



Justice and Injustice

Homelessness, Crime, Victimization, and the
Criminal Justice System

Sylvia Novac, Joe Hermer, Emily Paradis, and Amber Kellen

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Executive Summary

Using the situation in Toronto as a case study, this multi-method study explores various aspects of the relationship between homelessness and the criminal justice system. The research was based on a literature review; analysis of administrative data; review of client files; survey of 57 homeless individuals; in-depth interviews with 22 homeless individuals; focus groups with homeless individuals and service providers; interviews with 23 key informants; and extensive compilation of prevention programs.

The literature review covers research findings on the high prevalence of incarceration among homeless adults and youth; the vulnerability of homeless individuals with mental illness and patterns of transinstitutionalization; the high prevalence of homelessness among ex-offenders; criminalization of homelessness and the regulation of public space; types of offences committed by homeless people; the high level of victimization of homeless people; treatment of homeless people by the police and courts; cost-effectiveness of housing provision versus institutional facilities; and service needs, issues, and recommendations.

Major findings include the following:

- The numbers of homeless persons arrested and cycling between jail and shelter are increasing yearly.
- Clients of the John Howard Society of Toronto who were homeless at intake had fewer violent, but more property-related, charges than those who were housed.
- Homeless individuals appreciate the need for law and order, but are highly critical of perceived unfair policing practices, especially differential treatment of racialized persons.
- Although homeless individuals experience a high level of victimization, they are quite reluctant to report crimes to the police and feel alienated from police protection.
- Lack of service co-ordination and adequate discharge planning are major barriers to the community reintegration of ex-prisoners and contribute to homelessness.

Suggestions for change focus on provision of transitional and supportive housing, improved discharge planning in provincial correctional facilities, and specialized programs for vulnerable sub-groups.

Part Two of the report is a catalogue of more than 70 programs and policies to reduce homelessness among ex-prisoners and the incarceration of homeless individuals, and ten promising practices.

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The research and recommendations are those of the authors of the report and do not necessarily reflect the view of the Housing and Homelessness Branch.

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Part One: Study Report

1. Introduction

The relationship between homelessness and the criminal justice system in Canada has not been extensively examined. Using the situation in Toronto as a case study, this report begins to fill this knowledge gap by exploring major questions about homelessness and incarceration, criminal behaviour by and against people who are homeless, and innovative programs and policies that can prevent or ameliorate homelessness and incarceration.

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. Are policing and jails the answer to visible homelessness and destitution?

How are the most vulnerable in our society treated within the criminal justice system? 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? What services or programs are needed, and at what cost?

This report begins to probe, if not answer, some of these questions and contribute to a more informed discussion of the issues, dynamics, and potential solutions. It is organized in two major sections.

Part I includes a review of the literature; description of the research methodology, and results of the research, organized by the following sub-topics:

- 1) extent of the problem,
- 2) state of relations between police and homeless individuals, treatment within the criminal justice system, victimization of homeless individuals, and reporting to police,
- 3) charges against and offences committed by homeless individuals,
- 4) issues of public space regulation and exclusion of homeless persons, and

- 5) programs and policies to reduce homelessness among those released from the criminal justice system and alternatives to incarceration.

Concluding thoughts and recommendations for action by all levels of government complete Part I.

Part II is a descriptive compilation of more than 70 programs and policies to reduce homelessness among ex-prisoners or deter the incarceration of homeless individuals. The descriptions are organized according to jurisdiction (local, national, international) and program type: alternatives to incarceration, policies and system-wide initiatives, pre-release programs, housing, post-release supports, and new and emerging programs. Each description includes contact information to facilitate the exchange of information and program development.

Ten promising practices were selected according to criteria derived from the literature and feedback from homeless individuals and service providers. These are described in more detail and conclude Part II.

1.1 Review of Literature

A Department of Justice report on homelessness and the criminal justice system in Canada noted in 1994 that “[i]f there has been limited attention to the relationships among homelessness and the criminal justice system in the United States, there is virtually no research in Canada with such a target” (Hewitt 1994: vii). The report concluded that “based on the information available through published reports, we cannot draw any conclusions about how the criminal justice system is affected by and affects homelessness in Canada” (Hewitt 1994: 46).

There remains a limited body of Canadian research literature on the relationships among homelessness and the criminal justice system. What studies there are have measured the level of criminal activity by homeless persons, especially youth, or their involvement with the criminal justice. Some have measured the prevalence of victimization of homeless individuals, although more often prior to their becoming homeless than while homeless. Some studies have focused on the circumstances of vulnerable sub-groups, notably people with mental illness; others have compared institutional costs, including jails and prisons, to providing affordable and supportive housing. The research has typically focussed on the experiences of single or unaccompanied homeless individuals, excluding homeless families. It is generally descriptive, with little development of explanation or theory.

Some topics are ideologically charged. For example, critics have decried heavy-handed attempts to control the behaviour of street homeless and poor people, especially those who panhandle or beg; nonetheless, such remedies for visible homelessness continue to be suggested and debated. Other questions, such as the extent of homelessness among ex-prisoners, or how homeless individuals experience the criminal justice system, have not been the subject of investigation.

This review focuses on Canadian research, but includes findings from studies conducted in other countries, predominantly the United States and the United Kingdom, to fill knowledge gaps, support Canadian findings, or provide a comparative context.

1.1.1 Links between Homelessness and Incarceration

Incarceration among Homeless Populations

Several Canadian studies have noted a high level of involvement with the justice system among homeless adults and youth.

Adults

The Mental Health Policy Research Group (1998) conducted a scientifically rigorous survey of unaccompanied homeless adults in Toronto. Among a representative sample¹ 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. While women were far less likely to have been jailed than men, the gender gap within the homeless sample was smaller than among the general population. Within the previous year, 30 percent of the sample had spent some time in jail; this was many more people than had spent nights in psychiatric facilities, 6 percent.

Involvement with the legal system was positively correlated with family poverty and having been sexually abused. Among the men, severe mental illness or antisocial personality disorder and alcohol and drug use were the strongest precursors for serving time (Tolomiczenko and Goering 2001).

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. Five per cent of the homeless said that being jailed caused them to lose their housing (Goering et al. n.d.).

Calgary was the first Canadian city to systematically ask homeless individuals about their involvement with the criminal justice system. In its 1996 count of homeless persons, 28 percent of those surveyed had been jailed during the year prior to becoming homeless (*Reducing Homelessness in Calgary* 1998). In Calgary's 2002 count, 77 percent had been jailed at some point in their lives (Gardiner and Cairns 2002). Out-of-home residential placement during childhood was fairly common, notably involvement with child protection services and residential school attendance (38 percent and 21 percent, respectively). In 2006, Calgary's count included 103 homeless people who were being held at the Calgary Remand Centre (City of Calgary 2006). Another 11 persons were in the process of being arrested.²

Of the 5,052 people counted in Toronto's recent Street Needs Assessment survey,³ 18 percent had had "an interaction with corrections" and 17 percent had "had an interaction with probation or parole" in the previous six months (City of Toronto 2006: 23).

1 Data was weighted to correct for point prevalence bias.

2 Twenty homeless individuals were being arrested during the 2004 count (Stoick 2004).

3 The Street Needs Assessment survey was conducted outdoors, in all homeless shelters, in a sample of abused women's shelters, in a sample of hospitals and treatment centres, and in Toronto area correctional facilities.

The association between incarceration and homelessness is not restricted to large cities. In Sudbury, 9.4 percent of the 148 individuals counted as homeless in January 2003 gave “release from jail” as the reason for their homelessness (Kauppi 2003).

Rough Sleepers

The likelihood of having been incarcerated is even higher among those who sleep in places considered unfit for habitation. 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. They were also more likely to have substance abuse problems, but not mental illness (Mental Health Policy Research Group 1998).

Four-fifths of the rough sleepers in Edmonton’s 2004 survey, had a criminal record — considerably more than among individuals staying in shelters or considered at risk of being homeless (Edmonton Joint Planning Committee on Housing 2004).

Youth

Delinquent, deviant, and criminal behaviour among homeless and street-involved youth has been the subject of several Canadian studies. The results have consistently shown that a high proportion of homeless youth have been involved with the criminal justice system. As among adults, male youth are more likely than females to engage in criminal activity (Gaetz et al. 1999) or to be jailed (Farrell et al. 2000).

McCarthy (1995) found that three-quarters of the homeless youth interviewed in Toronto were involved in serious delinquent activities, such as stealing and burglary, and had been incarcerated. Lack of secure shelter and the length of time spent homeless were both predictors of criminal activity and incarceration. Youth whose peers engaged in criminal activity, such as drug selling and theft, learned from them and were more likely to commit such acts themselves, regardless of their home and school experiences and previous criminal experience.

Comparing cities, Hagan and McCarthy (1998) found that homeless youth in Vancouver were more involved in serious, non-violent criminal activity than those in Toronto; the authors conjectured that the difference between cities may be related to the services available (i.e., more agencies in Toronto serve homeless youth), and possibly the type of youth the cities attract.

A majority of street-involved teenagers surveyed in several B. C. communities had been involved with the criminal justice system (McCreary Centre Society 2001).

A synthesis of three studies of homeless youth⁴ in Edmonton determined that nearly half of the youth had spent at least one night in a youth detention centre or jail and had reported having a probation officer at some time (Gratrix and LaBoucane-Benson 2005).

4 The age range of participants in the three studies was 15 to 27 years, with roughly the same number of males and females. Almost 40% of the youth were of Aboriginal heritage. All three studies relied on convenience samples of service users, with attempts at representative selection. The sample sizes ranged from 19 to 389 persons.

Aboriginal People

Individuals of Aboriginal descent are starkly overrepresented among both incarcerated (Canadian Criminal Justice Association 2000) and homeless populations across the country (SPARC BC 2005; City of Calgary 2006; Edmonton Joint Planning Committee on Housing 2004; Kauppi 2003; Wingard et al. 2003; City of Toronto 2006).

The Toronto 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).

Homelessness and the Likelihood of Incarceration

Studies have indicated 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 (National Council on Welfare 2000).⁵

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. Clarke and Cooper (2000) reviewed the records of 472 court appearances by 238 youth in Calgary. Being homeless increased the odds of being detained or remanded into custody and the decision to plead guilty, suggesting a resignation about defending oneself.

Kellough and Wortley (2002) reviewed more than 1,800 hearings from two Toronto bail courts: persons without a permanent address were more likely to be denied bail than those with a permanent home, indicating that homeless individuals were more likely to be remanded to custody. According to police documents, the accused had no permanent address in 40 percent of the hearings. The authors determined that, although risk reasoning (i.e., flight risk and risk to the public) should determine remand and bail decisions, moral assessments of accused persons had a strong influence on remand decisions. Accused persons who received a negative personality assessment by the police were much more likely to be detained than those who receive neutral assessments. Detention or its threat was also associated with a greater likelihood of accused persons pleading guilty. Those accused persons who were not held in pre-trial custody were more likely to have all of their charges withdrawn by the prosecution.

Mental Illness and the Revolving Door of Institutionalization

De-institutionalization policies have contributed to homelessness; however, the number of homeless people believed to have mental illness has frequently been exaggerated.⁶ Of a sample

5 In general, the use of custodial remand in Canada has been increasing in adult and youth corrections, in numbers, rates, and proportions of total custodial population, although more so for adults than youth. In the fiscal year 2000/2001, a combined total of 199,500 remand and sentenced adults were admitted to provincial/territorial custody. Of these, 59% (118,600) were remand. In the same year, 25,000 young offenders were admitted to custody, of which more than 15,000 (60%) were held in pre-trial detention (Johnson 2003).

of 300 unaccompanied homeless adults in Toronto, health researchers found that only 11 percent had a severe mental illness, although many more suffered from mood disorders, most notably depression, or had in the past (Mental Health Policy Research Group 1998). This is a higher rate than among the general population, but not as high as many believe. Moreover, it is known that the rate of mental illness is much lower among homeless families.

A homeless person with severe mental illness is likely to wind up in custody. In a study of 110 men in a maximum-security jail in Ontario, Vitelli (1993) found that those who were homeless when arrested were more likely to display overt symptoms of mental illness, have a history of suicide attempts, and report having used mental health services. In a study of a pre-trial population of 790 men admitted to a jail in Vancouver during a 12-month period, homelessness was associated with severe mental disorder and prior psychiatric history (Zapf et al. 1996).

Researchers have noted that the criminal justice system functions as a major avenue of admission to hospital and access to other support services, notably psychiatric referral (Berry et al. 2003, Knowles 2000). Based on an analysis of administrative data from institutions in London, U.K., James et al. (1999) determined that the homeless were 17 times more likely to be admitted to hospital through the criminal justice system than those with a fixed address. For some individuals, going from shelter to jail to hospital and doing so repeatedly became a revolving door from which it was difficult to escape. This is a pernicious pattern of trans-institutionalization.

Jail as Asylum

Knowles (2000) studied the lives of chronically homeless individuals in Montréal with severe, persistent mental health difficulties. Homeless individuals diagnosed with schizophrenia revealed having had multiple involvements with the criminal justice system. Knowles argued that prisons were substituting for secure asylums, and punishment for treatment.

Earlier research by Dear and Wolch (1987) explained how the evolving outcomes of de-institutionalization,⁷ without sufficient compensatory growth in community-based service delivery, resulted in mis-assignment to inappropriate settings such as jails and homeless shelters. Individuals were transferred from one type of institutional setting to another, typically less appropriate to their needs. They argued that major restructuring and policy changes in Ontario correctional services during the 1970s and 1980s were ineffective and expensive. A strong movement toward community orientation was matched by a rapid and intensive growth

6 In part, this is due to reliance on US studies which have found very high rates of severe mental illness among unaccompanied homeless adults. The rate among homeless families is quite low.

7 Knowles refers to deinstitutionalization as decarceration, i.e., release from custodial psychiatric care of the majority of those with severe mental illness in favour of outpatient services; at the same time, psychiatric services have expanded to deal with the 'worried' well (Knowles 2000: 34 -36 and Barham 1992: 107, cited in Knowles 2000: 36).

in probation and parole services,⁸ contracting out of probation and aftercare service, and the use of volunteer labour—all of which reduced costs.

The emphasis on provision of shelters as an expedient response to the burgeoning problem of the homeless, the growing concern about upgrading or expanding jails and state mental hospitals ... presage a shift in human-service policy toward re-institutionalization. (Dear and Wolch, 1987: 169)

Prisons and jails became deluged with mentally disabled persons drawn particularly from the ranks of the homeless. Meanwhile, shelters acted as dumping grounds for service-dependent groups and served as an overflow site for other agencies, such as hospitals and corrections facilities.

Chaiklin (2001) has also argued that North American jails are inappropriately used to warehouse individuals with mental illness. Moreover, they are typically ill-equipped to deal with mentally ill people and lack the requisite information to provide appropriate services.

Changing policies in mental health and welfare are altering the character of urban jail populations. Homeless people, many of them ex-mental-hospital patients, occupy jail space in increasing numbers. They almost never commit violent crimes and seldom commit any real crime. They are given a charge and put in jail as a way to take them off the streets. The way in which official statistics are created and kept makes it difficult to demonstrate the nature and extent of this problem. (Chaiklin 2001: 255)

Chaiklin concluded that because jails do not accurately diagnose and enumerate the significant mental health problems of their inmates, they are not in a position to request the resources they require, even though their treatment services are typically overwhelmed.

Patterns of Trans-institutionalization

Laberge et al. (2000) explored paths to incarceration and homelessness in the life trajectories of 17 men with psychiatric disabilities living in Montréal. Two of the paths they identified are relevant to this study:

- 1) An “accelerated downfall” life course was marked by an almost total institutional guardianship from a young age, beginning with foster care, followed by a cyclical pattern of repeated terms in detention, psychiatric hospitals (frequently addiction-related), and periods of homelessness. These men lacked effective familial support, educational credentials, and work experience. They relied heavily on social assistance benefits. Subjectively, they felt they had always been homeless in some way. As their mental health worsened, they received psychiatric assessment and medication while in detention. Repeated and varied forms of institutionalization continued to hold sway over their lives.
- 2) A “prison-produced homelessness” path among those who first became homeless on discharge from detention. These men were absorbed by the prison experience and re-socialized

8 More recently, the trend has been to reduce use of probation and parole as an alternative to incarceration.

into a criminal and drug-using lifestyle and identity. Incarceration marked the beginning of their residential instability and almost complete social isolation. This group was most likely to be considered “crazy and dangerous,” a stereotype that further limited their access to mental health and shelter services.

Among those in the first group who were repeatedly detained for short durations, the frequency of incarceration diminished “considerably” when they had a room in which to reside compared to when they were homeless (Laberge et al. 2000: 160). Those who were under institutional guardianship from a young age had been charged with offences that reflected a homeless lifestyle combined with drug consumption: theft (frequently of food, alcohol, or morphine from hospitals), wrongdoing in public places (breaking a window or smoking in the metro), break-ins, solicitation, consumption of alcohol or food in places where it is prohibited, and assaults on security agents.

In his examination of the mental health system, homelessness, and the criminal justice system, Aderibigbe (1997) argued that a process of criminalization was taking place in the U.S.

Criminalization is the placement of mentally ill persons who have committed minor crimes into the criminal justice system instead of into the mental health system in psychiatric hospitals or other psychiatric treatment facilities [39]. The arrest may result in criminal sentencing to jail or prison or criminal commitment to a mental hospital by the finding of “incompetence to stand trial” or not guilty by reason of insanity. The criminalization of the mentally ill is one of the unanticipated consequences of deinstitutionalization. (Aderibigbe 1997: 130)

Homelessness among Ex-prisoners and Re-offending

Homelessness among ex-prisoners has not been measured in Canada, although it is likely a widespread problem. For example, researchers in Whitehorse reported that ex-prisoners (and individuals with Foetal Alcohol Syndrome) faced many barriers to obtaining affordable housing (Up North Training Services 2002).

Studies conducted outside Canada have documented a high rate of homelessness among ex-prisoners. Several U.K. studies have also identified a link between incarceration, homelessness, and re-offending.

In Lancaster, Paylor (1992) found that 40 percent of the 68 ex-prisoners he interviewed were released to no fixed abode; within two weeks, half of them had experienced a negative change in accommodation compared with their housing before they were imprisoned.

There is evidence of a strong association between sleeping rough and involvement with the criminal justice system, but the dynamics and reasons for this are not clear. Among a representative sample of more than 1,340 single homeless people, Kemp (1997) found that almost half (48 per cent) of those sleeping rough, mostly men, had spent time in prison or on remand, compared to almost one-quarter (24 per cent) of those staying in shelter, hostel, or bed and breakfast accommodation.

An early study by Banks and Fairhead (1976) determined that 66 percent of homeless ex-prisoners re-offend within 12 months of release, compared with 22 percent of those who retain or acquire accommodation. Homeless re-offenders themselves identify a link between their homelessness and their criminal activity. A common pattern is to steal to fund alcohol and drug use. Substance use helps them cope with street homelessness, instability, and isolation; peer pressure to steal is also a factor (Shelter Cymru 2004).

Carlisle (1997) interviewed 175 about-to-be-released prisoners (134 men and 41 women) in eight U.K. prisons. She found that 43 percent of them had no accommodation on discharge. Some prisoners were uncertain about their welcome from family and friends on release and whether they would be allowed to resume residence in their former home.

Studies conducted in the U.S. have documented reciprocal risks between homelessness and incarceration—being homeless increases the odds of being jailed and being jailed increases the odds of being homeless.

One survey of 702 homeless people in Baltimore showed that more than 30 percent of those who had been incarcerated were previously homeless. After release from jail, only 29 percent of the respondents rented or owned homes (Centre for Poverty Solutions n.d.).

Gowan (2002) identified common patterns among the homeless men he interviewed:

- 1) crimes of desperation, aggressive policing of status offences, and the close proximity of many ex-convicts created a strong likelihood of incarceration and re-incarceration;
- 2) for jail and prison inmates, time spent in detention eroded their employability, family ties, and other defences against homelessness: some of them became homeless for the first time directly following release from a jail or prison.

Using data from the U.S. National Survey of Homeless Assistance Providers and Clients, Allgood and Warren (2003: 275) determined that “the length of a homeless spell increases with age and is longer for males, never-married persons, and those who have been incarcerated.” The authors noted that ex-convicts, “have an escape rate [i.e., escape from homelessness] that is 20 percent lower on average than individuals who have never been incarcerated” (Allgood and Warren 2003: 285). This finding is consistent with an earlier study in which people released from jail or a substance abuse program typically had longer shelter stays (Allgood et al. 1997).

Metraux and Culhane (2004) conducted a major study based on analysis of administrative data from prisons and shelters in New York City. Of the 48,424 prisoners released from 1995 to 1998, those with previous experience of homelessness were almost five times more likely to be homeless again on release. Within a two-year period, 11.4 percent of the entire sample had entered a shelter, and 32.8 percent had returned to a state prison, suggesting that a shelter stay is associated with increased risk for subsequent re-incarceration. Of those who entered a shelter after their release, 54 percent did so within a month of their discharge. The risk of shelter use was greatest upon community re-entry and subsided substantially after the initial two months after release from prison. Based on these results, Metraux and Culhane (2004) suggested that

targeted efforts to prevent homelessness among released prisoners should focus on the post-release transitional period and especially on individuals with a history of unstable housing.

1.1.2 Criminalization of Homelessness and Regulation of Public Space

The term criminalization of homelessness usually refers to the ways in which different aspects of the criminal justice system (including policy-making, policing practices, procedural mechanisms, and rules of moral culpability) converge to produce an entire regime of criminalization of poverty and social exclusion (Sylvestre 2005). A key component are the new forms of order-maintenance ordinances and zero-tolerance policing practices in cities since the mid-1990s that emphasize enforcement of misdemeanour laws against incivilities and disorder, such as begging, squeegeeing, loitering, public urination, public drinking, graffiti, and the bothersome presence of homeless persons and street prostitution (Sylvestre 2005). Sitting, sleeping, storing belongings, and camping in public spaces are all behaviours regulated by legal means in North American cities (Bernston et al. 1999).

