

# **Incarceration and Housing**

**January 2023**

Being unhoused and getting arrested go together: each one makes the other more likely. A person who has been arrested is more likely to be at risk of losing their housing, and once a person has been incarcerated, the risk of being unhoused skyrockets.

Once a person is without housing, there is a higher chance that they will encounter police, break small ordinances associated with living unhoused (such as loitering and trespassing laws), or experience other stressors that increase the chances of engaging in crime. Prioritizing housing for people is therefore not only crucial for public health and economic mobility—it's also a vital public safety intervention.

What might be surprising to some readers is that one of the first steps to increasing housing access may actually be deliberately shrinking the scale of the criminal court system.

## **I. Access to Housing as a Public Safety and Criminal Justice Intervention**

- A. Making sure people have a roof over their head clearly benefits the housed person and their family, but it also benefits the community more broadly: access to safe, affordable housing is a cost-effective intervention that lowers the likelihood that a person will be criminally accused, while also reducing the likelihood of recidivism.<sup>1,2,3</sup>

### **B. Stable housing is tied to lower crime.**

- 1. States that spent more money on housing programs saw lower overall rates of incarceration.<sup>4</sup>
- 2. One study showed that giving chronically homeless people access to housing lowered arrests.<sup>5</sup>
- 3. A study in Los Angeles found that helping unhoused people secure housing reduced the number of days they spent in jail by 130% and reduced their probability of committing a crime by 80%.<sup>6</sup>

### **C. Access to housing for formerly incarcerated people reduces risk of recidivism.**

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<sup>1</sup> *Housing, Inclusion, and Public Safety*. (2016). U.S. Department of Housing and Urban Development Office of Policy Development and Research. <https://www.huduser.gov/portal/periodicals/em/summer16/highlight1.html>.

<sup>2</sup> *Housing and Public Safety* (November 1, 2007). Justice Policy Institute.

[https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/07-11\\_rep\\_housingpublicsafety\\_ac-ps.pdf](https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/07-11_rep_housingpublicsafety_ac-ps.pdf).

<sup>3</sup> *Reducing Offender Recidivism and Reconnecting Opportunity Youth*. (2016). U.S. Department of Housing and Urban Development Office of Policy Development and Research. <https://www.huduser.gov/portal/periodicals/em/summer16/highlight3.html>.

<sup>4</sup> *Housing and Public Safety* (November 1, 2007). Justice Policy Institute.

[https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/07-11\\_rep\\_housingpublicsafety\\_ac-ps.pdf](https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/07-11_rep_housingpublicsafety_ac-ps.pdf).

<sup>5</sup> Ellsworth, J.T. (2021). Housing and criminality: the effect of housing placement on arrests among chronically homeless adults. *J. of Social Distress and Homelessness*, 31(2). <https://www.tandfonline.com/doi/abs/10.1080/10530789.2021.1897935>.

<sup>6</sup> Cohen, E. (2021). *Housing the Homeless: The Effect of Homeless Housing Programs on Future Homelessness and Socioeconomic Outcomes*. UCLA Department of Economics. [https://drive.google.com/file/d/1PSWGvsCVJqsEhec0xZbJj9-Ya\\_S\\_5OH2/view](https://drive.google.com/file/d/1PSWGvsCVJqsEhec0xZbJj9-Ya_S_5OH2/view).

1. A study of a housing program in Washington found that access to housing lowered multiple kinds of criminal system involvement. Specifically, it dropped convictions of new crimes by 14%, being accused of breaking the rules of probation by 7%, and diminished the chance of returning to prison by almost 20%.<sup>7</sup>
  2. This is especially true for people who were in prison for lower-level crimes: one study estimated that when people had done time for a low-level crime, only 17% of those with housing committed another crime 1 year after being released from prison, compared to 33% of those without housing.<sup>8</sup>
- D. The positive impact of providing quality, affordable housing doesn't just benefit the housed person or family, but the **entire surrounding community**.
1. In Philadelphia, researchers found that structural repairs to homes of low-income homeowners in majority-Black neighborhoods were associated with a 21.9% reduction in total crime neighborhood-wide.<sup>9</sup>
    - a) Making the neighborhood nicer mattered as well: in Philadelphia, "the presence of street lighting, painted sidewalks, public transportation, and parks was associated with **at least 76% decreased odds of a homicide**."<sup>10</sup>
  2. Studies have shown that, in low-income neighborhoods, more affordable housing decreases crime rates overall.<sup>11</sup>
    - a) After a public housing community in Atlanta was reenvisioned to offer affordable, safe, supportive housing (in addition to other services like educational and job support), the neighborhood saw **crime decrease by 73% and violent crime decrease by 90%**.<sup>12</sup>
  3. For young people who are neither employed nor in school—and at higher risk for criminal legal involvement—living in neighborhoods with affordable, quality housing can prevent “disconnection”, which can help them avoid interactions with the criminal legal system.<sup>13</sup>

