



## OPPORTUNITY STARTS AT HOME COLORADO

# The Criminal Legal System and Homelessness

People experiencing homelessness (PEH) often find themselves trapped in a homelessness-incarceration cycle where a lack of supportive services and access to housing keeps people stuck between jail or prison, shelters, and the streets. Policies that make it difficult or illegal for people experiencing homelessness to engage in everyday life-sustaining activities criminalize and exacerbate homelessness rather than work to reduce it. This cycle is well-documented:

### Incarceration to Homelessness

- Serving time in jail or prison time can lead to the loss of housing, support networks, employment, and future opportunities.
- **People who have been to prison experience homelessness at a rate 7 times greater than the general population.**<sup>1</sup> For people who have been incarcerated multiple times, this rate increases to 13 times compared to the general population.
- In a study of incarcerated PEH in Colorado jails, 46.3% of respondents who had not experienced homelessness in the past 30 days reported that they expected to be homeless upon leaving the jail. For those who had been homeless in the past 30 days, this figure was 79.2%.<sup>2</sup>
- **Roughly half of youth experiencing homelessness have spent time in juvenile detention, jail, or prison.**<sup>3</sup>

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# 7x

**GREATER THAN THE  
GENERAL POPULATION**

<sup>1</sup> <https://www.prisonpolicy.org/reports/housing.html>

<sup>2</sup> [https://cdpsdocs.state.co.us/ors/docs/reports/2018\\_Jail\\_Homelessness\\_Study.pdf](https://cdpsdocs.state.co.us/ors/docs/reports/2018_Jail_Homelessness_Study.pdf)

<sup>3</sup> <https://www.huduser.gov/portal/sites/default/files/pdf/2017-AHAR-Part-2.pdf>

## Homelessness to Incarceration

- Police tend to be the first line of response for PEH and possess few response options besides taking people to jail or hospitals.<sup>4</sup>
- **PEH are 11 times more likely to be arrested than people with housing.**<sup>5</sup>
- PEH experience frequent interactions with the criminal legal system because of policies that prohibit camping, sleeping, sitting, lying down, loitering, storing property, sharing food, and begging in public. Policies targeting PEH have increased since 2006.<sup>6</sup> Between 2006–2019, laws prohibiting camping in public increased by 92%.<sup>7</sup>
- A 2014 report found that **Colorado's 76 largest cities have 351 anti-homeless ordinances.** In that year, Denver alone spent nearly three-quarters of a million dollars enforcing these ordinances.<sup>8</sup>
- People experiencing unsheltered homelessness who were surveyed between 2015–2017 reported an average of 21 police contacts in the preceding six months, which is 10 times greater than those living in shelters. The unsheltered homeless population was also 9 times more likely to have spent a night in jail over the same period.<sup>9</sup>

## Homelessness and interactions with the criminal legal system combine to disproportionately harm racial and gender minorities and contribute to inequality.

- Black people are considerably overrepresented among the homeless population. Although they were 13% of the US population in 2019, they represented 40% of all people experiencing homeless.<sup>10</sup> **Black people are also incarcerated at more than 5 times the rate of whites,** and the imprisonment rate for Black women is twice that of white women.<sup>11</sup>
- Among formerly incarcerated people, Black and Hispanic people have a higher rate of homelessness than white people.<sup>12</sup>
- Women are also more likely than men to experience homelessness after past incarceration. This is especially true for **women of color, who experience unsheltered homelessness at significantly higher rates than white women.**<sup>13</sup>

<sup>4</sup> [https://www.rand.org/pubs/research\\_reports/RRA108-6.html](https://www.rand.org/pubs/research_reports/RRA108-6.html)

<sup>5</sup> <https://homelesslaw.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf>

<sup>6</sup> Ibid

<sup>7</sup> [https://lccrsf.org/wp-content/uploads/2020/10/LCCR\\_CA\\_Infraction\\_report\\_4WEB.pdf](https://lccrsf.org/wp-content/uploads/2020/10/LCCR_CA_Infraction_report_4WEB.pdf)

<sup>8</sup> <https://www.law.du.edu/documents/homeless-advocacy-policy-project/2-16-16-Final-Report.pdf>

<sup>9</sup> <https://www.capolicylab.org/wp-content/uploads/2019/10/Health-Conditions-Among-Unsheltered-Adults-in-the-U.S.pdf>

<sup>10</sup> <https://www.huduser.gov/portal/sites/default/files/pdf/2019-AHAR-Part-1.pdf>

<sup>11</sup> <https://naacp.org/resources/criminal-justice-fact-sheet>

<sup>12</sup> <https://www.prisonpolicy.org/reports/housing.html#revolvingdoor>

<sup>13</sup> Ibid

## Costly and Ineffective

Not only does the homeless-incarceration cycle fail to help people achieve stability and wellbeing, but it is also extremely costly and resource intensive.

- Without adequate support, emergency services such as ambulances, hospitals, and jails become the default option for transportation, care, and shelter.
- In Denver in 2016, each PEH had, on average, 24 contacts with police over a period of 90 days, which cost the city approximately \$4,000 in arrests, citations and other expenses per person.
- In 2012, city officials estimated that 250 people in the homelessness-incarceration cycle required \$7.3 million in public services over a single year.

## Breaking the Cycle

Investing in PEH through a Housing First model can break the homelessness-incarceration cycle and help people gain stability while also reducing costs to taxpayers. The Supportive Housing Social Impact Bond Initiative (SIB) implemented in Denver in 2016 managed to increase housing stability while reducing police contacts by 34% and arrests by 40% and significantly cutting the amount of time participants spent behind bars. Furthermore, about half of the total per person annual cost of the SIB was offset by cost avoidances in other services like jail/prison and emergency room visits. Other policy solutions may include:

- Supporting and funding programs and positions that identify housing options for people prior to being discharged from jail or prison;
- Making housing vouchers and supportive services available upon discharge with identified re-entry to community programs; and
- Reducing barriers to housing based on criminal records.
- By moving away from punitive approaches that criminalize homelessness and towards investments in community, we can help people achieve stability and reduce interactions with the criminal legal system.

<sup>14</sup> <https://www.urban.org/features/five-charts-explain-homelessness-jail-cycle-and-how-break-it>

<sup>15</sup> <https://www.huduser.gov/portal/pdredge/pdr-edge-trending-101221.html>

<sup>16</sup> <https://www.urban.org/features/housing-first-breaks-homelessness-jail-cycle>

<sup>17</sup> Ibid



## Opportunity Starts at Home: Colorado

From better health to food security to good education, housing is foundational to every aspect of well-being, building stronger communities, promoting economic growth, and providing opportunities for everyone to thrive.

Our Colorado-based, multi-sector coalition is working in coordination with the National Low-Income Housing Coalition to generate widespread support for local, state, and federal policies that correct long-standing racial inequities and economic injustices that have prevented access to affordable, quality housing for people with low incomes.

**Learn more and see coalition partners at [www.ColoradoCoalition.org/OSAH](http://www.ColoradoCoalition.org/OSAH)**