As more people get forced out on the street by government policies such as decreased welfare rates and fewer supports for ex-offenders and the mentally ill, the public has become increasingly intolerant of even mildly antisocial behaviour. Business people say that street people are “bad for business” and clamour for city bylaws to “round up” the poor who sleep on park benches and who beg on main shopping streets. Local residents call for strict enforcement and prosecution of laws and bylaws against panhandling, soliciting for purposes of prostitution, loitering, public drinking and disturbing the peace. (National Council of Welfare 2000: 16-17)

Canadian cities place a low priority on non-commercial space and forms of public association; however, homeless individuals have little choice but to “navigate city space and facilities intended for other purposes and derive what they can from them” (Knowles 2000: 55).

As Waldron (1991) argues in his discussion of homelessness and freedom, extensive prohibitions against the activities of homeless people makes them “unfree” to carry out even the most basic functions of life, such as eating, urinating, and sleeping. Public space regulation includes legislation (e.g. laws that prohibit begging) as well as environmental design (e.g., park benches with bars to prevent reclining); it results in making homeless people “invisible” and more vulnerable (Davis 1992).

Because of their visibility in public space, homeless people are subjected to regulations that are interpreted by many as being discriminatory. Some advocates claim that it has become virtually “illegal to be homeless” (National Law Center on Homelessness and Poverty 2003).

Gowan (2002: 521) argues that the effect of policing of homeless people with misdemeanour laws is to “continuously circulate them through the jails, making it very difficult to sustain employment or job training. Most importantly, it makes them feel disrespected, despised, and not part of the broader society.” The demoralization is most noticeable among the downwardly mobile who have memories of being treated quite differently (Gowan 2002).

In 2000, the Harris Conservative government in Ontario passed the *Safe Streets Act* (SSA) to control the homeless, particularly “squeegee kids.” Hermer and Mosher (2002) describe the SSA as a particularly aggressive example of anti-homeless and panhandling legislation. The constitutionality of this legislation was tested in *R. v. Banks* and upheld by the trial court. When an appeal was heard by the Superior Court of Justice, the City of Winnipeg repealed a similar law, recognizing the entitlement of the poor to use public space.

Young squeegee workers in Toronto were especially targeted by the police using the *Safe Streets Act* and displaced from central downtown locations to out-of-sight spaces such as industrial lots, ravines, and under bridges. Outlawing this form of income generation, ironically, may contribute to an increase of more serious offences by homeless youth (Bright and O’Grady 2002). Many youth “have left areas where the health and social services they require are accessible, placing them in even more perilous circumstances” (Bright and O’Grady 2002: 38). Criminalization of squeegeeing and panhandling has increased the difficulties faced by homeless youth and has contributed to their poor relations with police (O’Grady and Greene 2003). Despite the legislation and risks of penalty and incarceration, homeless youth continue to rely heavily on panhandling or squeegeeing to earn money (Tarasuk, Dachner, and Li 2005).

Parallel with this type of regulation is a trend of increased corporate privatization and commercialization of public space that extends to streets and sidewalks, urban tunnels and skywalks, and suburban malls. These places are “designed and used for public interaction but controlled by private owners, generally large corporations, which control what happens and who can be on their premises” (Bakan 2004: 131). Conducive to business and designed for the comfort of middle-class and upscale consumers, the proprietors employ security guards and install surveillance equipment to prohibit undesirable members of the public, most notably protestors and homeless people.

1.1.3 *Criminal Behaviour and Offences by Homeless People*

Studies of homeless people, especially youth, generally confirm that they commit more crime than their housed counterparts do, although there is no consensus regarding the existence or direction of any differences in the types of crime. Some studies confirm that homeless individuals commit more serious crimes. Advocates contend that homeless individuals are often arrested for less serious types of crimes, although the empirical support for this claim is weak.

Homeless street youth in Toronto have reported committing more crimes, and more serious crimes, on average than their peers who were still in school (Hagan and McCarthy 1992, 1998).

Tanner and Wortley (2002) compared the deviant or illegal behaviour of about 400 homeless youth and 3,400 high school students in Toronto. The homeless youth reported much higher levels of all offence categories, and especially violent offences (Tanner and Wortley 2002). Homelessness was markedly associated with criminal behaviour among young women. Unlike among the general youth population where there is a sizeable gender gap, homeless females were about as likely to commit offences as their male counterparts were. Gender differences in offences reported by the homeless youth were quite small or nonexistent.

In one of the few studies that tracked change in criminal behaviour of the homeless, rather than using retrospective data, McCarthy and Hagan (1991) found that the rate of criminal activity by youth increased after they became homeless, compared to when they still lived at home.

Zapf et al. (1996) found that homeless adults in Vancouver were more likely to have a criminal record than were non-homeless individuals. On the other hand, they were not charged with different types of criminal acts than men who were housed when arrested. Among a sample of 790 jailed men, there were no significant differences found between the homeless and the non-homeless on the types of offences for which they were incarcerated, including violent, property, drug, and miscellaneous offences.

Among homeless persons surveyed in Edmonton, a high proportion had a criminal record, but sentences of less than 30 days accounted for almost half of the offences reported (Edmonton Joint Planning Committee on Housing 2004). Although some offences, especially serious offences, may not have been disclosed, this finding suggests that a large proportion of the offences committed were relatively minor. Theft was the more frequently reported type of offence, followed by assault and alcohol-or drug-related offences.

Homelessness has also been associated with a higher rate of criminal behaviour among those with mental illness. A study by U.S. researchers Martell and colleagues (1995) suggests that homeless persons with mental illness commit more crime than housed persons with mental illness do. They examined the criminal and psychiatric records of 284 mentally ill defendants from New York City courts.⁹ The overall rate of crime was 35 times higher among the homeless group compared to the housed group. The rate of violent crimes was 40 times higher and the rate of non-violent crimes 27 times higher in the homeless group.

Factors and Explanations for Criminal Behaviour

Length of time spent homeless is a factor in the level of illegal behaviour among homeless youth. An early Calgary study found that the rate of delinquency among homeless youth was higher for those who were on the street a longer time (Kufedlt and Nimmo 1987).

Meeting survival needs are evidently related to the commission of property-related offences. Beyond relying on welfare and the sale of personal belongings to obtain money, Allen (2000) noted that the chronically homeless individuals he interviewed in Vancouver engaged in illegal or underground activities, including drug dealing, shoplifting, breaking and entering, fencing stolen goods, and prostitution.

Studies conducted in Toronto and Vancouver by Hagan and McCarthy (1992, 1998) point to structural and situational factors—poverty, unemployment, and homelessness—associated with the level and type of offences committed by homeless youth. Fulfilment of basic human need was clearly related to criminal behaviour. Hunger was a major motivation for theft, which was

9 The self-report data was validated by use of administrative data on charges; the interviewing was conducted by psychiatrists.

more often committed by young men than women. Both hunger and lack of shelter were linked to prostitution, especially for young women.

Hagan and McCarthy (1998) also suggested that different social policies and services¹⁰ might explain the relatively greater involvement of homeless youth with the criminal justice system in Vancouver than in Toronto. (There are more services for homeless youth in Toronto than there are in Vancouver.) It is unknown whether policing practices with homeless youth in the two cities differed.

Similar to the work of Canadian researchers Laberge et al. (2000), Hickey (2002), in a study conducted in Ireland, distinguished two paths or temporal sequences of homelessness and crime, but also associated different types of offences to them. For some study participants, being homeless led to crime, which in turn led to imprisonment; for others, being released from prison led directly to homelessness. The former group had a preponderance of vagrancy, larceny and drug offences; the latter group had committed more serious crimes. Both groups, however, had had previous contact with the justice system from an early age. The study participants cited three main factors as having contributed to their re-offending: addictions, coping difficulties associated with independent living after a period of institutionalization, and fractured family relationships. Half of them said that homelessness itself led to their re-offending, through committing survivalist crimes or the inability to abstain from drugs when living on the street.

1.1.4 Victimization of Homeless People

Several studies by Gaetz (2000, 2004a, 2004b) emphasize that the real or perceived criminal involvement of the homeless, street youth in particular, is more often the focus of discussion than the fact that homeless people are more often victims of crime than housed people.

Numerous studies have established that homeless individuals have experienced high levels of violence and victimization both prior to and after becoming homeless (Brassard and Cousineau 2000). We are concerned here with the latter situation (which may very well resonate with prior, especially childhood, experiences of abuse and violence).

In the early 1990s, a Toronto health agency conducted a survey of homeless single adults that asked about their experiences of victimization during the previous year. Among the sample of 352 males and 106 females, 46% of the females and 39% of the males said they had been physically assaulted. One-tenth of the respondents reported that they had been assaulted by police, some more than once. Sexual assault and violence were common experiences for women — 43% of females and 14% of males said they had been sexually harassed, usually multiple times¹¹. Even more disturbing, 21% of the females said they had been raped. The survey respondents described instances of being assaulted by security guards in shopping centres, beaten with nightsticks by police officers, and sexually harassed on public sidewalks. It is unclear how many of these assaults caused injury, but

10 This applies to the situation in the two cities during the early 1990s, when their data was collected.

11 Sexual harassment was defined as unwelcome sexual advances or being grabbed or touched without consent.

one-tenth of the respondents said they had gone to a hospital emergency room for assault-related injuries, and about half of them were admitted to hospital for treatment (Ambrosio et al. 1992).

Based on a review of 316 clinical records from a Toronto sexual assault care centre, Stermac and Paradis (2001) found that sexual assaults against homeless women differed from those against housed women—they were more violent¹² and more often perpetrated by strangers in public places.

Hwang (2000) determined that homeless men in Toronto are about nine times more likely to be murdered than their counterparts in the general population.

Based on intensive interviews with 17 chronically homeless men in Montreal, Brassard and Cousineau (2000) found that those with substance abuse problems and those who had sold drugs reported more frequent incidents of victimization, in part due to the nature of their interactions with other people in public places (e.g., belligerent behaviour when drunk). Two forms of victimization predominated: theft and physical aggression. Having all one's worldly possessions "in hand" made the men vulnerable to theft, especially when they fell asleep in a public place, were intoxicated, or naively trusted certain companions. Physical assaults were often motivated by thieves seeking cash. The men were quick to accept their complicity in some situations and claim that they victimized each other, but most of the incidents were perpetrated by drug dealers, gangs, prostitutes, and loan sharks—people who conduct their business on the streets, but are not homeless.

Rough sleepers are especially vulnerable to being victimized. A survey of 120 rough sleepers and group discussions with another 42 rough sleepers in the U.K. found very high levels of victimization—78 percent had been victims of a crime during their most recent period of sleeping outside, but only 21 percent of the incidents were reported to the police (Ballintyne 1999). Moreover, rough sleepers were more likely to be victims of crimes against the person than crimes against property—specifically verbal harassment and threatening behaviour versus personal theft, common assault, and wounding.

Homeless youth have reported very high rates of victimization, higher than that of homeless adults or housed youth. Tanner and Wortley (2002) compared the experiences of homeless youth and high school students in Toronto. They found that 69% of homeless youth said they had been physically assaulted in the previous year, compared to 39% of high school students. Similarly, 29% of homeless youth said they had been sexually assaulted in the previous year, compared to 6% of high school students. Unlike the high school students, gender differences among the homeless youth were small. In fact, female homeless youth reported a slightly higher rate of physical assault in the previous year than male youth (71% vs. 68%, respectively).

12 It may also be that homeless women are less likely than housed women to seek assistance unless the assault is quite severe.

According to Gaetz (2000), homeless youth in Toronto were more likely to be victimized than the elderly homeless. The conditions that placed street youth, especially females, at risk were related to their restricted access to housing, employment, and public spaces (Gaetz 2004a).

Gaetz (2004a) compared victimization rates between a sample of homeless youth in Toronto and housed youth in the general public (from Statistics Canada General Social Survey data). During a 12-month period, 62 percent of the homeless youth had been assaulted versus 12 percent of housed youth. Fifty per cent of the homeless youth were victims of theft versus 10 percent of housed youth. Thirty-two per cent of the homeless youth (51 percent of females and 19 percent of males) were sexually assaulted versus 4 percent of housed youth (7 percent of females and 1 percent of males).

1.1.5 Relations with Police and Courts

Living one's life in public leads to unique experiences of policing, as the following comments by homeless individuals in Toronto reveal:

When I've slept in the park, like clockwork every morning, the cops would be there waking me up, sometimes giving me a ticket for sleeping on public property or whatever. (Ward and Tremblay 1998: 32)

One time I was staying at a squat on the corner of Queen and Bathurst and cops came in real late one night. There were 16 of us in there. Five or six of us got arrested for various reasons but mostly it was for being too mouthy. A cop grabbed one of my friends and slammed him around a bit just because my friend pulled away from the cop and told him not to touch him. Sometimes homeless people get treated like wild animals. (Ward and Tremblay 1998: 32)

Chronically homeless men interviewed in Montréal by Brassard and Cousineau (2000) expressed distress over their vulnerability on the streets; they modified their behaviour to avoid attack. But when attacked, they adamantly refused to involve police or anyone who might call the police, preferring to sort it out among themselves and minimize the harm done to them rather than risk exposure to the criminal justice system. They were also reluctant to point a finger at another homeless person or at someone who could instigate reprisals, such as a drug dealer or loan shark.

The men may have been themselves wanted by police for any of a number of reasons, e.g., unpaid traffic tickets, non-payment of a fine, violating an order to keep the peace, failure to appear at a trial. They feared being accused rather than treated as a victim. In their experience, the police and criminal justice system were agents of control, not protection.

They accused police officers of going at them fiercely and unrelentingly by attempting to control their behaviour by the 'use to excess' of tickets [...] for offences related in great part to their life style: consuming alcohol in a public place; urinating in an area other than a place intended [for this]; occupying two places on a public bench [i.e., falling asleep] and ... frequent arrests [...] for minor] offences related to survival conditions [...] (shoplifting of food or basic hygiene products) or that are simply part of their life style (simple possession of narcotics or drug trafficking). (Brassard and Cousineau 2000: 236)

Some homeless individuals become hardened to urban violence and turn away from threatening incidents, mugging, and assaults; they disengage and block things out, reactions that are characteristic of relations in prisons (Allen 2000).

Homeless Youth and Police

As victims of crime, homeless youth are especially reluctant to report incidents to police. Two Toronto studies have shown that while homeless youth experienced high rates of victimization, they were very unlikely to report these incidents to the police (Tanner and Wortley 2002 and Gaetz 2004a).

Tanner and Wortley (2002) found that only 20 percent of homeless youth had reported their worst experience of victimization to the police. In Gaetz's (2004a) study, only 5 percent of homeless males and 23 percent of homeless females reported the most serious episode of criminal victimization they had experienced in the previous year to the police. In some cases, they were unwilling to involve the police because they were committing an illegal act at the time. But the main reason for not reporting to the police was their belief that the police would not believe them, a view more often expressed by males than females (42 percent of males and 21 percent of females).

Gaetz (2004a) found that 44 percent of homeless youth carried their possessions at all times to reduce theft; 28 percent carried a weapon regularly to protect themselves. He concluded that:

[t]he social exclusion of street youth puts them in a contradictory position of being at increased risk for criminal victimization, on the one hand, and the target of public efforts to control crime and deviance, on the other. (Gaetz 2004a: 447)

Some homeless youth have reported helpful interactions with police. More than one-third of the 200 homeless youth in one study cited examples of supportive behaviour by police. Police were described as being respectful, "often helping to calm them and reassure them in difficult circumstances" (Gaetz 2002: 70). In some cases, police were reported to give youth money, food, transport, and helping with access to shelters and other agencies. However, 53 percent of the youth reported abusive and rude treatment by police; and 27 percent reported assault by police. Two-thirds of them said they had been kicked out of public spaces by the police at some point.

Street youth complain that often when they are standing or sitting on the sidewalk, or when they are sitting on a park bench doing nothing, the police will approach them, ask for identification and attempt to move them on. Often this involves searches, verbal harassment, confiscation of goods and in some cases the use of force. (Gaetz 2002: 73)

Perceptions of Fairness by Police and Courts

Fair treatment by the criminal justice system is a human rights issue that has measurable effects on public faith and respect in the law and the likelihood of re-offending. Several studies have found that the quality of treatment people received from police and courts was the most important factor determining their views of criminal justice institutions. Perceived fairness influences one's sense of obligation to obey the law and reduces re-offending rates (Tyler 2001;

Paternoster et al. 1997). Even police use of discourteous and offensive language is a highly salient factor in determining the way they are seen by ordinary citizens (Seron et al. 2004).

Perceptions of policing also vary by socio-demographic and ethno-racial group, related to how police treat group members. A U.K. study determined that for a good working relationship with police, groups such as ethnic minorities need to perceive that the police provide an equal quality of service to them, understand their varying social situations and service needs, treat them with due civility and respect, and recognize the supporting role they play in solving crime and maintaining quality of life (Bradley 1998).

Although few studies have explicitly examined the state of relations between police and homeless people, there is evidence that it is strained and fraught with suspicion if not hostility, as the following vignette by a prominent local anti-poverty advocate illustrates:

A couple of years ago, as I stood with a group of homeless people outside a Toronto drop-in centre, a tow-truck happened to pass by, pulling behind it an immobilized police cruiser. The entire group broke into a rousing and spontaneous cheer at the sight of their enemy's misfortune. In an affluent neighbourhood, such a response would be unthinkable. No such gut-level hostility would present itself for the very obvious reason that the frontline enforcers of the Law play very different roles in the lives of rich and poor. (Clarke 2000: 77)

Homeless people have less trust in police than the general population, especially those who report having been assaulted by police. In a study of 160 single adult and youth shelter users in Toronto, level of trust in police was not associated with age, sex, race, or duration of homelessness. Only those who had been assaulted by police had significantly lower trust levels (Zakrisson et al. 2004). Allegations of police assaults on homeless persons are of particular concern.

Police Assaults on Homeless Individuals

Among the shelter users Zakrisson et al. (2004) interviewed, 61 percent had interacted with police and 9 percent had been assaulted by a police officer, both within the previous year. Among the rough sleepers (more of whom were long-term homeless), 80 percent had interacted with police and 8 percent reported an assault by a police officer within the previous year.¹³ This result is consistent with an earlier Toronto study in which 10 percent of single homeless adults reported having been assaulted by police within the previous year (Ambrosio et al. 1992).

Younger respondents in the shelter sample were significantly more likely to report having been assaulted by police during the previous year.¹⁴ But several other characteristics—sex, race, and duration of current episode of homelessness—were not associated with reports of assault by police (or assault by anyone else) during the previous year.

13 Non-police assaults during the previous year were reported by 36% of the shelter users and half of the rough sleepers.

14 Police assaults were reported by 26% by those aged 16 to 19 years of age; 11% by those aged 20 to 39 years; and 2% of those 40 years of age and older.

Ten of the 18 subjects in the study who reported an assault by police in the previous year were male. The assaults occurred either during or after an arrest. Two individuals said they were taken to an isolated industrial location and assaulted there.

Zakrison and her colleagues have suggested that the lack of trust in police may have serious repercussions by contributing to failure or hesitation to contact emergency services in a medical crisis, for example in a situation of drug overdose.

A few cases of assaults of homeless individuals by police officers have attracted media and legal attention, but no studies have attempted to ascertain the accuracy of homeless persons' reports of assault by police.

1.1.6 Service Needs and Program Suggestions

Service Needs of Homeless Offenders

Homeless ex-prisoners have high service needs which, if unattended, contribute to their chronic homelessness and heavy use of costly, emergency services.

From 1988 to 1996, almost 3,000 individuals¹⁵ had entered a shelter in Toronto directly from a corrections facility (Springer et al. 1998). Those coming from a correctional facility (2.2 percent of all shelter users) and those coming from a hospital or residential treatment program (3 percent of all shelter users) were the heaviest users of shelter services. Both sub-groups tended to be in the shelter system for six months or longer. Those coming from corrections had a 30 percent probability of spending one year or more in the shelter system. As chronic users of shelters, these sub-groups are prime candidates for program interventions to help them become stably housed and address their other service needs.

Included in the recent Toronto Street Needs Assessment of homeless people were 139 incarcerated individuals.¹⁶ The vast majority of them (93 percent) were male. Compared to those who were surveyed in other locations (i.e., various types of shelters, outdoors, health and treatment facilities), incarcerated individuals were heavy service users, frequently slept outside, and were not receiving sufficient help to find housing. They were most likely to:

- have slept outdoors during the six months prior to their incarceration (88 percent);
- want help completing housing applications and obtaining identification;
- want access to detox services, alcohol and drug treatment, and mental health treatment.

15 Virtually none of them were accompanied by a family member. They constituted 2.2% of all shelter users.

16 On April 19, 2006, five facilities were surveyed: the Don Jail, Metro East Detention Centre, Metro West Detention Centre, Maplehurst, and Vanier Centre for Women. Prisoners were interviewed by jail staff and comprised 2.8% of the entire sample.

Incarcerated individuals were more likely to have relied on welfare and panhandling for income than on employment, family and friends, or disability benefits; yet, they were the least likely to say they needed more money.

Incarcerated individuals were heavy users of drop-in centres and meal programs, but relatively light users of health facilities. Within the six months prior to incarceration, 71 percent of them had relied on drop-in centres; 68 percent used meal programs; 49 percent used an ID Clinic; 42 percent used a health clinic; and 36 percent used a hospital (City of Toronto 2006).

Virtually all of the incarcerated homeless individuals said they wanted permanent housing, but only 22 percent of them were on a waiting list for housing. About 90 percent of them wanted help to find affordable housing, i.e., help completing applications (78 percent), additional funds (77 percent), transport to view apartments (74 percent), and help to obtain identification documents (74 percent).

Barriers to Service Use

Two barriers to service use by homeless individuals have been noted as problems: loss of documents and restrictions on admissions to youth shelters due to involvement with the criminal justice system.

