



The Criminal Legal System Drives Housing Loss

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Research and lived experience have demonstrated that housing insecurity and homelessness increase the likelihood of being stopped by police, being arrested, and being incarcerated. But the jail and policing system itself is also a huge driver of housing insecurity and homelessness. Though lack of affordability is the most direct cause of housing insecurity, interacting with the legal system is an enormous—and often overlooked—driver of housing loss. A key way to reduce homelessness is to keep more families in their homes in the first place. Therefore, a key way to reduce homelessness is to reduce the number of people arrested unnecessarily.

Every single stage of the criminal legal system—from arrest, to processing a criminal case, to the conviction itself, to probation or parole, to incarceration, to release—sparks consequences that produce housing insecurity. Unfortunately, most of the quantitative data we have does not fully account for the massive scope of this relationship. Statistics on evictions, data on loss of housing due to loss of income as a result of the trial process, and numbers on housing application denials on the basis of criminal legal history fail to capture the true extent of this phenomenon.

Research demonstrates that the scope of the criminal legal system is unnecessarily broad and harsh at the expense of public safety. The vast majority of arrests are for misdemeanors, and recent rigorous research has shown that *declining* to charge misdemeanors actually *reduces* crime: in short, we're safer when we strategically choose to use the legal system less.¹

We don't need to be charging millions of people a year with misdemeanors, and jailing people—even for a short time—creates terrible social costs that persist long after they have finished serving their time. In particular, housing loss is a direct, serious consequence of police or jail contact, harming entire families and communities for generations.

¹ Agan, A.Y., Doleac, J.L., & Harvey, A. (March 2021). Misdemeanor Prosecution (Working Paper No. 28600). *National Bureau of Economic Research*. <https://www.nber.org/papers/w28600>.

Interacting with police or being arrested causes housing loss.

- I. **Being arrested—even without a conviction—can lead to eviction by a private landlord or a Public Housing Authority (PHA).**² Despite guidance from the U.S. Department of Housing and Urban Development (HUD) encouraging PHAs not to evict tenants solely because of an arrest,³ the practice is still allowed, and happens often.^{4,5} Due to inadequate data collection, it is difficult to determine just *how* often.
 - A. The Bronx Defenders advise tenants about the risk of eviction related to arrest: **“In criminal court, a person is ‘innocent until proven guilty,’ but in public housing, proof of guilt is not required to start eviction proceedings against a household.”**⁶
 - B. Based on an extensive search into reasons for eviction from subsidized housing, this is the clear norm among PHAs across the country. These PHAs can start the eviction process based on a list of behaviors such as “common-law nuisances”, behaviors that disrupt “the peaceful occupation of other residents”, or, vaguely, “criminal activity” (on or off the premises).⁷ While they do not specifically name “arrest”, police interactions and arrests are used as proxies for these behaviors.⁸
 - C. If an arrest is for drug-related activity, the incident did not even have to happen at home (or on the PHA property) to put the entire household at risk of eviction.⁹
 - D. In cities across the country, including New York, Philadelphia, Portland, and Chicago,¹⁰ **the PHA can “permanently exclude” any person who was arrested, meaning families are forced to decide whether to kick out a loved one (even a child) who has been arrested or face eviction.**¹¹

² *Collateral Consequences of Criminal Convictions: Judicial Bench Book*. (March 2018). American Bar Association. <https://www.ojp.gov/pdffiles1/nij/grants/251583.pdf>.

³ *FAQs: Excluding the Use of Arrest Records in Housing Decisions*. (2015). U.S. Department of Housing and Urban Development. https://www.hud.gov/sites/documents/FAQ_EXCLUDE_ARREST_RECORDS.PDF.

⁴ Cammett, A. (2015). Confronting race and collateral consequences in public housing. *Seattle University Law Review*, 39: 1123-1155. <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=2344&context=sulr>.

⁵ Ungar-Sargon, B. (June 2, 2015). *NYCHA Questioned on Policy of Banning Arrested Residents*. City Limits. <https://citylimits.org/2015/06/02/nycha-questioned-on-policy-of-banning-arrested-residents/>.

⁶ *Know Your Rights: Housing and Arrests or Criminal Convictions*. (October 2, 2010). The Bronx Defenders. <https://www.bronxdefenders.org/housing-and-arrests-or-criminal-convictions/>.

⁷ See, for example: *A Home to be Proud of: A Handbook for Residents*. (2017). New York City Housing Authority. <https://www.nyc.gov/assets/nycha/downloads/pdf/nycha-tenant-handbook-2017.pdf>; *Statement of Policies*. (2017). Minneapolis Public Housing Authority. <http://www.mphaonline.org/wp-content/uploads/2016/10/FY2017-Low-Income-Statement-of-Policies-ACOP.pdf>; and *Terminations*. (n.d.). Housing Authority of St. Louis County. <https://www.haslc.com/housing/housing-choice-voucher/terminations/#:~:text=Breaching%20the%20lease%20seriously%20or,under%20state%20sex%20offender%20program>.

⁸ Cole, M.M. (October 2020). Permanently Excluded. *New York University Law Review*, 95(4): <https://www.nyulawreview.org/wp-content/uploads/2020/10/NYULawReview-Volume-95-Issue-4-Cole.pdf>.

⁹ *Know Your Rights: Housing and Arrests or Criminal Convictions*. (October 2, 2010). The Bronx Defenders. <https://www.bronxdefenders.org/housing-and-arrests-or-criminal-convictions/>; and *Statement of Policies*. (2017). Minneapolis Public Housing Authority. <http://www.mphaonline.org/wp-content/uploads/2016/10/FY2017-Low-Income-Statement-of-Policies-ACOP.pdf>;

¹⁰ Fernandez, M. (October 1, 2007). *Barred from Public Housing, Even to See Family*. The New York Times. <https://www.nytimes.com/2007/10/01/nyregion/01banned.html>.

¹¹ Cole, M.M. (October 2020). Permanently Excluded. *New York University Law Review*, 95(4): <https://www.nyulawreview.org/wp-content/uploads/2020/10/NYULawReview-Volume-95-Issue-4-Cole.pdf>.

