

ONE SIZE FAILS ALL
REPORT SERIES

RETURN TO NOWHERE

The Revolving Door Between Incarceration and Homelessness



FEBRUARY 2019



This series explores the failures of Texas' criminal justice system to adequately address the needs of undervalued and marginalized populations, including teenagers and young adults, people with substance use and mental health issues, the LGBTQ community, people without stable housing supports, and people with intellectual/developmental disabilities (I/DD). Not only are these populations failed by the justice system, but Texas families and communities are harmed as more people are driven into incarceration, and taxpayers are left to foot the bill for unsuccessful policies and practices. We urge you to join us in calling for reforms that will create healthy, safe, thriving Texas communities.

The Texas Criminal Justice Coalition advances solutions and builds coalitions to reduce mass incarceration and foster safer Texas communities.

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The Revolving Door Between
Incarceration and Homelessness

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*****Our Homeless Neighbors*****

Introduction

Shortly after 9:00 a.m. on most weekdays, a van from the Travis County State Jail pulls into an alleyway between two homeless shelters in Austin.¹ Several men get out of the van holding their life's possessions. The van pulls away, and the men are free. They have no homes, no jobs, and only the clothes on their backs. Hundreds of homeless individuals surround the buildings waiting for services. The alley where the van drops the men is known for open-air drug use, a tragic consequence of chronic underfunding of substance use services.

Travis County State Jail staff have made no appointments with local social services for the men. Those with mental illness or chronic disease were released with only a few weeks of medication, and they will have to act quickly to obtain indigent health care. They will have to compete with hundreds of other homeless individuals to find a bed in a shelter, which must enlist a lottery system to decide who will remain warm and dry during the night. Most of the men will be rearrested soon after release.²

This is a normal routine in Austin and other Texas cities. People who are homeless are far more likely to be arrested, and those who are arrested are extremely likely to be released back into homelessness.

This report examines the undeniable link between homelessness and criminal justice system involvement, and the factors that contribute to both. It offers recommendations to end this chronic pattern—a pattern that wastes lives and squanders resources that could be better used to address the factors leading to homelessness.³

Another Form of Incarceration

“Being homeless is not just about being deprived of a roof over your head; it is about being deprived of a sense of belonging, a place within a community, full participation with a voice in society. There can be no doubt that a life defined by those three bleak words ‘no fixed address’ is a life deprived of the most basic entitlements that most citizens take so much for granted. Whether that homelessness takes the form of being forced to sleep on streets and in doorways and in public parks; or being placed in emergency accommodation with all the uncertainty that entails...homelessness removes so many of the acts of discretion that define freedom.”

Michael D. Higgins,
President of Ireland

Homelessness and the Justice System

Homelessness and justice system involvement are inextricably linked: People experiencing homelessness are 11 times more likely to face incarceration when compared to the general population,⁴ and formerly incarcerated individuals are almost 10 times more likely to be homeless than the general public.⁵ In fact, the rate of homelessness among adult state and federal prison inmates is four to six times the annual rate of homelessness in the general population.⁶

A study conducted with data from a Bureau of Justice Statistics *Survey of Inmates in Local Jails* found that **15.3 percent of the U.S. jail population comprised individuals who had been homeless anytime in the year prior to arrest.⁷**

According to the U.S. Interagency Council on Homelessness, **nearly 50,000 people a year enter homeless shelters directly following release from correctional facilities.⁸**

In the United States, individuals and families qualify as homeless under four federally defined categories: (1) literally homeless, (2) in imminent risk of homelessness, (3) homeless under federal statutes, and (4) fleeing or attempting to flee domestic violence.⁹ According to the U.S. Department of Housing and Urban Development, 408,150 households, or 553,742 individuals, fell into one of these categories in 2017.¹⁰

As of January 2018 in Texas, 25,310 individuals qualified as homeless under these criteria.¹¹ Recent data for Austin and greater Travis County, captured on January 27, 2018, showed a total of 2,147 unsheltered and sheltered individuals experiencing homelessness.¹²

Texas Homeless Population by Race/Ethnicity

Race / Ethnicity	Proportion of Texas Population	Proportion of Homeless Population
White	42%	28.5%
Latino/Hispanic	39.4%	28.2%
Black	12.7%	38.2%

African Americans in Texas are disproportionately impacted by homelessness —a disturbing trend linked with the overincarceration of people of color in Texas. While Black individuals comprise only 12.7 percent of the Texas population,¹³ they represent 38.2 percent of the homeless population,¹⁴ indicating that **Black individuals are overrepresented in the homeless population by three times their proportion of the Texas population.** This rate of disproportionality exceeds even the overrepresentation of Black individuals in the Texas prison system. Black individuals comprise 33% of the Texas prison population,¹⁵ a rate of disproportionality 2.67 times their share of the Texas population.