- It is fairly common for homeless ex-prisoners to lose their identification. Many service providers require identification documents to obtain critical services such as social assistance, housing, food, health care, employment, and employment training programs. Replacing documents in Ontario has become more complex as government issuing offices introduce new requirements that are difficult for homeless individuals to fulfill and new forms of identification (e.g., the Permanent Resident Card) that are difficult for them to obtain (Kali 2005). In a study of 165 homeless youth in Toronto, loss of identification was the most frequently cited among a list of more than 50 types of stressful events (Chau 2003).
- In Toronto, having a criminal record is not a barrier to applying for public or subsidized housing,¹⁷ as it is in some U.S. jurisdictions. However, shelter use is partially restricted for youth involved with the criminal justice system. Youth who have been charged or have a record are ineligible to use some youth shelters (Novac et al. 2002). Due to strong opposition from neighbouring homeowners, several youth shelters located in suburban neighbourhoods made concessions to allay concerns over perceived risks of criminal behaviour and lowered property values. One shelter agreed to exclude youth with any criminal charge or record. Two other shelters agreed to reduce the upper age limit from 25 to 21 years and to screen youth with charges pending who were out on bail. Paradoxically, youth on probation were not exempt, although they have been convicted of an offence, while youth with charges pending were exempted, in contradiction to the “innocent until proved guilty” premise (Novac et al. 2002). Youth shelters typically offer more support and assistance than is

17 Some supportive housing providers do ask about previous violent or dangerous behaviour, such as fire setting, of applicants with severe mental illness, but do not necessarily exclude these applicants.

available in adult shelters. It is not known whether youth whose shelter options are limited because of their involvement with the criminal justice system are more likely to use adult shelters or to receive less assistance, although this is likely the case.

Service Recommendations

Researchers have recommended particular services or programs to reduce homelessness and/or incarceration. These include specialized addictions treatment; improved pre-release planning and service co-ordination; discharge grants; culturally appropriate services; and transitional and supportive housing.

- Based on their study of the legal involvement of unaccompanied adult shelter users in Toronto, Tolomiczenko et al. (2001) noted the relatively high level of young women who reported current problems with substance abuse and legal involvement. Specialized substance-abuse treatment facilities for young women were recommended. More broadly, the researchers pointed to the need for more service co-ordination, especially to assist the disproportionate number of homeless people with severe mental illness and addictions. “Interagency and interdisciplinary collaborations would need to be fostered to unite and coordinate the efforts of legal, medical, and social welfare workers in working with this population.” (Tolomiczenko et al. 2001: 592).
- Researchers in Whitehorse reported an urgent need for transitional housing and low-demand supportive housing for ex-prisoners and individuals with Foetal Alcohol Syndrome (FAS), who face many barriers to obtaining affordable housing¹⁸ (Up North Training Services 2002). The study identified further needs for improved pre-release planning, inter-agency co-operation, counseling services, life skills training, and addictions treatment from a holistic approach that incorporates traditional First Nations teachings and practices.
- Rush and Aitken-Harris (2000) concluded that if alcohol and drug withdrawal management (detox) services, located in Toronto and the Niagara region, had not been available to the 162 men and women they interviewed, the alternative outcomes would have been more costly forms of trans-institutionalization. In the estimation of those interviewed, 5 percent of them would have been picked up by police or jailed, 23 percent would have been living on the street, and 11 percent would have been in hospital; a few of them said they would be dead.
- Among a sample of psychiatric probationers and parolees in the U.S., Solomon and Draine (1999) found that both mental illness and criminal involvement were strong risk factors for homelessness. The researchers concluded that mentally ill homeless individuals who were involved with the criminal justice system were an especially difficult group to serve due to the multiplicity of their problems. “Their resistance to treatment further complicates these factors. Mental health service providers should work collaboratively with probation and

18 Based on input from ex-prisoners and service providers, the study identified further needs for improved pre-release planning, inter-agency co-operation, counseling services, life skills training, and addictions treatment from a holistic approach that incorporates traditional First Nations teachings and practices.

parole officers to develop effective interventions for this forensic population.” (Solomon and Draine (1999: 85-86)

- Carlisle (1997) noted that many ex-prisoners have problems executing personal hygiene and domestic tasks, simply because they have never been taught how to manage a household or even experienced a typical home environment. They also struggle with poverty, loneliness, and anxiety about coping on their own. She recommended: 1) issuing a discharge grant; 2) integrating service delivery based on inter-agency collaboration between prison staff and housing providers; 3) developing better quality shelters with “cluster” or transitional shelter nearby with a minimum of weekly staff visits; and 4) de-linked supportive housing (i.e., affordable housing and “floating” support services).
- Many researchers have argued that housing is the “linchpin” that holds the integration process together, as Bradley et al. (2001) put it. Ex-prisoners with mental illness or addictions and those with no history of maintaining a household may require supportive housing, i.e., support services as well as affordable housing, which is short supply.¹⁹
- Burt et al. (2004) investigated successful community-wide approaches in the United States to reduce homelessness and achieve stable housing for individuals who routinely live on the streets and/or use shelters for repeated or extensive periods of time. Effective institutional discharge planning was considered a fundamentally important prevention strategy.
- Some governments have mounted concerted plans to reduce homelessness, in part by improving institutional discharge planning and service co-ordination. With federal government funding targeted at reducing homelessness, several U.S. cities have identified service co-ordination and institutional discharge planning, especially for multiple system users, as a key strategy (e.g., Action Plan for New York City: Ending Chronic Homelessness in NYC, 2005). The Government of Ireland has outlined an inter-agency, goal-oriented plan to address homelessness which more co-ordinated, comprehensive services for people leaving institutional custody or care (Government of Ireland 2002).

Comparative Costs of Incarceration vs. Housing

For the very poor, the corrections system has become a provider of basic services (Breakey and Fischer 1990) and more of a relief from a precarious existence than a deterrent. 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, as shown in Table 1 (Ontario Ministry of Municipal Affairs and Housing 1999).

¹⁹ Only a very small proportion (about 1%) of supportive housing in Toronto explicitly serves ex-prisoners, usually in shared, not self-contained, apartments (Novac and Quance 1998).

Table 1: Comparative Monthly Costs for a Single Individual, 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

A more recent calculation by Pomeroy (2005: 6) compared daily costs of institutional services and supportive housing in four Canadian cities. He concluded that “directing new investment to the lower cost (and arguably more effective) supportive option is likely to be more cost efficient than investing in new prisons, psychiatric hospitals and emergency shelters.”

Supportive and transitional housing such as that provided by organizations like the John Howard Society and Elizabeth Fry, as well as group homes for individuals at risk of homelessness involve costs of up to one-tenth (6%) those for incarceration of provincial corrections facilities. (Pomeroy 2005: v)

In another recent assessment, the annual per capita cost of providing permanent housing with some support services was less than that of a shelter bed in Toronto (Gallant et al. 2004).

The results of an exploratory Vancouver study, based on case studies of 15 homeless and formerly homeless persons, suggests that providing affordable housing is cost-effective as well as humane (Eberle et al. 2001b). The homeless individuals had more involvement with criminal justice services (i.e., stays in provincial correctional facilities, days under community supervision, and police incidents involving arrests and charges) than formerly homeless individuals who had been housed for the previous three years (the two groups were similar in various characteristics other than their housing status). On average, the homeless individuals had 39 contacts with the criminal justice system, compared to 19 contacts for the housed individuals. Costs to the criminal justice, social service, and health care systems were evaluated; of these, the criminal justice costs were the highest (estimated at \$11,000 per person). Overall cost savings of about 30 percent were estimated to accrue from providing stable housing to the homeless.

Comparing costs in nine U.S. cities, the Lewin Group (2004) found supportive housing to be a relative bargain compared to jail, prison, hospitals, and shelters.

Even those with high support needs more suitably and more economically served by the provision of supportive housing. A major study by Culhane et al. (2002) determined that homeless people with severe mental illness who are placed in supportive housing experienced marked reductions in shelter use, time incarcerated, hospitalizations, and length of stay per

hospitalization. The researchers concluded that 95 percent of the costs of supportive housing for this sub-group were recovered by collateral service reductions attributable to housing placement.

Berry et al. (2003) conducted an international review of studies on the costs of homelessness. They noted that costs related to the education and child welfare domains were rarely considered in the studies; virtually none of the studies included the financial costs borne by homeless individuals themselves each time they are discharged from an institution or re-locate. These include the costs of storage; loss of clothes, furniture, household goods, and other possessions; and transport costs. Despite this limitation on extant assessments, the review concluded that substantial and quantifiable gains can be expected from alleviating homelessness. Some of the studies showed financial cost savings in support services alone outweighed the costs of providing stable housing for homeless people.

1.2 Study Methodology

This study attempted to explore many of the links between homelessness and the criminal justice system, using the situation in Toronto as a case study (correctional facilities in the Toronto area are provincial, not federal). The research questions fit three categories: the extent of the problem; types of programs and promising practices; and people's experiences. Table 2 summarizes the research plan, linking each research question with one or more data sources and methods. For example, data from two sources — focus groups with homeless persons and legal case studies — provided information on the treatment of homeless persons by the criminal justice system. Data was collected between August 2004 and March 2005.

1.2.1 *Extent of the Problem*

The Ontario Ministry of Community Safety and Rehabilitative Services provided custom tabulations on the number of people who had no fixed address when they were admitted to a jail and the number who had no fixed address when they were discharged. The City of Toronto provided custom tabulations from the Hostel Database on the number of people who came from a correctional facility when they entered a shelter. Toronto Police Service (TPS) provided arrest statistics where no regular address was recorded. We conducted a mini-survey of shelters to shed some light on recording practices regarding and the degree of underreporting of admissions from corrections.

1.2.2 *Types of Programs and Promising Practices*

To identify the range of existing policies, programs, and practices and identify promising practices, we conducted library and Internet²⁰ searches; interviewed key informants in Canada,

20 We relied heavily on Internet searches to identify relevant programs. In the process, we learned that many small, local agencies do not have websites, or their websites are out of date. We learned that some agencies that claimed to have a discharge program could dedicate only minimal resources to it, e.g., one worker and perhaps volunteers. Eakin (2004) attributes this to governments' emphases on funding programs rather than core services, leaving agencies short of the full cost of running a program.

the U.S., and the U.K.; and obtained feedback on selected programs from focus groups with service users (i.e., homeless adults and youth who had extensive experience with the criminal justice system) and with service providers.

Table 2: Summary of Research Questions and Related Methods of Inquiry

	Research Question	Method	Sample
Extent of Problem	1. How many homeless people enter and leave police custody and correctional facilities?	Interviews with justice system informants	N = 7
	2. How many people entering homeless shelters have come from correctional facilities?	Custom tabulations of City of Toronto Hostel Database	All cases
Promising Practices	3. What effective service co-ordination strategies are, or could be, in place?	Interviews with all key informants	N = 23
	4. What types of post-incarceration programs exist and what are some promising practices?	Interviews with all key informants Focus groups with homeless persons & service providers	N = 23 N = 17
	5. What constructive alternatives to incarceration are available?	Interviews with all key informants	N = 23
Policing	6. What is the state of relations between police and homeless persons? How could relations be improved locally?	Survey Interviews with all informants Legal case studies	N = 52 N = 23 N = 5
Victimization	7. What are the forms of violence towards and victimization of homeless persons? How can the needs of homeless people be met and violence prevented?	Survey In-depth interviews with survey sub-set Interviews with all informants	N = 52 N = 20 N = 23
Offences	8. What types of offences are committed by homeless youth and adults?	JHS-T client file review Interviews with all informants	N = 867 N = 23
Treatment within System	9. How are homeless people treated in the criminal justice system?	Focus group with homeless individuals In-depth interviews	N = 9 N = 20
Public Space Regulation	10. How do regulations governing public spaces affect the offences committed by homeless people?	Legal case studies Photos of public spaces	N = 5 N/A

Semi-structured interviews were conducted in person or by telephone with 23 key informants from agencies that work with homeless youth and adults involved with the criminal justice system. Three of the informants were contacted in New York City or London and asked about the situation there. The rest were located in Toronto. Seven of the informants worked within the criminal justice system (jails and juvenile detention centres, court diversion programs, and police).

Of the entire pool of questions and topics, the interviewer asked only those pertinent to each informant's expertise or experience. Thus the length of interviews varied. Informants were asked about effective service co-ordination strategies; post-incarceration programs; best practices; and alternatives to incarceration; relations between police and homeless youth and adults; how homeless people are treated in the justice system; types of offences committed by homeless youth and adults; the effects of public space regulation; and prevention of victimization. Those working within the justice system were asked whether they collect

administrative data on the number of homeless people who are admitted to or released from police custody, provincial court, and correctional facilities or detention centres, and about the feasibility of obtaining this data or conducting custom data collection.

Two focus groups were conducted to aid in the identification of promising practices. Service providers from various agencies reviewed selected post-incarceration programs and alternatives to incarceration for homeless persons. Homeless or formerly individuals discussed post-discharge experiences and their views on selected promising practices. All participants signed consent forms. Homeless participants were offered honoraria of \$20.

1.2.3 Experiences and Views of Homeless Individuals

The following methods were used to collect data on policing, victimization, offences, treatment in the criminal justice system, and public space regulation:

- A survey with a convenience sample of 52 homeless adults and youth, plus five interviews with individuals with a current charge;
- In-depth interviews with a survey sub-sample of 20 homeless adults and youth;
- A review of 867 John Howard Society of Toronto client files; plus
- Photographs of public spaces that indicate social regulation.

1.2.4 Survey of Homeless Youth and Adults

The survey questionnaire was administered in-person to a convenience sample of 52 unaccompanied homeless youth and adults. An additional five individuals were questioned primarily about the circumstances of a recent charge regarding activities that occurred in a public space, but also answered some of the survey questions. Quota sampling guaranteed a fifteen-person minimum of youth, females, and Aboriginals. The non-random sample ruled out any rigorous statistical analysis, and the results cannot be generalized to a broader population. Sub-group comparisons identified some differences and unique issues.

The questionnaire explored several topics: views on policing, experiences with police and private security guards, victimization, and housing status during the previous year. Various agencies, shelters and drop-in centres that serve homeless youth, adults, females, and Aboriginals, were selected as recruiting sites (agencies listed in Appendix B). Consent forms that outlined the terms of the interview and privacy protections were signed by all participants. All but one interview was conducted in private (an agency worker was present during part of one interview). Survey administration ranged from 30 to 90 minutes in length, but most survey interviews were conducted in 45 minutes. Respondents were given a \$20 honorarium at the end of the survey interview; a \$30 honorarium at the end of the in-depth interview.

The interviewer rated the quality of each interview: four were “excellent”; 34 were “good”; and 12 were “acceptable”. The remaining seven interviews were completed prior to inclusion of the quality control questions. Factors that diminished the quality of some interviews related to the state of participants, a few of whom were noticeably exhausted, unfocused, emotional or upset, and, in one case, intoxicated.

1.2.5 Legal Case Studies

Five individuals who had current charges against them were interviewed to learn more about how homeless people are treated within the criminal justice system and how the regulation of public spaces affects the offences committed by them. Participants were recruited from community legal clinics, with a priority on cases involving offences committed in public spaces, e.g., under the *Safe Streets Act*. The respondents were asked to provide details about their experiences with the justice system, such as the circumstances that led to being charged.

1.2.6 In-depth Interviews

In-depth interviews were conducted with a sub-set of 20 of the survey respondents. Survey respondents who revealed that they had been arrested or multiply victimized within the previous year or incarcerated at any time were eligible for a second in-depth interview to learn more about their experiences using open-ended questions.

1.2.7 Client File Review

Data from a total of 867 active client files were analysed, primarily to assess any relationship between housing status and type of charges. To maintain confidentiality, JHST staff entered the selected data into an SPSS file. Most of the client information had been recorded by workers during the intake process, which had occurred anytime up to two years earlier. The file data included housing status at time of intake, age, current and past charges, current and past substance use, education and employment history, and source of income. Univariate and bivariate analysis was applied to determine any associations between offences committed by homeless versus non-homeless clients.

1.2.8 Photos of Public Spaces

Photographs were taken of selected public spaces to indicate how homeless individuals are excluded and their activities curtailed.

2. Extent of the Problem

The number of people who are homeless when they are arrested, jailed, or released from jail in Canada is unknown.²¹ Policy analysts, decision-makers, and researchers therefore rely on the findings of U.S. and U.K. studies for evidence on this problem and assume it occurs in Canada, although to an unknown degree. Although policies to curtail this pattern of homelessness in the U.K. and the U.S. have been implemented or are in the planning stage,²² there have been no such initiatives in Canada.

To begin to remedy this lack of information, the research team analyzed administrative data for the Toronto area from several sources. Our main sources were Toronto Police Service arrest data, Ontario Ministry of Community Safety and Correctional Services admission and release data, and City of Toronto shelter use data.

2.1 Arrests of Individuals with No Fixed Address in Toronto

The Toronto Police Service (TPS) provided statistics on the number of arrests of individuals with no fixed address during 2004. Each time an apprehension or arrest is made, police officers must ask for personal information, including address, and file a report. Unfortunately, for the reasons outlined below, the statistics could not be interpreted.

The TPS analysis support staff attempted to determine housing status by reference to the “address” field for arrests in their administrative database (CIPS). Some repeat offenders are known by the police to be homeless, so in some cases, the phrase “no fixed address” or a shelter address was recorded by the arresting officer. But this information is usually not evident to the officer and may not be offered by the offender. Admission of homelessness greatly increases the likelihood of being jailed or held on remand due to the perceived risk of flight (that is, not

21 A local informant reported the results of a single day count of NFA admissions to one jail (see page xx), but we found no documented statistics.

22 The Manager of St. Mungo’s Prison Services in London, England, told us that one-quarter of the approximately 9, 500 thousand short-term offenders released in London each year are homeless.

appearing at a trial). In these circumstances, it is common for people to deceive an arresting officer, for example, by giving a false address or claiming to live with a relative, when that is not the case.²³ Moreover, not all of those who are arrested are charged with an offence; the person under arrest may have been released with no charge laid. Finally, the arrest data do not distinguish unique individuals (although it may be possible to create unique identifiers that would make it possible to count individuals). Consequently, we have not included any arrest data in this report.²⁴

2.2 No Fixed Address (NFA) Admissions to Correctional Facilities

Until a few years ago, the Ontario Ministry of Community Safety and Correctional Services (OMCSC) did not systematically record the number of individuals admitted to or released from a provincial correctional facility with no fixed address. As the OMCSC received an increasing number of requests for such data, mostly from its own social workers and policy analysts, it began in 2001 to collect information on homeless status from incarcerated individuals entering and leaving provincial correctional facilities for adults and youth.²⁵

When they are admitted, individuals are asked to provide a home address. Some indicate they have no fixed address. Recorded addresses are updated, but the following data were restricted to responses given at admission. When released from jail (but not court), individuals may again be asked their address. We not know how this information is gathered, for example, whether the form of questioning by staff is consistent, whether privacy and confidentiality is respected, or whether all those who should be asked, are asked. Some respondents may interpret the question as a request for a mailing address rather than an address where they reside. And some respondents may prefer not to divulge information on their housing status or address to the authorities due to the stigma attached to being homeless, their desire for privacy, the potential risk to their families' income security, or simply because they receive no benefit in doing so.

More than a few local jail staff and service providers who work with prisoners were unaware that these statistics are collected by OMCSC. At one local jail, it is not the practice of staff to ask prisoners for their address when they are discharged. Despite the questionable reliability of data on NFA status, the OMCSC collects this information for its own use.

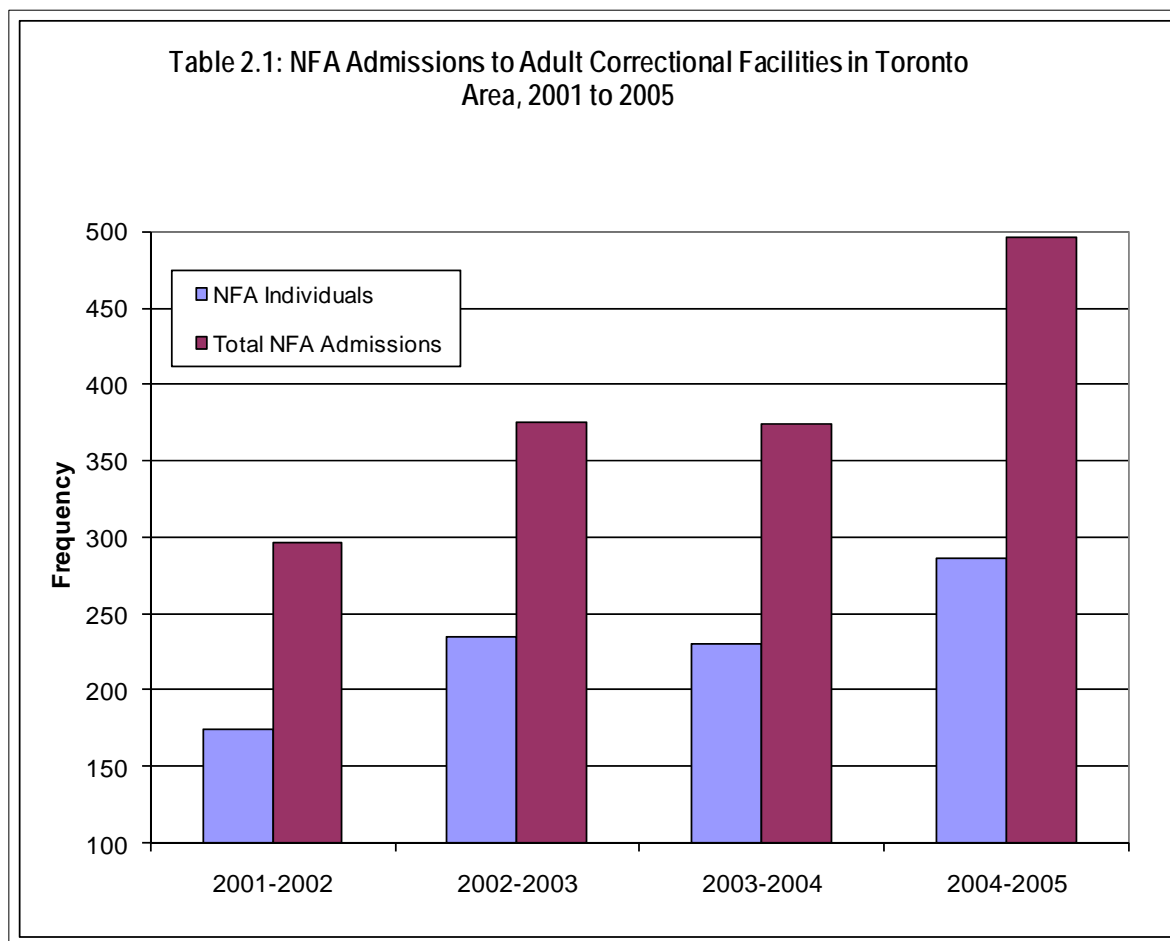
23 Even if they have no fixed address when they are arrested, people may later lie (usually by giving a friend's address) at a show cause or bail hearing or court appearance to avoid being held on remand or to favourably influence sentencing. Youth are also a higher risk of being held on remand if they fail to demonstrate being under adult supervision of some kind.