1. The “permanently excluded” person is not allowed to step foot on the premises—not for holidays, birthdays,¹² or to take care of elderly family members—and is often **forced into homelessness**.¹³
 2. In order to avoid eviction of the entire household, one mother was forced to kick her 15-year old child out of the house after he was arrested for marijuana possession. When she invited him over for Thanksgiving dinner, the entire household was evicted for breaking the rules of the permanent exclusion.¹⁴
 3. One investigation found that **4,698 people were permanently excluded from New York public housing between 2007 and 2014**.¹⁵
- II. Sometimes, **an arrest can lead to a restraining order that functionally evicts someone from their home**.¹⁶ These orders can prohibit contact between the complainant and the accused person. But when those people are family members or roommates, it can mean that the accused person may be forced to leave their home, even before any investigation has taken place (and while legally presumed innocent). This is a common enough occurrence that New York actually has a specific hearing (called a Forman Hearing) to address housing and property loss resulting from a restraining order.¹⁷
- III. **Through practices like “crime-free” ordinances and nuisance ordinances, even minor interactions with the police that don’t result in charges can endanger housing.**
- A. Nuisance ordinances allow cities to punish people—and sometimes evict them—for interacting with law enforcement at all, **even when they are the victims of crime**.¹⁸
 1. Half of the women interviewed in a study on domestic violence victims were forced to move as a result of these laws: many of them were **evicted as a direct result of calling 911 too many times**, and others moved to avoid eviction in the event they had to call 911 again.¹⁹
 - B. Similarly, “crime-free” ordinances allow—and sometimes require—police to alert landlords about any contact between their tenants and law enforcement. Even interactions that don’t end in arrest can trigger these and result in eviction.²⁰

¹² *Know Your Rights: Housing and Arrests or Criminal Convictions*. (October 2, 2010). The Bronx Defenders. <https://www.bronxdefenders.org/housing-and-arrests-or-criminal-convictions/>.

¹³ Ungar-Sargon, B. (June 2, 2015). *NYCHA Questioned on Policy of Banning Arrested Residents*. City Limits. <https://citylimits.org/2015/06/02/nycha-questioned-on-policy-of-banning-arrested-residents/>.

¹⁴ Fernandez, M. (October 1, 2007). *Barred from Public Housing, Even to See Family*. The New York Times. <https://www.nytimes.com/2007/10/01/nyregion/01banned.html>.

¹⁵ Ungar-Sargon, B. (June 2, 2015). *NYCHA Questioned on Policy of Banning Arrested Residents*. City Limits. <https://citylimits.org/2015/06/02/nycha-questioned-on-policy-of-banning-arrested-residents/>.

¹⁶ *Orders of Protection*. (n.d.). New York City Police Department. <https://www.nyc.gov/site/nypd/services/victim-services/resources-services-orders-protection.page>.

¹⁷ *People v Carrington*. (May 3, 2006). Justia U.S. Law. <https://law.justia.com/cases/new-york/other-courts/2006/2006-51499.html>.

¹⁸ Morris, L. & Park, S. (January 24, 2019). *A Disturbing Number of Missouri Towns Evict Residents for Calling the Police*. ACLU. <https://www.aclu.org/news/womens-rights/disturbing-number-missouri-towns-evict-residents-calling>.

¹⁹ Arnold, G.W. (2016). From Victim to Offender: How Nuisance Property Laws Affect Battered Women. *Journal of Interpersonal Violence*, 34(6). DOI: 10.1177/0886260516647512.

²⁰ *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>.

- C. An investigation of Tampa’s Crime-Free Multi-Housing Program (which ended in 2021) found that people lost housing over minor incidents or even unfounded accusations: **of 178 confirmed evictions in response to this program, 42 were arrests for misdemeanors and 62 had their charges later dropped.**²¹
1. Police disproportionately flagged Black residents: 90% of the 1,100 people flagged through the program were Black, even though Black people made up only 54% of all arrests in Tampa in that time period.²²
 2. 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.²³
- D. Over 100 municipalities in Illinois have “compulsory eviction laws”, which force landlords to evict tenants who have interactions with law enforcement. Like nuisance ordinances, **this practice can lead to eviction even when the tenant is a *victim* of a crime or has called the police for help.**²⁴
1. In Granite City, IL, for example, landlords can be fined or lose their renting license if they do not evict tenants who are arrested, suspected of crimes, or violate city ordinances like letting the grass grow too long. Between 2014-2019, Granite City police sent over 300 notices to landlords to evict tenants under these rules. **28 of those were a result of a call for help during an overdose.**²⁵

IV. **In some places, being arrested can lead to legal exclusion from entire neighborhoods, further limiting housing.** Laws in cities like St. Louis, Seattle, and the Chicago suburb Elgin bar people who have had police encounters from certain areas.²⁶

- A. St. Louis’s particularly harsh law prohibits a person who is arrested for a petty crime from the neighborhood where the alleged crime took place, sometimes for years. **If they step foot in that neighborhood, they risk fines and jail time.** This not only limits the areas where a person can find housing, but also often cuts them off from social services and friends and family who might help them find housing. For example, if the person is arrested in downtown St. Louis and is subjected to this law, they are

²¹ 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-homes/>

²² 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-homes/>

²³ 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-homes/>

²⁴ Berg, A. (August 16, 2019). *How Illinois Families Can Face Eviction for Crimes They Didn't Commit.* Illinois Policy. <https://www.illinoispolicy.org/how-illinois-families-can-face-eviction-for-crimes-they-didnt-commit/>

²⁵ Hansen, M. (May 9, 2019). *With Crime-Free Rules, Tenants Evicted After Overdose Calls.* St. Louis Public Radio. <https://news.stlpublicradio.org/2019-05-09/with-crime-free-rules-tenants-evicted-after-overdose-calls#stream/0>

²⁶ Kohler, J. (December 1, 2022). *St. Louis Can Banish People From Entire Neighborhoods. Police Can Arrest Them if They Come Back.* ProPublica. <https://www.propublica.org/article/st-louis-can-banish-people-from-entire-neighborhoods>

unable to access the housing services and shelters that are concentrated in that neighborhood.²⁷

- V. **In a less direct way, being arrested drives housing insecurity as a result of income loss.**
 - A. Being arrested in and of itself can mean a missed shift at work or even being fired, which reduces the family's income and makes it harder to maintain housing.²⁸
 - B. One study found that being arrested recently was one of the most powerful predictors of job loss among young men.²⁹
- VI. **When a parent is arrested, a child's housing situation is immediately disrupted.** The arrested parent is often forced to leave the child with another caregiver in a temporary and unstable setting, or they might risk state intervention, foster care placement, and familial separation. In addition to the trauma of having a parent arrested and being separated from them, the child is also thrown into an unstable housing situation.³⁰

Having an open criminal case increases the likelihood of eviction and housing insecurity.