<sup>7</sup> Lutze, F. E., Rosky, J. W., & Hamilton, Z. K. (2014). Homelessness and Reentry: A Multisite Outcome Evaluation of Washington State's Reentry Housing Program for High Risk Offenders. *Crim. Justice and Behav.*, 41(4): 471-491.

<https://s3.wp.wsu.edu/uploads/sites/436/2014/11/Criminal-Justice-and-Behavior-2014-Lutze-471-91.pdf>.

<sup>8</sup> Jacobs, L.A. & Gottlieb, A. (2020). The Effect of Housing Circumstances on Recidivism. *Crim. Justice Behav.*, 47(9): 1097-1115. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8496894/>.

<sup>9</sup> Love, H. (November 16, 2021). *Want to reduce violence? Invest in place*. Brookings.

<https://www.brookings.edu/research/want-to-reduce-violence-invest-in-place/>.

<sup>10</sup> Love, H. (November 16, 2021). *Want to reduce violence? Invest in place*. Brookings.

<https://www.brookings.edu/research/want-to-reduce-violence-invest-in-place/>.

<sup>11</sup> Diamond, R. & McQuade, T.J. (2015). *Who Wants Affordable Housing in their Backyard? An Equilibrium Analysis of Low Income Property Development*. Stanford Graduate School of Business (Working Paper No. 3329).

<https://www.gsb.stanford.edu/faculty-research/working-papers/who-wants-affordable-housing-their-backyard-equilibrium-analysis-low>.

<sup>12</sup> Von Hoffman, A. (2012). The Past, Present, and Future of Community Development in the United States. In Andrews, N.O. & Erickson, D.J. (Ed.), *Investing in What Works for America's Communities*. pp. 177. Federal Reserve Bank of San Francisco & Low Income Investment Fund. [http://whatworksforamerica.org/pdf/whatworks\\_fullbook.pdf](http://whatworksforamerica.org/pdf/whatworks_fullbook.pdf).

<sup>13</sup> *Housing, Inclusion, and Public Safety*. (2016). U.S. Department of Housing and Urban Development Office of Policy Development and Research. <https://www.huduser.gov/portal/periodicals/em/summer16/highlight1.html>.

- E. Access to affordable, quality housing—especially for people at higher risk of criminal legal system involvement—helps people stabilize their lives and improves public safety.<sup>14</sup>

## II. Housing Insecurity Increases the Likelihood of Criminal Legal Involvement

- A. According to the National Alliance to End Homeless, “far-reaching efforts to criminalize homelessness make the already-precarious state of being homeless and unsheltered even more dangerous.”<sup>15</sup>
- B. Homelessness increases the likelihood of police contact: a California study found that unsheltered people were 10x more likely to have to interact with the police.<sup>16</sup>
- C. While less than 1% of Americans are unhoused,<sup>17</sup> that rate jumps to 15% for those facing incarceration.<sup>18</sup>
- D. Homelessness itself is heavily criminalized: in fact, **unhoused people are 11x more likely to be arrested** than the general population.<sup>19</sup>
  - 1. Cities criminalize homelessness by passing laws against behaviors that are common or necessary for survival for unhoused people, such as trespassing, loitering, panhandling, or sleeping in public. One survey of 187 cities found that one third have citywide bans on loitering and one fifth have bans on sleeping in public.<sup>20</sup>
- E. The simple fact of not having a permanent address makes it more difficult to achieve financial and social stability (accessing services, applying for jobs), which increases the chance that unhoused people will become involved in the criminal legal system.<sup>21</sup>
- F. When people are housing insecure, they are more likely to live in areas with higher crime rates.<sup>22</sup>
  - 1. Studies have shown that people who have been evicted (and are therefore being forced to move) are significantly more likely to move to poorer, higher-crime areas than those who move voluntarily.<sup>23</sup> This not only

<sup>14</sup> *Housing, Inclusion, and Public Safety*. (2016). U.S. Department of Housing and Urban Development Office of Policy Development and Research. <https://www.huduser.gov/portal/periodicals/em/summer16/highlight1.html>.