The rate of homelessness among all individuals is likely far greater than current measurement methods can estimate. Most homeless population studies are conducted through point-in-time counts, currently the only national measure that captures both sheltered and unsheltered individuals.¹⁶ These data do not include individuals double bunking or sleeping in public spaces that are not easily observable. Furthermore, patients in hospital settings and mental health or substance abuse treatment centers are excluded. **For the purpose of this report, individuals who will enter or reenter a homeless designation upon release from jail or prison are the most important variable left out of point-in-time counts.**¹⁷

Determining the extent to which homeless individuals enter or leave the criminal justice system is a challenge. An open records request to determine the proportion of Travis County Central Booking inmates who identified as homeless was inconclusive, as the Travis County Sheriff’s Office database is incomplete due to faulty or missing information pertaining to this population.¹⁸

For example, an incarcerated individual may give a false address or refuse to disclose housing information. This is not uncommon when people are paroled from Texas correctional facilities. The Texas Department of Criminal Justice (TDCJ) will not release someone to parole who does not have a verifiable address. Yet, there are only 1,950 state-funded halfway house beds¹⁹ available to the nearly 37,000 people approved for parole or mandatory supervision release from TDCJ each year;²⁰ a significant percentage of these individuals will be homeless upon release. Alternatively, people may provide the address of a jail or emergency shelter as their current address, which in turn will designate them as “housed.”

The scope of the relationship between homelessness and the criminal justice system cannot be fully understood without reliable data. But even with the limited data available, there are inadequate resources and infrastructures in place to serve the homeless. For those experiencing housing insecurity, waitlists are a major obstacle: There are waitlists for emergency shelters, housing options, and case management opportunities. For many, this results in continuous interactions with the justice system—a revolving door between incarceration and homelessness.

People at High Risk of Homelessness: U.S. vs. Texas

United States	Texas
<ul style="list-style-type: none"> • 11,094,000 low-income households in the United States pay more than half their income for rent — a 20 percent increase since 2007. • Of these households, 65 percent live in poverty and are at greater risk of becoming homeless. • For every assisted household in the U.S., twice as many low-income households are homeless or pay more than half their income for rent and do not receive any federal rental assistance due to limited funding. <p><i>Source: United States Fact Sheet: Federal Rental Assistance (Washington, D.C.: Center on Budget and Policy Priorities, 2017).</i></p>	<ul style="list-style-type: none"> • 841,000 low-income households in Texas pay more than half their income for rent — a 25 percent increase since 2007. • Of these households, 69 percent live in poverty and are at greater risk of becoming homeless. • For every assisted household in Texas, three times as many low-income households are homeless or pay more than half their income for rent and do not receive any federal assistance due to limited funding. <p><i>Source: Texas Fact Sheet: Federal Rental Assistance (Washington, D.C.: Center on Budget and Policy Priorities, 2017).</i></p>

Upon Entry into the Justice System: Characteristics and Circumstances

A 2018 report by the Prison Policy Initiative found that rates of homelessness are especially high among specific demographics, including individuals who have been incarcerated more than once, individuals recently released from prison, individuals of color, and women.²¹ Individuals who frequently come into contact with crisis systems, including shelters, hospitals, and jails, are likely to also experience negative social determinants of health, which may include poverty, housing insecurity, unemployment, and social isolation.²²

Certain demographics that have been associated with both homelessness and the risk of criminal justice system involvement include being male, single, of poor economic standing, of an ethnic minority, and of low education.²³ Additionally, certain characteristics such as mental illness, substance use, and lack of employment create unique challenges that make it difficult for this population to escape the pattern.

Mental Health Conditions

A national survey of people incarcerated in U.S. adult state and federal prisons found that those who were homeless at the time of arrest were more likely to suffer from mental health and/or substance use conditions when compared to their non-homeless counterparts.²⁴ In fact, prior to incarceration, 40 percent of those who were homeless reported use of mental health services or medications for a mental illness, a proportion twice that of non-homeless incarcerated individuals.²⁵

According to the Ending Community Homelessness Coalition (ECHO), 44 percent of Travis County's homeless population reported experiencing mental health issues in 2017. As of June 26, 2018, 689 Travis County Central Booking inmates were coded as having a psychiatric condition; nearly 36 percent were homeless at the time of arrest.²⁶

