



## Reducing Criminal Justice System Involvement among People Experiencing Homelessness

Communities across the country have made significant progress implementing Housing First approaches and other strategies needed to prevent and end homelessness in America. At the same time, criminal justice involvement among people experiencing homelessness remains a significant problem.

A large number of individuals who enter emergency shelters and other homelessness services were recently discharged from jail or prison. Additionally, some communities have adopted or are considering local policies and measures that criminalize homelessness and its associated behaviors — like sleeping outdoors — only perpetuating the cycle of criminal justice involvement and homelessness. We also know that there is a close parallel between racial disparities in the criminal justice system and racial disparities in the experiences of homelessness in this country. Reducing those disparities requires addressing the intersections between people's involvement in these systems.

We must take action to break the cycle of incarceration and homelessness. By doing so, we can make it easier for communities to engage and assist people experiencing homelessness, reduce people's health and behavioral health problems, and increase access to housing and other services that people need to stay in a stable home.

### Links Between Homelessness and Incarceration

Mass incarceration in the United States has disproportionately affected low-income communities and communities of color, including people experiencing homelessness. The relationship between homelessness and criminal justice involvement is also bi-directional — homelessness increases the risk of criminal justice involvement, and vice versa.

### There is a high prevalence of past criminal justice involvement among people experiencing homelessness.

- Anywhere from 25 to 50% of people experiencing homelessness have a history of incarceration.<sup>1</sup>
- Nearly 50,000 people, or 5% of all adults who enter shelters annually, come from correctional facilities.<sup>2</sup>
- Homelessness is 7.5 to 11.3 times more prevalent among jail inmates than the general population.<sup>3</sup>

### The risk of criminal justice system involvement is higher for people experiencing homelessness.

- In a study of almost 15,000 Veterans enrolled in the HUD-VASH program, as many as 66% report histories of incarceration.<sup>4</sup>
- Another set of studies estimate that 20 to 30% of unstably housed youth have arrest histories.<sup>5</sup>
- As many as 15.3% of all people in jail in the U.S. report experiencing homelessness in the year prior to incarceration.<sup>6</sup> This rate appears to be higher for people with serious mental illness. Nearly one million adults with serious mental illness are booked into jails annually and many of these individuals have histories of homelessness.<sup>7</sup>

## Breaking the Cycle

In order to end homelessness, we must reduce the number of people who enter the criminal justice system from homelessness and prevent homelessness among people leaving criminal justice settings. We are focused on strategies to support policymakers and communities in achieving those goals, including:

### Reducing the Criminalization of Homelessness and Developing Alternatives to Criminal Justice System Involvement

Rather than passing laws and pursuing practices that criminalize behaviors associated with homelessness, such as camping, public sleeping, sitting on sidewalks, or soliciting money in public, we must adopt [constructive alternative policies and practices](#) that put people on a path to stable housing. Communities should offer alternatives to criminalization by creating comprehensive and seamless systems of care; collaborating with law enforcement, health and behavioral health, and social service providers on outreach and engagement and coordinated entry and assessment efforts; and developing strategies that provide alternatives to prosecution and incarceration.

### Reforming Law Enforcement and Sentencing Policies and Improving Collaboration among Law Enforcement, Behavioral Health, and Homelessness Assistance Services

Sentencing policies that impose severe penalties for minor offenses often exacerbate criminal justice involvement for people experiencing homelessness. We must promote pretrial diversion, prosecution, and sentencing policies that avoid more severe penalties for non-violent offenses. We must also encourage the development of strategies that provide alternatives to prosecution and incarceration, such as expanding diversion services to keep youth and adults with behavioral health issues from entering the criminal justice system and connect them to permanent housing and supportive services.

In addition, jurisdictions can establish problem solving courts, including Veteran Treatment Courts, homelessness courts, mental health courts, and drug courts to divert individuals to housing and behavioral health services and reduce recidivism. Communities can also invest in crisis intervention teams, which build collaborations and foster great coordination between law enforcement, behavioral health care professionals, and homelessness assistance systems to coordinate jails, housing and behavioral health services.