<sup>15</sup> Vankin, J. (June 17, 2022). *Homelessness and Crime: California’s Hot-Button Political Issues Are Even More Complex Than You Think*. California Local. <https://californialocal.com/localnews/statewide/ca/article/show/6215-homelessness-crime-california/>.

<sup>16</sup> Rountree, J., Hess, N., & Lyke, A. (2019). *Health Conditions Among Unsheltered Adults in the U.S.* California Policy Lab. <https://www.capolitylab.org/wp-content/uploads/2019/10/Health-Conditions-Among-Unsheltered-Adults-in-the-U.S.pdf>

<sup>17</sup> *State of Homelessness: 2022 Edition*. (2022). National Alliance to End Homelessness. <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness/>.

<sup>18</sup> Couloute, L. (2018). *Nowhere To Go: Homelessness Among Formerly Incarcerated People*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>.

<sup>19</sup> Bailey, M., Crew, E., & Reeve, M. (2020). *No Access to Justice: Breaking the Cycle of Homelessness and Jail*. Vera Institute of Justice. <https://www.safetyandjusticechallenge.org/wp-content/uploads/2020/08/homelessness-brief-web.pdf>.

<sup>20</sup> Desmond, M. & Bell, M. (2015). Housing, Poverty, and the Law. *Annu. Rev. Law Soc. Sci.*, 11: 15-35. [https://scholar.harvard.edu/files/mdesmond/files/desmondbell.ariss\\_.pdf](https://scholar.harvard.edu/files/mdesmond/files/desmondbell.ariss_.pdf).

<sup>21</sup> Golabek-Goldman, S. (2017). Ban the Address: Combating Employment Discrimination Against the Homeless. *The Yale Law Journal*, 126(6). <https://www.yalelawjournal.org/note/ban-the-address-combating-employment-discrimination-against-the-homeless>.

<sup>22</sup> *Housing Instability* (n.d.). Healthy People 2030. <https://health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/housing-instability>.

<sup>23</sup> Desmond, M. & Shollenberger, T. (2015). Forced Displacement From Rental Housing: Prevalence and Neighborhood Consequences. *Demography*, 52(5): 1751-1772. <https://read.dukeupress.edu/demography/article/52/5/1751/169475/Forced-Displacement-From-Rental-Housing-Prevalence>.

concentrates poverty, but, because low-income neighborhoods are more heavily policed,<sup>24</sup> also perpetuates the cycle of housing insecurity and criminal legal involvement.

- G. One study found that mothers who have been evicted are more than 2x more likely to interact with the criminal legal system.<sup>25</sup>
- H. **The stress associated with housing insecurity is related to increases in crime.**<sup>26</sup>  
General Strain Theory is an academic framework that connects stress to crime, explaining that strain or stress (caused by economic hardship, housing insecurity, or other challenges) produces feelings like frustration and despair. People sometimes cope with those negative feelings by engaging in crime.<sup>27,28</sup>
- I. Even the quality of housing has impacts on criminal legal involvement: **substandard housing—especially with lead exposure—is associated with higher rates of violent crime.**<sup>29</sup>
  - 1. A study on the impact of lead exposure on crime found that cities that used lead pipes saw a 24% higher homicide rate than cities that did not, after controlling for other risk factors.<sup>30</sup>
  - 2. Another study found that just one unit increase in blood lead levels increased the likelihood of future incarceration for boys by 27-74%.<sup>31</sup>
- J. Unhoused people are also more likely to be victims of crime: one study found that unhoused people are murdered at 19x the rate of the general public, 27x more likely to be subjected to attempted murder, and 12x more likely to be assaulted.<sup>32</sup>

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<sup>24</sup> La Vigne, N., Fontaine, J., & Dwivedi, A. (2017). *How Do People in High-Crime, Low-Income Communities View the Police?* Urban Institute. [https://www.urban.org/sites/default/files/publication/88476/how\\_do\\_people\\_in\\_high-crime\\_view\\_the\\_police.pdf](https://www.urban.org/sites/default/files/publication/88476/how_do_people_in_high-crime_view_the_police.pdf).

<sup>25</sup> Gottlieb, A. & Moose, J.W. (2018). The Effect of Eviction on Maternal Criminal Justice Involvement. *Socius*, 4. <https://journals.sagepub.com/doi/full/10.1177/2378023118808965>.