24 An attempt by the TPS to distinguish housing status from their bail hearing data was similarly unfruitful.

25 Data was provided by the Program Effectiveness, Statistics and Applied Research Department, Ministry of Community Safety and Correctional Services.

2.2.1 No Fixed Address Admissions to Adult Correctional Facilities in the Toronto Area

During a four-year period, 2001 to 2004, the number of adults with no fixed address (NFA) admitted to five correctional facilities in the Toronto area²⁶ per year steadily increased, along with the number of admissions (which includes multiple admissions by the same persons within the specified 12-month period). As shown in Figure 1, 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.

Figure 1: No Fixed Address Admissions to Adult Correctional Facilities in Toronto Area, 2001 to 2005

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.

26 Maplehurst Correctional Centre, Metro Toronto West Detention Centre, Toronto East Detention Centre, Toronto (Don) Jail, and Vanier Centre for Women in Milton.

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.²⁷ 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, as noted above, 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) Jail²⁸ had no fixed address. It would appear that these 79 prisoners alone accounted for more than one quarter of all NFA individuals admitted in the Toronto area during the entire year, according to the OMCSC figures. Other informants estimated that 20 percent to 25 percent of women who are admitted to and released to the Vanier Centre for Women in Milton have no fixed address, and that some of them are in and out of prison frequently. Either these women constitute a very small group, or this is another indicator of undercounting since the OMCSC statistics included very few females.

Just as males constitute the vast majority of those incarcerated, most of the NFA individuals admitted to a correctional facility were male — in fact, almost all of them. The proportion of all NFA admissions that were women ranged from about 1 percent to 3 percent.²⁹ (See tables in Appendix D).

2.2.2 No Fixed Address Admissions to Ontario Correctional Facilities for Youth

As with adults, OMCSC records show that the proportion of individuals admitted to youth correctional facilities in the Toronto area³⁰ who reported having no fixed address is quite small — almost 1 percent of all youth admissions per year, with negligible variance from year to year. Between 27 and 37 youth with no fixed address were admitted each year from 2002 to 2005; most of them were male. The number of admissions slightly exceeded the number of individuals in each year, indicating a pattern of repeat admissions of some homeless youth within a 12-month period.

27 We should not rule out the possibility that the increase reflects a shaky start-up of data collection, although the OMCSC did not suggest this. Unless front-line workers altered their method of collecting intake information, other issues of data reliability probably remained constant and would not affect the change over time.

28 The maximum length of stay in the Toronto Jail is 30 days; many of the inmates are being held on remand.

29 Transgender individuals, who are estimated to represent about 1% of those incarcerated, are categorized and placed in facilities according to the outward appearance of their genitalia.

30 Brookside Youth Centre, Hamilton-Wentworth Youth Unit, Toronto Youth Assessment Centre, and Invictus Youth Centre.

2.3 No Fixed Address Releases from Correctional Facilities

2.3.1 No Fixed Address Releases According to OMCSC Figures

According to OMCSC figures, a total of 414 adults with no fixed address were released from Ontario provincial jails (excluding those released from court) during the 12-month period from April 1, 2004 to March 31, 2005. As Table 3 shows, this number represents a very small percentage of all releases – barely 1 percent. However, this figure is quite likely an underrepresentation of the true number released who have no place to live.

Table 3: No Fixed Address Releases from Adult Correctional Facilities in Ontario, April 2004 to March 2005

Self-reported Housing Status	Frequency	% of All Releases
NFA	414	0.8
Non-NFA	42,938	87.4
Missing data	5,800	11.8
Total	49,152	100

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.

2.3.2 No Fixed Address Releases from the Multi-faith Council Reintegration Program

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 prisoners³¹ who have no home on release and collects data on them.³² The Reintegration Program assists with the community reintegration of people who are released from provincial correctional institutions. It is a non-sectarian, universal program delivered by community chaplains and volunteers. By mediating reconnection with the prisoner's family or helping released prisoners locate other housing, the program works to divert potentially homeless persons from the emergency shelter system.

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.

31 Some prisoners may not be informed of this program, and some may not have enough time to make contact if they are detained for a very short time.

32 Several agencies have programs that assist with discharge planning, but the services are not universal; they are targeted to certain prisoner sub-groups or available only on request.

Table 4: Release Plans among No Fixed Address Prisoners in Ontario, April 2004 to March 2005

NFA Discharges	Number	Percentage
Plan to stay in shelter upon release	88	13
Plan to stay temporarily with family or friends	196	30
No plans for residence upon release	372	57
Total	656	100

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.

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.

2.4 Toronto Shelter Admissions from Corrections

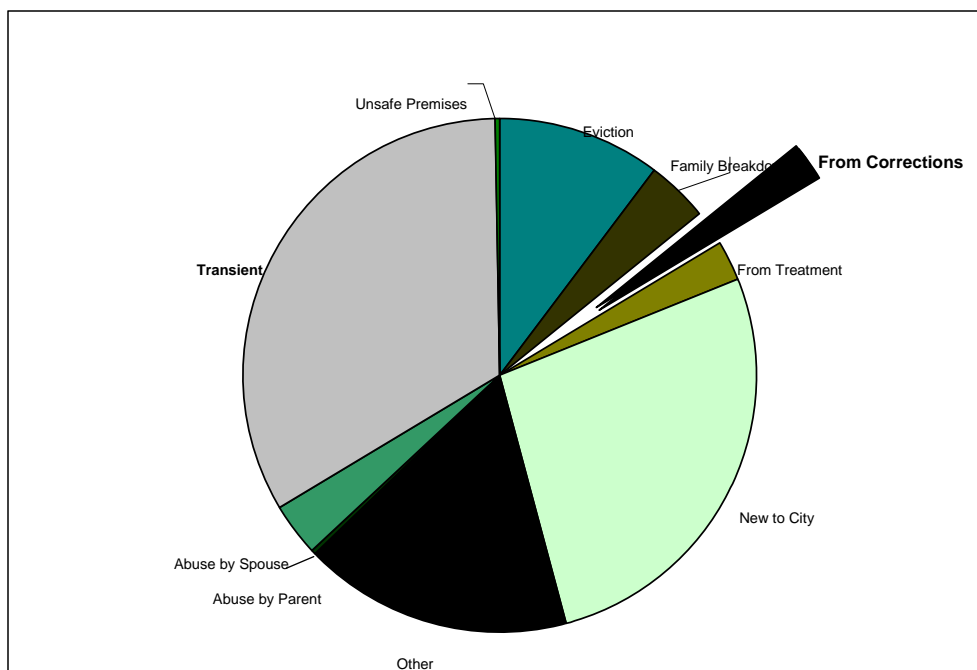
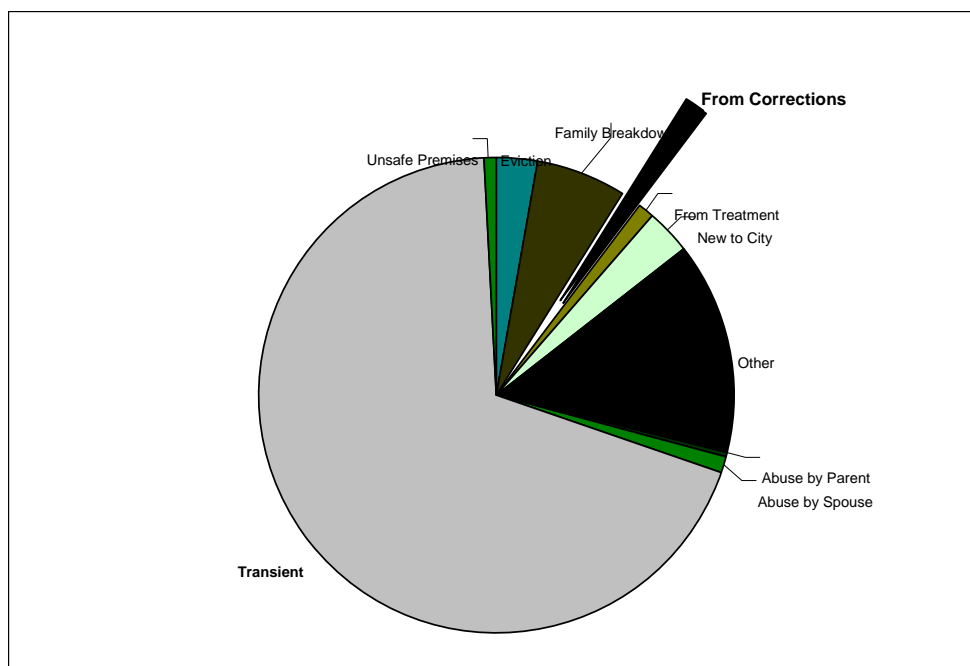
It is not unusual for men to enter the largest men's shelter in Toronto dressed in standard-issue prison orange jumpsuits and blue shoes. In some cases prisoners are released from court without the opportunity to retrieve their clothes from jail. People admitted to a shelter on discharge from a correctional facility are not usually so easily identified, however information collected from the shelter system may indicate the number of people in this position.

Since 1988, the City of Toronto has maintained a database of basic information 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 ("from corrections"). The following analyses are based on custom tabulations provided by the City of Toronto. They show how many shelter admissions were categorized as "from corrections" and profile this sub-group of individuals by characteristics available from the database.

2.4.1 Shelter Admissions from Corrections

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. This is a sizable sub-group of homeless people, although it accounts for relatively few admissions – about 1 to 2 percent.

A previous study of the City's data determined that from 1988 to 1996, 2.2 percent of all persons admitted to a shelter came directly from a correctional facility (Springer et al. 1988). During

Figure 2: Reason for Shelter Use, 1988 (based on admissions)**Figure 3: Reason for Shelter Use, 2003 (based on admissions)**

2003, the rate was slightly lower, while the number of admissions categorized as transient more than doubled.

The term *transient* has no clear definition in practice, and we do not know why that response has been used so often. While numbers in the transient category increased (see Figure 3), they decreased for several other categories — from corrections, from treatment, and abuse by spouse³³ — each of them situations associated with social stigma.

2.4.2 Under-Reporting and Interpretation

According to the City's data, 886 admissions to a shelter during 2003 were of individuals coming from corrections. There is evidence that this is a grave under-count. One informant estimated that more than 1,000 individuals coming from corrections per year are admitted to a single men's shelter alone, and the vast majority of them are released from a provincial correctional facility.

Interpreting these results requires an understanding of how information is collected and recorded by shelters. Shelter workers complete an intake form (printed on pink paper and therefore referred to by insiders as the "pinks") for each admission; the data from these forms are compiled by the City of Toronto to create the Hostels Database. Except for family violence shelters, which are now administered through the province, all shelters in Toronto follow this procedure. As of February 2005, there were 68 shelters for single adults, youth, and families forwarding this information.

The standard intake form includes a list of categories from which the worker checks a box to indicate the major reason for needing to use a shelter. The categories listed on the form are:

- abused by partner
- abused by parents
- family breakdown – other
- eviction – roommate/landlord
- transient – general
- new arrival in city
- sponsorship breakdown
- refugee claimant
- from hospital/treatment
- from corrections
- fire/unsafe premises
- other (specify)

33 The database initially included users of designated family violence or abused woman shelters; this stopped in the mid 1990s, which largely accounts for the substantial reduction in the number who reported "abuse by spouse."

These categories are not necessarily mutually exclusive. Nor do they indicate the factors involved in a less-than-direct route to a shelter since only one, immediate reason is recorded. For example, an individual released from detention, jail, court, or prison a month earlier may, when admitted to a shelter, be categorized as transient if he or she has been sleeping rough or was evicted by a roommate if a short-term shared housing arrangement ended in conflict. There is some evidence that *transient* is used as a residual category.

Although the intake form is standard, the questions posed by shelter workers to elicit the reason for service are not. Some shelter workers might ask, “Why do you need to come here tonight?” and others might ask, “Where did you stay last night?”

Discharge from a correctional facility is among the least “socially desirable” selections from the list. There is undoubtedly a high degree of under-reporting simply due to a reluctance to disclose recent incarceration, compounded by varying levels of privacy in shelters during the admission procedure, and pressure on workers (for example, in crisis situations).

2.4.3 Recording Circumstances and Practice

To better understand the context of shelter data collection and indicate the level of under-reporting of those coming from corrections, we conducted a mini-survey of shelters in April 2005.

Letters were faxed to 29 executive directors of shelters serving single youth and adults. They were asked to respond to two questions:

1. *How do you determine the reason for service use, as recorded on the “pinks”?* [For example, how do you phrase the questions you ask a person who is being admitted? How does a crisis situation or understaffing in the shelter affect the gathering of this information?]
2. *What factors might result in under-reporting of those coming “from corrections”?* [For example, how often may a lack of privacy discourage someone from telling you they have just come from jail or prison?]

Responses were received from seven shelters.³⁴ They confirmed that, for various reasons, under-reporting is common. Each shelter has its own culture that affects how, or even whether, admitted individuals are questioned. Some workers are sensitive to the stigma associated with incarceration and respect the client’s reluctance to disclose this information. Neither party may see a practical use in recording this type of information.

A wide variability of agency and worker views and practices is revealed in the following responses to the first question.³⁵

34 Seaton House, Maxwell Meighen Centre, Treasure House Ministries, Street Haven, Good Shepherd, St. Simon’s, and Second Base Youth Shelter.

35 Italics indicate respondent’s exact words.

- At one shelter, the reason for service use is simply *“assumed as being homeless”* [i.e., transient]. At another shelter, clients are not asked at all. *“We do not indicate if someone is from corrections.”*
- Staff at several shelters consider the question intrusive and believe that it could jeopardize a *“meaningful assessment of a client’s needs,”* especially given the *“lack of privacy in the intake area.”* Workers may ask very general questions, such as: *“What brought you here?”* and allow individuals to determine what they want to disclose about their current or recent problems.
- At one shelter, a general question, such as *“How can we help you?”* is considered adequate to elicit what is important to know about a client while promoting a supportive, helping connection with staff. *“The client may or may not feel that their recent stay in jail is something he wishes to share.”*
- Some shelter staff take a *“non-invasive approach”* and select a general category [i.e., transient] on the pinks that avoids the need to ask direct questions.
- In some cases, shelter workers are aware that the person admitted is coming from a correctional facility and record the reason as such. *“We have programs in this centre where we are notified that a client is being sent by the Bail Program for treatment of addiction problem or needing a place to stay; we also have clients referred by Corrections Canada, wanting their parolee to stay a short time until they can get established in the community. In these situations, we are aware where they are coming from. But for the majority of our clients, while we realize many are on bail or other conditions, we are not allowed to ask that question due to the privacy act. It isn’t a requirement of the admittance process.”*
- Some shelters are diligent in determining whether a person admitted is coming from a correctional facility. *“We ask questions directly, ‘Why do you need to stay in a shelter?’ or ‘Where have you been in the past 24 hours?’ If we are pressed for time, and especially if the intake occurs in the middle of the night and the individual being admitted is tired, we complete the paperwork at a later time. But we consider the information collected on the ‘pinks’ important for the agency.”*

Although our sample is non-random and therefore not representative, the responses confirm that shelters vary in how or even whether they ask about reasons for service use, and more specifically whether an individual is coming from a correctional facility. In some shelters, collecting this type of information is considered useful for the client as well as the agency (to determine an individual’s plan of care or influence service or program planning). Other shelters avoid asking for any information that may threaten the development of a trusting and helpful relationship; at one shelter, workers believe that asking whether someone is coming from correctional facilities violates that person’s legal rights.

The severity of under-reporting the number coming from corrections is indicated in the responses to the second question.

- *“95 percent of intakes coming from corrections are not reported, mostly due to lack of trust and stigma.”*

- *“The client’s right to self-report, lack of privacy, lack of trust in staff, and lack of knowledge of how this statistic may help them would be the main reasons someone might not disclose coming from jail or prison.”*
- *“Under-reporting is the norm.”*
- *“In crisis situations or when under-staffed, workers may not have time to ask a question about why a person is requesting service or admission.”*
- *“Clients may not see what the benefit could be for them to disclose that they just came from corrections. They tend to provide a standard and safe response, such as, “I need temporary housing.” Staff, too, may not appreciate the benefit of collecting good statistics about the reason for service use as presented on the pink form. They do not see the practical benefits of such information, e.g., evidence [of the need] for increased support services; therefore they may not take the time to ask a proper question to elicit a true response. Shelters do not receive feedback on the data collected on the pink forms. Therefore the data does not inform the planning and decision-making process of shelter operators. As a result, shelter operators may not put appropriate emphasis on the collection of accurate information. Finally, the intake environment may lack privacy, and the client may be reluctant to disclose the true reason for service use.”*
- *“Knowing if the individual is coming from correctional facilities or probation and parole services will affect that person’s plan of care, so we try to get a sense of where the person was in the past 24 hours. Intakes are usually completed behind closed doors with and the information would only be shared with staff and not other clients. We have not had issues with clients reporting they have come from correctional facilities.”*

In sum, many, if not most, shelter users are not questioned in a manner that would elicit whether they were coming from a correctional facility. Among those asked, the type of questioning varies widely. The perceived value of collecting the information affects the behaviour of both parties. Lack of privacy during admission exacerbates the risks of disclosure.

2.4.4 Profile of Individuals entering Shelters from Corrections

While the true number of shelter admissions from corrections is undoubtedly much higher than these statistics indicate, the data may be more useful regarding characteristics of this sub-group. 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 of them were single.³⁶ The total number of admissions per year—825—is higher due to multiple admissions of the same person within a year. As with the admission data from correctional facilities, this shows that some individuals are repeatedly and quickly being shuttled from jail to shelter and back. (For more detail, see Appendix D).

36 The three families and three couples were designated statistical outliers and removed from the analysis.

- Most of them were male. There was an increase between 1988 and 2003 in the proportion of females to males, as shown in Figure 5. 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 (for more detail, see Appendix D). 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 of them were adults, however, youth were overrepresented. In 2003, 33 percent of them were aged 16 to 24 (see Figure 4). 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 (Novac et al. 2002).
- 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.

