

Incorporating Criminal Legal System Considerations into Current Work to End Homelessness

Introduction

Homebase's Criminal Legal System Initiative (CLSI) hopes to support Continuums of Care (CoCs) and housing and homeless service providers to incorporate criminal legal system considerations more robustly into efforts to eradicate homelessness and address housing instability. **The goal of this document is to empower Continuum of Care (CoC), housing, and homeless service provider staff to identify places to raise, and help address, issues related to the criminal legal system.**¹

The CLSI team is available to help support this work. Visit us at <https://www.homebaseccc.org/clsi> to access additional resources (including those referenced in this guide), or reach out to us via email at clsi@homebaseccc.org.

Incorporating the Voices of Individuals with Varied Lived Expertise

As we continue to work toward better elevating the voices of people with lived expertise, it is imperative to be intentional about including individuals with varied lived expertise – including criminal legal system (CLS) experience. When planning to incorporate the voices of people with CLS experience, we encourage you to consider:

- How/why/when you are incorporating input from people with lived experience – if it is limited to a specific application, or decision-point, consider why involvement is limited in this way.
- Forming mutually beneficial relationships with organizations that work specifically with people who have CLS involvement for more integrated and mutually meaningful long-term partnership.
- Guidance on how to incorporate people with lived experience into processes as partners and experts.
- Compensation for people with lived experience into any budget as you would for any consultant.

Criminal Legal System Touchpoints and Considerations

The table below highlights **potential areas to incorporate conversations** around the relationship between homelessness/housing instability and the criminal legal system, as well as some initial, related considerations. Highlighted areas include:

- Systemwide Issue-Spotting
- Outreach and PIT Count
- Identifying Additional Intersections
- Building Partnerships and Cross-Systems Planning

¹ The “criminal legal system” refers broadly to our nation’s model of criminalization, policing, prosecution, courts, and corrections.

Systemwide Issue-Spotting

<p>If you are doing big picture planning efforts (i.e., Strategic Plans)</p>	<p>Incorporate and compensate people with lived experience of homelessness and CLS involvement from the beginning of the planning process and throughout and work with clients to prioritize this approach (see <i>Incorporating the Voices of Individuals with Varied Lived Expertise</i> section).</p>
<p>If you are thinking about ways to lower barriers to housing</p>	<p>Consider the extent of existing housing barriers for people impacted by the CLS:</p> <ul style="list-style-type: none"> • Examine local policies that restrict people from accessing housing based on CLS history, beyond state and federal requirements. • Understand additional housing barriers created by CLS involvement, e.g., bars on living in certain neighborhoods, or with certain individuals due to conditions related to prior convictions or conditions of community supervision (i.e., probation and parole). • Review and revise organizational and system-wide policies and practices that utilize criminal history information in any housing-making decision.
<p>If you are thinking about Housing First</p>	<ul style="list-style-type: none"> • Include Sober Living Environments/Recovery Housing, particularly in conversations about serving people impacted by the CLS. • Recognize client choice as a core component of Housing First and one that is not incompatible with some CLS partner objectives (e.g., there are ways to reconcile sobriety conditions and Housing First principles around sobriety requirements; clients can still exercise choice within the parameters set by agencies such as probation and parole). • Clarify roles of housing providers and CLS/community supervision entities to ensure housing providers can maintain fidelity to Housing First principles. • Consider offering a training to providers on trauma-informed care specifically for people who have been incarcerated.
<p>If you are thinking about collecting data</p>	<ul style="list-style-type: none"> • Consider possible risks to people with CLS exposure in any data collection effort, especially data-sharing, and consult with community experts prior to recommending cross-system data-sharing. • Consider if/when/how information on criminal history is being obtained, why, and why not; consider opportunities to partner with criminal legal system partners to better capture the housing needs of people in custody. • Consider collecting data that will help capture the efficacy of housing in helping stabilize people impacted by the criminal legal system (CLS), and how housing instability results in contact with the CLS. • Consider collecting/analyzing data that captures the dual impact of the CLS and housing instability/houselessness on BIPOC and LGBTQIA+ clients.
<p>If you are looking at policies and procedures</p>	<ul style="list-style-type: none"> • Consider how policies and procedures increase or decrease barriers to housing access for people with CLS exposure (e.g., use of criminal history screenings by housing programs, shelters, coordinated entry). • Consider potential impacts of policies and procedures on opening up participants to further CLS contact (e.g., housing program policies that include contacting parole if a program participant is struggling with program rules).