<sup>26</sup> Fischer, S.N., Shinn, M., Shrout, P., & Tsemberis, S. (2008). Homelessness, mental illness, and criminal activity: examining patterns over time. *Am J Community Psychol*, 42(3-4): 251-265. <https://pubmed.ncbi.nlm.nih.gov/18956238/>.

<sup>27</sup> Brezina, T. (2017). *General Strain Theory*. Oxford Research Encyclopedias. <https://oxfordre.com/criminology/display/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-249;jsessionid=57980482CED64505A0E9B202DA46D0FF>.

<sup>28</sup> Agnew, R. (2016). Strain, Economic Status, and Crime. In A.R. Piquero (Ed.). *The Handbook of Criminological Theory*. <https://books.google.com/books?hl=en&lr=&id=JQVYcGAAQBAJ&oi=fnd&pg=PA209&dq=economic+stress+cause+crime&ots=Tu-krYi54l&sig=Ag8ho17LPB2yTkAGQYvUWsRZWhM#v=onepage&q=economic%20stress%20cause%20crime&f=false>.

<sup>29</sup> *Housing and Public Safety* (November 1, 2007). Justice Policy Institute. [https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/07-11\\_rep\\_housingpublicsafety\\_ac-ps.pdf](https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/07-11_rep_housingpublicsafety_ac-ps.pdf).

<sup>30</sup> Feigenbaum, J.J. & Muller, C. (2016). Lead exposure and violent crime in the early twentieth century. *Explorations in Economic History*, 62: 51-86. <https://www.sciencedirect.com/science/article/abs/pii/S0014498316300109>.

<sup>31</sup> Aizer, A. & Currie, J. (2017). *Lead and Juvenile Delinquency: New Evidence from Linked Birth, School and Juvenile Detention Records*. National Bureau of Economic Research (Working Paper No. 23392). [https://www.nber.org/system/files/working\\_papers/w23392/w23392.pdf](https://www.nber.org/system/files/working_papers/w23392/w23392.pdf).

<sup>32</sup> Vankin, J. (June 17, 2022). *Homelessness and Crime: California's Hot-Button Political Issues Are Even More Complex Than You Think*. California Local. <https://californialocal.com/localnews/statewide/ca/article/show/6215-homelessness-crime-california/>.

### III. The Other Causal Loop: Criminal Legal Involvement Produces and Exacerbates Housing Insecurity

- A. Formerly incarcerated people make up between 23-48% of annual homeless shelter admissions<sup>33</sup> and are nearly 10x more likely than the general population to become unhoused.<sup>34</sup>
  - 1. Like most elements of the criminal legal system, this varies by race and gender: formerly incarcerated Black women experience sheltered homelessness at a rate 4x that of formerly incarcerated white men.<sup>35</sup>
- B. One study found that 79% of unhoused survey respondents in Los Angeles had been incarcerated before losing stable housing.<sup>36</sup>
- C. Formerly incarcerated people are significantly more likely to become housing insecure: one study found that, while 203 out of every 10,000 formerly incarcerated people were homeless, nearly 3x as many (570 out of every 10,000) were housing insecure (meaning either homeless or living in marginal housing like rooming houses or motels).<sup>37</sup>
- D. Rates of homelessness are particularly high for people recently released from prison and for people who have been incarcerated more than once: people who have been to prison once experience homelessness at a rate nearly 7x higher than the general public, but people who have been incarcerated more than once have rates 13x higher than the general public.<sup>38</sup>
- E. Incarceration increases the likelihood of residential instability and eviction, especially for Black people.<sup>39</sup> Residential instability increases poverty and crime rates.<sup>40</sup>
- F. **The impact of criminal legal involvement on housing insecurity is powerful even when a person never steps foot in prison:** one study from Seattle found that unhoused people with debt from legal fines and fees, experienced an average of 22.9 more months of homelessness than their unhoused but legal-debt-free counterparts.<sup>41</sup>

<sup>33</sup> Chimowitz, A. & Ruege, A. (2022). *Preventing & Reducing Inflow From Incarceration*. Community Solutions.

<https://community.solutions/research-posts/preventing-reducing-inflow-from-incarceration/>.

<sup>34</sup> Couloute, L. (2018). *Nowhere To Go: Homelessness Among Formerly Incarcerated People*. Prison Policy Initiative.

<https://www.prisonpolicy.org/reports/housing.html>.

<sup>35</sup> Chimowitz, A. & Ruege, A. (2022). *Preventing & Reducing Inflow From Incarceration*. Community Solutions.

<https://community.solutions/research-posts/preventing-reducing-inflow-from-incarceration/>.