- I. Trying to find housing with an open case can be monumentally difficult. **Ninety percent of landlords conduct criminal background checks on applicants,**³¹ and an open court case may disqualify them, despite HUD's guidance against using criminal charges alone as a reason to deny housing.³²
 - A. Prosecutors often use "charge stacking" to accuse people of more numerous and severe crimes in order to increase the pressure on the individual to accept a plea bargain rather than pursuing a full airing of the evidence at trial.³³ But this means people are often charged with much more serious offenses than the underlying conduct might truly justify, meaning a background check on an individual whose case is open (rather than resolved) may look much worse.
 - B. Often, tenant screenings fail to capture an adequate picture of an arrest record. One study found that 32% of arrest records don't even have a case disposition, meaning

²⁷ Kohler, J. (December 1, 2022). *St. Louis Can Banish People From Entire Neighborhoods. Police Can Arrest Them if They Come Back*. ProPublica. <https://www.propublica.org/article/st-louis-can-banish-people-from-entire-neighborhoods>.

²⁸ Smyth, M. (September 13, 2009). *From Arrest to Reintegration: A Model for Mitigating Collateral Consequences of Criminal Proceedings*. The Bronx Defenders. <https://www.bronxdefenders.org/from-arrest-to-reintegration-a-model-for-mitigating-collateral-consequences-of-criminal-proceedings/>.

²⁹ Wiesner, M., Capaldi, D.M., & Kim, H.K. (April 1, 2010). Arrests, Recent Life Circumstances, and Recurrent Job Loss for At-Risk Young Men: An Event-History Analysis. *Journal of Vocational Behavior*, 76(2): 344-354. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2850216/>.

³⁰ Raeder, M.S. (2012). Special Issue: Making a Better World for Children of Incarcerated Parents. *Family Court Review*, 50(1): 23-35. DOI: 10.1111/j.1744-1617.2011.01425.x.

³¹ *TransUnion Independent Landlord Survey Insights*. (August 7, 2017). TransUnion.

<https://www.mysmartmove.com/SmartMove/blog/landlord-rental-market-survey-insights-infographic.page>.

³² McCain, D.L. (June 10, 2022). *Implementation of the Office of General Counsel's Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*. U.S. Department of Housing and Urban Development.

<https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidance%20on%20Application%20of%20FHA%20Standards%20to%20the%20Use%20of%20Criminal%20Records%20-%20June%2010%202022.pdf>.

³³ Hessick, C.B. (2021). Chapter 3: "It's a Business Decision". *Punishment Without Trial: Why Plea Bargaining is a Bad Deal*. Abrams Press.

they don't show the outcome of the case. This means that landlords are making decisions about housing eligibility based on incomplete information about the person's criminal legal history.³⁴

- II. **PHAs have the authority to terminate a person's tenancy if they suspect any criminal involvement,³⁵ which means having any open case puts people at risk of eviction from public housing, even before the case has been resolved.**
- III. Going through a criminal trial involves a significant amount of time. Though the numbers of hearings, continuances, and other court events vary, a person might have to show up to court over 10 times before even being convicted of anything.³⁶ Such a person has to miss at least 10 work days, potentially putting their income and employment at risk.
- IV. Even going through the process of a misdemeanor charge that doesn't end in conviction reduces a person's future earnings.³⁷ This loss of income increases housing insecurity.
- V. **Pretrial detention drives housing insecurity.**
 - A. One analysis estimated that **23% of people detained pretrial for a misdemeanor charge experience some form of housing loss.**³⁸
 - B. Pretrial detention also leads to job loss and people having their belongings stolen while detained.³⁹ This loss of wealth and reduced earnings further destabilize housing.
 - C. The costs of bail and pretrial services put entire families at risk of housing insecurity: one survey found that **48% of women who owed money to the bail bond industry (often to pay the bail of a loved one) experienced housing insecurity.**⁴⁰
- VI. **Being electronically monitored pretrial can be a driver of housing loss.**
 - A. In addition to the evidence demonstrating that electronic monitors are largely ineffective and actually increase the likelihood of future conviction through technical violations, they also contribute to housing insecurity.⁴¹

³⁴ Goggins, B.R. & DeBacco, B.A. (February 2018). *Survey of State Criminal History Information Systems, 2016: A Criminal Justice Information Policy Report*. Bureau of Justice Statistics. <https://www.ojp.gov/pdffiles1/bjs/grants/251516.pdf>.

³⁵ *Know Your Rights: Housing and Arrests or Criminal Convictions*. (October 2, 2010). The Bronx Defenders. <https://www.bronxdefenders.org/housing-and-arrests-or-criminal-convictions/>.

³⁶ Ostrom, B.J., Hamblin, L.E., Schauffler, R.Y., & Raaen, N. (2020). *Timely Justice in Criminal Cases: What the Data Tells Us*. National Center for State Courts.

https://www.ncsc.org/---data/assets/pdf_file/0019/53218/Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf.

³⁷ Craigie, T.A., Grawert, A., & Kimble, C. (September 2020). *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*. Brennan Center for Justice.

https://www.brennancenter.org/sites/default/files/2020-09/EconomicImpactReport_.pdf.pdf.

³⁸ Baughman, S. (2017). Costs of Pretrial Detention. *Boston University Law Review*, 9(1).