Furthermore, 56 percent of Travis County's homeless population in 2017 reported experiencing trauma and/or abuse in their lifetimes, and 29 percent reported having experienced domestic violence.²⁷ Exposure to trauma is especially prevalent among people with mental illness, often leading to Post-Traumatic Stress Disorder, which decreases health functioning and increases psychiatric complications.²⁸ According to the above-mentioned national survey, people with mental illness who were homeless prior to incarceration are two times more likely to have been exposed to trauma, specifically sexual and physical abuse, compared to those who were not homeless prior to incarceration.²⁹ People with mental illness are also far more likely to be exposed to trauma while incarcerated,

Greg Hansch,
Public Policy
Director for the
National Alliance
on Mental
Illness (NAMI)
Texas, believes
homelessness is
often the result of
a **mental-illness-
to-homelessness
pipeline.**

According to
NAMI, two million
individuals with
mental illness are
booked into U.S.
jails each year. Of
those individuals,
nearly 15 percent
of men and 30
percent of women
have a serious
mental health
condition.

particularly sexual abuse,³⁰ creating a vicious cycle of cascading physical and mental health issues that neither correctional institutions nor homeless service providers are adequately equipped to handle.

Substance Use

The rate of substance abuse for jail inmates was found to be 2.4 to 3.7 times higher than the general population's rate of abuse. While mental illness and substance use are both indicators of an increased risk of homelessness, substance use is arguably more telling.³¹ Some studies have demonstrated that alcohol and drug use are the primary factors driving homeless individuals with mental illness into the criminal justice system, many of whom are using drugs and alcohol to self-medicate untreated mental illness.³²

A study analyzing individuals in the San Francisco County Jail system found that 78 percent of incarcerated people who were homeless at the time of arrest were significantly more likely to receive a psychiatric diagnosis and a diagnosis of a co-occurring substance-related disorder; and 78 percent of those with a severe mental illness also had a co-occurring substance use disorder compared to 69 percent of those with a severe mental illness who were not homeless.³³ There is also a strong association between one's history of imprisonment and substance use. Per another San Francisco study, 93.1 percent of homeless and marginally homeless individuals with a history of imprisonment reported drug use during their lifetime.³⁴

According to ECHO's 2017 *Needs and Gaps Report*, 60 percent of Travis County's homeless population reported having had an issue with drugs and alcohol at some point in their lifetime, and 17 percent reported consuming drugs and/or alcohol every day, or almost every day, for the past month.³⁵

