

Inquiry into Homelessness in Victoria

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Organisation:

Organisation position:

In order of priority, please rank the themes you believe are most important for this Inquiry into homelessness to consider: Rough sleeping,Services,Public housing,Indigenous people,Family violence,Housing affordability,Mental health,Employment

What best describes your interest in our Inquiry? Concerned citizen ,Other (please describe)

Are there any additional themes we should consider? Youth homelessness.

Submission:

Do you have any additional comments or suggestions?

Signature: Nicholas Kay Hui



*Attacking defensive architecture:
criminalisation and victimisation by hostile
designs in Victoria.*

Nicholas Kay Hui

EXECUTIVE SUMMARY

This report investigates how defensive architecture – structures and tactics employed in public spaces that prevent specific activities like homelessness – unjustly treats Victoria’s most vulnerable: young people.

The overall understanding garnered from a literature review points out that:

- The installation of defensive architectures is aimed at achieving socially constructed ideals which are difficult to justify in practice.
- Young people are more likely to be unfairly affected by defensive architectures:
 - Between 39% and 46% of those affected by defensive architecture are young people;
 - at least 10% of young people are affected by defensive architectures.
- Defensive architectures divert activities either to
 - more public places where young people are more likely to be targeted, both in terms of victimisation and criminalisation; or
 - more secluded places where young people are more likely to fall victim to crimes.
- Although defensive architectures affect young people more prevalently, they unjustly implicate society at large in the process; thus, they are not of interest to anybody.

Based on these understandings, this report makes the following recommendations:

- State and local governments should prevent the further installation of defensive architectural structures;
- All relevant and affected stakeholders should be included in the development and planning process of public spaces such that the use of urban spaces can be democratic and inclusive;
- The problem of homelessness should be addressed at the root such that defensive architectures are not necessary in the first place.

INTRODUCTION

In 2006, the BBC published an article detailing the use of pink lights in town centres of Lancashire, England with the *raison d'être* of preventing young people from loitering by making their acne more visible. The article brought to mainstream attention the often overlooked existence and prevalence of hostile architectures in our cities – physical structures, designs and tactics which prevent particular ‘unwanted’ activities in public spaces. Studs on public buildings to prevent skateboarding, high-frequency sounds audible only to young people to prevent loitering, and night-time sprinkler systems in parks and curved seats – shown on title page – to prevent vagrancy are just a few innovative examples of defensive architectures employed around Australia (Psaltis 2018; McKinnon 2015; McVeigh 2016; Kerrigan 2018). Debate about the congruence of hostile architectures in Victoria – and Melbourne, specifically – will no doubt be reignited following the murder of Courtney Herron, a homeless woman, allegedly by a man who was also homeless (Young & Petty 2019).

ISSUE

The issue *vis-à-vis* defensive or hostile architectures is most acute when the use (or more accurately, the *conditional* use) of public spaces is politicised (Bottomley & Moore 2007, pp. 171-82). The bifurcation and control of what is deemed ‘sanctioned behaviour’ and what is deemed ‘unwanted behaviour’ by these tactics inherently results in the othering of *some* behaviours, *some* characteristics and *some* people (Kawash 1998, pp. 320-37); inadvertently, this targets and disadvantages our society’s most vulnerable individuals: young people. This is because rather than preventing ‘unwanted’ behaviours from happening outright, hostile architectures divert their occurrence elsewhere: either to spaces that are more public or more secluded, where young people become disproportionately likely of being victimised and criminalised. Ergo, the

issue with defensive architecture is one of public space revanchism, which unjustly punishes young people by requiring them to bear the brunt of being simultaneously considered both more ‘at risk’ and more ‘as risk’ (Smith & Low 2005, pp. 11-3; Hughes 2011, pp. 404-5).

LITERATURE REVIEW

Defensive architecture and young people

The underlying problem with defensive architecture is attributed by multiple studies to late capitalism, both in defensive architecture’s agenda and effect. The *raison d’être* behind these structures in our cities are manifestly to serve and protect the interest of capitalist sensibilities by ‘sterilising’ the ‘entrepreneurial’ city from “visible poverty and homelessness” (Coleman, Tombs & Whyte 2005, p. 2512; White 2012, p. 33; Petty 2016, p. 71; Smith & Walters 2018, p. 2985). This is done as the productivity of capitalism is exemplified by performative public health and wellbeing; where homeless, and poverty cannot be seen, it does not exist and the city is prosperous (Rosenberger 2017, pp. 35-52; Sandercock 1997, p. 30; Mitchell 1997, p. 320). Nowhere is this more apparent than the gentrification and commercialisation of Melbourne’s inner suburbs, especially the Docklands (Harris 2018, pp. 1-2; Petty, 2016, p. 72). The effects and implications of such a discourse are manifold; however, the targeting of poverty and homelessness always ultimately falls on the shoulders of Victoria’s most vulnerable young people as they represent a more-than-significant proportion of those who are homeless and less well off.