<sup>36</sup> Lee, C.T., Guzman, D., Ponath, C., Tieu, L., Riley, E., & Kushel, M. (March 2016). Residential patterns in older homeless adults: Results of a cluster analysis. *Social Science & Medicine*, 153: 131-140.

<https://www.sciencedirect.com/science/article/abs/pii/S0277953616300594?via%3Dihub>.

<sup>37</sup> Couloute, L. (2018). *Nowhere To Go: Homelessness Among Formerly Incarcerated People*. Prison Policy Initiative.

<https://www.prisonpolicy.org/reports/housing.html>.

<sup>38</sup> Couloute, L. (2018). *Nowhere To Go: Homelessness Among Formerly Incarcerated People*. Prison Policy Initiative.

<https://www.prisonpolicy.org/reports/housing.html>.

<sup>39</sup> Warner, C. (2015). On the move: Incarceration, race, and residential mobility. *Social Science Research*, 52: 451-464.

[https://www.sciencedirect.com/science/article/pii/S0049089X15000794?casa\\_token=XFG-IV3eP4MAAAA:0VoZL\\_0gtFjDSTZXGntry3ji-TceZjV\\_Qvwaslz1xE7TjU8MsU6Fnto1pzpGPzi0PruaOnm2Js](https://www.sciencedirect.com/science/article/pii/S0049089X15000794?casa_token=XFG-IV3eP4MAAAA:0VoZL_0gtFjDSTZXGntry3ji-TceZjV_Qvwaslz1xE7TjU8MsU6Fnto1pzpGPzi0PruaOnm2Js).

<sup>40</sup> Desmond, M. & Bell, M. (2015). Housing, Poverty, and the Law. *Annu. Rev. Law Soc. Sci.*, 11: 15-35.

[https://scholar.harvard.edu/files/mdesmond/files/desmondbell.ariss\\_.pdf](https://scholar.harvard.edu/files/mdesmond/files/desmondbell.ariss_.pdf).

<sup>41</sup> Mogk, J., Shmigol, V., Futrell, M., Stover, B., & Hagopian, A. (2020). Court-imposed fines as a feature of the homelessness-incarceration nexus: a cross-sectional study of the relationship between legal debt and duration of homelessness in Seattle, Washington, USA. *J. of Public Health*, 42(2): 107-119. <https://academic.oup.com/jpubhealth/article/42/2/e107/5510723>.

- G. Contact with the criminal legal system—even if a person is never incarcerated—can also increase the likelihood of eviction: An investigation of Tampa’s Crime-Free Multi-Housing Program (which ended in 2021) collected data on the relationship between contact with the police and eviction.<sup>42</sup>
1. The stated intention of the program was to keep landlords aware of violent crimes on their property by allowing police to tell landlords about any contact between their tenants and the police. Even if a person was never arrested—even if there was simply a call to the police that involved a tenant—landlords could be informed.<sup>43</sup>
    - a) Police disproportionately flagged Black residents: 1,100 people were flagged through the program, 90% of whom were Black, even though Black people made up only 54% of all arrests in Tampa in that time period.<sup>44</sup>
    - b) The result of the program was people losing housing over minor incidents or even unfounded accusations: of 178 confirmed evictions in response to this program, 42 were arrests for misdemeanors and 62 of the cases had the charges later dropped.<sup>45</sup>
    - c) The program often flagged people for incidents that didn't even happen on the property: 140 of the cases were for arrests that took place over a mile from the property, such as one example when the police notified a landlord about a 16 year-old-girl accused of stealing hair extensions from a beauty shop 7 miles away from the housing property.<sup>46</sup>

#### **IV. Criminal Legal Involvement Limits Access to Housing Post-Release**

- A. Discrimination by public housing authorities and landlords, though sometimes technically illegal, often keeps people with criminal records from getting housing.<sup>47</sup>

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<sup>42</sup> *Advocacy by the Civil Rights Clinic helps end a crime-free housing program with racially disparate impact.* (2022). New York University Law.

<https://www.law.nyu.edu/news/-civil-rights-clinic-tampa-crime-free-housing#:~:text=In%202013%2C%20the%20city%20of,alerts%20directly%20from%20city%20police>.

<sup>43</sup> O'Donnell, C., Hodgson, I., & Lash, N. (2021). *Tampa police called for hundreds to be evicted. Entire families lost their homes.* Tampa Bay Times.