### Enhancing Reentry Planning and Services, including Targeted Housing and Services Interventions

We must strengthen reentry programming, including improving coordination with homelessness services and [supporting targeted housing and services interventions](#) for people leaving criminal justice settings who are at risk of homelessness. Communities have begun to experiment with a variety of solutions including:

- Collaborations between jails, prisons, and legal services attorneys to provide essential legal services for people leaving incarceration who are at risk of homelessness
- Programs that provide jail and prison in-reach by homelessness services, such as the VA's [Veterans Justice Outreach Program](#)
- Targeted reentry housing interventions, like CSH's [Frequent Users System Engagement \(FUSE\) initiative](#), that connect individuals with histories of frequent use of jails and homelessness services to supportive housing, and [reentry programs developed and administered by Public Housing Agencies](#)

### Removing Barriers to Housing and Supportive Services for Individuals with Criminal Records Who Are Experiencing or at Risk of Homelessness

Individuals with a criminal record often face collateral consequences of incarceration, like sanctions and disqualifications in housing, employment, education, social services, parental rights, voting rights, and other areas, that make it hard for them to achieve stability. We must reform policies and practices to remove barriers to

housing and supportive services for individuals with criminal records who are experiencing or at risk of homelessness.

To address this issue, communities are [excluding the use of arrest records when determining eligibility for public and other federally-assisted housing](#), creating or expanding expungement and sealing remedies, reducing waiting periods to seal or expunge records, reducing felony offenses to misdemeanors, adopting “banning the box” initiatives to institute fair hiring practices, and [raising tax credits](#) to incentivize employers to hire people with criminal histories.

Join us as we pursue multipronged strategies at all levels of government to address and reduce these intersections and to create better outcomes for our communities and for the people experiencing homelessness and repeated cycles through institutional settings.

### **Additional Resources:**

[The Federal Interagency Reentry Council: A Record of Progress and a Roadmap for the Future](#) – This report provides a review of the Reentry Council’s progress and accomplishments and plans for the future.

[President Obama Announces New Actions to Promote Rehabilitation and Reintegration for the Formerly-Incarcerated](#) – This fact sheet provides a list of actions taken by the administration to help promote rehabilitation and reintegration, including reforms that reduce recidivism.

[Launching the Data-Driven Justice Initiative: Disrupting the Cycle of Incarceration](#) – This fact sheet discusses the Data-Driven Justice Initiative (DDJ), a bipartisan coalition of city, county, and state governments that are committed to using data-driven strategies to divert low-level offenders with mental illness out of the criminal justice system.

[Connecting People Returning from Incarceration with Housing and Homelessness Assistance](#) – This tip sheet offers ways to help people exiting the criminal justice system connect with available housing resources.

[It Starts with Housing](#) – HUD released this resource to highlight promising models of public housing agencies implementing successful reentry programs.

[Financing Effective Housing Interventions with Pay for Success](#) – This document provides examples of states that are using Pay for Success to finance effective housing interventions for vulnerable populations by expanding permanent supportive housing models in their communities.

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<sup>1</sup> Metraux, S. & Culhane, D. Recent incarceration history among a sheltered homeless population. *Crime and Delinquency* 2006; 52(3):504-517.

<sup>2</sup> U.S. Department of Housing and Urban Development. *2013 Annual Homeless Assessment Report: Part 2 – Estimates of Homelessness in the U.S.*

<sup>3</sup> Greenberg, G. & Rosenheck, R. Jail incarceration, homelessness, and mental health: a national study. *Psychiatry Services* 2008; 59(2):170-77.

<sup>4</sup> Tejani N., Rosenheck R., Tsai J, Kaspro W. & McGuire JF. Incarceration Histories of Homeless Veterans and Progression Through a National Supported Housing Program. *Community Mental Health Journal* 2013.

<sup>5</sup> Ferguson KM, Bender K, Thompson SJ, Xie B, Pollio D. Exploration of Arrest Activity among Homeless Young Adults in Four U.S. Cities. *Social Work Research* 2012; 36(3):233-238.

<sup>6</sup> *Id.*

<sup>7</sup> Morrissey JP, Cuddeback GS, Cuellar AE, & Steadman HJ. The role of Medicaid enrollment and outpatient service use in jail recidivism among persons with severe mental illness. *Psychiatry Services* 2007; 58(6):794-801.