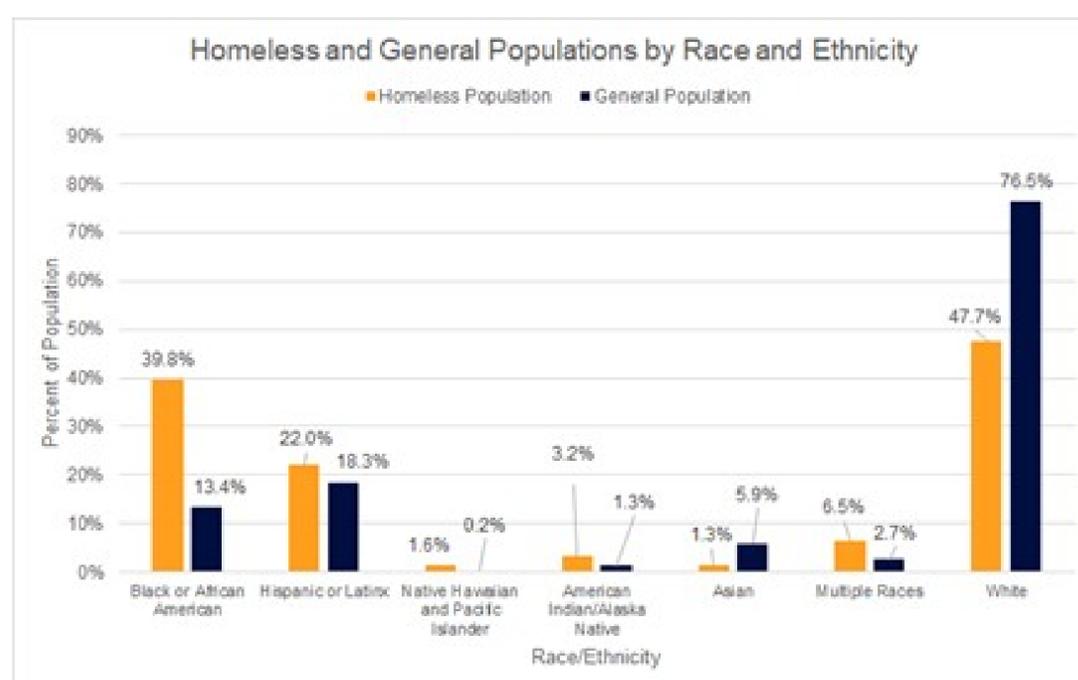


Racism, Homelessness, and the Criminal and Juvenile Legal Systems



Poverty, homelessness, and mass incarceration in the United States cannot be decoupled from the legacy of centuries of systemic racism. People of color, particularly Black, Latinx, and Native American people, are much more likely to experience homelessness and interact with the criminal legal system than White people. This is evident in the fact that Black people make up a third of the prison population in the U.S., but only 13 percent of the general population. In contrast, White people make up 60 percent of the general population and only 30 percent of the prison population. In juvenile detention centers, the disparities are similarly drastic.

There are clear disparities for Black, Latinx, Native American, and Native Hawaiian and Pacific Islander communities experiencing homelessness:



Sources: <https://files.hudexchange.info/resources/documents/2019-AHAR-Part-1.pdf> <https://www.census.gov/quickfacts/fact/table/US/IPE120218>

We need transformations in both the criminal and juvenile legal systems and housing system to ensure that people are no longer criminalized for existing, and that they have the resources they need to protect their rights and dignity.

Racism and Homelessness

People of color experience homelessness at disproportionate rates, as shown above, and this is not a coincidence. Deliberately racist and discriminatory economic, housing, and criminal legal system policies have led to increases in homelessness and housing and economic insecurity among communities of color, particularly Black communities.

Due to racist housing policies, White families have been able to accumulate much more wealth than Black and Latinx families—with the typical White family owning 10 times the wealth of the typical Black family and seven times that of the typical Latinx family. This doesn't just affect people on an individual level, but on a community level as well. When communities face disinvestment and lack of wealth accumulation, families are less able to support their family members who are experiencing homelessness or have recently been released from the criminal or juvenile legal systems.

