

# Housing Considerations for Domestic Violence and Human Trafficking Survivors Involved with the Criminal Legal System

Many housing and homeless services providers have general systems and practices to safely identify and provide housing to survivors of domestic violence, stalking, sexual assault, and human trafficking.<sup>1</sup> However, these systems of care do not always have practices in place to address the housing needs of the significant subpopulation of **survivors who themselves have been arrested, charged, or convicted of crimes.**<sup>2</sup> Additionally, public safety partners may need support to better understand and respond to the unique housing issues facing these survivors, and methods of connecting them to appropriate resources.<sup>3</sup> This resource identifies co-occurring challenges experienced by many dually-impacted individuals and households, as well as guidance and additional resources for those working across systems to help connect survivors impacted by the criminal legal system to safe, stable housing.

## Understanding the Barriers

Survivors involved with the criminal legal system often have a particularly difficult time locating and maintaining stable housing due to the fact that they are dealing with two sets of barriers at the same time – those that survivors face, *and* those that people with criminal backgrounds face, including:

Issue	Common Housing Barriers for Survivors	Common Housing Barriers for People Involved with the Criminal Legal System
<b>Housing Location</b>	Need for a safe location (sometimes confidential) away from people who have harmed them. This often rules out neighborhoods where the survivor used to live or where they have existing friends and social supports.	+
<b>Behavioral Health</b>	Behavioral health issues (mental health, substance use) or difficulty with activities of daily living stemming from trauma related to abuse, sexual assault, stalking, or human trafficking.	+
<b>Housing Access &amp; Discrimination</b>	Survivors are sometimes evicted due to the actions of – or conditions created by – the people who have harmed them, which can lead to subsequent difficulty locating other housing.	+
<b>Economic Issues</b>	Survivors who have been isolated or controlled by the people who have harmed them often have no/poor credit, little employment history, and lack savings or income. They may also have had to quit jobs in order to flee abuse, or may have inconsistent work performance or absenteeism issues as a result of prior abuse.	+

<sup>1</sup> Note that the term “human trafficking” refers to both labor trafficking and sex trafficking. Also note that trafficking doesn’t always involve immigration or relocating the survivor – some trafficking survivors never change locations – trafficking is about exploitation and using force, fraud, or coercion to perform an act. See [22 U.S.C. § 7102](#).

<sup>2</sup> Unless otherwise specified, this document uses the term “survivors” to refer to survivors of domestic violence, stalking, sexual assault, and human trafficking.

<sup>3</sup> Public safety partners include law enforcement, corrections, district attorneys, defense attorneys, correctional agencies, juvenile court systems, child welfare agencies, advocates, and reentry programs.

## Strategies for Housing Criminal Legal System-Involved Survivors

### Identify Survivors Involved with the Criminal Legal System

The first step to successfully connecting this population to housing is to effectively identify survivors involved with the criminal legal system.

- **Design intake processes and assessments appropriately.** Identifying survivors can be difficult because they may not self-identify as such, or they may be ashamed or afraid to disclose their history of abuse. Partner with a local provider with expertise in serving this population to help you design intake and assessment questionnaires that will elicit the information you need while limiting re-traumatization. At a minimum, assessments must take place in a confidential space where the provider explains the reason for the questions they ask, offers the opportunity ask questions, affirms the survivor's experience, and empowers the survivor to offer information in the way that makes them most comfortable (ex. in writing, in preferred language, with a support person present, etc.).
- **Check your biases.** Everyone has conscious and unconscious biases which they must acknowledge and address. One common bias is that "victims" or "survivors" look or act a certain way. However, it is important to remember that anyone can be a survivor of domestic violence, sexual assault, stalking, or human trafficking. Survivors have various backgrounds, life experiences, and sexualities, and can be any sex, gender, race, nationality, or age. Checking individual and organizational biases is essential to creating spaces conducive to survivor identification.
- **Respect and acknowledge the complexity of human experiences.** People who victimize can also be victimized, and vice versa. This is true for many reasons, including that cycles of violence can be very difficult to break, and people who find themselves in abusive relationships are sometimes arrested for acting in self-defense or as a result of mandatory arrest laws. In addition, many human trafficking survivors have criminal records stemming from the work they were forced to engage in, including sex trafficking. **For this reason, no one should make assumptions about whether someone is a survivor based on their criminal record.** These assumptions can seriously curtail efforts to identify and provide responsive support to survivors.

### Links to Related Resources

- **National Domestic Violence Hotline – What is Domestic Violence?**
  - This website provides a succinct and clear explanation of what domestic violence is and signs that someone may have experienced abuse.
- **Safe Housing Partnerships' Face Sheet on The Intersection of Domestic Violence and Homelessness**
  - This fact sheet offers statistics and information about the prevalence of domestic violence and its relationship to homelessness and housing discrimination.
- **National Human Trafficking Hotline Myths & Facts**
  - This quick guide educates providers by debunking common myths about human trafficking survivors.

## Provide Support Tailored to the Survivor's Needs

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Survivors with criminal histories may need specific housing and social support that addresses the unique barriers and traumas they face.