<https://dc.law.utah.edu/cgi/viewcontent.cgi?article=1018&context=scholarship>.

³⁹ Baughman, S. (2017). Costs of Pretrial Detention. *Boston University Law Review*, 9(1).

<https://dc.law.utah.edu/cgi/viewcontent.cgi?article=1018&context=scholarship>.

⁴⁰ Clayton, G., Richardson, E., Mandlin, L., & Farr, B. (2018). *Because She's Powerful: The Political Isolation and Resistance of Women with Incarcerated Loved Ones*. Essie Justice Group. https://www.becauseshespowerful.org/wp-content/uploads/2018/05/Essie-Justice-Group_Because-Shes-Powerful-Report.pdf.

⁴¹ *Rethinking Electronic Monitoring: A Harm Reduction Guide*. (September 2022). ACLU. <https://www.aclu.org/report/rethinking-electronic-monitoring-harm-reduction-guide>.

- B. For example, in order to avoid pretrial detention and be on an electronic monitor instead, a person often cannot live with anyone who is on probation or parole, which often **separates families** and limits housing options.⁴²
- C. Some landlords and PHAs prohibit people on electronic monitoring from the premises altogether.⁴³
- D. Electronic monitoring is also expensive, costing users hundreds of dollars per month,⁴⁴ sometimes adding up to over \$5,000 per year.⁴⁵ This additional monthly bill interferes with a person's ability to afford housing.

Having a conviction increases housing insecurity.

I. A criminal conviction can put public housing out of reach.

- A. PHAs have broad discretion to deny housing to people with criminal records.^{46, 47}
- B. According to the National Inventory of Collateral Consequences of Convictions, **people with convictions face at least 29 different statutes across the U.S. limiting their access to public housing.**⁴⁸
- C. Though HUD has advised PHAs and landlords to limit the length of lookback periods (which is how far back they look into an applicant's criminal history), some PHAs and landlords consider a person's lifetime criminal history, and many deny housing to people who completed their sentence many years ago.^{49, 50}

II. A criminal record reduces income, which can cause housing insecurity for entire families.

- A. Being convicted of a felony—but not imprisoned for it—reduces future earnings by 22%. Even a misdemeanor conviction with no prison time leads to an average of 16% reduction in future earnings.⁵¹

⁴² *Punishment Is Not a "Service": The Injustice of Pretrial Conditions in Cook County*. (October 24, 2017). Chicago Community Bond Fund. <https://chicagobond.org/wp-content/uploads/2018/10/pretrialreport.pdf>.

⁴³ *Rethinking Electronic Monitoring: A Harm Reduction Guide*. (September 2022). ACLU. <https://www.aclu.org/report/rethinking-electronic-monitoring-harm-reduction-guide>.

⁴⁴ Kofman, A. (July 3, 2019). *Digital Jail: How Electronic Monitoring Drives Defendants Into Debt*. ProPublica. <https://www.propublica.org/article/digital-jail-how-electronic-monitoring-drives-defendants-into-debt>.

⁴⁵ Weisburd, K., et al. (2021). *Electronic Prisons: The Operation of Ankle Monitoring in the Criminal Legal System*. George Washington University Law School. <https://issuu.com/gwlawpubs/docs/electronic-prisons-report?fr=sOGI5NDcxODg3>.

⁴⁶ Geller, A. (June 2010). A Sort of Homecoming: Incarceration and the Housing Security of Urban Men. *Social Science Research*, 40: 1196-1213.

⁴⁷ *Public Housing Bans*. (February 26, 2020). National Low Income Housing Coalition. <https://nlihc.org/resource/public-housing-bans>.

⁴⁸ *Collateral Consequences Inventory*. (n.d.). U.S. Department of Justice. <https://niccc.nationalreentryresourcecenter.org/>.

⁴⁹ Tran-Leung, M.C. (February 2015). *When Discretion Means Denial: A National Perspective on Criminal Records Barriers to Federally Subsidized Housing*. Sargent Shriver National Center on Poverty Law. <https://www.povertylaw.org/wp-content/uploads/2019/09/WDMD-final.pdf>.

⁵⁰ *Public Housing Bans*. (February 26, 2020). National Low Income Housing Coalition. <https://nlihc.org/resource/public-housing-bans>.

⁵¹ Craigie, T.A., Grawert, A., & Kimble, C. (September 2020). *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*. Brennan Center for Justice. https://www.brennancenter.org/sites/default/files/2020-09/EconomicImpactReport_.pdf.pdf.

- B. A conviction makes people ineligible for certain jobs: of the over 45,000 regulations imposing collateral consequences on people involved in the criminal legal system, 62% limit employment or occupation licensing eligibility.⁵²
 - C. In many states, people with convictions can't access certain public benefits, like Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP), further entrenching them in poverty and making it harder to afford housing.⁵³
- III. **Diversion programs, like drug treatment or anger management, allow people to avoid a jail or prison sentence, but the associated costs exacerbate housing insecurity.**
- A. An investigation of 225 diversion programs across 37 states found that these programs are very expensive: sometimes up to \$5,000.⁵⁴
 - B. When you add these costs to the price of bail,⁵⁵ pretrial fees,⁵⁶ court fines and fees,⁵⁷ and missed opportunities for work, even *avoiding* a sentence can make it harder for someone to keep up with rent.

Even if a person avoids a prison sentence, the experience of criminal legal involvement still drives housing insecurity.

- I. 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.⁵⁸
- II. Even without a prison sentence, the system of probation threatens housing stability. Being on probation extracts wealth: 48 states allow courts to charge supervision fees to people on probation, ranging from \$10 to \$150 every month.⁵⁹

⁵² Duane, M., La Vigne, N., Lynch, M., & Reimal, E. (March 2017). *Criminal Background Checks*. Urban Institute. https://www.urban.org/sites/default/files/publication/88621/2001174_criminal_background_checks_impact_on_employment_and_recidivism_2.pdf.

⁵³ Mauer, M. & McCalmont, V. (November 2013). *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits*. The Sentencing Project. <https://www.sentencingproject.org/app/uploads/2022/08/A-Lifetime-of-Punishment.pdf>.

