
# Before 'Everything Else Falls Apart'
## A Call to Action at the Housing-Justice Nexus

*Without stable shelter, everything else falls apart.*[1]

Access to safe and secure housing is a prerequisite to human flourishing; anything that jeopardizes that stability significantly elevates a person's risk of justice-system involvement. People who are, or have been, homeless are dramatically overrepresented in the criminal justice system. This causal link is especially apparent among people cycling through courts and jails on lower-level misdemeanor charges and those struggling to comply with the requirements of community supervision.

Efforts are underway to address the connection between housing needs and justice-involvement, but urgent work remains to be done—from initiatives to address housing instability *before* it triggers system-involvement, to efforts to meet people's housing needs as they exit jails and prisons.[2]

Following an overview of the evidence, this policy brief focuses on frameworks for addressing people's housing needs at the moments those needs interact with the criminal justice system. These are frameworks that will help address housing needs and improve the likelihood of success for justice-system reform efforts more generally. The hard truth is that if you are attempting to improve outcomes for people who are justice-involved, your efforts will likely fall well short of the mark if you neglect housing needs.

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# Evidence

Justice-system involvement can be catastrophic for anyone, regardless of their housing status. Yet the evidence is clear that being homeless at the time of an arrest triggers a cascade of especially negative results, all along the criminal legal continuum, and after.

### Housing-insecure people experience more arrests

People experiencing homelessness are *11 times* more likely than their housed neighbors to be arrested.[3] Many communities criminalize homelessness and over-police people living on the street.[4] People who are unhoused are also more likely to break laws as they struggle to meet their survival needs.[5]

### Housing-insecure people have worse outcomes in court

Court processes can be protracted and difficult to manage. People living on the street, or who do not have a stable home address, often miss court-date notifications and can struggle to keep track of important paperwork and far-off court dates.[6] Transportation to court can also be difficult to arrange, and they confront the unique challenge of needing to secure their personal belongings while in the court building.

These challenges translate into a higher likelihood of warrants and detention. Indeed, the simple fact of not having a permanent address causes many prosecutors to seek higher bail amounts.[7] And judges can be reluctant to release people pretrial who are unhoused for fear of them not returning to court.

As a mountain of evidence now shows, being detained pretrial makes a conviction both more likely and more likely to generate a more punitive sentence.[8] And absent a fixed address, it is harder to engage in the kind of programming that results in more favorable case outcomes or in helpful mitigation evidence at sentencing. Parole decisions also often require housing as part of a viable release plan, so if someone is incarcerated, they may remain inside for longer if they cannot secure suitable housing.[9]

### People with criminal records have significantly worse outcomes in the housing market

Having a criminal record impedes your ability to access housing, continuing the vicious cycle of system-involvement and housing insecurity for those who were homeless prior to their arrest. Reentry can likewise be the trigger for many to experience homelessness for the first time.

People who have been incarcerated are approximately *10 times* more likely to be homeless than the general public.[10] These rates are even higher for formerly incarcerated Black and Hispanic people.[11]

Discrimination by landlords—both formal and informal—helps to drive these statistics. A 2021 national inventory found more than 1,300 "criminal record-related barriers to housing and residency across state, county, and city jurisdictions, and 26 barriers at the federal level."[12] Background checks are an almost ubiquitous part of the apartment application process, allowing landlords with vague selection criteria to use information in unclear and discriminatory ways.[13]

An increase in recidivism is a risk for anyone touched by the criminal legal system, but, as with the outcomes described above, experiencing homelessness after your release dials up that risk—by close to 50 percent in one study of people on probation.[14] If you're on parole, being homeless also increases your risk of revocation and readmission into prison.[15]

Being homeless at the time of an arrest triggers a cascade of negative results.