- **Provide trauma-informed services.** Ensure that all staff working with survivors are trained in trauma-informed care, including recognizing the signs of trauma and helping clients cope with the reverberating impacts of intimate partner violence/human trafficking and incarceration.
- **Be mindful of language.** Mirror the survivor's language, particularly around how they talk about their experiences and the people who harmed them. Not all survivors are comfortable referring to themselves as survivors or others as abusers. Be mindful of and echo how survivors of human trafficking speak about their experiences, especially language about past or present sex work, as they may find certain phrases shaming or stigmatizing.
- **Prioritize and honor survivor choice.** This population has typically lost a lot of personal agency through having been both abused and incarcerated. Ensuring that they are in charge of their housing and service plan – including receiving the support they need to direct these plans – is key to helping them regaining a sense of agency and safety.
- **Pay specific attention to housing location.** As mentioned in the chart above, survivors with criminal legal system involvement may be especially limited in where they can live due to the fact that they must consider both safety concerns and conditions of their release from jail or prison related to probation, parole, or other terms of release.
- **Learn about any legal issues the survivor is facing.** Many survivors are concurrently engaging with law enforcement, attorneys, and social workers because they are either cooperating to help prosecute people responsible for their abuse or trafficking, or they are facing criminal charges of their own. They may also be in family court for child custody or child welfare issues, or in immigration court fighting deportation. As all of these added stressors can impact housing stability, it is important for people working with survivors to be aware of them and how they may play a role in obtaining and maintaining housing.
- **Connect your client to a network of helpers.** You do not have to help the survivor by yourself. Reentry and survivor support groups and networks, victim services providers (VSPs), community-based organizations, social clubs/meet-ups, and faith-based organizations can offer general support as well as opportunities to meet people who may have access to available housing.

### Links to Related Resources

- **MCADSV Best Practice Toolkit for Working with Domestic Violence Survivors with Criminal Histories**
  - This comprehensive toolkit offers a well-organized overview of the intersection of the criminal legal system and the lives of survivors of domestic violence. Note that this guide was published in 2011 and therefore may have some information that is out of date.
- **Creative Interventions Toolkit: A Practical Guide to Stop Interpersonal Violence**
  - This toolkit provides information about community-based interventions to violence, and includes a detailed section on how to support survivors, including those who have harmed others.
- **Safe Housing Partnerships' Voluntary Services and Trauma-Informed Approaches**
  - This website is a clearinghouse for resources on trauma-informed approaches to addressing the intersection of domestic violence, sexual assault, and housing issues.
- **Trauma-Informed Organizational Toolkit for Homeless Services**
  - This National Center on Family Homelessness action-oriented toolkit is designed to help organizations improve trauma-informed service delivery.

## Advocate for the Survivor You Serve

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Dually-impacted survivors benefit from having people in their corner to help them overcome the barriers discussed above. Being an advocate for a survivor can take many forms.

- **Be the cross-system bridge the survivor needs.** Navigating large, complex systems such as the criminal legal system and housing/homeless systems of care is daunting and overwhelming, and moving between these systems is doubly so. Housing and homelessness systems of care should collaborate with public safety-side partners to identify overlapping housing goals for this population, and identify where combined resources can move those goals forward. On an individual level, programs should provide staff with baseline information to enable them to navigate relevant adjacent systems and encourage building cross-system relationships that your program can later leverage to the survivor's benefit.
- **Educate landlords about this population.** Dispel myths about domestic violence and encourage compliance with VAWA by educating landlords about the importance of housing for this population. It can help to tell the survivor's individual story to the landlord (if they are comfortable doing so), framing their journey in terms of their resilience, strengths, and any rehabilitative efforts they have made since release from jail or prison.
- **Inform survivors about their rights.** Empower survivors by informing them of their rights as both survivors and people involved with the criminal legal system. Many laws exist to prevent discrimination against people facing both sets of barriers, including California's [Fair Employment and Housing Act](#) and VAWA.

### Links to Related Resources

- **Domestic Violence and Housing: A Manual and Toolkit for California Advocates**
  - This National Housing Law Project (NHLP) legal guide provides in depth information for people seeking to support survivors of domestic violence with housing issues, and includes a helpful section on overcoming barriers related to criminal records.
- **Domestic Violence Survivors with Criminal Records: What You Should Know When Applying for Federally Subsidized Housing**
  - This NHLP document provides an overview of issues that survivors with records should be aware of when seeking certain types of federally-funded housing.
- **Domestic Violence Toolkit for Landlords**
  - This detailed guide can help the concerned or curious landlord learn more about what domestic violence is and how to help tenants in need. (Note that this resource is designed for landlords in Alberta, Canada, so while most of the information is still useful, particular information about local domestic violence services and laws will not apply in the United States.)
- **Esperanza United Safety Planning: Safety and Security Related to Local/State Police and/or Immigration Law Enforcement**
  - This site offers guidance for advocates working with immigrant survivors who have been arrested or who are at risk of coming into contact with law enforcement.
- **Domestic Violence, Sexual Assault, Stalking & Work: Survivors with a Criminal Record**
  - This Legal Aid at Work fact sheet provides California-specific information about the rights of survivors with criminal records who are employed or job seeking.
- **Homebase's Breaking Barriers: Funding Strategies to House People Impacted by the Criminal Legal System**
  - A thorough guide to seeking and using various federal and California state funding sources to house people involved with the criminal legal system.