<https://www.tampabay.com/investigations/2021/09/15/tampa-police-called-for-hundreds-to-be-evicted-entire-families-lost-their-home/>

<sup>44</sup> O'Donnell, C., Hodgson, I., & Lash, N. (2021). *Tampa police called for hundreds to be evicted. Entire families lost their homes.* Tampa Bay Times.

<https://www.tampabay.com/investigations/2021/09/15/tampa-police-called-for-hundreds-to-be-evicted-entire-families-lost-their-home/>

<sup>45</sup> O'Donnell, C., Hodgson, I., & Lash, N. (2021). *Tampa police called for hundreds to be evicted. Entire families lost their homes.* Tampa Bay Times.

<https://www.tampabay.com/investigations/2021/09/15/tampa-police-called-for-hundreds-to-be-evicted-entire-families-lost-their-home/>

<sup>46</sup> O'Donnell, C., Hodgson, I., & Lash, N. (2021). *Tampa police called for hundreds to be evicted. Entire families lost their homes.* Tampa Bay Times.

<https://www.tampabay.com/investigations/2021/09/15/tampa-police-called-for-hundreds-to-be-evicted-entire-families-lost-their-home/>

<sup>47</sup> Couloute, L. (2018). *Nowhere To Go: Homelessness Among Formerly Incarcerated People.* Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>.



1. Some studies suggest that up to 79% of formerly incarcerated people report being denied housing due to their criminal record.<sup>48</sup>
- B. Some tenant screenings allow landlords to deny housing to people with criminal records, which means that the **lack of housing creates a second form of punishment lasting long after their sentences are over.**<sup>49,50,51</sup>
- C. Demanding credit checks, expensive security deposits, professional references, and other housing application requirements only exacerbate these challenges.<sup>52</sup>
- D. Affordable housing shortages make finding safe housing even more difficult for formerly incarcerated people, who are significantly more likely to be poor.<sup>53,54</sup>

## V. Recidivism and the “Revolving Door” of Homelessness and Incarceration

- A. Formerly incarcerated people who experience homelessness or housing insecurity are at increased risk of recidivism.<sup>55,56</sup>
- B. One study found that lacking an address at the start of probation and homelessness during probation are associated with a 35% and 44% increase in recidivism risk respectively.<sup>57</sup>
- C. The system of parole and probation rapidly churn people back into jail and prison, often because of minor or merely technical misconduct. Following the strict, often unforgiving rules of this supervision is uniquely challenging for unhoused people, making them even more vulnerable to reincarceration.<sup>58</sup>
  1. It is estimated that people on probation must follow 18-20 different requirements per day, ranging from maintaining full-time employment (an especially challenging requirement for people with a criminal record and under

<sup>48</sup> Lake, J. (2021). *Preventing and Removing Barriers to Housing Security for People With Criminal Convictions*. Center for American Progress.

<https://www.americanprogress.org/article/preventing-removing-barriers-housing-security-people-criminal-convictions/#:~:text=Another%20study%20of%20community%20members,people%20who%20have%20not%20been>.

<sup>49</sup> Couloute, L. (2018). *Nowhere To Go: Homelessness Among Formerly Incarcerated People*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>.

<sup>50</sup> Evans, D.N., Blount-Hill, K.L., & Cubellis, M.A. (2018). Examining housing discrimination across race, gender and felony history. *Housing Studies*, 34(5): 761-778. <https://www.tandfonline.com/doi/abs/10.1080/02673037.2018.1478069>.

<sup>51</sup> Desmond, M. & Bell, M. (2015). Housing, Poverty, and the Law. *Annu. Rev. Law Soc. Sci.*, 11: 15-35. <https://scholar.harvard.edu/files/mdesmond/files/desmondbell.ariss.pdf>.

<sup>52</sup> Couloute, L. (2018). *Nowhere To Go: Homelessness Among Formerly Incarcerated People*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>.

<sup>53</sup> Aurand, A., Emmanuel, D., Yentel, D., Errico, E., Gaby-Biegel, J., & Kerr, E. (2018). *Out of Reach: The High Cost of Housing*. National Low Income Housing Coalition. [http://nlihc.org/sites/default/files/poor/OOR\\_2018.pdf](http://nlihc.org/sites/default/files/poor/OOR_2018.pdf).

<sup>54</sup> Craigie, T.A., Grawert, A., Kimble, C. & Stiglitz, J.E. (September 15, 2020). *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.

<sup>55</sup> Clark, V.A. (2014). Predicting Two Types of Recidivism Among Newly Released Prisoners: First Addresses as “Launch Pads” for Recidivism or Reentry Success. *Crime and Delinquency*, 62(10): 1364-1400. <https://doi.org/10.1177/0011128714555760>.