¹ Although homelessness represents a diverse set of living conditions (Payne, Macgregor & McDonald 2015, p. 2), ‘homelessness’ takes the definition throughout this report as denoting ‘sleeping rough’. Rough sleepers represent 14% of the general homeless population (Australian Institute of Criminology 2015, p. 1).

The problem thus becomes a manifestly ‘youth’ problem when considering that between 39% and 46% of Victoria’s homeless population are under the age of 24, of whom 21% are under 18 (Council to Homeless People 2018; Australian Government 2008). Not only do young people constitute a large proportion of the homeless population and ipso facto are more likely to be affected by defensive architectures, the obverse is equally true; a Melbourne study conducted by Ramadan, Inder and Forbes (2005, p. 22) found that of their research sample, 10% of all young people were homeless. In a similar vein, the ‘unwanted’ behaviours which defensive architectures protect public spaces from also targets and punishes free time and availability, two characteristics more inherent to vulnerable young people. White (1996, p. 37) argues that young people are more likely to use public spaces and encounter defensive architectures because of the high rates of youth unemployment: over the last 40 years, those between the ages of 15 and 25 have consistently represented above 40% of the total unemployed population (Department of Parliamentary Services 2018). Hence, young people are the main demographic targeted by these tactics of gentrification because they are more likely to be disadvantaged.

Victimisation and defensive architectures

Homeless people are, on average, more likely to fall victim to crimes. Research in the United Kingdom showed that 67% of homeless people were victims of theft, 43% had experienced damage to their property, over half had been subjected to violence and nearly 10% had been sexually assaulted (Moore et al. 1995, p. 221; Newburn & Rock 2006, p. 127). Although no qualitative data explicates the Victorian situation specifically, a study which interviewed Melbourne’s homeless youths - between the ages of 14 and 18 - mirrors identical concerns about the prevalence of theft and assault within that specific demographic (Adler 1989, pp. 21-9). Adler also identifies, in addition to victimisation in general, that homeless youths were also more likely to fall victim to crimes perpetrated by Victoria Police; in fact, between 47% and 58%

of homeless youths studied articulated stories of being subjected to instances of assault, brutality, verbal abuse and harassment at the hands of police (1989, 30-8).

Although these problems of victimisation are *prima facie* attributable to homelessness per se, the ultimate cause can be traceable to the double bind of defensive architecture. On the one hand, defensive architectures often operate in semi-secluded and privately-governed public spaces, which results in the siphoning of the homeless and poor to places that are more public, where the use of space is less regulated (de Fine Licht 2017, p. 36; Mitchell 1997, p. 320). This renders the homeless and poor hyper-visible which makes the targeting of them as victims of crime more opportune because they are more readily seen as 'suitable targets' (Cohen & Felson 1979, pp. 599-604). On the other hand, defensive architectures may also funnel the homeless and poor to places that are more secluded. Although they may be less visible and thus may be less likely to be victimised, paradoxically, they are also more likely to become victims of crime as well *because* they are outside the protection of the public eye (Gaetz 2004, p. 433-88; Heerde & Hemphill 2016, p. 293). Hence, defensive architectures inadvertently conduit young people towards becoming victims of crime, one way or another.

Additionally, political victimhood is also a concept that is explained in detail by many studies looking at youth victimisation, wherein the removal of open access to public spaces reinforces and perpetuates the precarious conditions that young people so often face (Rosenberger 2017, pp. 40-5). This is because defensive architectures alienate young people from their privacy and security (Fitzpatrick, La Gory & Ritchey 1993, p. 366), deny them a political voice (Lynch 2004, pp. 8-9), strip them of their autonomy (Mitchell 2005, p. 78-85) and even revoke their personhood - "unable to take responsibility for...bodily functions as a result of [withdrawal of public toilets] the homeless body is shunned for its failure to adopt...standards of

social responsibility” (Kawash 1998, p. 332).