## Frameworks

Homelessness and justice-system involvement feed one another—people who are homeless are far more likely to be arrested and then have worse outcomes at every stage of the criminal justice system, and beyond. Reducing arrests, expanding diversion programs, decreasing the use of incarceration and lengthy sentences—the evidence suggests that if the people impacted are homeless, housing *must* be part of the solution in order to reach these goals.

The worlds of housing advocacy and criminal justice reform are often distant ones, but there are creative collaborations working to bridge this divide. What follows, grouped roughly chronologically along the criminal legal continuum, is a selection of justice system reform models that center housing—some are well established, others are just gaining steam. They are examples of what we need to study, improve, draw inspiration from, and scale. The urgency is clear, as is the return on investment.

### Replace arrests with housing resources

Most arrests in the United States are made for low-level, "quality of life" crimes.[16] This is the most common way that homeless people are enmeshed in the justice system. The most direct way to put a stop to the cycle of homelessness and incarceration is to connect people who need housing to resources instead of arresting them. Law Enforcement Assisted Diversion, which started in Seattle and has spread to dozens of locations across the country, and Project HOPE in Wichita are both examples of this. These are partnerships between law enforcement and social service agencies that connect people identified as "at risk" of future criminal conduct to services and supports, including housing. Evaluation of the LEAD model shows how impactful this kind of intervention can be on both recidivism rates and housing stability.[17]

### Embed housing navigators in criminal court programs

Once people are arrested, there are many points during the criminal court process when their housing status can be assessed and assistance provided. This can also lead to better outcomes in their criminal cases. Operating in six counties in Washington State, Housing Stability for Youth in Courts identifies young people in juvenile court at risk of, or already experiencing, homelessness and connects them and their families to community-based housing services. Among other positive results, studies of the program have shown that its participants were much more likely to engage in services.[18] Diversion Hub in Oklahoma City, meanwhile,

is a misdemeanor diversion program providing wrap-around services to people going through court, including connecting them to housing resources.

In New York City, our organization, the Center for Justice Innovation, provides housing assistance in many criminal courts. Our social workers and case managers assess and respond to participants' housing needs as part of our Supervised Release Program, an alternative to bail in New York City, and in our misdemeanor and felony diversion programs. In the case of Supervised Release, on last year's intake assessments, more than a third of our participants flagged a housing need or reported interest in housing services. This housing assistance involves, among other things, helping connect people to subsidy programs; ensuring participants are accessing all of the income supports for which they are eligible; helping people obtain the documents needed for housing applications; and assisting them with navigating the housing search process.

Housing assistance helps participants successfully complete programming that, in the case of Supervised Release, allows them to remain at liberty while their case proceeds and, in the case of diversion, allows them to receive a reduced or dismissed charge and avoid incarceration.

Traditional approaches have failed to break the cycle of housing instability and justice-involvement.

### Create partnerships between public defenders and eviction defense attorneys

Justice-system involvement can destabilize people's existing housing arrangements. Arrest, detention, and court dates can mean missed days at work, missed paychecks, and missed rent payments. People may also be kicked out of their homes by their landlord if they learn of an arrest, whether that is legal or not. The rippling effects this has on other household members can be profound.

Pittsburgh is an example of a jurisdiction thinking creatively about linking public defender and eviction prevention programming so that referrals can be made as quickly as possible once an eviction risk is identified. It is a version of the housing assistance in criminal court concept. Once the model is fully developed, it could lead to a consideration of housing consequences in arguments before the judge at arraignment or in negotiations with a prosecutor. It could also help to mitigate the impact of system-involvement on housing by connecting someone to legal services early.

### Dedicate alternative courts to the needs of the homeless

Community courts are non-traditional courts that center procedural justice and problem-solving. These courts are often embedded in the communities they serve—partnering with community-based organizations and services to address broader community problems and safety concerns. In many places, community courts handle the types of low-level misdemeanor offenses likely to be

associated with people living on the street or experiencing housing instability.