<p>If you are thinking about assessment, prioritization, and/or coordinated entry</p>	<ul style="list-style-type: none"> • Consider how the underlying vulnerabilities experienced by people impacted by the criminal legal system (e.g., race, sexual orientation, gender identity, domestic violence, historical systemic disengagement) are or are not factored into assessment and prioritization. • Consider what you'd need to know to better understand these vulnerabilities (see collecting data section, above). • Consider limitations of assessment and prioritization tools, administration, and decision-making processes in capturing accurate information about involvement with the CLS; identify options to address these limitations. • Identify and disseminate Coordinated Entry System (CES) best practices to any relevant CLS entity that may directly or indirectly refer to CES. • Provide guidance to CLS partners on how to define homelessness and align definitions with state and local practices so that individuals exiting custodial facilities are better identified during the assessment process and/or to access housing and services. For example, jails and prisons could collect pre-custody housing status data to establish a history of homelessness, starting document readiness efforts.
<p>If you are thinking about racial inequities or making systems more equitable</p>	<ul style="list-style-type: none"> • Include conversations about the criminal legal system (CLS) and its relationship to housing instability and houselessness in all racial equity conversations (e.g., BIPOC and LGBTQIA+ individuals are disproportionately represented in both the homeless and criminal legal systems). • See <i>collecting data</i> section, above.

Outreach and PIT Count

<p>If you are thinking about outreach ...</p>	<ul style="list-style-type: none"> • Think about jail, prison, and detention in-reach as part of those efforts. • Consider outreach and triage approaches and whether they appropriately factor in CLS-related issues and vulnerabilities. • Incorporate and compensate people with dual lived experience of criminal legal and homeless systems into all outreach teams.
<p>If you are thinking about PIT count ...</p>	<ul style="list-style-type: none"> • Think about ways to better capture CLS information (i.e., active probation vs. parole, recently released from jail or prison, prior CLS involvement). • Consider ways to make data collection consistent regionally and state-wide.

Identifying Additional Intersections

<p>If you are thinking about trauma</p>	<ul style="list-style-type: none"> • Consider how systems, projects, and providers/staff working with people impacted by the CLS understand and incorporate concepts of CLS-related trauma into their work. • Consider trainings to support systemic understanding and practices responsive to CLS-related trauma. • Review policies and procedures to ensure they are trauma-informed.
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If you are thinking about domestic violence	<ul style="list-style-type: none"> • Consider partnerships with stakeholders that serve people dually impacted by domestic violence (DV) and the CLS. • Consider new project opportunities related to people dually impacted by DV and the CLS. • Consider and address how VAWA and other laws may criminalize people impacted by DV, including those who engage in DV, in a way that increases isolation and disengagement from supportive systems, including housing (e.g., someone who may not want their abuser to go to jail for family, financial, or other reasons may not want to report abuse). • See Homebase resource on increasing access to housing for survivors of domestic violence and human trafficking.
If you are thinking about youth	<ul style="list-style-type: none"> • Consider the unique barriers faced by CLS-impacted youth (e.g., lack of education, supports for youth in juvenile detention; the impact on families when one or more parents is incarcerated).
If you are thinking about immigration status	<ul style="list-style-type: none"> • Consider the relationship between the CLS, immigration status, and housing (e.g., immigrants who have served time in jail or prison are often transferred directly to ICE, which lengthens the time they are without their support system and increases the likelihood of losing connections to housing for post-release). • See Homebase resource on working with immigrants who have been involved with the criminal legal system.

Building Partnerships and Cross-System Planning

If you are thinking about bringing cross-system partners together	<ul style="list-style-type: none"> • See Homebase’s resources cross-system collaboration to prevent homelessness and housing instability for people in reentry
If you are thinking about landlord engagement	<ul style="list-style-type: none"> • People with CLS experience often face stigma when searching for housing. Landlord and property owner engagement must address the specific needs of the CLS-impacted population (e.g., explaining common housing requirements/restrictions imposed by the court/community supervision, not necessarily related to the nature of a conviction). • For people required to participate on registries as a result of sex offense convictions (e.g., the “290 registry”), landlord engagement and relationship-building is particularly important and effective. • See Homebase resource on engaging landlords to increase housing access for people with criminal histories.
If you are thinking about working with Public Housing Authorities	<ul style="list-style-type: none"> • Have conversations about removing or limiting discretionary prohibitions on access to public housing. • Understand and help educate partners on recent laws increasing access to public housing for some people impacted by the CLS (for example, California Tiered Sex Offender Registration (SB 384) and 2020 FEHA updates related to criminal history in California).

	<ul style="list-style-type: none"> • See Homebase resource on improving housing to access for people on the sex offense registry in California.
<p>If you are thinking about in-reach and/or discharges from custodial facilities</p>	<ul style="list-style-type: none"> • Customize your approach to specific detention settings – jails, prisons, juvenile detention, immigration detention, other detention, medical institutions (hospitals and psych), etc. • See Homebase resource on custodial discharge planning.