<sup>56</sup> Couloute, L. (2018). *Nowhere to Go: Homelessness among formerly incarcerated people*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>.

<sup>57</sup> Jacobs, L.A. & Gottlieb, A. (2020). The Effect of Housing Circumstances on Recidivism. *Crim. Justice Behav.*, 47(9): 1097-1115. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8496894/>.

<sup>58</sup> Augustine, D. & Kushel, M. (2022). Community Supervision, Housing Insecurity, and Homelessness. *The American Academy of Political and Social Science*, 701(1). <https://journals.sagepub.com/doi/full/10.1177/00027162221113983>.

supervision), to abiding by strict curfews, to not changing residence without permission.<sup>59</sup>

2. These requirements are difficult for anyone to follow, but are significantly more difficult for those navigating housing insecurity and homelessness.<sup>60</sup>
3. **Non-criminal failure to follow the requirements of one's parole or probation—known as “technical violations”—account for nearly 1 in 5 people in jail,<sup>61</sup> 1 in 4 admissions to state prison,<sup>62</sup> and \$2.8 billion in incarceration costs annually.<sup>63</sup>**

## VI. Criminal Legal Involvement and Homeownership

- A. Incarceration decreases the likelihood of homeownership, creating barriers to housing security and making it nearly impossible for families who have been impacted by prosecution to pass wealth down to their kids.<sup>64</sup>
- B. One study found that conviction is associated with a 20% decrease in the odds of homeownership, and incarceration is associated with an additional 23% decrease.<sup>65</sup>
- C. Another study found that incarceration reduces a person's likelihood of homeownership by 28%.<sup>66</sup>

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<sup>59</sup> Jones, A. (2018). *Correctional Control 2018: Incarceration and supervision by state*. Prison Policy Initiative.

<https://www.prisonpolicy.org/reports/correctionalcontrol2018.html#harms>.

<sup>60</sup> Augustine, D. & Kushel, M. (2022). Community Supervision, Housing Insecurity, and Homelessness. *The American Academy of Political and Social Science*, 701(1). <https://journals.sagepub.com/doi/full/10.1177/00027162221113983>.

<sup>61</sup> Sawyer, W. & Wagner, P. (2022). *Mass Incarceration: The Whole Pie 2022*. Prison Policy Initiative.

<https://www.prisonpolicy.org/reports/pie2022.html>.

<sup>62</sup> Horowitz, J. (2019). *To Safely Cut Incarceration, States Rethink Responses to Supervision Violations*. Pew Charitable Trusts.

<https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2019/07/to-safely-cut-incarceration-states-rethink-responses-to-supervision-violations>.

<sup>63</sup> Horowitz, J. (2019). *To Safely Cut Incarceration, States Rethink Responses to Supervision Violations*. Pew Charitable Trusts.

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<sup>64</sup> Schneider, D. & Turney, K. (2015). Incarceration and Black–White inequality in Homeownership: A state-level analysis. *Social Science Research*, 53: 403–414.

[https://www.sciencedirect.com/science/article/pii/S0049089X15001192?casa\\_token=PWYct3mi3JAAAAA:mFdaFw1\\_Lf7PerEaVv3Pf\\_E9X3c8vq3n\\_20GVyep0qUxDEFI9QoF8xoq-eba73h1QnkNg4YUKRDk#s0080](https://www.sciencedirect.com/science/article/pii/S0049089X15001192?casa_token=PWYct3mi3JAAAAA:mFdaFw1_Lf7PerEaVv3Pf_E9X3c8vq3n_20GVyep0qUxDEFI9QoF8xoq-eba73h1QnkNg4YUKRDk#s0080).

<sup>65</sup> Bryan, B. (2019). *Criminal Justice Contact, Homeownership, and Implications for the Black-White Wealth Gap*. Joint Center for Housing Studies of Harvard University.

<https://www.jchs.harvard.edu/blog/criminal-justice-contact-homeownership-and-implications-for-the-black-white-wealth-gap#:~:text=For%20example%2C%20I%20find%20that,homeownership%2C%20all%20else%20held%20equal>.

<sup>66</sup> Maroto, M.L. (2014). The Absorbing Status of Incarceration and its Relationship with Wealth Accumulation. *J. of Quant. Crimin.*, 31: 207–236. <https://link.springer.com/article/10.1007/s10940-014-9231-8>.