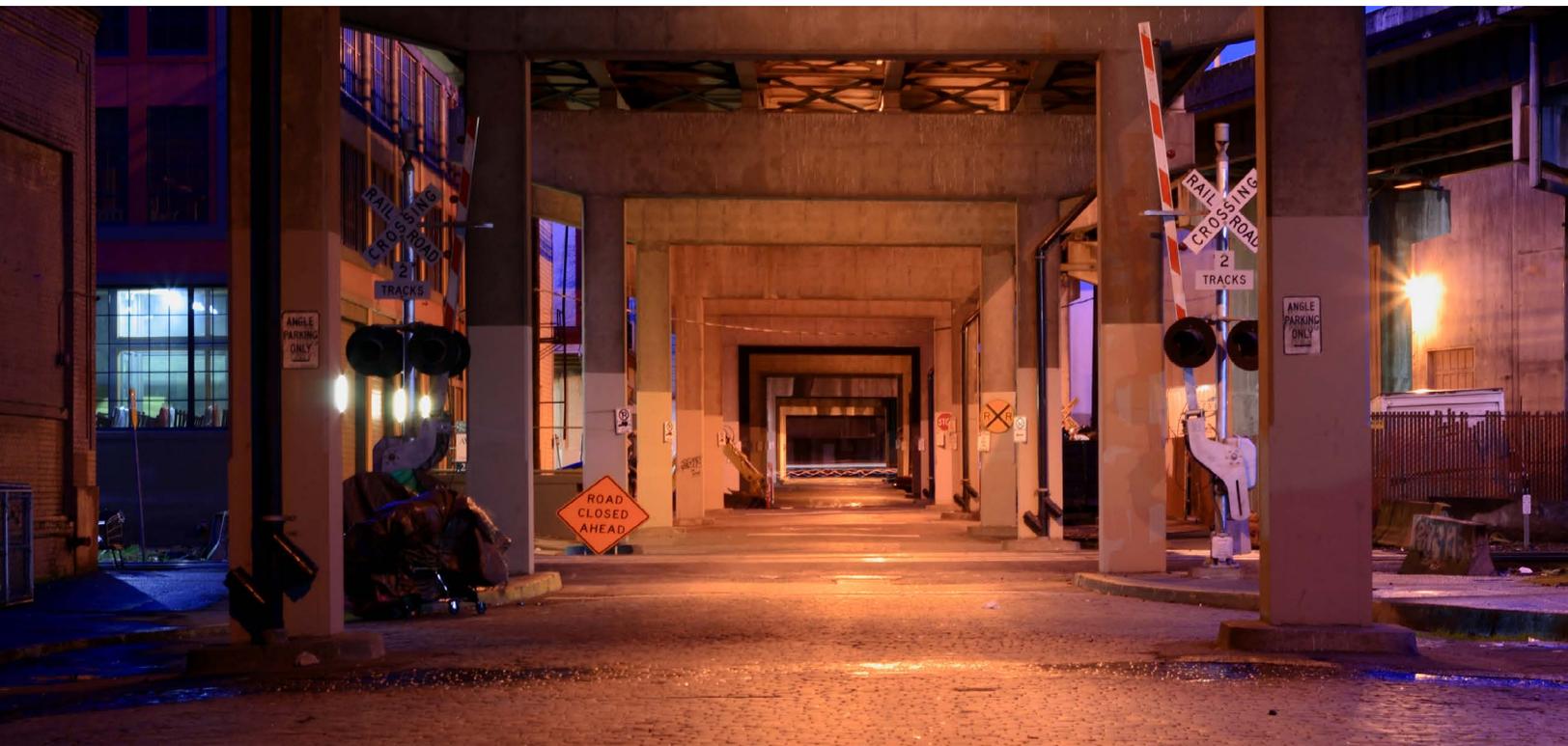


Employment and Income

Adults in poverty make up approximately 11 percent of the population, yet they are three times more likely to be arrested than adults above the poverty line. Furthermore, individuals with incomes less than 150 percent of the federal poverty guidelines are about four times more likely to be charged with a felony than the average person, and 15 times more likely to be charged with a felony than those with incomes higher than 150 percent of the federal poverty guidelines. At least a third of the U.S. inmate population falls under the poverty threshold at the time of arrest, making them more likely to be charged with a felony and more susceptible to homelessness upon their release,³⁶ especially given the challenges of finding stable housing with a felony record.

Researchers have found that **being employed at the time of arrest reduces the odds by half of becoming homeless following release.**³⁷ An income provides not only a suitable place to live but also the ability to pay tickets and fines for misdemeanor offenses, which are commonly levied on the homeless population. These offenses include Class C misdemeanors that criminalize acts of homelessness, including panhandling, camping, sitting and/or lying in public spaces, loitering, or sleeping in a vehicle.³⁸ The inability to pay fines and legal debts can lead to the arrest and jailing of individuals for nonviolent offenses—commonly known as debtors' prisons.³⁹

According to ECHO's 2017 Needs and Gaps Report, 67 percent of Travis County's homeless population reported they cannot access employment or do not have earned income, and 36 percent reported having unresolved legal issues, which could result in incarceration or legal fines.⁴⁰ Currently, in order to afford the fair market rent for a two-bedroom home, Texas households must



earn \$19.32 an hour, working 40 hours a week for 52 weeks a year, to avoid putting more than 30 percent of their income towards rent (the generally accepted standard for affordable rent). In Travis County, in order to afford the fair market rent for a two-bedroom home, residents must earn \$24.06 an hour, working 40 hours a week for 52 weeks a year, to avoid putting more than 30 percent of their income towards rent.⁴¹

Criminalization of Homelessness

For the homeless population, the majority of justice system interactions are for nonviolent offenses that should not lead to incarceration. Homeless men and women are frequently arrested for minor crimes that are a direct result of their housing status, including Class C misdemeanor offenses such as panhandling, camping, sitting and/or lying in public spaces, loitering, sleeping in a vehicle, burglary of a vehicle, breaking and entering, trespassing, and shoplifting. These acts are often attempts to acquire shelter, food, or medical assistance as a means of survival. Beginning in 2010, an ongoing national survey has found that the main offenses for which homeless individuals are cited and arrested include sleeping in public, sitting and/or lying down, and loitering.⁴²

A Bureau of Justice Statistics local jail survey revealed that incarcerated individuals who had experienced an episode of homelessness or were actively homeless at the time of arrest were significantly more likely to be incarcerated for a property crime than for a violent crime.⁴³ Survey data derived from adult state and federal prisons echoed the same finding: those who were homeless prior to incarceration were significantly more likely than others to be incarcerated for a property crime, not a drug-related or violent crime.⁴⁴

One study in Austin found that homeless men comprised 4 percent of all arrests for violent offenses and less than 10 percent of arrests for all violent and property crimes. Yet, these very men accounted for roughly 40 percent of all arrests involving minor offenses such as drug-related offenses, city ordinances, trespassing, and disorderly conduct. This data exposed an arrest rate for homeless men nearly five times that of the rate for men in the general population. **However, the majority of all arrests, minor or not, were for offenses in which there was no reported victim.**⁴⁵