In other words, community courts are often de facto homelessness courts. Where this is the case, these courts have a particular opportunity to bring their problem-solving justice values to bear to do two critical things: i) connect litigants experiencing homelessness to high-quality, community-based housing resources; and ii) design the court process itself to minimize harm and maximize the ability for homeless litigants to participate and resolve their cases favorably. The Red Hook Community Justice Center, operated by the Center for Justice Innovation, has been operating this way for more than 25 years—a product of what we learned from community members when we were first establishing the court. More recently, community courts with a focus on homelessness have emerged, building on the community court principles developed in Red Hook to meet the needs of this particular group.

San Diego Homelessness Court is one such example. The San Diego court has created a mechanism by which someone's work to address their own situation with one of almost 100 community-based homeless service agencies can be presented to the court and used to resolve fines, fees, and tickets. The court hears cases related to a range of misdemeanor offenses, as well as infractions and parking citations, and the court process itself is designed to be as welcoming and easy to access as possible.

Kansas City Care Court is a similar model where unhoused people working with the city's Office of Unhoused Solutions are eligible to receive "credit" in court for their work with a community-based service provider towards goals the participant has set for themselves. If they are successful in the program, they only need to make an initial brief court appearance.

In the case of both programs, people experiencing homelessness are connected to housing assistance and then able to resolve their criminal cases through their ongoing engagement to address their housing and material needs.

> Reform efforts will likely fall well short of the mark if you neglect housing needs.

### Prioritize people leaving incarceration for access to housing resources

For returning citizens, housing is a critical reentry need; to return to our epigraph, without that foundation, "everything else falls apart." Evidence shows placement of people coming out of prison into housing programs with wraparound services can reduce new conviction rates.[19] Returning Home Ohio, developed by the Corporation for Supportive Housing and the Ohio Department of Rehabilitation and Correction, provides supportive housing for individuals leaving state prisons who have a persistent mental illness or HIV and a risk for, or history of, homelessness. During its pilot phase, an evaluation found that the program led to significant reductions in rearrests and reincarcerations.[20]

In a similar, but smaller scale, arrangement, the Michigan Department of Corrections negotiated with the State Housing

Development Authority to access a set of housing vouchers for use with people exiting state prison. The agreement has been a boon to both agencies: the housing authority has achieved higher use rates for these reentry vouchers, and the corrections department has seen lower recidivism rates for the group of people using the vouchers.[21]

Even relatively short-term post-release interventions have been shown to have a positive impact. Washington State's Reentry Housing Assistance Program provides a monthly housing voucher of up to $700 for as long as six months following someone's release from prison. A recent evaluation found that people with the voucher were less likely to be homeless after release, more likely to be employed in the first year after release, and less likely to be rearrested in the year following release.[22]

These are common sense, cost-effective interventions. Yet reentry planning that affirmatively links people at risk of homelessness to affordable housing resources is rare.[23] Far more common are stories of people being released into homelessness or unstable housing situations.

There are common sense, cost-effective interventions to address the housing-justice nexus.

## Conclusion
## Beyond the Silos

The combination of housing precarity and justice-system involvement sets in motion a harmful cycle that traditional policy approaches have failed to break. Without making housing a core component of a reform agenda, this cycle will continue. That is the "hard truth" we opened with. Yet the tools to stop that cycle—and even to reverse it—are well within reach. The moment of system-contact can be an opportunity to stabilize, not further undermine, someone's housing, and in the process make *future* harmful system-involvement less likely.

The justice and housing systems are confronted by people facing the same underlying problem: a lack of access to resources. If we confront the artificial walls that separate justice-system reform from housing policy and our responses to homelessness, we can forge more effective and lasting solutions for individuals, their families, and communities.

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# Endnotes

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[6] Bailey, Crew, and Reeve, *No Access to Justice, 6*.

[7] Bailey, Crew, and Reeve, *No Access to Justice, 7*

[8] Bailey, Crew, and Reeve, *No Access to Justice,* 8

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