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

Figure 4: Number of Individuals Entering Shelters from Corrections by Age Group, Selected Years (based on individuals)

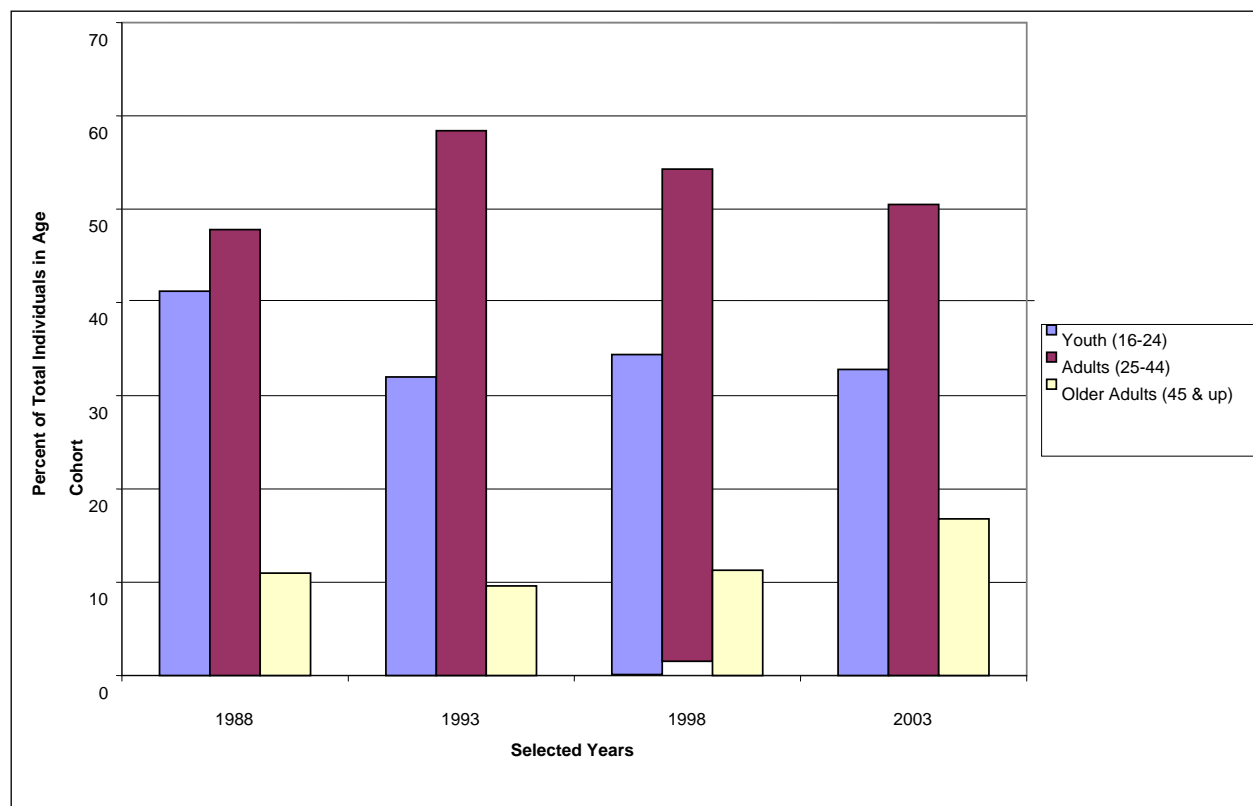
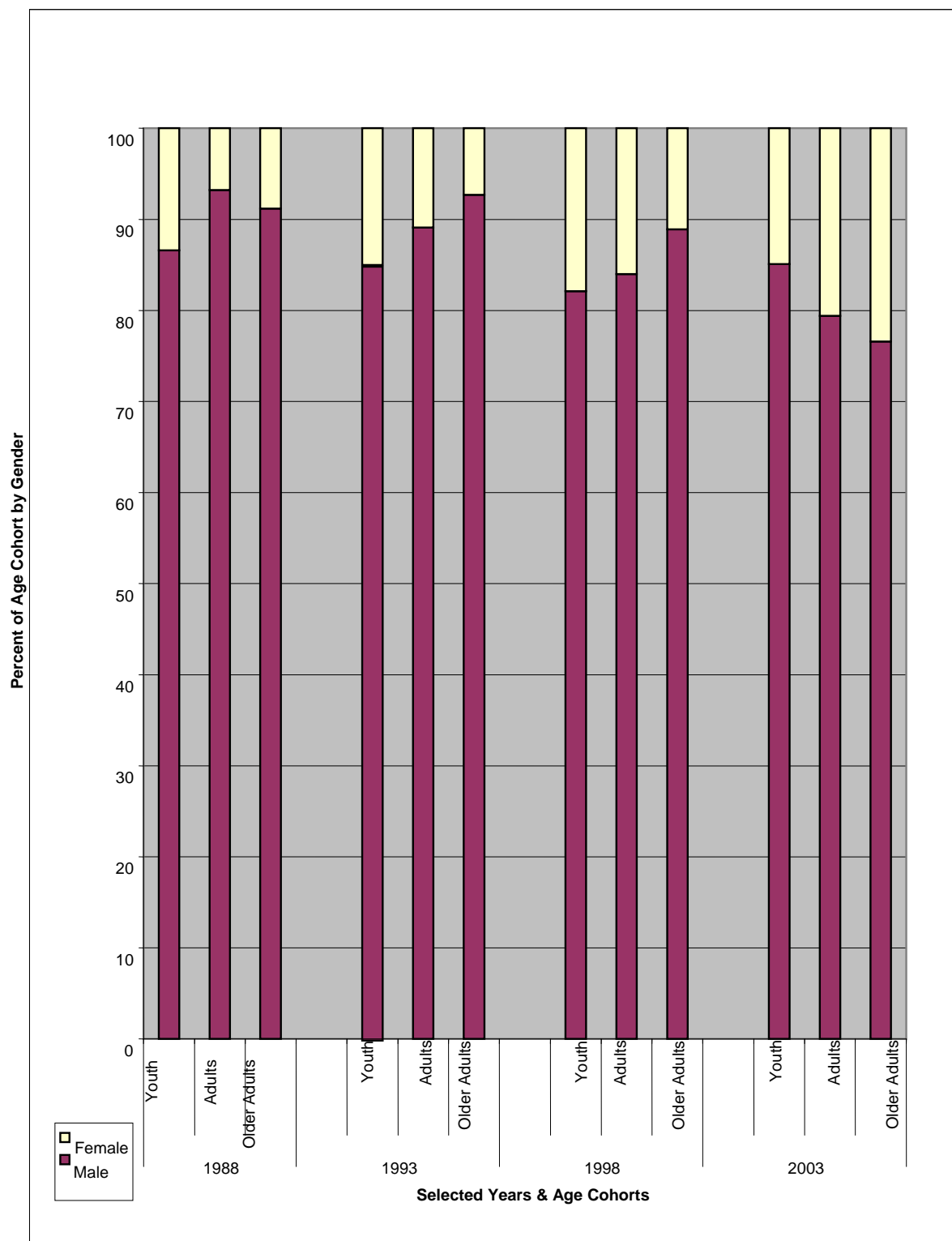


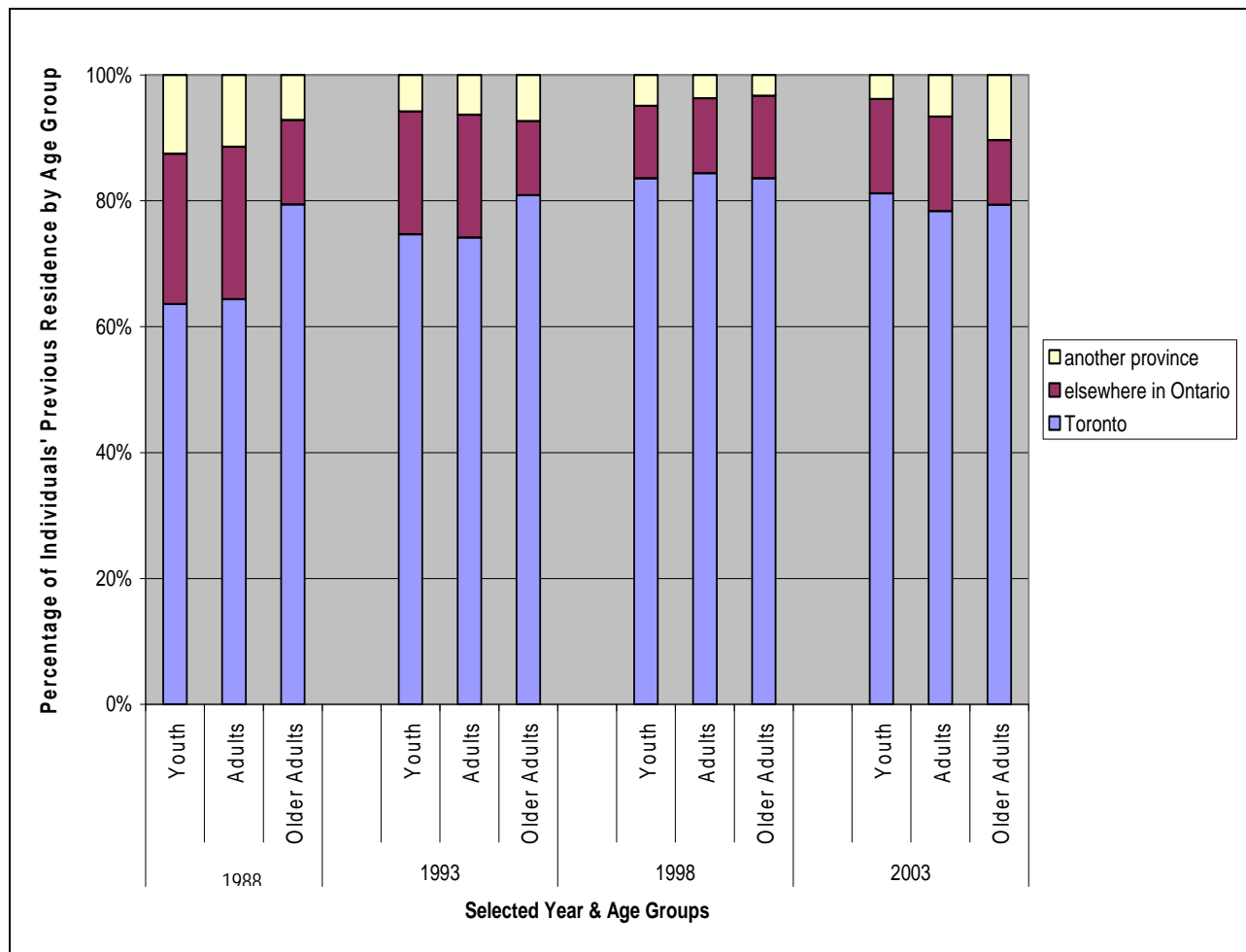
Figure 5: Age Group of Individuals coming from Corrections by Gender, Selected Years (based on individuals)



2.4.5 Previous Residence: One Year Prior to Admission

Most individuals coming from corrections were living in Toronto one year prior to their shelter admission, a pattern that did not vary by age group (see Figure 6). Virtually none of them were new immigrants to Canada.³⁷

Figure 6: Previous Residence (one year prior to shelter admission) by Age Group, Selected Years (based on individuals)



³⁷ The 27 cases of new immigrants were removed from additional analysis regarding previous residence.

2.4.6 Disposition on Leaving a Shelter

Disposition refers to where individuals go when they leave a shelter. These data must be interpreted with extreme caution, because it may be difficult for shelter workers to establish disposition.

During 1988 and 1993, it appears that 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. See Table 5.

Since it is likely that the extreme increase in disposition “unknown” was due to a change in shelter staff recording practices, we cannot conclude anything about where individuals who have been discharged from a correctional facility go after their shelter stay.

Table 5: Disposition of Individuals from Corrections on Leaving a Shelter, Selected Years (based on admissions)

Disposition when Leaving	1988 (%)	1993 (%)	1998 (%)	2003 (%)
New address – subsidized	2.6	3.5	0.4	0.1
New address – non-subsidized	0.8	0.5	0.7	1.6
Returned to previous address	2.9	7.9	0.2	0.1
Returned to partner	1.8	1.6	0.2	0
Moved in with friends	0.3	0.3	0.8	0.7
Went to another shelter	80.1	82.1	5.3	6.8
Admitted to hospital or treatment program	10.3	4.1	0.7	1.1
Left city	0.1	0.1	0.3	0.4
Whereabouts unknown	0.3	0	70.6	72.1
Other	0.8	0	20.8	17.
	100 (N = 660)	100 (N = 804)	100 (N = 711)	100 (N = 695)

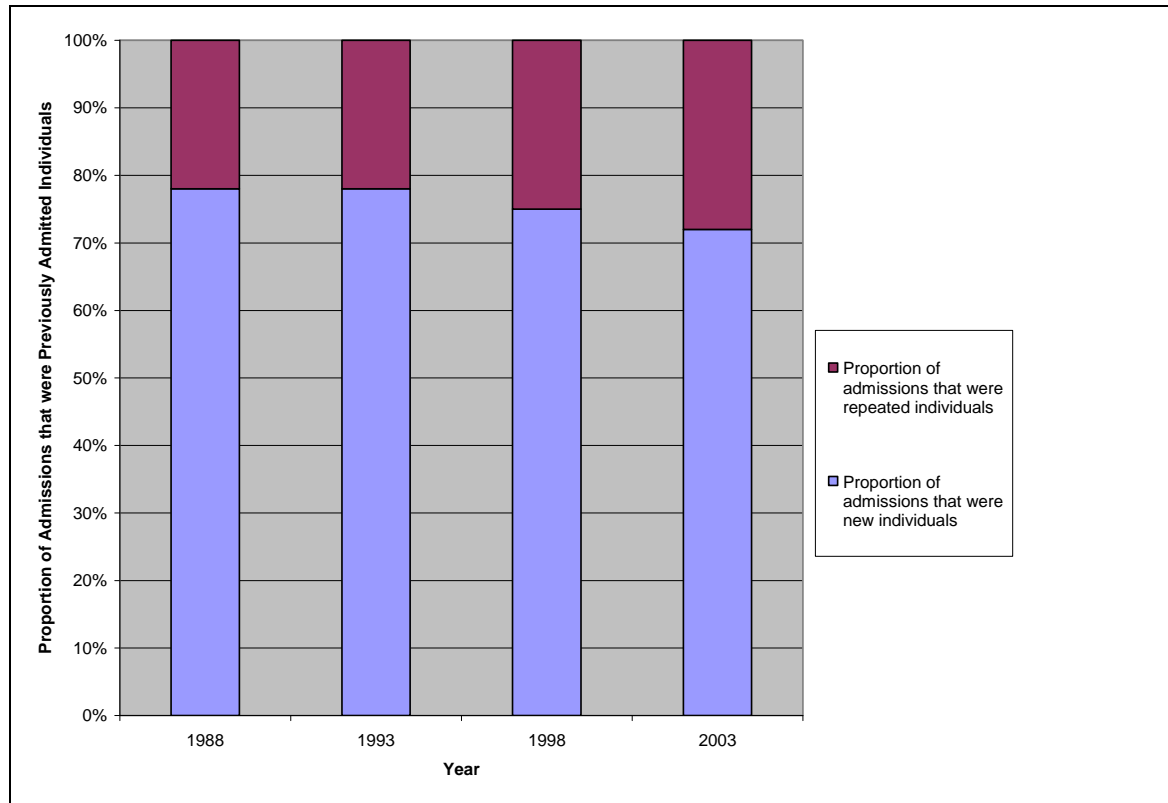
2.4.5 Length of Shelter Stays and Multiple Stays

The vast majority of individuals from corrections, regardless of age group, had brief shelter stays of less than one month. A small proportion of them stayed in a shelter 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 exceeding one month, a pattern consistent across all age groups (see Table D10 for more detail).

Due to a different method of analysis, our result showing brief shelter stays appears to be inconsistent with the earlier finding by Springer et al. (1998) that those who came from corrections tended to spend longer periods of time in the shelter system. Springer et al. applied a more sophisticated analysis of chronicity in which each person’s re-admissions during a nine-year period could be tracked and combined. Our tabulated data covers each 12-month period

independently and does not track individuals. For these reasons, it is a less accurate reflection of individuals' patterns of readmission.

Figure 7: Proportion of Repeat Admissions to Shelters from Corrections, Selected Years (based on admissions)



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, as shown in Figure 7. Among youth, the increase was from 29 percent in 1988 to 50 percent in 2003 (see Table D11). 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.

2.5 Suggestions to Improve Data Reliability

Our key informants offered some suggestions on how to collect data that would better measure how many people are homeless when arrested, incarcerated, and released.

The police and courts themselves have no means of keeping track of those who are homeless, and the information collected at the jails is unreliable. A time-limited purposive survey is necessary to collect reliable data. Questioning by an external agent of all those admitted and released from all local entry and exit points within the criminal justice system would more accurately determine the number of people who were homeless before and after being incarcerated.

In its current plan to reduce homelessness, New York City has specifically targeted individuals who are discharged from a correctional facility as one of several groups who are likely to be chronically homeless. Despite the City's commitment to reducing their number within five years, it appears that they have not yet devised a reliable form of measurement. The New York City informants we interviewed confirmed that reliable data are unavailable from administrative sources. They suggested that a purpose-specific systematic method of data collection is required, one that carefully asks people about their housing status at intake and on release from jail, keeping in mind that "asking your address is not the same thing as asking if you need help with where you are going to live."

In England, all individuals who enter a prison, regardless of whether they are on remand or they are there to serve a custodial sentence, undergo a needs assessment at the First Night Centre. Over the next five years, the U.K. prison service is moving to a more thorough initial assessment that determines housing, health, substance use, and mental health needs.

Adoption of the U.K. approach would better track patterns of homelessness, assess the factors that promote and maintain homelessness, and provide opportunities to implement targeted strategies to reduce homelessness.

A less ambitious and less costly effort would be to simply measure the level of homelessness of people who enter and exit correctional facilities. It should be carried out by a non-governmental agency already working with prisoners and, ideally, be implemented before and after a specific intervention program, so that the effects of the intervention could also be measured.

3. Policing, Treatment by Courts, and Victimization

3.1 Profile of Survey Respondents

The goal of the survey was to learn about the experiences and views of homeless individuals who have been involved with the criminal justice system and/or have been victimized. The sample is not random and consequently the results cannot be generalized to others; nevertheless they reveal the perceptions and experiences of some long-term homeless youth and adults in Toronto.

A convenience sample of 57 homeless youth and adults was recruited from several drop-in centres and other services for homeless people³⁸ to participate in a face-to-face survey on policing and victimization. Of this group, 22 respondents who had been arrested or incarcerated or multiply victimized within the previous year were interviewed more intensively to explore their experiences.

In order to include sub-group experiences and issues, a quota of youth, women, racial minority, and Aboriginal participants was sought (these categories overlapped, so that a single young woman “counted” for two sub-groups). Thus, the sample included: 17 youth; 18 women and one male-to-female transgender person; 17 Aboriginal people; and 12 racial minority individuals.

The respondents ranged in age from 16 to 59 years, with an average of 34 years. Most of them (88 percent) were born in Canada; 31 percent were born in Toronto. Of those born in another country, most were not recent immigrants, but had lived in Toronto for at least nine years, the longest period an immigrant had been in the country was 39 years. Most (63 percent) of the respondents had not completed high school. Only four of them had completed a postsecondary school program.

38 The agencies are listed in Appendix B.

Each of the respondents had experienced lengthy periods of absolute and relative homelessness.³⁹ Almost three-quarters (72 percent) had slept rough for some period of time during the year before the survey. At the time they were interviewed:

- 28 (49 percent) were staying in a shelter;
- 11 (19 percent) were sleeping rough;
- 8 (14 percent) were staying with friends or family;
- 4 (7 percent) had their own apartment;
- 6 (11 percent) were staying at a halfway house, were just released from jail, or did not answer this question.

On average, the respondents spent most nights in the previous year in a shelter (36 percent) or sleeping rough (28 percent). The remaining nights were spent incarcerated (13 percent), in shared living arrangements (12 percent), in a place of their own (6 percent), in a rooming house or hotel (3 percent), and in hospital or a treatment program (2 percent). The locations used for sleeping rough included Nathan Phillips Square in front of City Hall,⁴⁰ ravines, under bridges, and over heating vents. Their shared living arrangements were short-term and usually difficult or untenable, as are most shared living arrangements for people who have been homeless (Robinson and Coward 2003). One situation involved three adults living in a bachelor apartment.

As intended, the survey topic attracted participants who had experience with the criminal justice system. Two-thirds of the respondents had been incarcerated in the previous year. Three-quarters had spent at least one month in jail or prison at some time.

The respondents were also likely to have health problems. One-quarter reported having spent one or more nights in hospital during the previous year, and 7 percent had been in a residential treatment program.

3.2 Perceptions and Experiences of Policing

3.2.1 Policing and Fairness

We asked respondents to indicate their level of agreement with a series of statements on policing and fairness. Their responses, shown in Table 6, indicated that they shared with most Canadians an appreciation of the necessity of policing to maintain law and order in society.⁴¹

39 Absolute homelessness refers to those sleeping rough or in shelters; relative homelessness refers to those who are “couch-surfing” in the homes of family members or friends.

40 This location is the subject of a recent controversy regarding a new City by-law that forces/encourages rough sleepers to vacate this highly visible and iconic public space.

41 According to a recent Statistics Canada survey, most Canadians have a positive opinion of the police and believe their local police perform well overall. Specifically, 59% of Canadians believe their local police did a good job of treating people fairly, with older people responding more favourably than youth. Recent contact with the police, for example, being ticketed or victims or witnesses of a crime within the previous year, was associated with a

However, they also believed that the police act unfairly in their treatment of racialized groups, the young, and the poor.

The respondents, most of whom were white and male, generally agreed with the statement that the police unfairly stop and question racial minorities or treat women worse than men. And they tended to disagree that the police were criticized too much or that it was rare for an innocent person to be jailed.

Respondents' gender or age did not significantly affect their responses.⁴² There were some differences by racial group, although most were not statistically significant. More Aboriginal people felt that innocent people are sometimes wrongly jailed; that the police treat males worse than females; and the poor worse than the rich.⁴³ And fewer Whites agreed that police treated people from some racial groups worse than others.

Table 6: Survey Responses to Statements on Policing and Fairness (N = 57)

Statements on policing and fairness	Agree / strongly agree (%)	Average rating on 5-point scale†
The police treat wealthy people better than poor people	90	1.6
The police treat people from some racial groups worse than people from other racial groups	90	1.7
We need police in this country to keep law and order	90	1.9
People from my racial group are more likely to be unfairly stopped and questioned by the police than people from other racial groups	[total] 61 [minority] 92 [whites] 39	[total] 2.5* [minority] 1.7 [whites] 3.0
The police treat young people worse than older people	60	2.4
The police treat males worse than females	53	2.6
Everyone has an equal chance of getting ahead in Canada	46	2.9
People criticize the police too much	35	3.3
It is rare for an innocent person to be wrongly sent to jail	25	3.8

* Simple ANOVA was significant at $p < .05$ level comparing racial minority and white respondents.

† agree strongly = 1, agree = 2, neither agree nor disagree = 3, disagree = 4, disagree strongly = 5

Perhaps not surprisingly, the most notable distinction in views was that racial minority respondents were much more likely than white respondents to agree that the police were more likely to unfairly stop and question people from their own racial group — 92 percent of them

lower rating of police fairness; and those who had been arrested gave the lowest ratings, with only 29% saying that the police treated people fairly (Statistics Canada 2005).

42 This may not be representative of the views of homeless youth. Tanner and Wortley (2002: 149) found that only 55% of homeless youth (compared to 84% of high school students) agreed with the statement: We need police in this country to keep law and order. Only 30% of homeless youth (and 41% of high school students) agreed with the statement: Everyone has an equal chance of getting ahead in Canada.

43 Fewer of the Aboriginal respondents to the 2004 General Social Survey conducted by Statistics Canada rated the police favourably in terms of treating people fairly or responding promptly to calls (Brzozowski et al. 2006).

agreed or strongly agreed to this statement; this was the only statistically significant sub-group difference in responses. More racial minority respondents also agreed that we need police to maintain order and there is too much criticism of the police.

Perceptions that race affects police behaviour are undeniably pervasive. In a 1994 survey of more than 1,250 randomly selected Black, Chinese, and White residents of Toronto,⁴⁴ race was the best indicator of respondents' assessments of unequal treatment of racialized groups by police. Black people, especially, were more likely to state that the police treated their own and other racialized groups (as well as youth and poor people) unfairly (Northrup 1996). Evidence of racial profiling by police raised a storm of controversy in Toronto. Wortley and Tanner (2003) determined that African Canadians were subject to greater police surveillance (i.e., racial profiling); they were consequently more likely to be caught and arrested than Whites.