Defensive architecture and criminalisation

On the flip side of the problem, because of defensive architectures, vulnerable young people are also more susceptible to being charged with crime. Whilst the activities prevented by defensive architectures are not crimes per se, a number of offences enforced in Victoria directly target their ‘symptoms’. This includes (Summary Offences Act 1966 (Vic); Melbourne City Council Activities Local Law 2009):

- Begging;
- Loitering;
- Camping, which is broadly interpreted as any form of sleeping in public (Justice Connect 2017);
- Open urination and defecation;
- Obscene exposure;
- Disorderly conduct;
- Unreasonable use of ‘toy cars’ (skateboards).

Even if police exercise their discretionary powers to not charge youths with the aforementioned offences, criminalisation *qua* the harassment and intimidation of young people are common-heard stories about Victoria Police, including unnecessary ‘name checking’, fingerprinting and orders to move on (White 1996, p. 44; Farrell 2009, pp. 21-2). Defensive architecture exacerbates the problem by not only diversifying the *types* of offences young people can be charged with, they make more *frequent* the ability to be charged with said offences. As mentioned prior, defensive architectures increase the visibility of vulnerable youths because they divert them to places that are more visible. *Ipsa facto*, where these young people are more likely to be seen, they are also more likely to be noticed by police, which increases the chance of being charged,

arrested or harassed (McAra & McVie 2005, pp. 8-9; Russell & Russell 2012, pp. 20-21; Iwamoto 2007, pp. 516-8).

Ever more so problematic is the fact that defensive architectures change the way criminalisation works, whereby criminalisation is recast as a problem of self-regulation and self-policing (Foucault 1995, pp. 202-3; House of Lords 2009, pp. 26-7; Mythen 2014, p. 30). Young people are pre-labelled as ‘offenders’ because they *cannot* utilise public space and thus are implicated *before* they can ‘misuse’ public space. In other words, a wide net is cast by defensive architectures in reversing the presumption of innocence, whereby everybody is guilty of offending and unable to utilise public space *until* and *insofar as* they can prove that they are *not* homeless, unemployed or young and ipso facto physically capable of utilising the facilities within normative parameters (Davis 1999, pp. 232-36; Vygotsky 1978, p. 55-56, Bottomley & Moore 2007, p. 200). Hence, the problem of hostile architecture is a ubiquitous and pervasive problem that not only criminalises vulnerable young people, but also implicates society as a whole by default *to* criminalise young and vulnerable people.

RECOMMENDATIONS

Recommendation One:

The installation of defensive architectures should be prohibited. This may be done by:

- mandating that local councils change all design standard by-laws for furniture in open spaces. For example, the City of Melbourne currently has design standards for

“tourist bus shelters” which specifically prevent sitting or lying down (City of Melbourne 2013);

- local or state governments should stipulate in contracts privatising public spaces that the ownership and management of said spaces be subject to the prohibition of defensive architectural features;



Figure 1: 2 Peel St, Melbourne, Victoria (2017)

- governments should implement contracting embargoes on companies which specifically design street furniture pieces that are ‘anti-homeless’ or ‘anti-youth’.

Although design standards do not need to incorporate purposive manners of achieving comfort as tailored specifically for the homeless or youth, they should, however, not include measures which actively make facilities uncomfortable for particular people.

Recommendation Two:

The development of public spaces, particularly in inner-city suburbs, should incorporate an inclusive and democratic urban planning process which mandatorily includes consultation with homeless and youth stakeholders or representatives. This allows public spaces to be developed and continually managed in a way that maximises usage and allows for public spaces to *truly* be public, rather than exclusive of particular people.

Recommendation Three:

The City of Melbourne should repeal by-laws governing homeless policing protocols. The ordinance at current make the window for discretion too parochial and stringent (City of

Melbourne 2017; Stuart 2014, pp. 1912-8).

Recommendation Four:

The problem of homelessness should be fixed at the root: funding for homeless services in Victoria are, at current, inadequate. 38.2% of homeless Victorians were turned away from emergency and crisis shelters in 2018 because of insufficient funding to the homeless sector (Australian Government Productivity Commission 2019). Better funding should be allocated for emergency and crisis shelters, and rental assistance so vulnerable youths do not have to encounter defensive architectures in the first place. This thus alleviates the associated problems of disproportionate criminalisation and victimisation.

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