

A Revolving Door? Homeless People and the Justice System in Toronto

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1. *The Homelessness Capital of Canada*

Toronto has been named the homelessness capital of Canada; more than 30,000 people a year are admitted to a shelter. Many shelters provide only a bed for the night, leaving homeless individuals little choice but to inhabit public spaces. As in other cities across the country, politicians have reacted to visible homelessness by considering or enacting legal responses to curtail the behaviour and very presence of homeless people in their midst. Which leads researchers to question how many homeless people end up in correctional facilities for reasons relating to their lack of housing. And how many of the approximately 50,000 ex-prisoners released each year from provincial correctional facilities in the Toronto area end up on the streets?

This research bulletin draws on research prepared for the Housing and Homelessness Branch that received funding from the National Research Program of the National Homelessness Initiative. Researchers from the Centre for Urban and Community Studies and the John Howard Society conducted a literature review, an analysis of administrative data; a review of client files; a survey of 57 homeless individuals; in-depth interviews with 22 homeless individuals; focus groups with homeless individuals and service providers; and interviews with 23 key informants.

2. *Incarceration among Homeless Populations*

In 1998, the Mental Health Policy Research Group conducted a survey of unaccompanied homeless adults in Toronto. Among a sample of 300 adult shelter users,

73 percent of the men and 27 percent of the women had been arrested since age 18; 49 percent of men and 12 percent of the women had served jail time at least once. Within the previous year, 30 percent had spent some time in jail; this was 6 percent more people than had spent nights in psychiatric facilities. Most jail stays were short – only 5 percent of the homeless were incarcerated for more than six months. This suggests that the charges were for relatively minor offences.

Of the 5,052 people counted in the City Toronto's 2006 Street Needs Assessment survey, 18 percent had had "an interaction with corrections" and 17 percent had "had an interaction with probation or parole" in the previous six months.

The likelihood of having been incarcerated is even higher among those who sleep in places considered unfit for habitation. In its 1998 study, the Mental Health Policy Research Group found that so-called "rough sleepers" in Toronto were more likely than shelter users to have been arrested, held overnight, convicted, to have served a sentence, and done so more than once.

Studies in Toronto, Vancouver and Edmonton have also found that a high proportion of homeless youth have been involved with the criminal justice system. Three-quarters of the homeless youth interviewed in Toronto in 1995 were involved in delinquent activities such as stealing and burglary, and had been incarcerated. Youth whose peers engaged in criminal activity, such as drug selling and theft were more likely to commit such acts themselves, regardless of their home and school experiences and previous criminal experience.

Finally, several studies have shown that individuals of Aboriginal descent are overrepresented among both

those who are homeless and those who are incarcerated. The City of Toronto’s Street Needs Assessment showed that homeless individuals of Aboriginal descent were overrepresented in jails, shelters, and public spaces. In total, 16 percent of those surveyed identified themselves as Aboriginal—7 percent among those incarcerated, and 26 percent among rough sleepers (compared to 2 percent of the Toronto population).

These studies can be contrasted with those that indicate that people living in poverty do not commit more crimes than those with higher incomes, but are more often arrested and held on remand because they cannot obtain bail funding. At least two studies have substantiated the claim made by advocates that being held on remand is an almost guaranteed outcome for those without a fixed address. Being homeless increases the odds of being detained or re-manded into custody and the decision to plead guilty. Moreover, persons without a permanent address are more likely to be denied bail than those with a permanent home, indicating that homeless individuals are more likely to be remanded to custody.

3. Homeless People Entering the Justice System

The number of people who are homeless when they are arrested, jailed, or released from jail in Canada is unknown. To begin to fill in this blank, the research team analyzed data for the Toronto area on admissions and releases from the Ontario Ministry of Community Safety and Correctional Services (OMCSC), and on shelter use from the City of Toronto.

Between 2001 and 2004, the number of adults with no fixed address (NFA) admitted to five correctional facilities in the Toronto area per year increased steadily, along with the number of admissions (which includes

multiple admissions by the same persons within the specified 12-month period). The number of individuals admitted with no fixed address increased by 64 percent from 2001 to 2004 (from 174 to 286). There was a slightly higher increase of 68 percent (from 296 to 496) in the number of admissions with no fixed address.

