a new way of thinking about homeless people as causes of disorder, thereby facilitating the criminalization of a whole range of socially marginal people.

Explaining the Rise of Quality-of-Life Policing

These punitive measures were a significant departure from earlier approaches to homelessness, which relied largely on short-term emergency responses and therapeutic strategies. In the early years of Mayor David Dinkins’s administration, New York City focused on maintaining the city’s mammoth emergency shelter system and creating permanent and transitional housing, as well as a network of social services. Rhetorically, Dinkins emphasized the plight of homeless families and children in an attempt to portray them as the deserving poor. But two years into Dinkins’s term of office, he began to move away from his liberal policies of housing development and social services and to experiment with more punitive measures. He failed, however, to embrace this new punitive effort completely, enacting it only sporadically. Perhaps more important, he failed to fashion it into a public ideology. Consequently, Rudolph Giuliani was able to unseat him as mayor by clearly articulating a vision of restoring order and bringing prosperity to the city, its neighborhoods, and its public spaces through aggressive zero-tolerance policing. Giuliani was politically successful because he managed to harness the widespread concern of business leaders and neighborhood residents about the declining quality of life in the city by promising to quickly and effectively address visible disorderly behavior. He argued that by reversing the visible symptoms of social and physical disorder, urban spaces would be economically revitalized. This contention appealed to residents who similarly viewed the problems of disorder as

symptomatic of a city out of control: economically in the form of rising rents and declining wages, socially in the form of growing crime and disorder, and physically in the form of increased filth and decaying public infrastructures.

When Giuliani took office in 1994, he turned Dinkins's policing experiments into major citywide operations. He evicted dozens of homeless encampments, displaced squeegee men, and ordered the police to harass homeless people through the zero-tolerance enforcement of minor infractions. In the shelter system he attempted to transform the rules of accountability for homeless people by charging them for staying in shelters and threatening them with eviction from the shelter system, loss of benefits, and even separation from their families for failing to abide by work requirements calling for people to work twenty hours a week. "Tough love" replaced housing and services as a new strategy for addressing homelessness and restoring order.

"Quality of Life" as a New Paradigm of Social Control

This book tries to answer one central question: What social forces lead to the rise of this new quality-of-life paradigm of urban social control? To answer this question, I describe the economic development strategies, policing practices, and social welfare policies that constituted urban liberalism in the 1970s and 1980s in relation to the problem of homelessness and other forms of disorder. The quality-of-life paradigm represents a general shift in social policies away from the prior paradigm of urban liberalism, along three axes. The first axis is a transition from socially inclusive, rehabilitation-oriented policies to socially exclusive, punitive ones. The second is a rejection of government-centered approaches to social problems in favor of market- and community-based efforts, and the third is a move away from the social tolerance of individual and group differences and toward a communitarian outlook that privileges majoritarian views of appropriate public behavior at the expense of the socially marginalized.

To explain why this transformation occurred in the late 1980s and early 1990s, I use New York City as a case study through which to examine the economic, political, and social factors contributing to the breakdown of urban liberalism and the rise of the new quality-of-life paradigm. Although New York is not representative of all American

cities, it is the premier example of a process that happened to a lesser degree in many other major liberal cities, including San Francisco, Seattle, Los Angeles, and Chicago. Like New York, these cities share a long-term investment in the political paradigm of urban liberalism, with its commitment to corporate-focused entrepreneurial economic development strategies, a social services orientation to social problems, a reliance on expert-driven centralized planning of land use and social services coordination, and a legacy of social tolerance.

I look at a number of different neighborhoods within New York City to see how the transformation from urban liberalism to “quality of life” was carried out. The new paradigm was able to garner support from a wide range of social actors from different races and classes. Business groups were motivated to increase retail and tourist business by reestablishing public order. Middle-class community activists—many with roots in the social movements of the 1960s and 1970s—mobilized to defend their neighborhoods from disorder. Minority neighborhoods were supportive of new policing strategies that would fight crime and involve community residents in the process. All these constituencies were frustrated by the inability of urban liberal politicians to reduce visible homelessness and restore civility to public spaces.