Those in support of homeless ordinances view them as a means to protect the public interest. However, **homeless ordinances are ineffective, expensive, and a violation of one's civil and human rights.**⁴⁶ For those directly affected, in the words of one individual with lived experience, "Laws that criminalize homelessness are policies of entrapment; we may have rights given by God, but we do not have any statutorily speaking."⁴⁷

A 2017 audit by the City of Austin found that from fall 2013 to fall 2016, law enforcement issued 18,000 citations for panhandling, camping, and sitting or lying in unauthorized areas. According to the Downtown Austin Community Court

(DACC), in 90 percent of these cases, individuals failed to appear in court and/or pay the associated fines, resulting in arrest warrants for nearly 72 percent.⁴⁸ These warrants impede employment and housing opportunities, further increasing the chances that these individuals will experience—or continue experiencing—poverty, homelessness, and incarceration.

Homeless Ordinances Nationwide: A Review from 2011 to 2014

<p>Camping in Public</p> <p><i>34% of cities prohibit city-wide</i> A 60% increase</p>	<p>Camping in Particular Public Places</p> <p><i>34% of cities prohibit city-wide</i> A 60% increase</p>
<p>Begging in Public</p> <p><i>24% of cities prohibit city-wide</i> A 25% increase</p>	<p>Begging in Particular Public Places</p> <p><i>76% of cities prohibit city-wide</i> A 20% increase</p>
<p>Loitering in Public</p> <p><i>33% of cities prohibit city-wide</i> A 35% increase</p>	<p>Sitting or Lying Down in Particular Public Places</p> <p><i>53% of cities prohibit city-wide</i> A 43% increase</p>
<p>Sleeping in Vehicles</p> <p><i>43% of cities prohibit city-wide</i> A 119% increase</p>	<p><i>Source: No Safe Place: The Criminalization of Homelessness in U.S. Cities (Washington, D.C.: The National Center on Homelessness & Poverty, 2014).</i></p>

Formerly incarcerated individuals experiencing homelessness are particularly vulnerable to continued justice system involvement. For instance, they are at high risk of reincarceration for failure to abide by the conditions of probation or parole due to lack of transportation, inability to maintain a stable address, lost or stolen property such as cell phones, and difficulty meeting regularly with supervision officers. The transition from incarceration to stability for homeless individuals is exacerbated by a lack of identification, social security cards, and birth certificates, making it extremely difficult to find stable employment or access public assistance.

Formerly incarcerated homeless individuals who are arrested due to homeless ordinances have particular difficulty affording bail and are typically ineligible for personal recognizance bonds due to their criminal records. These individuals also may have a deficient support system due to decreased community and family ties and stigmatization from law enforcement personnel and the public. Pete Valdez, court administrator for DACC, believes opportunities must be created for the public to disprove the negative perception the community has of its homeless population, and law enforcement should act as a negotiating tool to help individuals avoid incarceration at all costs.⁴⁹

Upon Release from Jail or Prison: Challenges and Considerations

Upon release from incarceration, homeless individuals experience obstacles to employment, housing, medical treatment, and financial security, all of which impact their mental and physical well-being. A criminal record, the disclosure of criminal convictions on employment applications, criminal background checks for employment and housing, and the loss of a driver's license as a result of unpaid fines or certain convictions are all obstacles to equal opportunity.⁵⁰

Lack of education creates an additional barrier to reentry. Nearly 70 percent of the U.S. incarcerated population is functioning at the lowest literacy rates, and only 32 percent of those in state prisons received a high school diploma.⁵¹ Currently, it is estimated that roughly 80 percent of Travis County's Del Valle Correctional Complex population lacks a high school diploma.⁵²

Typically, a formerly homeless individual will be released back into homelessness following incarceration, but often these individuals are released into unfamiliar settings or circumstances. Those who were released back into homelessness describe the reentry process as "horrific."⁵³ These individuals face a myriad of challenges and persistent risk factors common to incarceration and homelessness, including medical, social, and behavioral health conditions. Poverty also has been found to have a significant effect on one's cognitive functioning, which impacts decision-making, priorities, and associations.⁵⁴



Similarly, individuals experiencing housing insecurity and homelessness are exposed to mental distress simply trying to meet their basic needs for safety, shelter, and food. **It is traumatic to have to answer daily such basic questions as “where will I sleep tonight” and “when will I be able to eat again.”** It is not surprising that people living in homelessness have extreme difficulty achieving stability. Gilbert Gonzales, director of Bexar County Department of Behavioral and Mental Health, believes these challenges are most profound for the mentally ill, as the stigma of their incarceration compounds the stigma associated with mental health issues.⁵⁵