Racism, Homelessness, and the Criminal and Juvenile Legal System

The criminal legal system is a racist and classist system, targeting people of color and people experiencing homelessness, who are disproportionately people of color. People and youth of color and people experiencing homelessness face discrimination, trauma, and racism at every stage of the system—from policing, to the courts, to jails and prisons. Even after people have “served their time”, the criminal legal system continues to punish them by making it harder to provide for themselves and get the resources they need. Many people, including youth, are released into homelessness. People who have been involved in the criminal legal system have a hard time finding housing and employment due to legal debt and housing and job applications that weed out applicants who have a criminal record.

Even people who had never experienced homelessness before their imprisonment are more vulnerable to it upon release. The criminal legal system is a “two-way street into and out of homelessness—the ways that we treat people experiencing homelessness leads to criminalization, and then criminalization also perpetuates homelessness.

Homelessness feeds into the criminal legal system and the criminal legal system feeds into homelessness. The criminal legal system both prolongs and expands the issue.

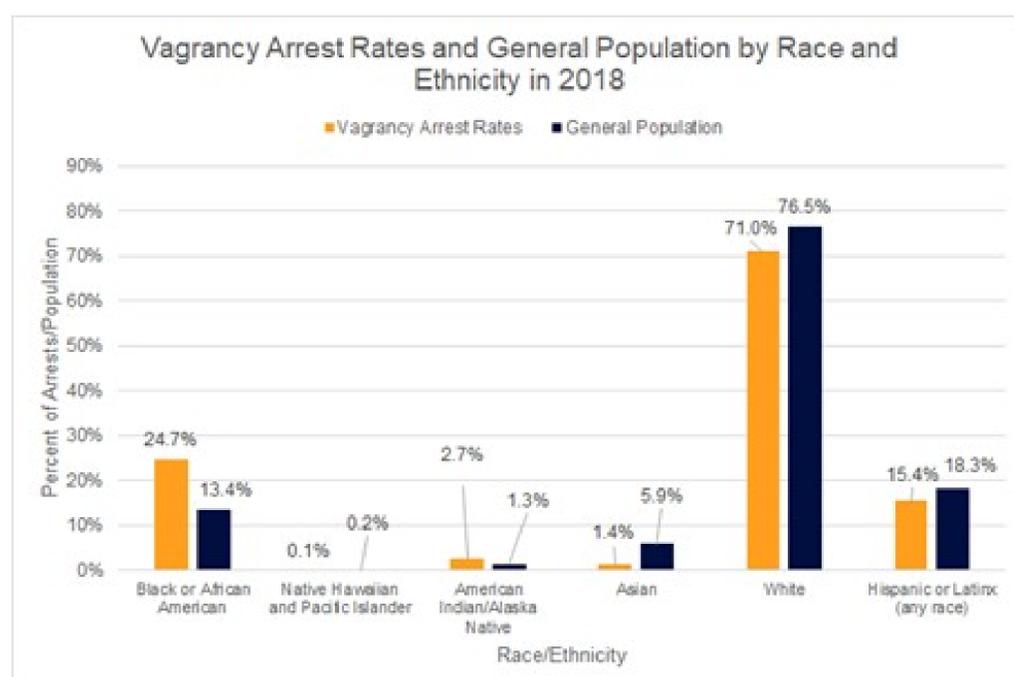
Recommendations

Communities, organizers, and advocates throughout the country are calling and working for an end to the ways that we criminalize and incarcerate Black people and other people of color. Groups who are most targeted and criminalized by our current criminal and juvenile legal systems, particularly people of color and people experiencing homelessness, must be at the center of these efforts.

Recommendations include:

- Divest from law enforcement and invest in services that protect the community, including housing, health care, and education.
- Reduce conviction-related barriers to housing and employment.
- Invest in Black communities and other communities of color.

For more information about the causes and effects of the juvenile and criminal legal systems, and the intersections between these systems, racism, and the crisis of homelessness, please see:



Source: <https://www.federalreserve.gov/publications/2019-economic-well-being-of-us-households-in-2018-dealing-with-unexpected-expenses.htm>

Racism, Homelessness, and the Criminal Legal Systems – the Causes



The intersections of poverty, homelessness, and mass incarceration in the United States cannot be decoupled from the legacy of centuries of systemic racism. People of color, particularly Black, Latinx, and Native American people, experience homelessness and interact with the criminal legal system at significantly higher rates than their White counterparts.

Amidst calls for defunding discriminatory and violent law enforcement systems and investing in better alternatives, we must remember the ways that people experiencing homelessness, particularly Black people and other people of color, are especially vulnerable to policing and the criminal legal system. We must pair significant transformations to the criminal and juvenile legal systems with changes to housing policies in order to ensure people those previously targeted by law enforcement are not simply left alone, but have adequate resources provided to ensure their full human rights and dignity.