During 2004-2005, a total of 286 people were admitted 496 times (i.e., 42 percent of the admissions were

individuals returning to jail within a 12-month period). This indicates a great deal of cycling of homeless people in and out of jails.

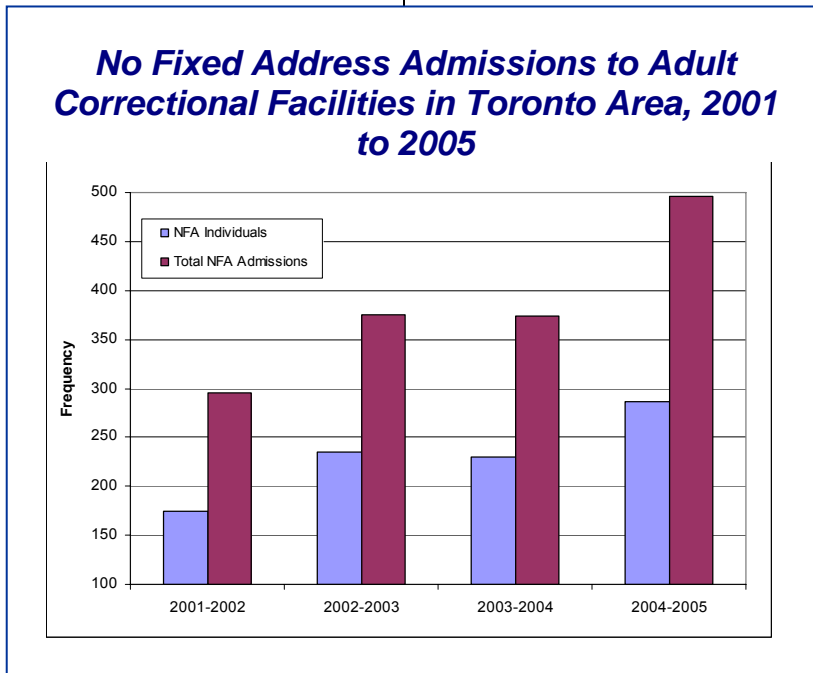
These are substantial annual increases in the number of homeless individuals jailed and in the number of admissions, which includes the repeat incarcerations of some people. In other words, more homeless people

were jailed each year. And four of ten admissions of a homeless person between April 2004 and March 2005 were returnees. This is a marked pattern of recidivism.

According to the OMCSC data, the annual proportion of NFA to all admissions is quite small — about 1 percent. However, there is little reason for individuals to disclose their homeless status, and we believe this to be a severe undercount. Reportedly, a snapshot count conducted on April 9, 2005, determined that 18 percent of the prisoners (79 out of 441) admitted to the Toronto (Don) Jail had no fixed address.

Just as males constitute the vast majority of those incarcerated, almost all of the NFA individuals admitted to a correctional facility were male. The proportion of all NFA admissions that were women ranged from about 1 percent to 3 percent.

OMCSC records also show that the proportion of individuals admitted to youth correctional facilities in the Toronto area who reported having no fixed address



is small – almost 1 percent of all youth admissions per year, with negligible variance from year to year. The number of admissions slightly exceeded the number of individuals in each year, indicating repeat admissions of some homeless youth within a 12-month period.

4. Homeless People Leaving the Justice System

According to OMCS figures, a total of 414 adults with no fixed address were released from Ontario provincial jails (excluding those released from court) between April 1, 2004, and March 31, 2005. The level of missing data is high – almost one out of eight adults released from jail did not provide information on his or her address. Imminent homelessness cannot be assumed in all cases in which an ex-offender was uncertain (for example, the ex-offender may not yet know whether he or she can stay with a family member). Some of the non-respondents were probably homeless. And, of course, those who did report an address may not have stable or adequate housing.

The Re-integration Program managed by the Ontario Multi-faith Council on Spiritual and Religious Care is the only province-wide program that offers help to adult prisoners who have no home on release and collects data on them. The Program's needs assessment kit includes the question: "Do you have a place to stay when you get out?" This is a more pertinent question than asking for one's address on release. From April 2004 to March 2005, the Reintegration Program documented 656 individuals in Ontario who had no place to live on release. The program statistics distinguish persons with no plans for a place to live from those who anticipate staying in a shelter and those who plan to stay temporarily with family or friends.