⁵⁴ Dewan, S. & Lehren, A.W. (December 12, 2016). *After a Crime, the Price of a Second Chance*. The New York Times. <https://www.nytimes.com/2016/12/12/us/crime-criminal-justice-reform-diversion.html>.

⁵⁵ *The Ins and Outs of Bail*. (2020). The Marshall Project. <https://www.themarshallproject.org/2020/10/28/the-ins-and-outs-of-bail>.

⁵⁶ Weisburd, K. (2021). *Electronic Prisons: The Operation of Ankle Monitoring in the Criminal Legal System*. George Washington University Law School. <https://issuu.com/gwlawpubs/docs/electronic-prisons-report?fr=sOGI5NDcxODg3>.

⁵⁷ Menendez, M., Eisen, L.B., Atchison, N., & Crowley, M. (2019). *The Steep Costs of Criminal Justice Fees and Fines*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

⁵⁸ 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>.

⁵⁹ Brett, S., Khoshkhoo, N., & Nagrecha, M. (June 2020). *Paying on Probation: How Financial Sanctions Intersect with Probation to Target, Trap, and Punish People Who Cannot Pay*. Harvard Law School Criminal Justice Policy Program. <https://finesandfeesjusticecenter.org/articles/financial-sanctions-intersect-with-probation/>.

- III. When people have to miss work to regularly report to probation meetings, they risk being fired.⁶⁰ This loss of income makes it harder to keep up with housing costs.
- IV. **Any Violation of Probation (VOP) can lead to eviction.**⁶¹
- A. VOPs are incredibly common and frequently arise from conduct which would not be considered criminal under other circumstances, such as breaking a curfew.⁶²
- B. **People on probation are expected to comply with up to 18-20 different requirements *per day***, ranging from maintaining full-time employment (which is especially challenging for people with a criminal record), to regularly reporting to a probation officer, to not changing residence without permission.⁶³
- V. The rules of probation generally prohibit living with—or any contact with—certain people involved in the case, other people with a criminal legal record, anyone with a past felony conviction, or anyone suspected of gang affiliation.⁶⁴
- A. Given that, by some estimates, over 24 millions Americans have a felony,⁶⁵ and that crime and high incarceration rates are concentrated in certain neighborhoods,⁶⁶ this can actually be very difficult to follow.
- B. The stated purpose of these rules is to prevent VOPs and recidivism,⁶⁷ but the reality is that they keep people from accessing social networks that could otherwise help them secure housing.
- VI. **Gang documentation and civil gang injunctions (CGIs)--court orders that restrict the activities and movement of people who police designate as ‘gang members’⁶⁸--make VOPs more likely and compound housing insecurity.**
- A. Based on interviews in one study, **housing instability was one of the primary repercussions of CGIs**, as people found it incredibly difficult to secure stable housing when they couldn’t rely on certain friends or family members.⁶⁹

⁶⁰ *Revoked: How Probation and Parole Feed Mass Incarceration in the United States*. (July 31, 2020). Human Rights Watch.

<https://www.hrw.org/report/2020/07/31/revoked/how-probation-and-parole-feed-mass-incarceration-united-states>.

⁶¹ 42 USC 1437d. <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section1437d&num=0&edition=prelim>.

⁶² Jones, A. (2018). *Correctional Control 2018: Incarceration and supervision by state*. Prison Policy Initiative.

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

⁶³ Jones, A. (2018). *Correctional Control 2018: Incarceration and supervision by state*. Prison Policy Initiative.

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

⁶⁴ *Overview of Probation and Supervised Release Conditions*. (November 2016). Administrative Office of the United States Courts Probation and Pretrial Services Office.

https://www.uscourts.gov/sites/default/files/overview_of_probation_and_supervised_release_conditions_0.pdf.

⁶⁵ Eberstadt, N. (May 22, 2019). *America’s Invisible Felon Population: A Blind Spot in US National Statistics*. American Enterprise Institute. https://www.jec.senate.gov/public/_cache/files/b23fea23-8e98-4bcd-aeed-edcc061a4bc0/testimony-eberstadt-final.pdf.

⁶⁶ Clear, T.R. (2008). The Effects of High Imprisonment Rates on Communities. *Crime and Justice*, 37(1): 97-132. DOI: 10.1086/522360.

⁶⁷ *Overview of Probation and Supervised Release Conditions*. (November 2016). Administrative Office of the United States Courts Probation and Pretrial Services Office.

https://www.uscourts.gov/sites/default/files/overview_of_probation_and_supervised_release_conditions_0.pdf.

⁶⁸ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

⁶⁹ Swan, R.S. (2017). Loosening the ties that bind: the hidden harms of civil gang injunctions in San Diego County. *Contemporary Justice Review*, 20(1). DOI: 10.1080/10282580.2016.1262774.

- B. Unsurprisingly, this practice is used as a **tool of institutionalized racism**.⁷⁰
 - 1. Despite CGI laws' "race-neutral" language, around 90% of people designated as "gang members" by law enforcement are people of color.⁷¹ CGI laws specifically limit the spaces where poor and disproportionately Black and Latinx people can live and build community.⁷²
- C. These databases which limit free association and housing access are largely created by police, who can choose to register almost anyone as a gang member at will, sometimes for reasons as simple as clothing choice.⁷³ Once someone's name is added to these registries, it can remain there almost indefinitely.⁷⁴
- D. CGIs restrict people suspected of gang affiliation from behaviors as harmless as having a cell phone, drinking alcohol on their own front porch or at a restaurant, or having any contact with other people the police label as "gang members", even if they are family members. Violating any of these conditions can lead to arrest and, by extension, housing loss.⁷⁵
- E. CGIs have direct impacts on housing. **First, they increase the likelihood of arrest and incarceration (for people included in the CGI and for anyone on probation who interacts with them)**⁷⁶, which are themselves threats to housing security. **Secondly, they tear people away from their social networks and separate families, making housing stability even more difficult.**^{77,78}

Incarceration itself drives housing loss.