Barriers to housing and shelter are immense. The United States has lost roughly 13 percent of its low-income housing since 2001, a shortage felt most by those on the cusp of homelessness who must compete for the remaining affordable units.⁵⁶ In Austin and greater Travis County, the fastest growing metropolitan area in the country with an average of 151 new residents each day, the barriers are amplified.⁵⁷ **As more and more residents flood the housing market, viable options for formerly incarcerated homeless individuals are challenging to locate.**

Under federal law, only two types of applicants *must* be barred from federally subsidized housing programs: those found to have manufactured or produced methamphetamine on the premises, and those convicted of a sex offense in need of lifetime registration requirements. But other applicants may be barred from housing, and public housing authorities—the local administrators of federal housing programs—have broad discretion when it comes to applicants with criminal convictions. Many public housing authorities use overly restrictive policies when determining applicant eligibility, with some prohibiting anyone with even a minor criminal record from receiving assistance.⁵⁸ This leaves homeless individuals with a criminal conviction with even fewer feasible housing options.



It is not uncommon for an individual to be released from a correctional facility into a metropolitan or rural area that they have limited knowledge about. This makes it difficult to find a place to sleep, resources, or medical care. In an interview, one individual with lived experience encouraged his peers to look to other homeless individuals for help: “You’ll get more resource information from the streets than you will from the system.”⁵⁹ Information may include where to find a safe and legal place to sleep, a warm meal, clothing, identification recovery assistance, case management opportunities, safe storage for personal documents, and/or coordinated entry stations. Making this type of information available would better prepare individuals for a successful reintegration upon release from incarceration.

Release to Nowhere

Nearly 25,000 people are discharged from Texas prisons and state jails each year.⁶⁰ Unlike parole, where individuals must have an approved housing plan prior to release, people who discharge their sentences are no longer under court or parole supervision. Many, especially those who were homeless at the time of arrest, will be released directly into homelessness.

Release to Nowhere: Three Days of Terrifying Freedom

Being released from state jail or prison is a day most people anticipate with excitement. Others, especially people who face homelessness, are gripped by fear and anxiety about where they will go and how they will survive once released. Allison recounts the story of one woman being released from state jail:

“She was scared to get out. She had just done six months on a felony prostitution charge. Her pimp had taken her to a different city to ‘hit licks’ (commit theft) and she was arrested. He didn’t bond her out or put any money on her commissary account. On her day of release from state jail, the Texas Department of Criminal Justice dropped her off at the bus station with a ticket back to the county where she was arrested, not her hometown.

When she got off the bus, she had no money, no clothes, no food, no place to go. She went to the shelter and it was first-come-first-serve and had no beds. She immediately went to ‘turn a trick’ just to meet her basic needs. She said that she couldn’t stand to sleep with strangers for money without getting high and found all the wrong people rather quickly: ‘They all hang around the bus station, it’s all right there.’ She was ‘free’ for only three days before being arrested again for prostitution and possession of a controlled substance less than a gram. She returned to state jail, only to be released again to the same situation.”

Recommendations

A Collaborative Approach to Addressing Homelessness and Improving Stability

The incarceration of our nation's homeless population is costly and disruptive. The U.S. Interagency Council on Homelessness estimates that chronic homelessness costs the public anywhere from \$30,000 to \$50,000 per homeless person per year when crisis system interactions are taken into consideration.⁶¹ Eva Thibaudeau, vice president of programs for the Houston Coalition for the Homeless, believes that incarceration, when it occurs, should be about rehabilitation, and that we should continue to invest in reentry and housing support following incarceration.⁶² But overall, **criminalizing homelessness is costlier to taxpayers than alternative courses of action that divert individuals from incarceration altogether.**

The allocation of resources into a multidisciplinary approach has the potential to yield societal benefits over and above long-term cost savings, including increased sense of community, public safety, and reduced suffering for those stuck in the cycle of repeated homelessness and criminal justice system involvement. Researchers at Portland State University found that **for every dollar invested in helping individuals who were homeless and involved in the justice system, \$13 in savings in crime and justice system costs resulted.**⁶³ Despite up-front and ongoing operational costs for the comprehensive programming needed, helping our homeless population is much less expensive than the alternative.

