Incarceration and Homelessness: Breaking the Cycle

Every year, more than 600,000 people exit the criminal justice system and return to their communities. A significant proportion of them were homeless when they were incarcerated. Many will return to homelessness when they leave jail or prison. And still others may experience homelessness for the first time.

In order to begin to address the overall challenges of re-entry, President Obama announced new actions to promote rehabilitation and reintegration for the formerly incarcerated (https://www.whitehouse.gov/the-press-office/2015/11/02/fact-sheet-president-obama-announces-new-actions-promote-rehabilitation). For criminal justice reform to be successful, however, we must address how we work with people experiencing homelessness. Because ending homelessness happens at the local level, we are excited to have the opportunity this issue of the Dispatch provides to further the dialogue with law enforcement agencies and officers—a cornerstone of the communities in which the work is taking place—and examine the role they can play in implementing alternatives to criminalization.

An estimated 25 to 50 percent of people experiencing homelessness also have a history of incarceration. This overlap poses challenges for communities’ efforts to engage and assist people experiencing homelessness and to end homelessness. In addition to being costly, criminalization can impede communities’ attempts to prevent and end homelessness. Arresting a person for actions associated with homelessness rather than providing them with necessary health care and other services can exacerbate health and behavioral health problems. Further, criminal records result in barriers to housing and other services upon release, making it harder for people to become stable members of our communities.

In order to prevent people from cycling between incarceration and homelessness, federal partners are taking action to help communities promote alternatives to criminalizing homelessness and involvement with the criminal justice system. Some ways the Federal Government is already tackling this issue include the following:

◆ The U.S. Interagency Council on Homelessness focused on these issues at its October 2015 meeting, convening leaders from agencies like the U.S. Departments of Justice (DOJ), Housing and Urban Development (HUD), Labor, Health and Human Services (HHS), and many other member agencies to discuss strategies for reducing criminal justice involvement among people experiencing homelessness.
 HUD has included a scoring incentive for communities to implement specific strategies that prevent or reduce the criminalization of homelessness within the 2015 Continuum of Care program competition (https://www.hudexchange.info/resources/documents/FY-2015-CoC-Program-NOFA.pdf).

The DOJ filed a statement of interest brief (http://www.justice.gov/opa/pr/justice-department-files-brief-address-criminalization-homelessness) opposing a Boise, Idaho, anti-camping ordinance, arguing that making it a crime for people who are experiencing homelessness to sleep in public places when there is insufficient shelter space in a city unconstitutionally punishes them for being homeless.


Federal partners are working to provide support to communities who are seeking alternatives to criminalization through tools and reports like Searching out Solutions and the recently released Ending Homelessness for People Living in Encampments: Advancing the Dialogue.

These efforts are buoyed by the work of our partners at the local and state level. Communities across the country are dedicated to ending and preventing homelessness, and law enforcement can play key roles and offer unique perspectives necessary to inform this discussion and end the cycle between homelessness and jail or prison experienced by so many. This issue of the Dispatch provides us with an important opportunity to advance the dialogue, with an article that discusses how Continuums of Care and law enforcement agencies can collaborate to reduce homelessness, information about an upcoming toolkit from DOJ for law enforcement agencies that are interested in developing or improving their outreach with homeless populations, a piece from the National Law Center on Homelessness and Poverty on the important role of law enforcement in enacting alternatives to criminalization, and firsthand experiences of officers who have successfully instituted new approaches to ending homelessness.

We hope this information will help you engage in a dialogue in your community. For more information, sign up for USICH’s newsletter (http://visitor.r20.constantcontact.com/manage/optin/ea?v=001I2TVJ_DQVhkuJ9VgCCOrg%3D%3D).

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