## VII. Helping people get stable housing is cheaper than criminalizing them

- A. In addition to being inhumane and ineffective, criminalizing people who are housing insecure is also unnecessarily expensive.<sup>67</sup> Numerous studies have demonstrated that helping people access housing is cheaper than arresting and incarcerating them.<sup>68,69,70</sup>
- B. One study found that **it costs taxpayers \$31,065 per year to criminalize one unhoused person, but providing supportive housing for that same person only costs \$10,051 per year.**<sup>71</sup>
- C. The participants of a supportive housing program in NYC spent 40% less time in jail than the control group, and their annual jail and shelter costs were over \$8,000 lower.<sup>72</sup>
- D. One study found that homeless encampment sweeps—a common practice where law enforcement officers remove and disperse unhoused people from where they are gathering—can cost cities over \$8 million annually.<sup>73</sup>

## VIII. Conclusion

- A. Our current approach to confronting the “revolving door” of incarceration and housing insecurity uses laws and police to target unhoused people, keeping them poor and cycling them perpetually back into prisons and jails.<sup>74</sup> This creates a vicious cycle which is difficult for even the most capable person to escape.
- B. **If, instead, we invest in interventions that minimize criminal legal contact for housing-insecure people and provide quality, affordable housing—especially for those at highest risk of criminal legal system involvement—we can break the cycle from both sides, help people achieve stability, and improve public safety for all.**
- C. Public defense—a service utilized exclusively by people living in poverty—is an untapped and effective point of intervention in this cycle. With adequate resources and training, public defense offices can mitigate criminal legal system impact while helping system users find and keep a roof over their heads, thus disrupting the cycle of housing insecurity and criminal legal system involvement.

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<sup>67</sup> Perez, R. (January 4, 2023). *Homeless Encampment Sweeps May Be Draining Your City's Budget*. Urban Institute. [https://housingmatters.urban.org/feature/homeless-encampment-sweeps-may-be-draining-your-citys-budget?&utm\\_source=%20urban\\_newsletters&utm\\_medium=news-HHM&utm\\_term=HHM](https://housingmatters.urban.org/feature/homeless-encampment-sweeps-may-be-draining-your-citys-budget?&utm_source=%20urban_newsletters&utm_medium=news-HHM&utm_term=HHM).

<sup>68</sup> Yglesias, M. (February 20, 2019). *The most cost-effective way to help the homeless is to give them homes*. Vox. <https://www.vox.com/2014/5/30/5764096/homeless-shelter-housing-help-solutions>.

<sup>69</sup> UNC Charlotte Study Finds Success in Charlotte-Mecklenburg's Efforts to End Homelessness. (November 12, 2020). UNC Charlotte. <https://inside.charlotte.edu/news-features/2020-11-12/unc-charlotte-study-finds-success-charlotte-mecklenburg%E2%80%99s-effort-s-end>.

<sup>70</sup> Quinton, S. (November 11, 2021). *How Denver Tackled Homelessness While Saving Money*. Pew Research. <https://www.pewtrusts.org/en/trust/archive/fall-2021/how-denver-tackled-homelessness-while-saving-money>.

<sup>71</sup> Perez, R. (January 4, 2023). *Homeless Encampment Sweeps May Be Draining Your City's Budget*. Urban Institute. [https://housingmatters.urban.org/feature/homeless-encampment-sweeps-may-be-draining-your-citys-budget?&utm\\_source=%20urban\\_newsletters&utm\\_medium=news-HHM&utm\\_term=HHM](https://housingmatters.urban.org/feature/homeless-encampment-sweeps-may-be-draining-your-citys-budget?&utm_source=%20urban_newsletters&utm_medium=news-HHM&utm_term=HHM).

<sup>72</sup> Gillespie, S., Batko, S., Chartoff, B., VeShancey, Z., & Peiffer, E. (September 16, 2020). *Five Charts That Explain the Homelessness-Jail Cycle—and How to Break It*. Urban Institute. <https://www.urban.org/features/five-charts-explain-homelessness-jail-cycle-and-how-break-it>.

<sup>73</sup> Report: *What Clearing Homeless Encampments Costs Cities*. (July 14, 2021). United States Interagency Council on Homelessness. <https://www.usich.gov/tools-for-action/report-what-clearing-homeless-encampments-costs-cities/>.

<sup>74</sup> Herring, C. (2019). Complaint-Oriented Policing: Regulating Homelessness in Public Space. *Am. Soc. Association*, 84(5). <https://journals.sagepub.com/doi/full/10.1177/0003122419872671>.