Participants at a national Police Executive Research Forum conference acknowledged that availability of services and assistance for the homeless in the community attracts more homeless individuals to their jurisdictions; this reveals a dire need for help among homeless individuals, while also increasing pressure on local police departments and partner agencies.⁶⁴ But homelessness is not solely the problem of the local police department, the housing authority, or homeless service providers. **Homelessness is a public health problem shared by all—and, as such, it necessitates a multidisciplinary collaborative approach to solving it.**

An optimal system is an interconnected, collaborative, treatment-based, information-sharing, supportive system of care that tracks outcome measures and responds to all aspects throughout a person's lifetime. The most comprehensive picture will be gained only through data collection and shared metrics across workforce, housing, criminal justice, social service, and other systems. This will enable a thorough tracking of individuals' needs and service usage, in turn allowing a true analysis of their outcomes and informing resource investments. Similarly, the inclusion of measures pertaining to mortality, hospitalization, suicide, substance abuse, and mental health issues can flesh out the full picture of a person's needs—and larger community and state needs.⁶⁵

This multidisciplinary approach will demand increased capacity on all fronts—not only for data sharing systems, but for additional programs and services that address the primary drivers of homelessness and justice system involvement: substance use and mental illness. Recovery supports should include certified peer specialists, case management, shelter beds, and outreach and diversion teams.

Every year in Travis County, 7,000 people experience homelessness.⁶⁶ The need for services is great, but the current capacity is lacking. For example, DACC has an innovative, successful approach to case management, but they currently have a waitlist of 120 people.⁶⁷ This is an issue throughout Texas that we must address – so as to ultimately see fewer jail bed days and significant, associated cost savings.

Also in need of addressing: The City of Austin’s iTeam reports that not all agencies have access to the same data in Texas’ Homeless Management Information System (HMIS), and agencies are using two to three other databases to track their data in addition to the HMIS.⁶⁸ Further, jails and prisons do not have access to the HMIS, and it is impossible to determine how many people enter or leave correctional institutions without a place to live.

Data sharing would allow us to measure how pervasive criminal records are for the homeless and the extent to which individuals are cycling in and out of local and state correctional facilities. It would also allow us to track shelter stays and service provision, both prior to incarceration and upon release. Again, this information will allow state and local officials to determine where best to (re) allocate resources to improve people’s outcomes, increase efficiency, and boost community health and safety.

In addition to embracing a collaborative approach to this multidisciplinary problem, the following recommendations can help end the cycle of homelessness and criminal justice system involvement.

1. Local officials should eliminate ordinances that over-criminalize the homeless.

Texas cities should immediately review and eliminate harmful ordinances that unfairly target homeless individuals, including panhandling, camping, sitting and/or lying in public spaces, loitering, and sleeping in a vehicle. **The fine for violating such an ordinance can create an insurmountable financial burden, while arrests result in homeless individuals spending time in jail—further impeding their ability to obtain housing and employment.**

2. Local officials should reduce restrictions on alternative housing for parolees.

Alternative housing is a transitional living option for individuals leaving a correctional facility on parole. Current restrictions determine who may be an alternative housing provider, as well as where the facilities may be

located. For example, Houston passed an ordinance in 2018 that imposed new regulations and inspections to improve the safety conditions of such facilities, but it also required that they be located at least 1,000 feet from parks, schools, day cares, and other reentry housing, which will force parolees out of the city center and further from needed supports.⁶⁹

The stigma that makes transitional housing undesirable must be changed; isolation is not the answer. **Where we house recently released individuals has a direct impact on their ability to create positive change in their own lives.** Without proper access to a bus stop, it is difficult for one to apply for housing and employment, reach service providers who assist with identification recovery and benefit restoration, or meet the requirements of their parole. Relaxing alternative housing restrictions will generate more opportunities for recently released individuals to take responsibility in becoming independent, self-sustaining members of society.

3. Local and state officials should increase community-based, wrap-around housing options with a Housing First orientation.

Supportive housing, under a Housing First approach, is more than just providing a roof over someone's head. A Housing First approach provides wrap-around services such as case management, medication management, social support, and peer services. **The implementation and provision of services to homeless individuals is most successful when it incorporates those with lived experience;** we should not over-professionalize service provision and neglect the point of view of those who have actually experienced homelessness and incarceration.

Programs using a Housing First approach have housing retention rates ranging from 85 to 90 percent among individuals experiencing chronic homelessness, co-occurring mental health and substance use disorders, and repeated incarceration and interaction with the criminal justice system.⁷⁰ While “treatment first” models have recidivism rates of roughly 50 percent, “Housing First” models have rates between 12 and 14 percent.⁷¹

4. The State should automatically restore benefits to people who have been incarcerated, and correctional facilities should provide benefit enrollment assistance prior to release from incarceration.

As individuals enter the criminal justice system, they are screened with mental and behavioral health assessments. They should also be screened for eligibility and current enrollment for benefits including Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Medicaid, Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and veteran's benefits.