Policing

A history of racist and discriminatory housing policies has helped to mold the over-policing and violence that communities of color, particularly Black communities, experience today. Local governments, financial institutions, and private developers have overlooked and disinvested in neighborhoods that are often predominantly Black, creating higher poverty rates and lower access to necessary resources. In these neighborhoods, police use more aggressive and intimidating tactics than in White and middle-class neighborhoods—meaning higher stop and arrest rates for Black people and other people of color.

Black people, as well as Native Americans and other people of color, are stopped by police and arrested at higher rates, and they are less likely to view these stops as legitimate compared to White people who are stopped and arrested by police. Black people and other people of color also experience threats or force from the police at higher rates than White people. As has been illustrated by the recent murders of Black people at the hands of police, as well as the police brutality in response to protests throughout the country, Black people, as well as Native Americans, experience fatal violence from police at far higher rates.

At the same time, people experiencing homelessness are disproportionately people of color, and they interact with the criminal legal system at disproportionate rates as well. Because they live their entire lives in public view—and have many life-sustaining behaviors the rest of us take for granted treated as criminal acts—people of color who experience homelessness have an even greater risk of being targeted by law enforcement than people of color at large.

Racial profiling plays a role in who is criminalized for being homeless. In one study in Austin, Texas, Black people experiencing homelessness were almost 10 times more likely than White people to receive a camping citation. National vagrancy arrest rates are shown below, with Black people, Native Hawaiian and Pacific Islanders, and Native Americans almost twice as likely as their percentage in the population to be arrested.

It is important to note that racist and discriminatory policing is not only a concern among city police departments, but also in private policing, as businesses and Business Improvement Districts use public resources to police and remove people experiencing homelessness from public spaces. All of these factors contribute to a system where racism, homelessness, and the criminal legal system are intertwined and inseparable.

Courts, Jails, and Prisons:

Black people and other people of color experience racism and bias in the court system as well, often receiving longer sentences than White people in similar situations. Black defendants are also less likely to have their charges dropped and more likely to face incarceration.

In jails, money bail or cash bail exacerbates racial and economic inequalities and punishes people who do not have enough resources. People who cannot afford bail, including those experiencing homelessness, must sit in jail as they await trial. Black and Latinx people are much more likely to be held on bail than White people, creating racial disparities as well as economic disparities.

Criminalization of Mental Health and Substance Use Disorders:

Some people experiencing homelessness, who are disproportionately people of color, struggle with untreated mental health and substance use disorders. Multiple barriers keep Black people and other people of color from accessing the mental health care they need, including a lack of insurance, stigma, lack of awareness of the resources available, distrust of the health care system, and lack of quality and culturally-competent care.

“A Two-Way Street into and out of Homelessness”

As the SPARC Report describes, the criminal and juvenile legal systems are a “two-way street into and out of homelessness.”

Just as people of color and people experiencing homelessness are more likely to be criminalized, people who have been involved in the criminal legal system are also more likely to experience homelessness upon release:

- People who have just been released from prison are 10 times more likely to be homeless after release.
- Each year, about 48,000 individuals go straight from jails and prisons to homeless shelters.

People who have been in the criminal justice system experience homelessness at higher rates and have greater difficulty accessing necessary resources such as housing, employment, and food assistance. The disparities are especially clear among people of color who have interacted with the criminal justice system.

Racism, Homelessness, and the Criminal Legal Systems – the Effects



The intersections of poverty, homelessness, and mass incarceration in the United States cannot be decoupled from the legacy of centuries of systemic racism. People of color, particularly Black, Latinx, and Native American people, experience homelessness and interact with the criminal legal system at significantly higher rates than their White counterparts.

Amidst calls for defunding discriminatory and violent law enforcement systems and investing in better alternatives, we must remember the ways that people experiencing homelessness, particularly Black people and other people of color, are especially vulnerable to policing and the criminal legal system. We must pair significant transformations to the criminal and juvenile legal systems with changes to housing policies in order to ensure people those previously targeted by law enforcement are not simply left alone, but have adequate resources provided to ensure their full human rights and dignity.