3.2.2 Contact with Police

Our respondents' critical responses were based on extensive personal contact with the police, as shown in Table 7. Most had been stopped at least once by the police during the previous year, 24 had been stopped more than five times. During the previous month alone, half of the respondents had been stopped by police, and five had been stopped more than five times.

Table 7: Incidence of Contact with Police in Previous Year and Month (N = 57)

Police Action	During Previous Year		During Previous Month	
	Number	Percentage	Number	Percentage
Stopped at least once	49	86	18	49
Stopped > five times	24	42	5	9
Warned	46	81	22	39
Photographed	32	56	6	11
Ticketed	33	58	11	18
Searched	45	79	18	32
Detained	39	68	11	20
Arrested	38	67	8	14

More than half of the respondents had not only been stopped by the police during the previous year, but also warned, photographed, ticketed, searched, detained, and arrested. These are not mutually exclusive events — it is common to be stopped, detained, and warned in a single incident. Being photographed is the one category that respondents could not be certain had occurred (several people referred to surveillance cameras in police vans or on the street). During the previous month, about half the respondents had been stopped and about a third had been warned and searched. Two-thirds had been arrested during the previous year, eight of them in the previous month. There were no statistically significant sub-group differences in terms of sex, youth/adult status, or racial status.

44 Each racial group had more than 400 respondents.

3.2.3 Characteristics of Contact with Police

When asked to describe their personal contact with the police, 33 of the 57 respondents (58 percent) characterized it in predominantly negative terms, frequently suggesting that the police abused their power.

"It's usually hostile"

Nearly half of respondents (24) referred to being assaulted by police officers. The reported assaults ranged from being harshly pushed to violence causing serious physical harm. Two respondents referred specifically to being taken to Cherry Beach, an isolated industrial area, and assaulted by the police.

Contact with police began when I was 16 years old. The police can be too involved with a case and get frustrated. This often leads to an individual being assaulted by the officers when they don't get answers. This happened to me several times. As soon as my record runs through the computer, the police become aggressive and harassing.

About four times, I was taken down to Cherry Beach and handcuffed to a police cruiser and beaten up. I had told them to leave me alone; they didn't like my answers to their questions.

Every time the police see me, they stop me. They frequently search me; sometimes I am assaulted at the police station, usually in the washroom or interrogation room and sometimes on the street. This happens especially if the cops decide that I am not giving the answers that they want.

Eighty per cent of the time, the police are professional and respectful. Twenty percent of the time there are problems due mainly to [my] being native. In one incident, the police kicked out three of my front teeth, and I was just sitting in a public space [this occurred in Calgary].

I have experienced physical abuse by the police— smashed up against the cruiser at the time of my arrest. My face and hands were hurt. I was arrested for car panning, put in a paddy wagon for two hours driving around, and taken to the police station for the charge. It's mainly 14 and 52 Division doing sweeps for [people who are] car panning and squeegeeing. I have also been searched on the street, police going through my pockets and clothes.

Most of my contact with the police in the last year has resulted in physical assault (broken ribs, nose, head split open). Police do not give me a chance. I used to squeegee. They see me on the street, stop me, and immediately become aggressive. The police use mace spray and taser guns when they stop me.

I have experienced a huge amount of physical and verbal abuse from police, including the loss of my right eye [as a result]. I am afraid for my life every time I am stopped by police. I know what police are capable of. The police tried to say that I walked into a wall and that was how my eye got injured. The assault took place in a police cell with other officers witnessing [it]. They stripped me naked and left me in the cell. It was 14 Division in 1999. I have had water thrown all over me by officers while in a cell. Police officers, to amuse themselves and to insult us, will do many things to Aboriginal people when held in police station cells.

I find them unduly rude — calling a person names, making uncalled for comments about a person's appearance, especially if the person already has a record. Then the police can be very abusive verbally, sometimes physically pushing, hard, and emptying a person's belongings on the sidewalk when searching them.

I have experienced unnecessarily rough handling by the police at the police station. I feel the police behaved this way because they can get away with such actions, particularly toward a homeless person.

A few respondents appeared equivocal in their characterizations of treatment by the police, referring to mostly positive or neutral contacts with police, yet also recounting abusive treatment.

For the most part my experience [with the police] has been fairly positive. I've been punched out a couple of times by police because I wouldn't give the information they wanted. If I am drinking in the street, I will be stopped, forced to pour my alcohol away, and then given a ticket. The ticket for drinking in a public space and possession of an open bottle costs \$110.

Several respondents said their own demeanour affected how the police behaved, usually stating that police officers became (more) confrontational or aggressive when a homeless person asserted their rights. One respondent said this was especially the case with people of colour.

They're fair, depending upon the circumstances. I know my rights, and this can result in the police becoming antagonistic if I, as a homeless person, speak up.

If a person co-operates, acts as though they don't know their rights, then cops are okay. As soon as a person speaks up about his rights, cops will become aggressive. The police can be very creative with charges if [they are] given a hard time or if questioned about why they have stopped you.

No problems [with police]. I'm usually very compliant with police. I do not resist arrest. I have turned myself in several times. If I did resist in any way, then some cops would get angry and probably become abusive.

A minority of respondents (11 out of 57), including some who'd been arrested, said they were treated fairly by police (now, if not in the past).

I feel I'm treated fairly. I don't put up a fight. Once I'm arrested, I let things happen and keep quiet. I've had quite a bit of contact over the past two years due to criminal activities.

It used to be bad, but now cops are good. I need to be careful as I am currently out on bail. I pay attention to what is happening when cops appear so as to avoid any problems.

Effects of Aboriginal or racial status

A few respondents referred to Aboriginal or racial status as a factor in the likelihood of mistreatment by police. Although the respondents were not asked to describe in detail any abuse by the police, a few Aboriginal respondents disclosed shockingly severe physical assaults. Most respondents offered enough description of any police mistreatment they experienced to

retroactively distinguish approximate levels of abuse along a four-point scale (severe physical abuse, moderate physical abuse, modest physical or verbal abuse, and no abuse). Of those who reported severe physical abuse causing significant bodily damage, all five were Aboriginal adult males.

Aboriginal respondents were more likely than white or racial minority respondents to say their contact with the police involved physical or verbal abusive treatment; this group difference was statistically significant (T-test $p < .03$). Because the sample was not randomly selected, this result may not be reflective of a wider population. However it is a disturbing result that warrants careful examination in future research. There were no statistically significant differences by gender or age group in reported abuse by police.

Recognition of Differences among Police Officers

Based on their extensive contact with police officers, some respondents qualified their assessments by distinguishing “good” and “bad” officers. They usually credited seasoned, older, and female⁴⁵ police officers with more professional behaviour than young male “rookie” officers who needed more training and life experience and were less likely to explain procedures regarding bail, court, and night security in police stations.

At the time I was released from jail, one cop harassed me. Another more senior cop told that cop to back off, that I had served my time.

Younger police officers can be very difficult, more aggressive. They are not as familiar or experienced with talking and listening to people first. Undercover police officers are more aggressive in their stop-and-search practices than uniformed officers.

Veteran police officers know more about homelessness and circumstances. Rookie police will give you a hard time. They don't know how to deal with situations, such as arresting a person for having drugs. It would be better to pair veteran police officers with rookie officers.

Some respondents who had criminal records and spent a lot of time on the street were well known and watched carefully by the police. This high level of surveillance is bound to result in a greater likelihood of being charged with something.

Police know me well. They will stop me when I am just walking along the street and pull up my file on their computer for any outstanding warrants as much as twice a week. They will search me on the street for no particular reason. They automatically assume that I'm working in the sex trade and have drugs on me. (woman)

I try to stay out of the way of the police. In the past, police have harassed me for panhandling and squeegee work. They will constantly stop me if I am seen either walking along the street or hanging around known squeegee corners. (male youth)

45 Although one respondent said he'd witnessed a female officer punch men in the face.

Reliance on Police Protection

Not surprisingly given their predominantly negative experiences with the police, some respondents said they could not rely on the police for protection, because they were known to be homeless, had a record of offences, or anticipated being treated badly.

Homeless people can't even pull a cop over to get help. The police completely ignore homeless people who want help, unless the police want information from an individual. Then the situation changes to the point of harassment by the police.

I can't go to the police even when I am in danger. Once I was in a police cruiser with three male police officers, and they made sexist remarks. They tried to intimidate me, to scare me into giving information. They will say they'll overlook outstanding warrants in exchange for information.

At times I feel more afraid of the police than those committing a crime against me.

Overall, an alarmingly high rate of disrespectful and abusive treatment by police was reported by survey respondents.

Informants' Views

Informants who work with homeless people generally shared the view that police sometimes treat homeless individuals unfairly, to the point of "hassling" or abusing them. They have heard many such stories and complaints from their clients and sometimes have witnessed what they perceive as unnecessarily rough handling of homeless individuals by the police.

The phrase "to serve and protect" does not usually apply to homeless people.

On occasion, service providers themselves have been treated harshly by the police when they intervened on behalf of their clients.

For their part, the police are aware of the perception that officers "rough up" homeless people. They note that such stories attract a lot of media attention and are often based on third-party reports. The police believe their actions are sometimes misinterpreted. For example, a police officer will shake a person who is sleeping in a public space — not to hassle them, but to ensure they are "okay," especially if the weather is very cold. They maintain they do not target homeless individuals who are not causing a disturbance, and they question people on the street only when investigating a problem.

Service providers confirmed that some homeless youth and adults do not trust the police or look to the police for protection, in part because of adherence to street culture norms, and in part because they fear abuse and reprisal from the police. The marginalization of homeless people leads them to believe they have no protection under the law, whether or not that perception is accurate, and to act in accordance with that belief. This behaviour is a factor in their relations with the police, the community, and each other. It contributes to their victimization by placing them in a lawless context in which raw power holds sway.

3.2.4 Police Relations with Homeless People

"Negative and judgmental"

Police relations with homeless people were portrayed by most respondents as uncaring, judgmental, prejudiced, and antagonistic. Although some individual exceptions among police officers were acknowledged, respondents said the police demonstrate little understanding of homeless people's situations and the circumstances which lead to homelessness.

Most police will treat homeless people as lower than scum.

A person might have language problems or mental health issues, and police are very hard on them because the person cannot answer all their questions.

I haven't seen anything bad, but friends have told me about having all their belongings taken from the street by police and thrown into the garbage.

Most times police look down on homeless people. They don't offer information or help. They just tell homeless people to move on and that's it. I haven't seen cops try to help older homeless people. Many who have been on the streets for years are ill, or drink, or have mental health problems.

Referring to police prejudice against Aboriginal people, one respondent said, in anger:

Police automatically assume all Aboriginals are violent. They always take an insulting and aggressive approach toward us. There is no justification for treating homeless Aboriginal people this way. It's just [done] to get a rise out of the homeless person, provoking him or her to respond with anger, and then they come up with charges. Police just want to make most homeless Aboriginals' life miserable. It is just another way of dealing with the native problem. Even cops from different ethnic backgrounds will treat native people badly, especially homeless people.

As noted above, respondents were generally appreciative of the necessity for policing to maintain social order. And a few respondents expressed sympathy for the police.

Police have a job to do. Sometimes homeless people can be difficult, and they bring problems on themselves.

[It's] not often, but I do know of occasional assistance given to homeless people by the police.

But they saw police mainly as enforcers of social control and "social cleansing." Many respondents referred to the role of police in forcing them out of public spaces and keeping them hidden from public view, and the erratic nature of the enforcement (usually driven by "community complaints" and political decisions).

As long as homeless people are not in the public eye, then police will generally leave homeless people alone. However, that can change, and suddenly homeless people will be issued tickets for drinking in public spaces, even though police have known homeless people were frequently in those areas.

The police will do a sweep in areas and get rid of homeless people, even if they don't lay charges. They will do so when special events take place in certain areas at times like Canada Day and Pride Day.

They think homeless people won't speak up and complain about being mistreated. I have witnessed police using pepper spray and batons to beat people for no reason.

Many of my friends have been targeted by the police just for hanging around in a group in a public space, but not doing anything, just talking and hanging together.

In the face of a great deal of perceived mistreatment, most of our respondents felt powerless to contest police behaviour that they considered abusive. Several of them pointed out they had no avenue to lodge a complaint. One respondent suggested the problem is escalating with the increase in homelessness. "The situation is getting worse between police and homeless people at the same time there are more homeless people."

Especially in harsh weather, street people spend time in semi-public spaces, such as shopping malls, fast-food restaurants, shops, outside concourses, parking lots, church property, housing sites, and apartment lobbies. When they are excluded or evicted from these spaces, the policing is typically carried out by private-sector security guards.

3.3 Perceptions of Security Guards

3.3.1 *Distinguishing Security Guards from Police Officers*

To many people, the distinction between a police officer and security guard can be confusing, since both wear uniforms and engage in policing activities with some degree of institutional authority. For visibly homeless people who spend a lot of time in semi-public spaces, however, dealing with security guards is commonplace. Virtually all respondents were quite knowledgeable about the main distinguishing markers — type and colour of uniform and presence or absence of badge numbers and guns — and the territorial and legal limits of guards' authority (for example, they would say, "Security only have legal rights to warn and only on the property they are guarding" or "Police will handcuff you and read your rights; security does not do that"). Respondents also noted exceptions and details regarding uniforms (red versus blue pant stripes) and behaviour ("Police officers may be plain clothes or working as an off-duty security guard on the side. Some security guards don't wear uniforms, so it's not easy to tell the difference." "Police don't usually walk around. They are usually in cruisers, on bikes, or on horseback.").

Of those who commented on guards' behaviour and demeanour, most considered them to be more aggressive than police officers, several referring to them as "wannabe cops" and "thugs" who overstep their authority, knowingly or not. Police officers were credited with having more education and knowledge of the law and being more likely to act professionally, that is, following a protocol of informing a person of their rights and using legal terminology. Many respondents had a sophisticated awareness of guards' range of authority ("You don't have to

answer questions from security guards.” “They can’t arrest, but can call cops.” “Security guards have to be licensed to have handcuffs.”).

Many respondents expressed resentment or contempt for guards’ lack of training and bullying manner.

Security guards try to act as though they are the police to intimidate people so they will leave.

Security guards do not follow legal guidelines. A person often gives up their things (drugs or alcohol) to the security guard to be released with no police involvement. Security [staff] of housing projects will often follow people and question them, even when they have been buzzed in [by a resident]. Security guards do not have the legal right to search people, but they often do, especially if a person looks as though they may be homeless.

Security guards tend to talk about things they do not really know about. They are not aware of the Criminal Code and will use it as a form of intimidation, particularly trespass laws.

Some security guards carry batons, handcuffs, rubber gloves, and mace, and act as though they are police. Legally, security guards are not supposed to handcuff people. Security [guards] are more aggressive than police, especially if [they work] in pairs.

Security guards usually do not know their legal rights. They don’t have the same rights [as police] and have very little training to know to behave and what law they can use.

Security step over the line, think they are the police. They will take a person down physically without any cause or warning.

Concerns over the actions of security guards have been mounting. As a result of an inquest into the fatal choking of a shoplifter by untrained security guards, legislation has been passed in Ontario that requires guards to be licensed and subjected to criminal checks, to receive a minimum of standardized training, and dress in a manner unlike the police (Brennan 2004).

3.3.2 Contact with Security Guards

Respondents were asked questions about their experience with security guards, similar to those asked about the police (see Table 8). Overall, they had less direct contact with guards than with the police, but more than half of them had been intercepted by a security guard at least once during the previous year. Eleven respondents had been detained by a guard and released to be arrested by the police in the previous year; in this way, security guards can occasion an entry into the criminal justice system.

Being stopped and warned by a security guard was the respondents’ most frequent experience. More than half of the respondents had been stopped and warned by a guard at least once in the previous year. More than one-quarter had been stopped and warned in the previous month alone. During the previous year, three out of ten had been detained by a guard, and two out of ten had been arrested and released to the police. There were no statistically significant differences between sub-groups in terms of sex, age, or racial status.

Table 8: Incidence of Security Guard Actions in Previous Year and Month (N = 57)

Security Guard Action	During Previous Year		During Previous Month	
	Number	Percentage	Number	Percentage
Stopped at least once	33	58	15	27
Stopped more than 5 times	12	21	2	4
Warned	37	65	16	29
Warned more than 5 times	13	23	4	7
Searched	11	19	2	4
Detained	17	30	7	13
Arrested	10	17	5	9
Released to police	11	19	7	13

3.4 Treatment within the Criminal Justice System

3.4.1 Courts

Canadians have a more negative opinion of the court system than of the police — 44 percent believe that the courts do a good job in terms of ensuring a fair trial for the accused, with men having more favourable views than women (49 percent versus 40 percent) on this point. Personal contact with the court was associated with having slightly more favourable views of its fairness regarding the accused, unlike contact with the police, which was associated with less favourable views of police fairness (Statistics Canada 2005a).

We interviewed 22 of the survey respondents more intensively about their experience within the criminal justice system. This sub-group was similar to the entire survey sample in its demographic characteristics,⁴⁶ except these respondents were slightly younger and a higher proportion were of Aboriginal descent. When last discharged from jail, their ages ranged from 17 to 57 years and averaged 30 years.

Seventeen of the 22 respondents had been detained or arrested by the police within the previous year. A few were detained and released on the spot or after being taken to a police station. Their charges included: failure to appear in court, failure to comply with a court order, theft, communicating for the purpose of prostitution, possession of drugs or alcohol, possession of a pocket knife, soliciting (i.e., begging, squeegeeing), indecent exposure, prowling at night, and drug trafficking. The alleged offences occurred in a variety of places (a store, car, subway station), but usually on the street. They were detained or jailed for periods of time that varied from one hour to several months.

46 Seven were youth. Twelve were male. Nine were of Aboriginal descent. Six were racial minority persons. Eighteen were born in Canada. Fourteen did not complete high school.

3.4.2 Perceptions of Treatment by Court

Thirteen respondents had appeared before a court, sometimes more than once. Six said they understood what was happening when they were brought to court and why they were being treated as they were, and six said they did not understand (one person did not respond).

No one explained the process or reason. I was initially told that I had to give information about another person, which I did not have. They said I would be charged if I did not co-operate.

No one told me anything about choices – no explanation about whether to plead guilty or not. No one explained about Division Court. My legal counsel didn't give me advice, such as: This is what it means to say yes or no to judges, my options, and the consequences.

I understood the law, but not the sense of the charges and the system.

I didn't understand. I kept asking for a doctor and rehab. I was not listened to. Jail was not helping at all. I kept trying to explain this to police and prison officers, but they were not interested in hearing any of this.

Some respondents felt they had not been treated fairly. For example, one woman who had been charged with "mischief under" said she'd been abused and degraded by a female officer who was "mean" when doing a strip search. Others said the court had not paid attention to their statements or failed to consider important evidence. One person said his sentence was unfair.

They have little understanding of the situation or circumstances that have led to my current homelessness and drug use.

I'm mainly treated well by the police. I find the court staff to be rude and disrespectful to me. I have experienced physical abuse in court holding cells and when being brought from the paddy wagon to court.

I explained to the officer that I had a housing appointment. He still made the arrest based upon a previous summons for squeegeeing, so I missed my appointment.

One man was released from court in an orange jumpsuit with no money, no identification, or change of clothes. Unlike prison discharges, court releases are unplanned — a conditional outcome — and an inmate's clothes and belongings are left behind, sometimes in another city. Retrieving one's clothes and other possessions can be difficult and time-consuming. Such releases are frequently a precursor to homelessness.

3.4.3 Discharge Experience

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.

Seventeen of the 22 respondents were homeless when they were last jailed, and five 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 interpreted “being housed” as simply getting a shelter bed.

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 short duration, a few days, weeks, or months. Only two respondents maintained their post-discharge residency for more than a year.

Seven respondents received some type of assistance after their release: 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 experiences 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.

When released from jail, ask more about what individuals need and their responses to what would help after being in jail.

If someone identifies addictions as a problem, it could help to go straight from jail to detox and rehab.

3.4.4 Informants' Views

Informants had mixed opinions about how homeless youth and adults were treated within the criminal justice system. Some stated that homeless people, particularly youth, were treated with disdain. Others referred to some degree of understanding by courts and positive outcomes from jail terms.

Some judges are very compassionate and understand some of the issues around homelessness.

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.

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.

Concerns were raised about the vulnerability of certain sub-groups within the criminal justice system, including gay and transgender youth.

Jails are not safe places, and protective custody in jails is limited.

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. [The police confirmed this.] 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.

3.5 Victimization

The vast majority (94 percent) of Canadians are satisfied with their personal safety from crime, and only 10 percent overall reported feeling unsafe when walking alone at night (Statistics Canada 2005b). For the most part, this is because most Canadians are infrequently victims of crime. This is not the case for visibly homeless people.

3.5.1 *Victims of Crime*

Most of the homeless youth and adults we surveyed (72 percent) had been victims of crime within the previous year (N = 52).⁴⁷ Only eight of the 41 people victimized had reported the crime to police; and five of the eight were very dissatisfied with the police response. There were no statistically significant differences in responses by gender, age, or racial status. Slightly more women than men said they had been a victim of crime, but they were no more likely to have reported it to police. A similar proportion of youth and adults said they were victims of a crime, but fewer youth reported it to the police (only one⁴⁸). All the women and racial minority respondents who reported a crime to the police said they were very dissatisfied with the police response.

Reporting Crime to the Police

Why were so few crimes reported to the police? The respondents said they did not trust that the police would be fair or would protect them. Two-thirds believed the police would be biased against them (would insult them or cause more trouble for them). More than half (53 percent) believed that the police would be uninterested in their report. About one-third (32 percent) believed the police would be ineffective (would arrive late or not show up at all; would not do a good job of dealing with their report). Most disturbingly, about one-quarter of respondents (26 percent) said the offender was a police officer.