If the 30 percent of respondents who plan to be temporarily housed by family and friends are excluded, 460 individuals remain – still more than the 414 identified by the Ministry. A possible explanation for the discrepancy is that prisoners are more comfortable disclosing their homeless situation to a non-profit agency that offers assistance than to prison authorities. Nevertheless, data from both sources confirm that, at a minimum, well over 400 persons left a provincial jail without a place to live in 2004-2005.

5. Moving from Jail to a Shelter

Some men enter a shelter in Toronto dressed in standard-issue prison orange jumpsuits and blue shoes. In some cases prisoners are released from court without the opportunity to retrieve their clothes from jail. People

admitted to a shelter on discharge from a correctional facility are not always so easily identified, but information from the shelter system indicates the number of people in this position.

Since 1988, the City of Toronto has maintained a database on shelter users. All those admitted are asked the main reason for their use of the shelter, and this information is recorded according to a set of categories that include release from a correctional facility. According to the City data, an average of more than 800 shelter admissions a year in Toronto are individuals discharged from a correctional facility who have no place to live. Based on evidence of widespread under-reporting by shelter staff and limited disclosure by shelter users, this number is an under-count. For this reason, the characteristics of individuals for whom data was available, as outlined below, may be partial.

6. Who are the Individuals Entering Shelters from Corrections?

The following profile of individuals from corrections admitted to a shelter between 1988 and 2003 describes a steady, if not worsening, problem, predominantly affecting single men. The number of individuals varied little over the selected years—about 630 persons per year. Virtually all were single. The total number of admissions per year—825—is higher, due to multiple admissions of the same person within a year. This shows that some individuals are repeatedly and quickly being shuttled from jail to shelter and back.

Most were male, although the proportion of adult females increased three-fold, from 7 percent to 21 percent; the proportion of middle-aged women more than doubled, from 9 percent to 23 percent. The reason for this change is unclear, but it may be associated with the exclusion from the mid-1990s onward of data from abused women's shelters (whose residents are unlikely to have come from corrections).

Most were adults. The average age increased slightly, from 29 to 33 years, between 1988 and 2003, possibly reflecting little more than a gradual aging of the population. However, youth were overrepresented. In 2003, 33 percent of them were aged 16 to 24. This is higher than the proportion all shelter users who are youth – 21 percent in 1999; and higher again than the general population of youth in Toronto – 12 percent.

The overrepresentation of youth in this profile may be due in part to closer questioning and more diligent recording in youth shelters. Shelters that provide more services, such as case management and counselling, may be more likely to probe for this type of informa-

tion; this applies primarily to shelters for youth and abused women. Moreover, youth and those with a severe mental illness are more likely to receive assistance (from social workers, lawyers, etc.) when released from court or corrections. They are more likely to be directed to shelters rather than end up on the street.

7. Where Do People Go When They Leave a Shelter?

During 1988 and 1993, the vast majority of people left one shelter only to enter another. But during 1998 and 2003, very few people moved from one shelter to another; instead, the whereabouts of most individuals was unknown. Also, the number of individuals who went to a hospital or treatment program decreased.

8. How Long and How Often Do People Stay in Shelters?

Most individuals from corrections stayed in a shelter less than one month. A small proportion stayed longer, but the average length of stay was less than three months (within a particular year). Compared to earlier years, 2003 showed a slight increase in the number of stays of more than one month, a pattern consistent across all age groups.

Those who came from corrections tended to spend longer in the shelter system than other shelter users. Our data covers each 12-month period independently and does not track individuals. For these reasons, it may not be a wholly accurate reflection of individuals' patterns of readmission.

The proportion of repeat shelter admissions (multiple admissions by the same person) within a year increased from 22 percent in 1988 to 28 percent in 2003. Among youth, the increase was from 29 percent in 1988 to 50 percent in 2003. This mounting frequency of cycling between jails and shelters within 12-month time periods suggests that it has become harder for individuals to break the trans-institutional cycle.