Courts and Civil Punishments:

Court fines and fees have a disparate impact on people of color and low-income people, exacerbating economic and racial inequities and increasing recidivism, including for those exiting the juvenile legal system. It is critical to acknowledge the racial wealth divide when considering the disparate impacts of court fines and fees—the typical White household has 10 times the wealth of the typical Black household and seven that of the typical Latinx household.

Households of color are less likely to have money to fall back on to pay court fines and fees along with their other basic expenses, such as rent.

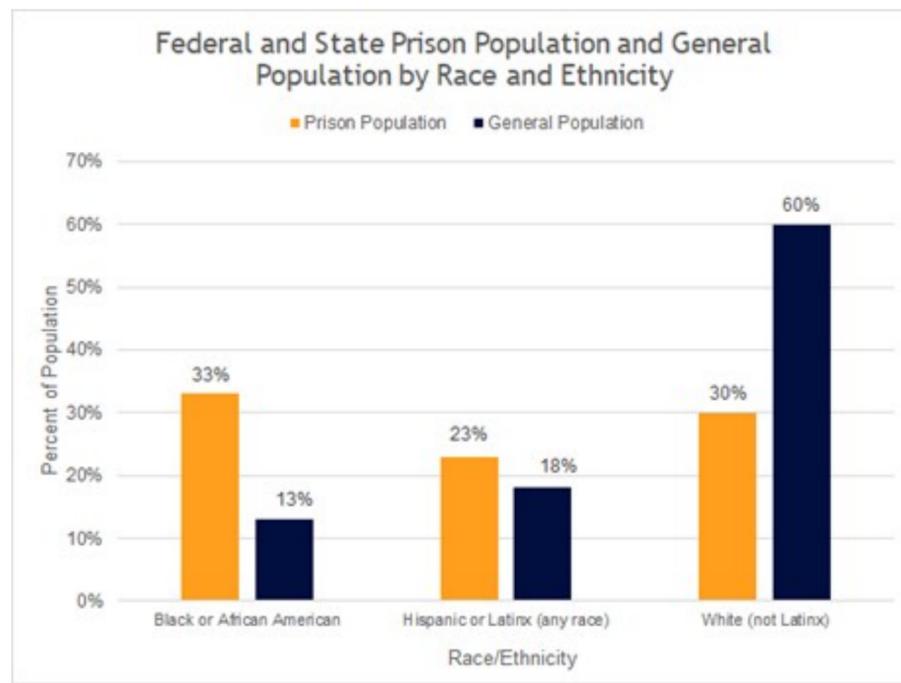
While homeless courts help to reduce the impact of court fines and fees, they continue to perpetuate the criminalization of homelessness by keeping the issue within the criminal legal system, rather than responding with the needed resources and social services from the beginning.

As COVID-19 continues to spread throughout the U.S., jails and prisons are especially dangerous due to crowded and unsanitary conditions, further perpetuating the racial disparities in the impact of COVID-19.

Courts and Criminal Punishments:

Pretrial detention can lead to loss of jobs or contact with loved ones, impacting the economic well-being of individuals once they are released. People who cannot afford bail are also more likely to take plea deals just to get out, making them less likely to be acquitted than those who can pay bail, and leading to even more detrimental consequences like conviction records, fines, and fees.

Some states, such as New Jersey, have reformed their bail system by shifting away from cash bail for low-level crimes. Black people and other people of color are incarcerated at higher rates compared to the general population. The graph below shows the percentage of federal and state prison population that are Black, Latinx, and White (non-Latinx) compared to the general population. Black people make up a third of the federal and state prison population, but only 13 percent of the general population



Criminalization of Mental Health and Substance Use Disorders:

People experiencing homelessness who also experience substance use disorders may use substance as a coping mechanism or an effort to self-medicate for mental and physical health conditions, due to lack of access to quality health and mental health care. Due to the criminalization of mental health and substance use disorders, they are more likely to interact with the criminal legal system. Mainstream perception of substance use by Black people perpetuates criminalization rather than the perception of treatment as a response for substance use by White people.

Due to a lack of sufficient mental health care resources and the criminalization of mental health and substance use disorders, jails and prisons have become a “stand-in” for mental health care. However, they are poorly equipped for effectively meeting the need, as mental health issues affect more than half of people in U.S. jails and prisons.

Long-term Impacts of the Criminal Legal Systems:

Policies targeting people who have legal debt and criminal records continue to punish them long after they have left the criminal legal system.