Lodging a complaint about police behaviour and getting a fair hearing can be difficult for the average citizen. The lack of an independent agency to investigate and adjudicate such complaints has been criticized of late. The police themselves decide which complaints warrant consideration, and they investigate their own behaviour. Homeless people may distrust the police and may feel they are in a poor position to challenge mistreatment. Fear of retribution may be another deterrent.

47 Questions on victimization were asked of 52, not 57, respondents. The other five respondents were asked instead about current charges against them.

48 A recent review of complaints about police behaviour, lodged in selected Toronto low-income neighbourhoods, found that the majority were laid by those over 35 years of age, i.e., fewer young people laid complaints (Hutchinson 2005).

Seven respondents referred to the “code of the street” as a reason for not contacting police. That is, street people may protect other street people (for example, by not “squealing” on a homeless person). If loyalty is not a sufficient reason to keep quiet, fear of retaliation is generally effective. Violations of street culture can result in reprisal from other homeless people, drug dealers, or pimps. Some respondents said they would take care of any problems in their own way. Others just kept problems to themselves. One woman said she felt ashamed about what had happened to her; another didn’t want to report being assaulted by a former boyfriend. Those with criminal records or a current warrant did not want to attract police attention. And previous unpleasant or degrading experiences with the police convinced several respondents that they could anticipate more of the same kind of mistreatment.

3.5.2 Incidence of Theft, and Sexual and Physical Assault

Respondents were asked specifically about personal experiences of criminal victimization during the previous year: theft and sexual and physical assault.

Theft

Most of the survey respondents (85 percent) had had some belongings stolen during the previous year, usually at a shelter or other location, rather than directly from their person. Money or identification documents were most often stolen (60 percent and 56 percent, respectively). Other items included clothing, shoes, blankets, toiletries, drugs, medication, food, and electronic devices, such as a cell phone and CD player. If identification was stolen, respondents were usually unaware of who had done it, but three people claimed it had been the police.

Sexual Assault

Our question to respondents — whether anyone “had forced you or attempted to force you into any sexual activity when did not want to, by threatening you, holding you, or hurting you in some way” — was phrased to capture criminal acts of sexual assault.

Twelve respondents (23 percent) reported being sexually assaulted during the previous year — nine women, one (male-to-female) transgender individual, and two men. Five adult women, two of them Aboriginal, and one white adult male reported multiple sexual assaults.

Descriptions of the most recent (if more than one) sexual assault revealed that the perpetrator was equally likely to be a stranger or known person (boyfriend, spouse, acquaintance, or john). The locations where the assaults took place varied.

One woman’s partner assaulted her with a hammer. Half of those who were sexually assaulted acknowledged that they should have seen a doctor as a result of the assault. Only three of them had done so, including the woman on whom a hammer was used.

Physical Assault

In total, 28 respondents (17 men and 11 women, including a male-to-female transgender person), had been physically assaulted during the previous year. The assaults usually occurred on the street. Sixteen of them had been assaulted more than once during that time period.

Descriptions of the most recent assault revealed that, overall, the perpetrator was equally likely to be a stranger, acquaintance, or police officer, but more men had been assaulted by the police than women. Seven men and one woman said they had been assaulted by the police (in once case at a police station). Comments indicated that members of the general public are included among those who have targeted homeless individuals.

A weapon was used in nine cases (including a baseball bat, gun, mace, pepper spray, police baton, and knife). Men were more often assaulted with a weapon than women. Fourteen respondents said they should have seen a doctor as a result of the assault, but only eight of them had actually done so.

When both types of assaults were combined, a total of 13 women (including a male-to-female transgender person) and 17 men had been assaulted physically or sexually during the previous year — 30 persons in total (58 percent of the sample). There were no statistically significant differences by age or racial status.

3.5.3 Abuse

Respondents were asked whether they experienced any verbal abuse, threats, or attacks during the previous year, that they attributed to their homeless state, their ethnicity or race, or a perception that they were gay, lesbian, or transgender.

Overall, 22 respondents (42 percent) said they had been verbally abused and 17 (33 percent) had been threatened or attacked because of their race or ethnicity. Of the twelve racial minority (excluding Aboriginal) respondents, nine had been verbally abused and six had been attacked or threatened with harm. Of the 16 Aboriginals who answered the question, nine had been verbally abused, and five had been attacked or threatened. More of the racial minority and Aboriginal respondents reported abuse and attacks or threats, as indicated in Table 9.

Being homeless was the most common reason given for the abuse, except among racialized respondents, for whom it was more often their ethnicity or race. More than half the respondents (56 percent) said they had been verbally abused due to prejudice against homeless people. Almost one-third of them (31 percent) had been attacked or threatened on this basis. More women than men said they had been verbally abused, attacked, or threatened because they were homeless.

Ten respondents, more of the youth than the adults, said they had been verbally abused because they were perceived as gay, lesbian, or transgender. Four had been attacked or threatened on this basis. These responses indicate a high degree of vulnerability to mistreatment.

Table 9: Forms of Abuse Directed to Respondents in Previous Year (N = 52)

Form of Abuse	Frequency
Called you names or verbally abused you because of your race or ethnicity	42% of all respondents 75% of racial minority persons 56% of Aboriginal persons
Attacked you or threatened to hurt you because of your race or ethnicity	33% of all respondents 50% of racial minority persons 31% of Aboriginal persons
Called you names or verbally abused you because they thought you were homeless	56%
Attacked you or threatened to hurt you because they thought you were homeless	31%
Called you names or verbally abused you because they thought you were gay, lesbian, or transgender	20%
Attacked you or threatened to hurt you because they thought you were gay, lesbian, or transgender	8%

3.5.4 Vulnerability and Self-protection

Respondents outlined some of the dynamics that contribute to their vulnerability to mistreatment. Meeting basic needs becomes a challenge when a person is homeless – access to a bathroom, a restaurant, hospital care. This contributes to a poor appearance, poor health, low self-esteem, and the stigma of “not belonging” – being outside what is considered a regular community of people with homes and jobs.

Good friends that I grew up with treat me badly, look at me differently. It's not easy to get ahead, find work and a place to live.

The outcome is a feeling of isolation and alienation from (and by) the mainstream. High visibility combined with social exclusion put respondents in a weaker position relative to authority figures such as the police.

Being homeless means having no say, no voice in society. People walk past and ignore a homeless person on the street. [You're] always “taking a back seat.” It's easier to be victimized by the police, who can stop a person at any time. Not having an address, giving a shelter name and address, frequently results in police belittling homeless people.

Panhandling is better than stealing or breaking into homes, yet people put me down for panning, and the police harass me.

Respondents used various tactics to protect themselves. Most indicated they maintain a general wariness and watchfulness.

I just mind my own business and keep away from trouble. My belongings are in a locker in the shelter. I used to carry a knife, but have not for several years now.

Some carry or used to carry a potential weapon, such as a box cutter, knife, razor, spray perfume, mace, for which they may be charged by the police. One man kept a large dog. They

avoid certain shelters, areas, houses, or people; they stay near the few people they trust. They use storage lockers, carry their valuables and belongings everywhere, or store them with a friend or agency (especially their identification). They sleep face down, sleep in a group taking turns as guard, or walk around and stay awake all night. Several respondents said they were avoiding “old haunts” where they had “gotten into trouble,” usually involving drugs. They stay in familiar areas and try to avoid trouble.

3.5.5 *Suggestions for Change*

In Shelters

Several respondents noted that victimization in the forms of bullying, intimidation, and theft occurs in shelters predominantly among the residents and establishes a “pecking order” of power. Some said that shelter workers are not properly trained to deal with this problem, or are unaware of it, or ignore it. One person countered this view by crediting shelter workers’ efforts to prevent violence and abuse in the face of inadequate staffing levels.

There is no way of knowing who is living in a shelter until after the intake process. Then I might find that someone is already there who has victimized me on the street. More staff on duty would help prevent victimization.

Insensitivity on the part of shelter staff, overcrowding, lack of privacy, and the large size of some shelters were all cited as factors that contribute to victimization. These factors certainly make these settings more institutional, if not less humane. A few people suggested that skill development opportunities would provide a more positive focus for shelter residents.

Other mechanisms to prevent victimization, abuse, and theft were suggested, including: provision of lockers and storage space; security cameras; discussions of how to respect one another; screening of people with a criminal (presumably violent) record; and provision of information on human and civic rights and how a resident can lay a complaint.

In Public Spaces

Most respondents stressed that they wanted homeless people to be treated with more respect. They urged an end to the stereotypes and prejudices fed by media portrayals of the homeless as being addicted to crack or alcohol or being antisocial. Many respondents suggested that a better understanding of the varied causes and circumstances of homelessness on the part of the police, security guards, Parks and Recreation staff, and the general public would improve how homeless people were treated.

The police should be better trained to deal with homeless people who have mental health and addiction problems. It would help a lot. It can be very scary for a homeless person with mental health issues to have uniformed, aggressive police officers in their face, threatening them. Use plain clothes cops who show their badge and identify themselves to the person on first contact; speak clearly and first ask the person what is going on and what kind of help the person may want.

They called for an end to pushing people off benches when they needed to sleep, or charging them with trespassing when they sleep over street vents and grates in an effort to keep warm and safe. One person said that becoming homeless as a result of involvement with the criminal justice system was itself a form of victimization perpetrated by the state in not taking effective responsibility for ending homelessness and providing affordable housing.

The pecking order on the street is too powerful. As long as people have to live on the streets with no housing, there will always be victimization.

Surprisingly, a few people wanted the police force to respond with a special mobile police unit dedicated to protect homeless people and provide them with assistance, such as information on services available. One person suggested developing projects jointly undertaken by police, service providers, community groups, and homeless people to build better relationships and understanding. Strategies such as these would address the complaint by survey respondents that the police do not understand what it means to be homeless.

3.5.6 Suggestions to Improve Relations with the Police

In various ways, our survey respondents urged the police to develop a greater appreciation for why people become and remain homeless, including the particular situations of youth and women. A few of their suggestions specifically addressed how the police treat homeless people, such as the following:

Better access to make a phone call to a lawyer at the police station. Currently, you only see a duty counsellor. You're left alone when you arrive at the police station, even though you may be scared. When you ask a question, you're not sure if you're getting the right answer. If you get sick in the cell, there's no help available. They need counsellors and psychiatric help. [This woman had attempted suicide her first time in jail.]

Other suggestions were clearly intended to promote a greater understanding of homelessness among the police and emphasized direct interaction and a training component:

Once or twice a year, have a meeting for all homeless people and make sure police are present to hear what homeless people have to say, so people can tell their story, what has happened to them.

Police should spend some time doing work in centres and agencies where homeless people go, so they gain a better understanding about homelessness.

Police should work with homeless people (as part of their training) to have better knowledge of people and the circumstances of homelessness.

In order to reduce the incidence of police jumping to conclusions before finding out the facts, they should become more informed about homelessness issues through involvement in different programs and services for homeless people, such as awareness workshops for police (on what happens at drop-in centres and shelters).

Police should experience homelessness, work in a youth shelter for a week as part of police training.

The suggestions share the important underlying objective of building bridges between the police and people who are homeless. No programs of this sort exist at this time.

Another strategy was suggested by service provider informants. They referred to the effectiveness of the way in which the police responded to gay-bashing during the 1990s. Specially trained officers were added in areas of frequent attacks.

3.5.7 Suggestions to Help Homeless People Involved with the Criminal Justice System

Many of those we interviewed had a suggestion for better assisting homeless youth and adults involved with the criminal justice system. They involved the provision of appropriate information, legal representation, discharge planning and management, housing, and other services.

Information

As noted earlier, some homeless people are confused by court processes and what they can expect from a lawyer. While incarcerated, they have access to little or no information on services that could help them during or after imprisonment.

During the six months that I spent in the Don Jail, I was never told of any services or programs that may have been helpful. Information, such as pamphlets regarding Legal Aid numbers, health services, Native elders (for spiritual counselling), should be made available when a person is being booked into jail. I had no contact with any worker other than police officers who did not want to assist or be asked any questions about services or help. I wonder if some police officers are even aware themselves of programs or assistance for inmates.

[We] need a more transparent system. The current justice system makes it difficult for someone to understand what is happening, for example, bail court is very confusing. Have specific court workers who can explain, in simple language, to an individual what is happening and what a person's legal rights are.

Have liaison workers at police stations, courts, and detention centres to explain what can happen – what the charges are, the consequences if they plead or not, how long to wait in jail if they don't plead, how to be eligible for bail. Liaison workers should also arrange interpreters for those who can't speak English. It can be very frightening when going from police to jail. My first experiences of the justice system were very scary. I was totally lost.

Provide information pamphlets, like "homelessness and welfare" pamphlets outlining legal rights, how courts work, what to expect from legal counsel, etc. Have more social workers in the institutions. If you're serving a short term, there's no programs, no counselling.

Advocacy

Some services exist to help low-income people deal with the criminal justice system, such as no-cost legal counsel at court and legal aid vouchers for pay for a lawyer of one's choice (at least among those willing to accept Legal Aid clients). However, these services are offered on the assumption that clients are housed and may not function well for homeless people.

Duty Counsel needs to improve. The Duty Counsel encouraged me to waive bail. Duty Counsel should be better informed about how homeless people manage; a person on the streets would rather serve time than have bail bans and restrictions and conditions that make life impossible, especially when homeless and living under a bridge or using drop-in centres, etc.

Most homeless people do not have lawyers. We have to use Legal Aid, which takes time. Duty Counsel is not always supportive. OCAP [Ontario Coalition Against Poverty] helps, they go to court, take care of tickets. There should be a specific agency for homeless people to contact for legal representation, to explain legal rights and how the criminal justice system works.

Bring someone in, an outside [not court] worker, to fully explain what the charge is and why the person was charged, the consequences of a plea. Court-appointed lawyers are not very interested in good representation or explaining procedures.

Have a free legal service. If a person is homeless, there's no money, no phone number, no address to make contact. Legal Aid is very slow and not very good legal representation. If you're not on welfare, you're not eligible for Legal Aid. If a person had an advocate to explain the rights, the system, and represent a person in court, that would help.

Have special advocates to work with homeless people when in contact with police, court, and jail. Provide interpretation of legal language. Often you'll give the wrong answer because you did not understand the intent of the question. Mentally challenged people do not understand their rights and have little support to get them through the system.

Discharge Planning and Management

Discharge planning in provincial correctional facilities is minimal or non-existent. (See the Scan of Programs section for information on what services are available as well as promising practices in local and other jurisdictions.) Services and programs are needed to address a range of issues. Even simple acts, such as ensuring that prisoners can collect documents and other belongings, would be a meaningful improvement for homeless people.

If jail and shelters got together, they could arrange to keep a bed when a person is released so that person doesn't have to stay on the street and re-offend in order to survive. Programming should be offered to people for life skills, anger management, and education; it's offered now on an inconsistent basis. It depends on which jail they are in. In detention centres, nothing is offered; in correction centres, what's offered depends on where one is placed.

All belongings should be transported from jail or detention centre to court or another jail, there's plenty of room in paddywagon, when people are getting out or being transferred or moved around. It makes life very difficult when you're released without ID or your belongings.

When released from court, find out if the person has a place to go. If not, provide TTC tickets and make arrangements for a shelter bed or a safe destination for the person. Provide other options, instead of nothing.

We need more programs about abuse, addictions, life skills, getting resettled back into the community when released. We need support in the community, some kind of centre that people could do to when released, where they could get help with housing and welfare.

Housing

Housing provision is critical. It is the fundamental basis for gaining access to programs and services to address any problems individuals are facing.

All jails should combine and have some programs for housing.

Housing is the most important issue – having a place to go to from jail or remand. Programs for post incarceration need a proper structure (to deal with drug or alcohol use) where a person can feel safe. Counselling one-on-one, having someone to really talk with can make a huge difference – having support when coming out of jail.

[People] should be housed right away, when leaving jail. That is the time when a person can be clean [drug-free], healthy, and keen to make changes. That is the best time, when just getting out of jail, [when people are] more motivated to help themselves, to keep their housing, and look for work. Otherwise, with no housing and support, people fall back into their old habits.

[We] need a proper program that includes housing. You come back out in the same housing state as before, when going in. [We] need counselling for anger, addictions, and emotional problems. It's better that way than coming back out and repeating the same pattern again.

Services

Homeless people are not a homogeneous group. Access to a variety of services during and after incarceration should be available to address individual need. Creative solutions are required. For example, certain activities, notably drug use, when conducted in public spaces, place homeless people at risk of repeated involvement with the criminal justice system.

Counselling should be provided in detention centres and correctional facilities, more agencies from churches who visit.

Help people who have different religions and need support. Correctional facilities do not offer a wide enough range of programs. They don't look at individual needs in jail. Have more treatment for mental health and addictions, more chaplains.

Have "safe havens" – a designated area where homeless people can safely use their drugs. Because when you're on the street using drugs, then the justice system gets involved.

4. Types of Charges and Offences

4.1 Offences by Homeless Clients of the John Howard Society of Toronto

The criminalization of homelessness in North American cities has, in large part, been driven by fear and a desire for more social and physical distance from people who are visibly homeless. Public expressions of fear generally involve beliefs or assumptions that homeless people, especially homeless men, are dangerous and a physical threat to others.

We reviewed the client files of the John Howard Society of Toronto (JHS-T) to compare the characteristics of clients who were homeless with those who were housed, with a particular interest in their outstanding charges and past convictions. The goal was to compare the types of offences committed by homeless clients versus housing clients. Selected data was compiled from 867 client files; most of the information had been collected at intake (which varied from one week to two years before our analysis). Several factors may diminish the reliability of this data:

- clients may not have answered all the questions fully or correctly;
- rapport or trust between client and worker may have been low initially, affecting client disclosure;
- recording was inconsistent due to different workers recording the information.

Moreover, the following results are particular to JHS-T clientele (or a sub-set of their clientele, those whose files were sufficiently well-recorded).⁴⁹ Homeless JHS-T clients do not represent homeless men in general. Most had just been discharged from jail or prison when they became clients of the Society. Since some were required by the court to attend the JHS-T Anger Management Program, the number convicted of violent offences is high.

⁴⁹ Files that were missing a substantial amount of information, and especially information on housing status and charges, were excluded from analysis. Several hundred files were excluded, some because of missing information, others on a categorical basis, i.e., clients who were incarcerated and Partner Assault Response clients; the latter two groups undergo either a partial intake or a different intake format. This protocol contributed to a bias towards clients with charges for violent behaviour, since Anger Management Program client files tended to be more complete, in part because the records may be required for court.

4.1.1 Housing Status of Clients

More than one-third (36 percent) of the clients were homeless at the point of intake. Most gave a shelter address or reported having no fixed address (35 percent); a few (1 percent) were sleeping rough. About one-quarter lived in a room or apartment. One-fifth lived with family, arrangements that in some cases may have been temporary or unstable. A small number were staying in a residential treatment program, detoxification centre, or halfway house. A sizeable number of the clients did not specify their type of residence, as shown in Table 10 below.

Table 10: Clients' Type of Residence at Intake, N = 867

Residence Type	Percentage	Number
No fixed address, shelter	35	295
Sleeping rough	1	13
Own room or apartment	24	203
Staying with family	20	170
Residential treatment or detoxification program	5	43
Halfway house	2	14
Other	13	112
Total ⁵⁰	100	850

4.1.2 Comparison of Homeless and Housed Groups

We compared the 308 homeless clients (i.e., those were staying in a shelter, had no fixed address, or were sleeping rough) with the 203 housed clients — those who had their own room or apartment. Demographic and other characteristics for these two groups as well as the entire clientele are shown in Table 11. The final column (“all clients”) includes homeless and housed clients as well as those who were living with family, staying in a residential treatment program, halfway house, or some other type of residence.

The two groups differed in various ways. Homeless clients were more often of European descent (“white”) than the housed clients, even when immigrants were excluded from analysis. Although more of the homeless than housed clients fell in the middle age group (25 to 45 years old) and were born in Canada, these differences were not statistically significant. Similarly, more of the homeless group were disabled (this included predominantly learning disabilities and mental health problems), but this difference was not statistically significant either.

Note that variables for which group differences were statistically significant (based on a t-test for independent group means at the $p < .01$ level) are marked in the following tables with a single asterisk.

50 Table totals may vary from the data file total of 867 due to missing data.

Table 11: Demographic and Other Characteristics of Homeless, Housed, and All JHS-T Clients

		% Homeless Clients (N = 308)	% Housed Clients (N = 203)	% All Clients† (N = 867)
Age	Under 25 years	5	6	10 ⁵¹
	25 to 45 years	69	62	65
	Over 45 years	26	32	26
Racial Minority*		29	42	36
Disability		7	5	5
Place of Birth	Toronto	33	34	36
	Elsewhere in Canada	47	31	36
	Outside Canada	20	35	28
Missing Documents*		21	5	14
Family Status	Single	69	59	64
	Married/common law partner	8	19	15
	Separated, divorced, widower	23	22	21
Potential Family Support*		58	76	72

† All Clients includes both the homeless and housed sub-groups as well as clients in neither category.

Homeless clients were more likely to report missing documents than those housed (documents such as social insurance card, Ontario health card, birth certificate, citizenship documents, and driver's licence). This issue is discussed in other parts of this report.

We considered client contact with at least one parent or sibling as offering the potential for some of kind of support from family. Although we do not know whether any family support was actually available to the clients, there was less potential for it among the homeless clients — 58 percent of the homeless versus 76 percent of the housed clients reported being in contact with at least one member of their family.

Few clients were in a marital relationship, and the two groups did not differ significantly in this regard. Men in both groups were equally likely to be a father, but very few lived with their children, and virtually none of the homeless men did.

4.1.3 *Involvement with the Criminal Justice System*

Compared to the clients who were housed, homeless clients had a distinctively different history of involvement with the criminal justice system that suggests an especially troubled childhood, as shown in Table 12. Homeless clients were first in trouble with the law at a younger age than housed clients. By age 18, 60 percent of the homeless clients and 42 percent of the housed clients had been arrested at least once. Homeless clients had more youth and adult convictions — on average, 4 youth and 15 adult convictions versus two youth and nine adult convictions for

51 More youth were staying with family or some other type of residence — possibly a group home.

housed clients. As a result, more of the homeless than housed clients had spent time in custody, 88 percent versus 78 percent; and homeless clients had been incarcerated more often than housed clients — on average, twice as many (eight versus four) incarcerations.

