**Criminalization of Homeless in Libraries**

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ABSTRACT

Library policies often discriminate against the homeless. While some of these policies are meant to keep libraries in order, their ethical implications are often overlooked. The purpose of this research is to examine the implications of discriminatory library policies on the homeless and to identify the following research problems: Is it ethical to limit access of homeless patrons to shelter the rights of other patrons? How can libraries effectively respond to homelessness? What skills or knowledge gaps can be filled to help librarians’ diffuse conflict and uphold standards of behavior? How can the homeless be included in libraries? These questions were answered by reviewing literature that examines access to services in public libraries by people experiencing homelessness. Major findings on trends discovered as a result of this analysis show that by humanizing the unhoused and ceasing to identify the homeless as “problem patrons”, libraries can effect change and compassionately uphold standards of behavior. Implementing targeted library sensitivity training for staff and participating in outreach with local social service agencies can increase service to the poor and underserved.

INTRODUCTION

Library policies criminalize homeless populations and should be reconsidered. The presence of the homeless often discourages other patrons from accessing services. A conflict arises between needing to serve the whole community as well as serving the needs of the homeless. This literature review will examine the ethical implications of limiting the access of homeless patrons to protect the rights of other patrons. It will also explore to what extent libraries can control the conduct of their patrons and how they can effectively respond to homelessness. This paper also explores the need for training library staff to mitigate behavior issues. These trainings should be ongoing so that all staff becomes very familiar with ways to exhibit sensitivity to all patrons. Finally, if libraries facilitate the organization of community resources so that they are made public in a user-friendly way, it helps everyone, not just the underserved.

LITERATURE REVIEW

LEGAL IMPLICATIONS OF DISCRIMINATION

The First Amendment guarantees certain freedoms concerning the right to equal access which must be upheld by public libraries. In the District of Columbia, District of Columbia Public Library (DCPL) enacted a policy regarding offensive body odor that was later deemed unconstitutional by the courts because of its inconsistent enforcement.  Specifically, in the case of *Armstrong v. District of Columbia Public Library* (2001), a homeless man was refused entrance to the library based solely on his “objectionable appearance.” This policy used language describing “objectionable appearance” to encompass anyone with bare feet or chest, body odor, or dirty clothing, etc. Access to libraries should not be limited based on physical appearance or body odor. The library’s position against objectionable appearance was repudiated in 2001. In this case, the court ruled that the library’s stance against “objectionable appearance” was nebulous, and that Armstrong was unfairly discriminated against (Armstrong vs. District of Columbia Public Library, 2001). Furthermore, the library violated Armstrong’s First Amendment rights by restricting his ability to receive information. According to Wong, “everyone, including the homeless, has the right to visit and use libraries as protected under the First Amendment” ( 2009). Currently, DCPL’s behavior guidelines include policies against malodorous patrons and encompass language which states: “Any customer with an odor that can be detected by a reasonable person from six (6) feet away and/or disturbs other library users” (2017). Today, however, a patron must not have an offensive odor that can be noticed from six (6) feet away. Additionally, a patron’s smell must not “disturb other library users.” Consider the fictitious example of Jim, a middle-class man who exercises after work every day and then heads to the library. He clearly smells like body odor after a session in the gym, but he’s just returning a book. Should he be asked to leave the library? Would a “reasonable person” identify Jim as malodorous? Consistency with enforcing library policies is key for equitable treatment for all patrons and rules must be applied to everyone. Perhaps a more extreme example is what Hersberger offers in her analysis of homeless persons seeking information in libraries: “Toddlers, who can be smelly and loud, are not in the library reading anything and are often asleep, but no one advocates that this is a problem patron group unworthy of library services” (2005, p.3). Sleeping (or the appearance of sleeping) in public, sitting down in public (while not reading), and carrying bags of belongings into the library are discouraged in many libraries to the extent they are codified and discriminate against homeless patrons. Again, consistency in policy implementation is critical to treating all patrons equally. Additionally, any library policies regarding behavior must be written in plain language and posted visibly for patrons to see in the library (Wong, 2009) to avoid any confusion or misunderstanding. Policies must not seem arbitrary or subject to the whims of library staff members. Patrons do not want to feel capriciously singled-out. All patrons are worthy of equal treatment, and also to be treated with dignity and respect. If a patron is in violation of a behavioral policy, library staff must make a concerted effort to gently inform the individual, show the visible policy posting, and suggest remediation so that they can return.

“PROBLEM PEOPLE” OR PEOPLE WITH PROBLEMS?