- The inability to pay fines and fees can have detrimental consequences on communities of color, including driver license suspension, bad credit reports, and warrants, arrests, and jail time.
- Many public housing authorities and owners of federally assisted housing choose to screen out applicants with criminal records, making it difficult to find housing.
- While state “Ban the Box” laws prohibit employers from asking on the application whether a job applicant has been convicted of a crime, employers have ways of finding out the applicant’s criminal history and weeding out applicants with criminal records during other stages of the process.
- Just as a lack of mental health care is a major factor in homelessness and incarceration of people of color, involvement with the criminal legal system is a traumatic experience and impacts the mental health of individuals involved and their families. Many incarcerated and formerly incarcerated adults experience long-term mental and physical health issues due to the abusive conditions and psychological harm they experienced in jail or prison.

These collateral consequences are especially detrimental to people of color who have dealt with the criminal legal system. “Network impoverishment,” which refers to the lack of resources among families and communities due to disinvestment in communities of color, can hinder families from having the resources needed to support a family member who has just left the criminal legal system.

Racism, Homelessness, and the Juvenile Legal Systems



The intersections of poverty, homelessness, and mass incarceration in the United States cannot be decoupled from the legacy of centuries of systemic racism. People of color, particularly Black, Latinx, and Native American people, experience homelessness and interact with the criminal legal system at significantly higher rates than their White counterparts. Though this intersection is frequently associated with adults in the criminal legal system, it also greatly affects youth in the juvenile legal systems.

Within the juvenile legal systems, people of color experience discrimination, trauma, and racism at every stage of the system—from policing, to the courts, to jails and prisons. The over-policing of people experiencing homelessness and communities of color creates cycles which are hard to escape: cities and states throughout the country criminalize people experiencing homelessness, often for performing life-sustaining activities like simply trying to shelter themselves from the elements.

Entering the Juvenile Legal System:

To begin with, youth of color face over-policing, with many LGBTQ+ youth of color reporting hyper-surveillance and policing at their schools, as well as a lack of support from school administration. The hyper-surveillance and disproportionate discipline that LGBTQ+ youth of color experience sometimes leads to expulsion and arrests, placing them directly in the juvenile legal system.

Upon entering the juvenile legal system, racist and harmful practices persist in the Courts: Black youth are more likely than White youth to have their cases heard rather than diverted pre-adjudication, and they are less likely than White youth to receive probation rather than commitment to a juvenile facility.

Exiting into Homelessness:

Once in the juvenile legal system, youth may enter in an unbreakable cycle. Youth involved in the juvenile legal system may face homelessness following their release, particularly if they were in foster care and their placement has been given away. Some youth may not have a safe home to which they can return, or their family may not be willing to take them back.

- Studies in California found that a quarter of youth released from juvenile detention, group homes, or foster care did not have permanent shelter on their first night out.
- A study in Minnesota found that almost half of youth who had been in a correctional facility did not have stable housing upon release.

The Criminalization of Homeless Youth:

Homeless youth in some states may be criminalized as a “runaway,” or they may be criminalized for exchanging sex for housing. Because 40% of homeless youth identify as LGBTQ+, intersecting identities of race, sexual orientation, or gender identity, and homelessness can make some youth doubly or triply vulnerable.

The demographics within the juvenile legal system also illustrate a racist and discriminatory system, with Black youth more than four times more likely, Native American youth three times more likely, and Latinx youth 61 percent more likely to be committed to a juvenile detention center than White youth. Black and Native American youth are especially overrepresented in the juvenile legal system compared to their representation in the general population.

Long-term Impacts of the Juvenile Legal Systems:

Policies targeting people who have legal debt and criminal records continue to punish them long after they have left the juvenile legal system.

- The inability to pay fines and fees can have detrimental consequences on communities of color, including driver license suspension, bad credit reports, and warrants, arrests, and jail time.
- While state “Ban the Box” laws prohibit employers from asking on the application whether a job applicant has been convicted of a crime, employers have ways of finding out the applicant’s criminal history and weeding out applicants with criminal records during other stages of the process.
- Just as a lack of mental health care is a major factor in homelessness and incarceration of people of color, involvement with the legal system is a traumatic experience and impacts the mental health of individuals involved. Many incarcerated and formerly incarcerated youth experience long-term mental and physical health issues due to the abusive conditions and psychological harm they experienced in jail or prison.

These collateral consequences are especially detrimental to people of color who have dealt with the criminal legal system. “Network impoverishment,” which refers to the lack of resources among families and communities due to disinvestment in communities of color, can hinder families from having the resources needed to support a family member who has just left the juvenile legal system.