- I. Research shows that, at the community level, a higher incarceration rate is correlated with more evictions: one study in Franklin County, Ohio, found that a 10-percentage-point increase in the incarceration rate was associated with a 4-percentage-point increase in evictions.⁷⁹

⁷⁰ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

⁷¹ *National Youth Gang Survey Analysis: Demographics*. (n.d.). National Gang Center. <https://nationalgangcenter.ojp.gov/survey-analysis/demographics#anchorregm>.

⁷² Muniz, A. (May 2014). Maintaining Racial Boundaries: Criminalization, Neighborhood Context, and the Origins of Gang Injunctions. *Social Problems*, 61(2): 216-236. DOI: 10.1525/sp.2014.12095.

⁷³ Myers, T.A. (2009). The Unconstitutionality, Ineffectiveness, and Alternatives of Gang Injunctions. *Michigan Journal of Race and Law*, 14. <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1094&context=mjrl>.

⁷⁴ Greene, J. & Pranis, K. (July 2007). *Gang Wars: The Failure of Enforcement Tactics and the Need for Effective Public Safety Strategies*. Justice Policy Institute. https://justicepolicy.org/wp-content/uploads/2022/02/07-07_rep_gangwars_gc-ps-ac-jj.pdf.

⁷⁵ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

⁷⁶ *Overview of Probation and Supervised Release Conditions*. (November 2016). Administrative Office of the United States Courts Probation and Pretrial Services Office. https://www.uscourts.gov/sites/default/files/overview_of_probation_and_supervised_release_conditions_0.pdf.

⁷⁷ Swan, R.S. (2017). Loosening the ties that bind: the hidden harms of civil gang injunctions in San Diego County. *Contemporary Justice Review*, 20(1). DOI: 10.1080/10282580.2016.1262774.

⁷⁸ Greenwald, D. (April 24, 2016). *West Sacramento Residents Call for End to Gang Injunction; Justice for Juveniles in System*. The Davis Vanguard. <https://www.davisvanguard.org/2016/04/end-of-gang-injunction/>.

⁷⁹ Pierce, S.C. (2020). *Investigating the Causes and Consequences of Eviction*. Ohio State University. https://etd.ohiolink.edu/apexprod/rws_etd/send_file/send?accession=osu1598023157360428&disposition=inline.

- II. **Being incarcerated removes people from the labor market, robbing them of opportunities to work or find higher-paying jobs.**⁸⁰
- III. **When a breadwinner is incarcerated, the entire family faces housing insecurity.**
 - A. 54% of incarcerated parents are the family's breadwinner.⁸¹
 - B. One survey found that **65% of families with a family member incarcerated could not meet basic needs, including rent.**⁸²
 - C. Research suggests that women whose partners were recently incarcerated are 50% more likely to face housing insecurity.⁸³
 - D. In one survey, 35% of women with a loved one incarcerated faced homelessness, eviction, or the inability to pay rent as a result of bail, court fees, and missed economic opportunities. That number increased to 56% for women whose incarcerated loved one was the primary breadwinner.⁸⁴
- IV. **Incarceration directly harms a person's physical and mental health, making it even more difficult to work and therefore secure stable housing.**
 - A. Being behind bars can lower life spans by 10-15 years, making incarcerated people more vulnerable to chronic health issues earlier in life.⁸⁵
 - B. Incarceration leads to higher risk of hypertension, asthma, and overall health functioning,⁸⁶ not to mention its catastrophic impact on mental health.⁸⁷
 - C. These physical and mental health issues make it harder to participate in the workforce,⁸⁸ thus making it even more difficult to afford stable housing.
- V. **Families endure countless economic costs to support and stay in touch with incarcerated loved ones. These add up, making it more difficult for families to pay for stable housing.**

⁸⁰ Craigie, T.A., Grawert, A., & Kimble, C. (September 2020). *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*. Brennan Center for Justice.

https://www.brennancenter.org/sites/default/files/2020-09/EconomicImpactReport_.pdf

⁸¹ *Groundbreaking Report: Half of All U.S. Adults Have Immediate Family Member Currently or Previously Incarcerated*. (December 6, 2018). Fwd. <https://www.fwd.us/news/groundbreaking-report-half-of-all-u-s-adults-have-immediate-family-member-currently-or-previously-incarcerated/>.

⁸² *A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities*. (April 6, 2016). The Annie E. Casey Foundation. <https://assets.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf>.

⁸³ Geller, A. & Franklin, A.W. (April 2014). Paternal Incarceration and the Housing Security of Urban Mothers. *Journal of Marriage and Family*, 76(2): 411-427. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4553700/>.

⁸⁴ Clayton, G., Richardson, E., Mandlin, L., & Farr, B. (2018). *Because She's Powerful: The Political Isolation and Resistance of Women with Incarcerated Loved Ones*. Essie Justice Group. <https://www.becauseshespowerful.org/wp-content/uploads/2018/05/Essie-Justice-Group-Because-Shes-Powerful-Report.pdf>.

⁸⁵ Widra, E. (February 13, 2020). *Deaths in state prisons are on the rise, new data shows. What can be done?* Prison Policy Initiative. <https://www.prisonpolicy.org/blog/2020/02/13/prisondeaths/>.

⁸⁶ Binswanger, I.A., Redmond, N., Steiner, J.F., & Hicks, L.S. (2012). Health Disparities and the Criminal Justice System: An Agenda for Further Research and Action. *Journal of Urban Health*, 89: 98-107. <https://link.springer.com/content/pdf/10.1007/s11524-011-9614-1.pdf>.

⁸⁷ Quandt, K.R. & Jones, A. (May 13, 2021). *Research Roundup: Incarceration can cause lasting damage to mental health*. Prison Policy Initiative. <https://www.prisonpolicy.org/blog/2021/05/13/mentalhealthimpacts/>.

⁸⁸ Craigie, T.A., Grawert, A., & Kimble, C. (September 2020). *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*. Brennan Center for Justice. https://www.brennancenter.org/sites/default/files/2020-09/EconomicImpactReport_.pdf.