Labeling a homeless individual a “problem patron” is both complicated and offensive for many reasons. One of the problems in library systems is the systemic view that the homeless are inherently “other” or aberrant and that their behavior automatically puts them in a class of a troublesome or problem patron. Libraries and librarians use an unconscious bias when they identify an underserved patron as “problematic”. Ayers makes a compelling delineation between the deserving and the undeserving poor; those who become homeless due to personal dysfunction are deemed less deserving of services and assistance than a homeless family, child, or individual who have lost housing “through no fault of their own” (2006). Policies and procedures cannot reduce a person to their behavior alone, nor can they restrict access to information, services, and technologies for the economically disadvantaged. Wong is in accordance with Ayers and asserts that it is feasible to balance serving majority groups while extending services to groups like the homeless. She stresses that homeless library users are not problem patrons by default, but instead belong to an underserved group deserving of dignity and respect (2009). Equity in access for all people in libraries is critical. Libraries should not only support patrons of economic means, but those in marginalized communities, including individuals experiencing homelessness. “When we render our libraries accessible in ways that exceed access to information, we also contribute to the enactment of values like diversity and social responsibility” (Kumbier and Starkey, 2016, p. 487-488).

Dowd espouses that individuals experiencing homelessness are more likely to use libraries because they are spacious, calm, quiet, intellectually stimulating and inclusive. These very traits contrast starkly with the realities this at-risk population face. Shelters are crowded, noisy, oftentimes chaotic spaces. During the day when shelters close, those without homes face boredom, depression, profiling by police, and exclusion from many public spaces. Any tendency towards a psychological problem is aggravated and magnified by the constant stress, social isolation, loss of self-esteem, despair, and relentless boredom of street life (2018). Libraries are meant to be a community public space of inclusion and they can allow homeless individuals to participate in the greater community at large. ALA‘s Policy on Library Services for the Poor (Policy 61 in the ALA Policy Manual) declares“Access to library and information resources, services, and technologies is essential for all people, especially the economically disadvantaged, who may experience isolation, discrimination and prejudice or barriers to education, employment, and housing” (2010). Libraries should provide free access to information without prejudice.

HUMANIZING THE HOMELESS

Individuals experiencing homelessness are isolated and seeking sanctuary in a calm, safe space during the day when shelters let out. Most homeless shelters provide an overnight safeguard and a place to sleep, however, they close in the mornings and for the entire day leaving the homeless at ends to find a refuge where they can comfortably relax and take care of daily business. Checking email, reading the daily newspaper, using the restroom, using outlets to charge cell phones or other devices, checking out books or periodicals and using the computers are all tenants of daily business that you would expect any library patron to take advantage of. A person without the luxury of a space to call their own would naturally gravitate toward an open, public, calm environment with plentiful, free resources. Homeless patrons are no different than any other patron in that they may need help in obtaining a library card; they may need assistance in locating a book; they may need help with the computers; they may need help researching jobs or benefits; they may require assistance with online databases (Dowd, 2018). Homeless people have information needs, too, and these needs are difficult to meet without housing security. Without homes, people lack privacy and access to information. Individuals experiencing homelessness should not be defined by their current state of not being housed.

The underserved poor are not a homogenous population and should not be treated as such. People experiencing housing insecurity are a diverse population with diverse needs. Reasons for homelessness are varied and differ depending on whether or not lack of shelter is from a short-term or long-term circumstance. Inability to pay rent, eviction, loss of job, and health issues can all contribute to situational homelessness. People experiencing more entrenched or intractable homelessness are said to be suffering from chronic homelessness, which often has roots in a chronic health condition, serious mental illness or substance abuse disorder. Persons experiencing homelessness, no matter what kind, deserve to be treated with respect, humanity, and dignity.

LIBRARY TRAINING AND SKILLS

Ayers contends that library staff members need to formulate a cohesive policy for dealing with inappropriate behavior (2006). Consistency in policy enforcement with respect and compassion has greater efficacy in eliciting good behavior. Libraries should include library services planning for the socially excluded, including individuals experiencing homelessness. Equal enforcement of the rules is critical so that one type of patron is not singled out over another due to unconscious bias. Not only does enforcing the rules consistently across all patrons minimize conflict, it reinforces human dignity. Sensitization training of library staff to the unique needs of the poor and homeless should focus on removing barriers that hinder their use of libraries. Foster supports that through providing training and increasing staff awareness, library staff will better be able to manage escalations of conflict in crisis situations. This training and awareness will lead to better customer-staff relationships and safer libraries for everyone (2016). Libraries should create ongoing training programs around user behavior policy. According to the American Library Association (ALA), “Libraries should develop ongoing staff training programs based on their user behavior policy. Staff training should address the provision of service to people with disabilities, members of marginalized and traditionally underserved populations, and those experiencing poverty and homelessness, as well as the social, economic, and cultural diversity within communities (2007).”