Resources:

- <https://www.census.gov/quickfacts/fact/table/US/IPF120218>
- <https://www.bis.gov/content/pub/pdf/p18.pdf>
- <https://www.prisonpolicy.org/reports/youth2019.html>
- <https://www.bloomberg.com/news/articles/2013-08-16/the-dramatic-racial-bias-of-subprime-lending-during-the-housing-boom>
- <https://www.theatlantic.com/business/archive/2016/10/native-americans-minneapolis/503441/>
- <https://www.theatlantic.com/politics/archive/2016/07/native-americans-property-rights/492041/>
- <https://www.youtube.com/watch?v=JKkieYkR5E>
- <https://center4si.com/wp-content/uploads/2018/03/SPARC-Phase-1-Findings-March-20181.pdf>
- <https://www.brookings.edu/blog/up-front/2020/02/27/examining-the-black-white-wealth-gap/>
- <https://center4si.com/wp-content/uploads/2018/03/SPARC-Phase-1-Findings-March-20181.pdf>
- <https://www.minneapolisfed.org/article/2018/american-indian-women-were-disproportionately-stopped-searched-and-arrested-by-police-in-minneapolis-in-2017>
- <https://www.bis.gov/content/pub/pdf/cpp15.pdf>
- <https://mappingpoliceviolence.org/>
- <https://www.cnn.com/2017/11/10/us/native-lives-matter/index.html>
- <https://www.bis.gov/content/pub/pdf/p18.pdf>
- http://www.uvjustice.org/sites/default/files/resource-files/policy%20brief_FINAL_compressed.pdf
- <https://www.prisonpolicy.org/reports/housing.html>
- <https://www.usich.gov/solutions/criminal-justice>
- https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf
- https://nlhc.org/sites/default/files/AG-2019-06-07_Housing-Access-Criminal-Records.pdf
- <https://www.theatlantic.com/politics/archive/2019/11/are-states-complying-ban-box-laws/601240/>
- <https://center4si.com/wp-content/uploads/2018/03/SPARC-Phase-1-Findings-March-20181.pdf>
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- <https://m4bl.org/policy-platforms/invest-divest/>
- <https://now.tufts.edu/articles/how-racial-segregation-and-policing-intersect-america>
- <https://www.minneapolisfed.org/article/2018/american-indian-women-were-disproportionately-stopped-searched-and-arrested-by-police-in-minneapolis-in-2017>
- <https://www.bis.gov/content/pub/pdf/cpp15.pdf>
- <https://www.bis.gov/content/pub/pdf/cpp15.pdf>
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- <https://www.census.gov/quickfacts/fact/table/US/IPF120218>
- https://www.greensboro.com/opinion/columns/krista-craven-and-sonalini-sapra-homelessness-is-criminalized-in-greensboro/article_8d62af0d-9174-54e4-90a0-aff840614696.html
- Based on analysis by Just Liberty of data from the ECHO Point in Time Counts & the Downtown Austin Community Court
- <https://www.census.gov/quickfacts/fact/table/US/PS1045218>
- <https://ucr.fbi.gov/crime-in-the-u-s/2018/crime-in-the-u-s-2018/tables/table-43>
- <https://wraphome.org/2020/06/24/defunding-the-police-on-the-road-to-abolishing-oppressive-policing/>
- https://www.usccr.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171114_Demographics.pdf
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- <https://www.prisonpolicy.org/reports/housing.html>
- <https://www.usich.gov/solutions/criminal-justice>
- <http://wclp.org/wp-content/uploads/2017/03/State-Juvenile-Fees-Report.pdf>
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- https://www.americanbar.org/groups/public_interest/homelessness_poverty/initiatives/homeless-courts/about-homeless-courts/
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- https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf
- https://nlhc.org/sites/default/files/AG-2019-06-07_Housing-Access-Criminal-Records.pdf
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- <http://whopaysreport.org/who-pays-full-report/?fbclid=IwAR3DygdwpTPltcdCg0z1z4mZsz57oltFVaJOiKkK1hbJ2llk7KqE2GvcPQ>
- <https://www.ojd.gov/mpg/litreviews/Intersection-Mental-Health-Juvenile-Justice.pdf>
- <https://c4innovates.com/wp-content/uploads/2019/03/SPARC-Phase-1-Findings-March-2018.pdf>