- A. Phone calls,⁸⁹ mail,⁹⁰ and visits, which are critical for the well-being of both the incarcerated person and their loved ones,⁹¹ can be expensive.
 - 1. Often, families live far away from the prison: two thirds of mothers in one study reported that their kids live over 2 hours away from the prison.⁹² The gas money or bus fare needed to visit loved ones, as well as time spent not working, adds up.⁹³
- VI. **Prison often sends people far away from their social networks and resources, leaving them with less help finding housing post-release.**
- A. The average distance from home for someone incarcerated in a state prison is 100 miles. For someone in a federal prison, it's 500 miles—that's at least a 14-hour drive roundtrip.⁹⁴
 - B. This means that when a person finally returns home, they have likely lost a lot of the networks and knowledge of home that could help them find housing.

After release from prison, the lasting impact of incarceration makes housing security difficult.

- I. Formerly incarcerated people make up between 23-48% of annual homeless shelter admissions and are nearly 10 times more likely than the general population to become unhoused.⁹⁵
- II. One study found that 79% of unhoused survey respondents in Los Angeles had been incarcerated *before* losing stable housing.⁹⁶
- III. When people are released from prison, the stigma they experience makes it more difficult to maintain social ties. Their relationships with loved ones—partners and children—are disrupted

⁸⁹ Wagner, P. & Bertram, W. (December 2022). *State of Phone Justice 2022: The problem, the progress, and what's next*. Prison Policy Initiative. https://www.prisonpolicy.org/phones/state_of_phone_justice_2022.html.

⁹⁰ Dholakia, N. (March 1, 2022). *More and More Prisons are Banning Mail*. Vera Institute of Justice. <https://www.vera.org/news/more-and-more-prisons-are-banning-mail>.

⁹¹ Cramer, L., Goff, M., Peterson, B., & Sandstrom, H., (2017). *Parent-Child Visiting Practices in Prisons and Jails: A Synthesis of Research and Practice*. Urban Institute. https://www.urban.org/sites/default/files/publication/89601/parent-child_visiting_practices_in_prisons_and_jails_0.pdf.

⁹² Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). *Addressing the Needs of Incarcerated Mothers and Their Children in Illinois*. Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration. <https://www.chaphin.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

⁹³ Joyce, J. (May 10, 2019). *Let's Make It Easier for Kids to Visit Incarcerated Parents*. The Marshall Project. <https://www.themarshallproject.org/2019/05/10/let-s-make-it-easier-for-kids-to-visit-incarcerated-parents>.

⁹⁴ La Vigne, N.G. (February 3, 2014). *The cost of keeping prisoners hundreds of miles from home*. Urban Institute. <https://www.urban.org/urban-wire/cost-keeping-prisoners-hundreds-miles-home>.

⁹⁵ Chimowitz, A. & Ruege, A. (2022). *Preventing & Reducing Inflow From Incarceration*. Community Solutions. <https://communitysolutions.com/research-posts/preventing-reducing-inflow-from-incarceration/>.

⁹⁶ 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>.

by the time spent apart and the trauma of incarceration.⁹⁷ This makes it much harder to get on one's feet, as **social connections are critical for housing stability** post-release.⁹⁸

- IV. Discrimination by PHAs and landlords prevents formerly incarcerated people from securing housing.^{99, 100}
 - A. Though the data is sparse, some studies suggest that **up to 79% of formerly incarcerated people report being denied housing due to a criminal record.**¹⁰¹
 - B. Demanding credit checks, expensive security deposits, professional references, and other housing application requirements exacerbate these challenges.¹⁰²
 - C. Affordable housing shortages make finding safe housing even more difficult for formerly incarcerated people, who are significantly more likely to be poor.^{103, 104}
 - D. Many people hope to reunite with their families post-release, but if their families live in public housing that denies them access, they may be forced to either ask their family to move (which may not be feasible), move back in and risk eviction for the entire family, or separate from their loved ones and either find alternative housing or become homeless.¹⁰⁵
- V. **Barriers to employment contribute massively to housing insecurity among formerly incarcerated people.**
 - A. Research shows that stigma makes it difficult for formerly incarcerated people to achieve stability, especially when it comes to finding and maintaining employment.¹⁰⁶
 - B. Unemployment among formerly incarcerated people is widespread.

⁹⁷ Rose, D.R. & Clear, T.R. (2003). Incarceration, Reentry, and Social Capital. In J. Travis & M. Waul (Eds), *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families, and Communities*. Urban Institute. <https://books.google.com/books?hl=en&lr=&id=822DzrF0uhwC&oi=fnd&pg=PA313&dq=how+incarceration+stigma+impacts+self+esteem&ots=Fiz4PGFz17&sig=qQArZ3zllfi5ttszDMKRGIFbxQA#v=onepage&q=how%20incarceration%20stigma%20impacts%20self%20esteem&f=false>.

⁹⁸ *Strong Safety Ties Increase Safety*. (February 2023). Partners for Justice. <https://www.partnersforjustice.org/evidence/strong-social-ties-increase-safety>.

⁹⁹ Couloute, L. (2018). *Nowhere To Go: Homelessness Among Formerly Incarcerated People*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>.

¹⁰⁰ 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.arlss_.pdf.

¹⁰¹ DeVuono-Powell, S., Schweidler, C., Walters, A., & Zohrabi, A. (2015). *Who Pays? The True Cost of Incarceration on Families*. Ella Baker Center, Forward Together, Research Action Design. <http://whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>.

¹⁰² Couloute, L. (2018). *Nowhere To Go: Homelessness Among Formerly Incarcerated People*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>.

¹⁰³ 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/oor/OOR_2018.pdf.

¹⁰⁴ 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>.

¹⁰⁵ Chimowitz, A. & Ruege, A. (2022). *Preventing & Reducing Inflow From Incarceration*. Community Solutions. <https://community.solutions/research-posts/preventing-reducing-inflow-from-incarceration/>.

¹⁰⁶ Moore, K.E., Stuewig, J.B., & Tangney, J.P. (February 1, 2016). The Effect of Stigma on Criminal Offenders' Functioning: A Longitudinal Mediation Model. *Deviant Behavior*, 37(2): 196-218. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4788463/>.