One of the purposes of libraries is to help patrons find resources to solve their own problems. Librarians and library staff should be able to make targeted referrals to community resources for all patrons, not just underserved populations. One major issue in attempting to adequately serve all patrons is the bifurcation in public library response. Giesler asserts that libraries often struggle with finding the right balance between the rights of the homeless and the right to create a safe environment for all patrons (2017). While some libraries seek solutions to better serve underprivileged patrons, others establish strict protocols, thereby reducing access to services. Leadership plays a vital role in shaping the development of community and inclusivity in libraries and contributes to closing the gap in the digital divide. “…without the right attitude and perspective—call it vision—there will always be a disconnect between saying we serve everyone equally and actually doing so” (Gehner, 2010, p.45). Those in a leadership position can focus on advocacy and look beyond policies and politics and into action. Giesler contends that the need to promote a comfortable co-existence between homeless and non-homeless patrons proved to be a source of tension for library staff (2017). Lack of training for library personnel in how to engage homeless patrons can result in barriers to service and stress for poorly trained staff. Wong asserts that in addition to having no policy for homeless patrons, library staff often lack the proper training to handle delicate situations (2009). Educated and compassionate staff that are comfortable with providing information services to those experiencing homelessness are paramount. Leaders play a vital role in motivating library staff and facilitating training that could assist them with challenging situations and aid them in providing consistency in services.

Initiating strategies such as staff training can result in homeless patrons receiving improved access to services, therefore having an overall positive community impact.

COMMUNITY OUTREACH AND ENGAGEMENT

The systemic problem of homelessness is not one for libraries to solve, nor are librarians social workers. One solution lies in compassion, understanding and respect, and collaboration with outside social service agencies. Libraries should perform a community needs assessment in order to identify the strengths and resources available within the community to meet the needs of underserved populations. In addition, libraries can collect and present the most current information to help those with housing insecurity get connected to public services. Some examples are making forms and applications readily available such as voter registration forms and driver’s license applications. Libraries can identify which local service providers already exist, and compile these agencies in a document, flyer, or quick-reference card for patrons to use. Baltimore County Public Library developed a “street card” with a robust directory of resources for homeless patrons including shelters, health care, food, legal services, clothing, and drug rehabilitation. (BCPL, 2014). This resource was then taken over by Baltimore County Communities for the Homeless, a Baltimore County community engagement organization for the homeless. The street card directs individuals to the Baltimore County Public Library for copies of the card. Symbiotic partnerships can be formed between the libraries and state agencies, community organizations, and other institutions to encourage individuals and enhance communities. Libraries are recognized as trusted, important institutions that are a vital part of their communities (Foster, 2016). The expansion of services to those patrons that require additional support demonstrate the library’s commitment to the community and strengthen relationships among residents and community groups.

By removing barriers such as proof of identity and address to obtain a library card, libraries can promote equitable access and homeless patrons may more easily use library services and check out books. Many libraries, including DCPL, have removed barriers to accessing library cards; they allow people to use the address of the shelter or transitional housing facility where they currently reside in order to obtain a card. Additionally, eliminating monetary fines such as fee for services can remove barriers to the access of library materials and remove social inequities. (ALA, 2014). Libraries can work on building programs and other services around the hours in which shelters are closed so that the unhoused can greater take advantage of what is on offer. Digital literacy, resume workshops, ESL classes, and literacy programs are all examples of internal programming library staff can be trained to facilitate. These programs benefit all patrons, not just the poor and underserved.

DISCUSSION

In this literature review I am investigating the primary research problem that library policies criminalize the homeless. This exploration utilizes a review of literature that examines access to services in public libraries. This review demonstrates a correlation between narrowly defining and enforcing library guidelines to a reduction in services for underserved populations. Major findings of the study include the implementation of targeted training and education for staff in order to preserve consistent policy enforcement and equal treatment for all patrons. Additionally, librarians and staff can liaise with outside social service agencies in order to increase service to those with a scarcity of resources. Finally, by humanizing those individuals experiencing homelessness, libraries and their staff can more appropriately mitigate behavior issues and learn that all patrons are worthy of dignity and respect. Questions raised by previous studies, including Wong (2009), Ayers (2006) and Giesler (2017) served as the motivation for this study, the findings of which examine the role of the homeless in public libraries.

CONCLUSION

In addition to strong, motivating leadership and training of library staff, libraries can partner with mental health and social service agencies in the community to further educate and increase awareness about the needs of the poor and homeless. Libraries are social agencies and should be safe spaces, not only providing refuge for the disenfranchised, but services for all patrons, regardless of their economic background or ability. Equal policy enforcement, progressive leadership, appropriate staff training, and collaboration with community support services all help libraries to fight criminalization of the homeless and open doors to the wider community.

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