Incarceration may result in the suspension and/or termination of certain benefits. For example, SSI benefits are suspended for individuals who are

incarcerated for longer than a full calendar month, and they are terminated after 12 months of incarceration. SSDI benefits, on the other hand, are suspended if recipients are convicted of a crime and incarcerated for more than 30 consecutive days, but are not terminated after 12 months of incarceration.⁷² In terms of Medicaid coverage, states vary in their consideration of incarceration. As of July 2016, 16 states plus Washington, DC, suspended Medicaid for the duration of incarceration; 15 states suspended Medicaid for a specific period of time; and 19 terminated coverage altogether.⁷³ Texas suspends coverage for 30 days, after which benefits are terminated.⁷⁴ **Initiating benefit enrollment prior to release through application assistance can ease the transition back into the community.**

All criminal justice facilities in Texas should take advantage of programs that help people experiencing homelessness enroll in or restore benefits. Those experiencing homelessness are often eligible for benefits, but they either are not enrolled or require assistance with the application process. These individuals may lack transportation, a mailing address, and/or access to a computer with internet access. Due to these challenges, many experiencing homelessness do not complete their application, experience longer processing times, or receive denials. Also problematic, a new application does not guarantee that benefits will be reinstated after being terminated as a result of incarceration. In Texas, the success rate for initial SSI/SSDI applications is 67 percent. When homeless individuals submit a traditional application without assistance, the approval rate falls to 28 percent.⁷⁵ SSI/SSDI Outreach, Access, and Recovery (SOAR) is crucial in helping individuals compile the forms and documentation needed for an application to be approved. As of 2015, criminal justice facilities in 20 states used SOAR specialists to help individuals experiencing or at risk of homelessness complete applications.⁷⁶

5. Correctional facilities should reduce inappropriate discharges from incarceration.

Inappropriate discharges occur when an individual is released from a correctional facility without proper knowledge of where to receive services. Often, discharges occur in the middle of the night, and the individual is unaware of the public transportation in place, medication continuity instructions, and other vital information. Discharges in evening hours are a public safety concern, especially for individuals at risk of destabilizing off their medications.

6. The State and correctional facilities should augment reentry supports to ensure people leaving incarceration are on the most successful path.

To reduce homelessness among people leaving confinement, **reentry preparation should begin early**, and it must include processes for determining whether someone was experiencing homelessness prior to incarceration and the likelihood that they will return to those circumstances upon release. It should also have the capacity to evaluate the social support networks in place, legal considerations, and obstacles to successful reintegration and personal well-being. Most importantly, correctional institutions should have access to community-based housing resources to ensure that no one is released from jail, state jail, or prison without a temporary housing placement.

For people specifically discharged from state jail or prison without parole supervision, reentry preparation is especially important. These individuals are not required to have a housing plan, and they are not eligible for one of the few state-funded beds at residential reentry centers. This lack of reentry support for the nearly 30,000 people discharging state jail or prison sentences in Texas each year greatly increases their odds of re-arrest – especially among people who are homeless at the time of release.

The State should establish and fund partnerships with nonprofit agencies that provide peer support, housing support, recovery support, and vocational training to people discharging state jail or prison sentences. These nonprofits could provide reentry planning, assistance finding temporary housing upon release, and peer navigation where people with lived experience of incarceration and successful reentry can help newly released individuals achieve similar success.

Endnotes

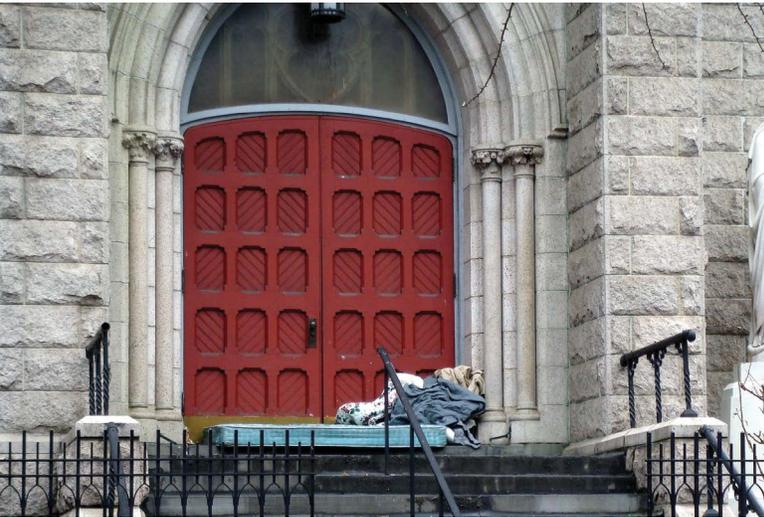
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