1. Formerly incarcerated people are unemployed at a rate of over 27% – 5 times higher than the total U.S. unemployment rate during any period in history, including the Great Depression.¹⁰⁷
 2. By age 35, 64% of unemployed men have been arrested and 46% have been convicted.¹⁰⁸
- C. Trying to secure housing without a regular paycheck is incredibly difficult.
- VI. **Even after release, people are likely to be in debt to the system, reducing their ability to pay for housing.**
- A. A report in Alabama found that 83% of formerly incarcerated people gave up necessities such as rent, food, medical bills, car payments, and child support to pay their court debt.¹⁰⁹

Being on parole after release from prison increases the likelihood of housing insecurity.

- I. Like probation, people on parole must comply with many rules,¹¹⁰ and **a violation of these rules can directly lead to eviction from public housing.**¹¹¹
- II. Similar to probation, parole conditions prohibit contact with anyone suspected of gang affiliation and anyone with a past felony conviction.¹¹²
 - A. Again, the stated purpose of these rules is to prevent rule violation or recidivism,¹¹³ but this prevents people from accessing social networks that could otherwise help them secure housing.
- III. The system of parole also **rapidly churns 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 people experiencing housing insecurity, making them even more likely to end up back in jail.¹¹⁴

¹⁰⁷ Couloute, L & Kopf, D. (2018). *Out of Prison & Out of Work: Unemployment among formerly incarcerated people*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/outofwork.html>.

¹⁰⁸ Bushway, S., Cabrerros, I., Paige, J.W., Schwam, D., & Wenger, J.B. (2022). *Barred from employment: More than half of unemployed men in their 30s had a criminal history of arrest*. Science. <https://www.science.org/doi/10.1126/sciadv.abj6992>.

¹⁰⁹ *Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama's racial wealth divide*. (2018). Alabama Appleseed Center for Law and Justice. <https://www.alabamaappleseed.org/wp-content/uploads/2018/10/AA1240-FinesandFees-10-10-FINAL.pdf>.

¹¹⁰ Jones, A. (2018). *Correctional Control 2018: Incarceration and supervision by state*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/correctionalcontrol2018.html#harms>.

¹¹¹ 42 USC 1437d. <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section1437d&num=0&edition=prelim>.

¹¹² *Overview of Probation and Supervised Release Conditions*. (November 2016). Administrative Office of the United States Courts Probation and Pretrial Services Office. https://www.uscourts.gov/sites/default/files/overview_of_probation_and_supervised_release_conditions_0.pdf.

¹¹³ *Overview of Probation and Supervised Release Conditions*. (November 2016). Administrative Office of the United States Courts Probation and Pretrial Services Office. https://www.uscourts.gov/sites/default/files/overview_of_probation_and_supervised_release_conditions_0.pdf.

¹¹⁴ Augustine, D. & Kushel, M. (2022). Community Supervision, Housing Insecurity, and Homelessness. *The American Academy of Political and Social Science*, 70(1). <https://journals.sagepub.com/doi/full/10.1177/00027162221113983>.

- A. Non-criminal failure to follow the requirements of one’s parole or probation—known as “technical violations”—account for nearly 1 in 5 admissions to jail, 1 in 4 admissions to state prison, and \$2.8 billion in incarceration costs annually.^{115, 116}
- IV. **In this way, being on parole puts housing at risk directly—because of the risk of eviction—as well as indirectly, because of the increased likelihood of future criminal legal system contact.**

The criminal legal system directly drives housing insecurity, but the relationship is cyclical: a “revolving door”.

- I. Formerly incarcerated people who experience homelessness or housing insecurity are at increased risk of recidivism.^{117, 118}
- II. 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.¹¹⁹
- III. For more details, see [Partners for Justice’s report](#) about the cyclical relationship between the criminal legal system and housing insecurity.

Conclusion

Advocates, researchers, and people who have been impacted by the criminal legal system have made it clear that lacking stable housing increases the likelihood of police contact, arrest, and incarceration. Less widely discussed—but equally important—is the fact that the criminal legal system itself drives housing loss. Every step of the way and every type of system interaction—calling 911, being arrested, appearing in court, taking a plea deal, having a conviction, spending time behind bars—increases the likelihood of homelessness and puts housing stability out of reach.

The reality is that the vast majority of cases being processed in American courts are not the kind of serious, violent felonies so often amplified in the media. About 80% of criminal cases are misdemeanors.¹²⁰ Even of the more serious matters, many are for addressable conduct: for example, 25% of new prison admissions are due to technical violations of probation or parole.¹²¹ In short, our

¹¹⁵ Zeng, Z. (December 2022). *Jail Inmates in 2021 – Statistical Tables*. Bureau of Justice Statistics. <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/ji21st.pdf#page=12>.

¹¹⁶ *Confined and Costly: How Supervision Violations Are Filling Prisons and Burdening Budgets*. (June 2019). The Council of State Governments and Arnold Ventures. <https://csgjusticecenter.org/wp-content/uploads/2020/01/confined-and-costly.pdf>.

¹¹⁷ 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>.

¹¹⁸ Couloute, L. (2018). *Nowhere to Go: Homelessness among formerly incarcerated people*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>.

¹¹⁹ 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/>.

¹²⁰ *Race + the Criminal Legal System: Racially Charged Misdemeanors*. (June 30, 2021). National Association of Criminal Defense Lawyers. <https://www.nacdl.org/Media/RaceCriminalLegalSystemRaciallyChargedMisdemeanors>.

¹²¹ *Confined and Costly: How Supervision Violations Are Filling Prisons and Burdening Budgets*. (June 2019). The Council of State Governments and Arnold Ventures. <https://csgjusticecenter.org/wp-content/uploads/2020/01/confined-and-costly.pdf>.

criminal legal system is set up primarily to punish, not to address underlying drivers of crime or to reduce violence. And in doing so, it is directly fueling our national crisis of homelessness.

Increasing access to affordable, safe, stable housing will reduce crime, violence, and mass incarceration. But in order to meaningfully improve access to housing, we must reduce the scope of the criminal legal system and end policies that enable legal system contact to cause housing loss, instability, and exclusion.