

Incarceration, Homelessness, and Health

Summary of Recommendations:

- **Decriminalize the condition of homelessness** by repealing federal, state, and local statutes that criminalize life-sustaining activities performed in public spaces that are permissible in the privacy of a home
- **Ensure continuity of health care for persons detained by criminal justice authorities**, including appropriate treatment for addictions, mental illness, and other chronic conditions
- **Ban discrimination against ex-offenders in housing, employment, and voter registration**

Homelessness contributes to heightened risk for incarceration, and incarceration contributes (upon release) to a heightened risk of homelessness.¹ Of surveyed homeless individuals, 54 percent report spending time in a city or county jail, in state or federal prison, or in juvenile detention. People experiencing homelessness are arrested more often, incarcerated longer, and re-arrested at higher rates than are people with stable housing.² A number of city governments utilize incarceration as a misguided attempt to deter people from living on the streets. Many local jurisdictions criminalize homelessness by adopting and enforcing ordinances that prohibit activities such as sleeping, standing, or begging in public spaces.

Homeless people with behavioral health disorders are overrepresented in the criminal justice system. State prisoners and local jail inmates who had a mental health problem were twice as likely as inmates without a mental health problem to have experienced homelessness in the year before their incarceration.³ Yet the reality that few have access to adequate medical or behavioral health care in the community or during incarceration only exacerbates behaviors that lead to arrest. The U.S. Department of Justice reports that more than half of adults in jails or prisons are mentally ill. The Los Angeles County Jail, Cook County Jail (IL), and Riker's Island (NY) each has more mentally ill inmates than any hospital in the U.S.⁴ The lack of effective diversions from the justice system into the mental health system leads to the costly and unethical warehousing of people in need of psychiatric treatment. People with substance use disorders also comprise a large percentage of jail and prison populations. Despite evidence that addiction treatment greatly reduces the likelihood of repeat offenses and is far less expensive than incarceration, few inmates in need of such services receive them while incarcerated.

Recommendations

1. **Decriminalize the condition of homelessness.** An increasing number of local governments enforce ordinances that prohibit public begging, sleeping on sidewalks, and placing one's belongings under park benches. Unnecessary arrests and incarcerations for such acts disrupt tenuous arrangements for shelter and services and complicate access to housing and employment. Communities should reverse policies that jail those in need of greater supports and instead work for effective solutions, such as affordable housing, adequate incomes, and comprehensive health services including treatment for addiction and mental health disorders.

¹ Metraux S, Caterina R, Cho R. "Incarceration and Homelessness" Toward Understanding Homelessness: The 2007 National Symposium on Homelessness Research. Ed. Deborah Dennis, Gretchen Locke & Jill Khadduri. Washington DC: US Department of Housing & Urban Development, 2008. <http://works.bepress.com/metraux/1>

² HCH Clinicians' Network. Keeping Homeless People Out of the Justice System. *Healing Hands* 8(6): Dec. 2004. http://www.nhchc.org/Network/HealingHands/2004/HealingHands12_17_04.pdf

³ James, D. and Glaze, L. Bureau of Justice Statistics. Mental Health Problems in Prison and Jail Inmates. Sep 2006. www.ojp.usdoj.gov/bjs/pub/pdf/mhppji.pdf

⁴ Cox, Judith F., et al. "A Five-Year Population Study of Persons Involved in the Mental Health and Local Correctional Systems." *Journal of Behavioral Health Services and Research* 28:2 (May 2001). 177-87.

2. **Ensure continuity of health care services for those detained by criminal justice authorities.** Regular health services are prone to disruption upon entry to jails and prisons, often aggravating serious health problems such as mental illness, addiction, or HIV. Health care providers in penal institutions should coordinate closely with community-based providers to continue appropriate services and medications.

3. **Ban discrimination against ex-offenders in housing, employment, and voter registration.** More than 5.3 million Americans are barred from the polls because of a felony conviction. (No other democratic country in the world denies people the right to vote once jail time has been served.) Forty-nine states disenfranchise individuals while incarcerated, with 18 states permanently disenfranchising individuals convicted of felonies, unless or until they are pardoned.⁵ The Department of Housing and Urban Development even bars certain felons from public housing. Homelessness and recidivism are among the consequences of these discriminatory policies. Studies have proven that supportive housing reduces criminal justice involvement and mitigates risk for re-incarceration.^{6,7} Congress should enact legislation to restore full civil rights—including the right to vote, work, and have shelter—to individuals who have paid their debt to society for unlawful behavior.

⁵ The National Law Center on Homelessness and Poverty. *Voter Registration and Voting: Ensuring the Voting Rights of Homeless Persons*. July, 2008. http://www.nlchp.org/content/pubs/2008_Voting_Report_final2.pdf

⁶ Metraux S, Caterina R, Cho R, op.cit.

⁷ Larimer, Mary, et. al. "Health Care and Public Service Use and Costs Before and After Provision of Housing for Chronically Homeless Persons with Severe Alcohol Problems," *Journal of the American Medical Association*. January, 2009. www.seattlepi.com/dayart/pdf/alcoholic01.pdf