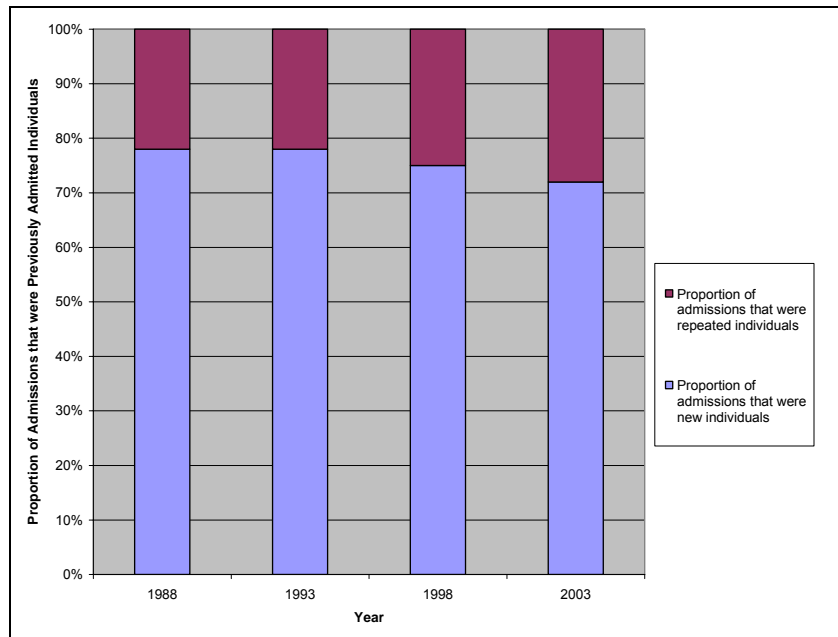
9. Discharge Experiences

“Prior to going to jail, I lived on the street for most of my life. I have been in jail on several occasions. Nothing was ever put in place for housing upon my release.” This comment was made by one of the 22 homeless individuals we interviewed. Seventeen of the 22 respondents were homeless when they were last jailed, and five had lost their housing while in jail, in a few cases because they were not allowed to return to live with family members.

More than half of the respondents (13) were unaware that they could have requested assistance with discharge planning. A few requested help, but did not receive it. Two people released from court received no help, one because his worker was not in touch at that point. Only six respondents were assisted by jail or agency staff to find a place to live when they were released. Two refused the assistance offered, due to mistrust of the worker or a mistaken belief that they had already secured a place to stay. Four received limited assistance from jail staff or another agency.

Jail staff assistance consisted of being given a list of shelters and transportation costs. Some respondents expected little help from jail staff. Several respondents

Proportion of Repeat Admissions to Shelters from Corrections, Selected Years (based on admissions)



interpreted “being housed” as simply getting a shelter bed. As one commented, “I was given a list of phone numbers for shelter. The jail staff didn’t make any phone calls to make referrals. Shelters will not hold a bed in advance. I have to call the shelter once I am released to see if there is a space.”

Ten respondents said they had a place to live on release, but this usually meant staying with family or friends, at least temporarily, or going to a shelter. These were usually unstable arrangements of a few days, weeks, or months. Only two respondents maintained their post-discharge residency for more than a year.

Seven respondents received some assistance after their release, such as help with applications for welfare and subsidized housing; having shelter beds held until their arrival; or replacing lost documents.

One respondent outlined the difficulties of recovering possessions, including identification documents, and the effects of discharge with no assistance. “In order to retrieve belongings taken at the point of arrest, we have to go through a lengthy process to get them back. The property room at the cop shop is not helpful. Usually it takes a lawyer to get belongings back. When a person gets out, you find yourself in a worse position than before: no housing, no money, and being forced onto welfare and into shelters. Every time I have been in jail, I lose my I.D.” These comments suggest that discharge planning in remand and short-term facilities within the provincial jail system is limited.

Respondents mentioned some basic ways to improve discharge practices and reduce recidivism. “Considering that people come out of prison with no money, no clean clothes, and no housing, it’s not hard to understand why some people quickly re-offend. Immediately on my release, in order to survive, I starting thinking in a criminal way and soon began to re-offend. I think that Corrections ought to be able to get some support in place, like welfare and subsidized housing, before a prisoner is released. For example, a bus pass and first and last month’s rent in the amount of \$1,500, properly set up through Ontario Works, could help to stop an ex-offender’s return to crime.”

The key informants we interviewed had mixed opinions about how homeless youth and adults were treated within the criminal justice system. One respondent commented on the way in which some people cycled in and out of shelters and jails: “For some homeless youth, jail is a respite for 30 days – meals, a roof over their head, everything becomes predictable for 30 days. After a while, this conditioning leads to institutionalization, and another set of problems develop.”

Some stated that homeless people, particularly youth, were treated with disdain. Others referred to positive outcomes from jail terms: “Sometimes when someone has committed a crime that results in incarceration, the time spent in jail can help to stabilize an individual. They get access to dental work, nursing staff, a staff psychiatrist. The individual may not have access to these services on the streets. The individual has the opportunity to withdraw [from toxic substances] in a safe monitored environment. Access to other supports, such as a chaplain, health services, etc. may provide a window to make some changes. That’s not what the criminal justice system is for, but it’s relevant to the homeless population.”

One informant within the criminal justice system outlined various ways in which being homeless may affect treatment. “Biases toward homeless people are built into the system. If an individual is well known as being homeless, with a history of failing to appear before the court or skipping bail, then they are more likely to be remanded. Show cause [a hearing to determine whether bail is an option] is more likely. In some cases, an individual may feel compelled to plead guilty, between having no address or home, together with the difficulties of accessing a Legal Aid lawyer. Homeless offenders are more likely to be held in pre-trial custody, plead guilty more, and have higher conviction rates.”

Another informant noted that Aboriginal and racial minority youth are overrepresented within the criminal justice system. Youth of Aboriginal descent have the option to go to an Aboriginal court and can benefit from this option. But youth access to mental health options is limited. “Young people are not always clearly identified or diagnosed [with mental health issues] at that stage in life, so they do not get that option as an alternative to incarceration.”

10. The Costs of Incarceration vs. Housing

For the very poor, the corrections system has become a provider of basic services and more of a relief from a precarious existence than a deterrent to crime. It is, however, a very costly option.

Consideration of the costs of homelessness alone should prompt a re-assessment of allowing people to cycle through prisons, hospital, and shelters rather than providing them with affordable and supportive housing. The cost of a new unit of non-profit housing per person is lower than various institutional alternatives or the provision of support services to the homeless. The figures in the table below are from 1999.

Type of housing	Cost per month
Correctional facility: adult	\$3,720
Correctional facility: young offender	\$7,917
General hospitalization	\$4,500
Psychiatric facility	\$10,800
Shelter/hostel	\$900–\$2,100
General Homeless Support (police, health, and other support services)	\$4,583
New Non-profit Unit	\$1,080

Supportive and transitional housing such as that provided by the John Howard Society and Elizabeth Fry, as well as group homes for individuals at risk of homelessness, are less than one-tenth (6%) the cost of incarceration in provincial corrections facilities.

11. Conclusions and Recommendations

Although the statistics we compiled under-estimate the number of people who are homeless before and after their involvement with the criminal justice system, their pattern reveals a worsening problem, with a sizeable

sub-group of homeless people who are stuck in a cycle of staying in shelters, jails, and hospitals, and becoming increasingly alienated from community life.

The long-term homeless adults and youth we interviewed had had extensive involvement with the criminal justice system. Most who are incarcerated for short periods of time or held on remand in provincial correctional facilities received little or no assistance to prepare them for community re-entry.

The results of this study support a recommendation that the Government of Ontario adopt a policy that no person being released from jails or courts in Ontario be released to the streets without access to adequate housing. Also, the provincial government should provide discharge planning services to all those who are serving sentences and those who are held on remand. Such planning should be available upon admission to correctional institutions and at the time of release from these institutions, and include appropriate action to locate and provide access to adequate housing. Finally, at the time of release from court or jail, all persons who are identified through the discharge planning process as homeless, or likely to be homeless, should be offered and provided with appropriate civilian clothing, a current list of community resources, and public transit fares, at no personal cost. These, and several other recommendations, are described in more detail in the full report.

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