Homeless clients had served longer sentences than the housed, although the majority in both groups never served a sentence of two years or more (i.e., not federal prison sentences).⁵² And more of the homeless clients had friends or acquaintances who were engaged in criminal activity, but this difference was not statistically significant.

Table 12: Involvement with Criminal Justice System among Homeless, Housed, and All Clients

		Homeless Clients (N = 308)	Housed Clients (N = 203)	All Clients (N = 867)
First arrested under age 18*		60%	42%	53%
Convictions* (average)	Youth* (under 18 years)	4	2	3
	Adult*	15	9	13
Times incarcerated* (average)		8	4	5
Longest time in custody*	Less than 1 month	22%	40%	31%
	Less than 2 years	74%	84%	79%
	2 years or more	26%	16%	21%
No criminality among acquaintances		34%	57%	44%

4.1.4 Outstanding Charges and Previous Convictions

Homeless clients were less likely than housed clients to be charged with violent offences, but more likely to be charged with property-related offences.⁵³ It is unfortunate that within the category of property-related offences, variability in file recording did not allow us to distinguish trespass from criminal acts. Although fewer homeless than housed clients were charged with certain types of offences (i.e., breach of parole, drug possession, public nuisance), the differences between the two groups on these charges were not statistically significant. See Table 13.

52 There are no federal prisons in the Toronto area. The JHS-T serves predominantly clients from local jails and detention centres, which are all provincial facilities.

53 Charges were categorized as follows: 1) violent offences include possession of a weapon, assault, assault causing bodily harm, and aggravated assault; 2) property offences include trespass, theft over and theft under, shoplifting, automobile theft, breaking and entering, and possession of stolen property; 3) breach of parole includes failure to appear, failure to comply, and breach of bail or supervision conditions; 4) public nuisance includes mischief, being drunk in public, and causing a disturbance; and 6) resisting arrest includes obstructing police and assaulting police. Other charges, such as fraud, driving offences, and sex offences, were too few for analysis.

Some caution is warranted in interpreting this data:

- it was not always clear whether a blank field for outstanding charges meant there was no charge or the type of charge was missing (this applied to about 15 percent of cases);
- workers were likely to record the more serious of multiple charges, therefore counts of minor offences, such as failure to comply, were likely to be under-recorded;
- we cannot assess the level of, or any bias in, under-reporting by clients.

Table 13: Frequency and Type of Outstanding Charges

Type of Outstanding Offence	% Homeless Clients (N = 308)	% Housed Clients (N = 203)	% All Clients (N = 867)
Violent offences*	8	17	15
Property offences*	7	6	9
Breach of parole	3	5	5
Drug possession	3	4	3
Public nuisance	2	3	2
Drug trafficking	—	—	2
Resisting arrest	—	—	2

Percentages do not total 100 due to multiple charges. A dash indicates too few cases for analysis

The profile was similar for conviction histories: the homeless group had more previous convictions for property-related offences than the housed group. And more homeless clients had previous convictions for other types of offences but, once again, these group differences were not statistically significant. See Table 14.

Table 14: Frequency and Type of Previous Offences

Type of Previous Offence	% Homeless Clients (N = 308)	% Housed Clients (N = 203)	% All Clients (N = 867)
Violent offences	56	54	59
Property offences*	60	39	49
Breach of parole	19	14	16
Drug possession	21	13	17
Public nuisance	12	7	10
Drug trafficking	15	8	12
Resisting arrest	7	4	5

Percentages do not total 100 due to multiple charges.

4.1.5 Substance Use

Previous studies have established that substance use is highly associated with mental illness and is a risk factor for homelessness. The homeless group was more likely to be using crack cocaine, but not more likely to be receiving outpatient treatment for substance abuse than housed clients (those in a residential treatment program were excluded from analysis). There

were no significant differences between homeless and housed clients in the use of other types of harmful or illegal substances. See Table 15.

Just as the homeless group was more likely to have been involved with the criminal justice system during childhood, they were also more likely to have begun using alcohol and drugs during childhood. They started using substances at an earlier age than housed clients – before the age of 11 for more than one-quarter of them; and before the age of 16 for two-thirds of them. Among the housed clients, 12 percent had begun before age 11 and 44 percent before age 16. Among the types of substances used, the homeless group was more likely to have used crack cocaine, a notoriously dangerous and destructive drug.

Few young clients (under age 25) were receiving treatment for substance abuse or had done so in the past. Given the early age at which substance use began, especially among those who ended up homeless as adults, this suggests there is a very long delay before they get treatment for this problem, or the treatment programs they undergo are ineffective.

Table 15: Current and Past Substance Use among Homeless, Housed, and All Clients

		% Homeless Clients (N = 308)	% Housed Clients (N = 203)	% All Clients (N = 867)
Current Use of Substances		62	51	54
Type of Substance Currently Used	Alcohol	48	42	41
	marijuana	25	19	21
	Crack or cocaine*	21	7	15
	Prescription drugs	3	4	3
	Heroin or methadone	5	3	4
Current Treatment for Substance Use		17	17	19
Past Use of Substances		86	78	81
Using Substances before age 11*		27	12	18
Type of Substance Used in Past	Alcohol	71	62	65
	Marijuana	53	45	49
	Crack or cocaine*	47	28	38
	Prescription drugs	18	9	14
	Heroin or methadone	14	10	12
Past Treatment for Substance Use		42	36	38

4.1.6 Education, Employment, and Income

Compared to housed clients, few homeless clients completed high school or were employed; and when employed, they were more likely to have unskilled jobs (see Table 16). Nearly half of the homeless clients reported having no income source (sometimes because they had just been discharged from jail). Homeless clients were less likely than the housed to receive social assistance benefits.

Table 16: Employment, Income, and Housing Factors among Homeless, Housed, and All Clients

		% Homeless Clients (N = 308)	% Housed Clients (N = 203)	% All Clients (N = 867)
Education completed*	Primary school	20	16	18
	Secondary school	40	27	60
	Postsecondary program	40	56	22
Unemployed*		91	69	54
Type of Occupation*	Unskilled	75	62	71
	Skilled managerial, trade	22	31	25
	Professional	3	7	4
Frequent reliance on welfare		63	54	53
Barriers to employment	Addictions	19	10	17
	Poor health	10	12	8
	Incarceration	14	17	14
	None	21	28	28
Frequently unemployed*		62	46	54
Main source of income†	Ontario Disability Support Program	11	9	9
	Ontario Works	24	45	29
	Employment Insurance	1	4	2
	Government pension	1	1	1
	Family, friends	2	6	5
	Personal Needs Allowance	3	0	2
	Other	14	20	20
	None	44	14	32

† chi-square $p < .001$

Fewer homeless clients received financial assistance from family and friends, employment insurance, or had any other source of income. A very small number received the Personal Needs Allowance⁵⁴ which is offered to eligible shelter residents with no other income.

More of the homeless clients had been “frequently unemployed” than housed clients, but they had not received social assistance (Ontario Works) benefits more often. This could be due to a range of barriers they face in applying for and receiving welfare benefits and because they are not eligible while staying in a shelter (or jail). Clients with a disability, regardless of their housing status, were more likely to receive a disability pension (Ontario Disability Support

54 While a shelter resident is not eligible to receive social assistance benefits, those with no other income are eligible to receive a Personal Needs Allowance (PNA) to a maximum of \$116 a month (\$3.85 a day) per person (as of March 2005). Persons without citizenship status are ineligible for PNA.

Program). Still, half of the homeless clients with a disability did not receive a pension. They reported having no income or receiving general welfare.

4.1.7 Residential Stability

Reflecting their residential instability as well as recent discharge from jail or courts, the majority (74 percent) of the homeless clients had lived in their current location for less than one month, compared to a minority (19 percent) of the housed clients. And they were less content with the site of their residence. Only one-quarter of the homeless, versus three-quarters of the housed, clients reported being satisfied with their neighbourhood. See Table 17.

More homeless than housed clients had a history of frequent moves and, compared to the housed clients, their moves were rarely voluntary (6 percent versus 24 percent respectively). Homeless clients were more likely to cite economic reasons, such as job loss, rent increase, arrears and eviction, as causes for their moves. The role of economic hardship was especially prominent among those people who were frequent movers. The prevalence of addiction-related reasons for housing moves was higher among the frequent movers of both groups, homeless and housed.

Table 17: Reasons for Residential Moves among Homeless, Housed, and All Clients

		% Homeless Clients (N = 308)	% Housed Clients (N = 203)	% All Clients (N = 867)
Frequent moves of residence*		58	22	34
Main reason for moves*	Economic (eviction, arrears, rent increase, unemployment)	24	10	11
	Incarceration	31	24	21
	Addiction-related	12	8	8
	Voluntary move	6	24	6

4.1.8 Summary of Comparison

More than one-third of the JHS-T clients whose files were reviewed were homeless when they became clients. We compared this group of clients with those who had their own room or apartment when they became clients. The homeless group had a shakier start to life. They were likelier to have used illegal substances or been in trouble with the law at a younger age. They had less formal schooling, which was reflected in higher rates of unemployment and unskilled jobs. Their residential histories were more unstable, with frequent, involuntary moves, usually due to economic difficulties or problems related to addictions, notably crack cocaine, which they were more likely to use than the housed group.

A portrait of the homeless client emerges that is similar in many respects to that of a woman who was quoted in a report on the homeless in Toronto (Ward and Tremblay 1998: 5):

I am 31 years old. I first found myself being homeless and on the street in my early teens. I had no structure at all in my life in those days. I knew no one. I had very few skills and very

little education. So I continued to live a very unmanageable life for many years. I spent a lot of time in jail over the years. All I knew back then was going into jail, coming out of jail, going back to the streets. My addictions had me living on the edge, losing everyone in my life and on the streets, afraid of myself, afraid I'd fail, feeling like nobody cared.

Despite a general profile of earlier involvement with the criminal justice system and use of substances, and greater disadvantage in educational credentials and employment prospects, homeless clients did not differ much from housed clients in the types of outstanding charges they faced or their history of previous convictions. In fact, homeless clients were less likely than housed clients to be charged with violent offences; and they were no more likely to have had previous convictions for violent offences. However, they were more likely to have outstanding charges and past convictions for property-related offences. The two groups did not differ significantly with respect to any other types of offences.

We initially expected that the homeless group would be more likely to be charged with offences commonly associated with activities in public places, such as breach of parole and public nuisance (causing mischief, drunkenness in public, or causing a disturbance). The data did not support this hypothesis and, in fact, very few clients in either group faced these types of charges. This result may simply reflect the fact that individuals who are charged only with relatively minor offences are unlikely to become clients of the John Howard Society.

4.2 Key Informants' Views on Offences by Homeless Individuals

According to informants, the types of offences committed by homeless persons are predominantly minor and property-related, such as shoplifting, theft, selling stolen goods, breaking and entering, trespass, and public drunkenness. Homeless persons working in the sex and drug trades face particular charges related to those activities. Informants in the U.S. and U.K. noted the same types of offences, with minor distinctions (e.g., in New York City, jumping turnstiles to avoid paying transit fares is common). So-called crimes of poverty are typical. As one informant noted, "If they were running drug rings, they would have money and not be homeless." Violent offences by homeless persons were considered fairly unusual occurrences.

A review of intake assessments conducted by the Ontario Multifaith Re-integration Program, an agency that offers services to prisoners who are homeless on release from correctional facilities in Ontario, revealed that the four most common offences of which homeless persons are convicted are: (1) breaking and entering, (2) theft, (3) possession of narcotics, and (4) assault and violence. Unfortunately, we do not have comparative data on offences committed by housed people.

Escalation or "back-ending" of charges is reportedly a common occurrence, particularly among homeless youth and persons who are intoxicated. Street youth are extremely mistrustful of adults and especially antagonistic toward authority figures. If they become indignant when arrested by police and voice a claim to their legal rights in a loud or confrontational tone, some police officers become aggressive, and this leads to additional charges. If a youth insists they did nothing wrong or questions the charge, some police officers add the charge of obstruction of

justice. In the case of an intoxicated person who is unco-operative, the police may charge the person with resisting arrest, and the situation can escalate to attempted assault of a police officer.

The risk of additional charges also occurs if the charged person fails to appear in court at the appointed time, pay a fine, report to a parole officer, or comply with a court order. Court orders or bail conditions may require an individual to stay away from certain areas, presenting a dilemma if services they require are located there.

The police will issue bail conditions to stay out of particular areas that can include areas where drop-in centres or other service providers are located. I had to get letters from Youthlink workers and take them to court to allow me to use the agency. All the charges against me were issued under the *Safe Streets Act* for panning or squeegeeing.

Regulation of public space affects the kind of charges homeless people face, especially with regard to activities by which homeless persons try to obtain money from the public: panhandling or begging and squeegeeing car windows for donations.

Most of the Toronto area informants referred to the *Safe Streets Act*, provincial legislation which came into effect on January 31, 2000. Under this Act, homeless people, especially youth, could be charged with solicitation or aggressive solicitation, i.e., getting in people's way, threatening the public, begging too close to an automated teller machine. Many of these behaviours are not clearly defined, and police officers have considerable leeway in interpreting the legislation and determining what type of ticket or charge to issue. It would appear that each actor's attitude plays a definite role in the outcome. Passage and enforcement of the *Safe Streets Act* has resulted in an increase of petty charges and fines against homeless individuals who use public space. One person was reportedly charged and fined \$115 for lying on a park bench, reading. Like the back-ending of charges described above, accumulation of outstanding fines results in more charges, court appearances, and potentially a jail sentence.

We see increasing criminalization of homeless people in their use of public spaces.

Homeless people who perform private activities in public spaces are subject to high levels of surveillance by virtually anyone who may object to their presence or behaviour. Thus, they are arrested for trespass offences and for activities other people engage in at home, e.g., loitering, smoking, drinking, congregating, urinating, using drugs, having sex, lying down, sleeping. The fact that amenities such as public washrooms have disappeared from the urban landscape has further constrained the ability of homeless individuals to maintain any privacy at all.

Several informants referred to the recently passed City by-law against camping in public places, designed to stop people from sleeping in Nathan Phillips Square fronting City Hall, where the architecture provides large protective overhangs. The City's plan was to use a carrot-and-stick approach by sending outreach workers to encourage people to move to shelters. However, critics complained that some people, fearing arrest, would simply be driven to less obvious places to sleep, thus making it more difficult for outreach workers to locate and assist them.

Police roundups have similarly driven homeless people from public parks causing outreach workers to lose touch with some clients.

Ironically, living one's life in public may in some respects also contribute to improved safety. Some informants noted that high visibility, such as that in Nathan Phillips Square and downtown parks, can provide a degree of general surveillance and protection for people who are homeless, especially women.

Other common types of charges against homeless people relate to provincial trespass and property laws and their application in semi-public spaces such as shopping malls and train and bus stations. These areas are usually policed by private security guards who are sometimes overzealous in their dealings with people who appear destitute. As the next section of the report will demonstrate, the increased commercialization and regulation of public space plays a role in the kind of charges that homeless people face.

5. Public Space Regulation and Homelessness

By its nature, public space is designed to allow flows of people who are temporarily transient – people who are moving to and from everyday destinations, such as home, work, or to consume food, services, or entertainment. Homeless people suffer from a permanent transience – they dwell in public space (Hermer et al. 2005: 59-60), attempting to survive and satisfy simple human requirements, such as sleeping, eating, drinking, and urinating. Homeless people, as Waldron (1991) observes, suffer from a lack of freedom – they have no private space in which to reside, not even to meet basic bodily needs.

Having reviewed the range of public space regulations that exist in Montreal, Thomas (2000) determined that all kinds of behaviour that housed people freely do in their homes – such as sleeping, standing still, lying down, getting drunk, or gathering with others – is risky behaviour for anyone who lacks a private residence. To avoid conflict with agents of authority, homeless persons are forced to camouflage their lack of property rights, and thus allow everyone else to disregard the human suffering and need that would otherwise detract from the “temporary” transience of the consumer-oriented city.

How does public space regulation attempt to order and often exclude the homeless and signs of poverty? While state and non-state policing play a significant role, one can also look to much more mundane practices, such as the design of public space itself.

Some urban spaces welcome the public and invite temporarily transient people to sit, rest, and enjoy a break from their daily concerns. The exclusion of homeless people is effected both overtly, through outlawing subsistence activities such as sleeping or cadging pocket change, and in the most mundane practices that seem a “normal” part of the everyday scene of the streets, like park design. Both types of practice, intentionally or not, exclude the non-propertied and poor, keeping them on the move or out of sight.

Our intent in this section is to depict graphically how built environments curtail the use of space by homeless people – who embody a permanent transience – and exclude through:

- the “hardening” of urban design;
- the “sanitizing” practices of security guards in semi-public places;

- evictions of homeless people who sleep or settle in public space and out-of-the-way spots in the city;
- neighbours' resistance to living in proximity to people who have been homeless.

In other words, this is a photo album of anti-transience or anti-homeless design in Toronto.



This parkette is located at Bloor and Keele Streets – the northeast corner of Toronto's largest urban space, High Park. The benches and non-functioning water fountain are gated and locked and have been so for years. The loss of such accessible and open nodes of public space diminishes the social character of the city.

5.1 Appropriate Use, Appropriate Users: Who Owns What?

Several of Toronto's most distinctive downtown buildings and plazas were developed by major corporations, notably the Toronto Dominion Centre, the Royal Bank plaza, and Bell Canada's BCE Place, which includes strikingly attractive interior and exterior spaces that are open to the public in the sense that they allow a right of passage.



With its Muskoka cottage-style chairs and other moveable furniture, the Royal Bank Plaza seems to invite people to sit and lounge.

While photographing some of these sites, our researcher saw a uniformed private security guard “escorting” a homeless man away from BCE Plaza and down the sidewalk. It was not clear why the man was being coercively moved, but the guard informed the researcher that the man had to cross the street to leave BCE property, which extended to the curb and included the entire city block. Another security guard, not involved in the incident, confirmed that BCE Place and a number of other downtown towers own the sidewalks surrounding them. He claimed that the City sells these rights to unload maintenance costs, but also gives the tower owners the right of discretion over who can be there

The TD Centre plaza is the largest green space in the business district and is obviously appreciated as a place to lunch, lounge, and stroll. A security guard says it’s “public space, but privately owned,” and guards don’t roust people who appear homeless unless they are causing a disturbance or panhandling. But before “the public” arrives in the morning, they wake any sleepers and ask them to move along, a common practice in many North American and European cities.



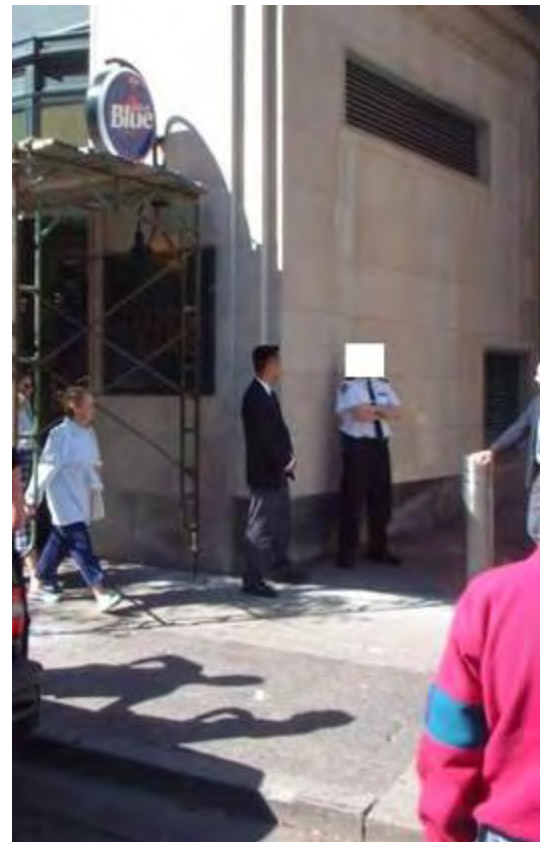


This entry from the street to BCE Place plaza appears to be an extension of the public sidewalk. In sites such as these, the spatial and legal distinctions between public and private (and what enforcement authorities apply) become blurred.

We sought clarification of the sidewalk ownership issue. The City of Toronto Senior By-law Officer (Works and Emergency Services, Right of Way) confirmed that such maintenance agreements exist, but the security guards misunderstood their terms regarding the public right of way. The City maintains jurisdiction over the sidewalks adjacent to the streets, varying from 2.5 to 3.5 metres from the curbs surrounding BCE Place. Private security guards have no authority over this space; the legal case *R. v. Trabulsey* (1995) 22 O.R. (3rd) 314 (C.A.), established that trespass legislation cannot be held to “the public realm” of streets and sidewalks (see Hermer et al. 2005).

Apparently, this was not an isolated incident. Anecdotal reports suggest that the other corporations similarly claim security ownership of the entire sidewalk in front of their buildings.

Security guard watches after escorting a homeless man across the street.



5.2 No Rest for the Weary

The following photos reflect the “hardening” (Davis 1990) of urban and public space design. It is important to note that it may not necessarily be the explicit intention of officials to exclude homeless people; nevertheless the consequences are exclusionary for those who must spend most of their time on the street.

Gated windowsills of bank located at corner of Queen and Spadina Streets.

The wrought-iron windowsill coverings on this bank may pre-date the use of this corner as home base for a group of squeegee kids before the Safe Streets Act enforcement dispersed them, but they clearly serve no purpose other than to stop people from sitting on the windowsills (if they were intended for security purposes, they would cover the whole window, and they’re widely-spaced enough to allow pigeons to perch beneath).



Other windowsills also seem to be decorated specifically to inhibit efforts to sit or lie on them. And public spaces as well as private ones have adopted similar design strategies.



Close-up of gated windowsill with abandoned socks on sidewalk.



Hard stone "pucks" along the deep windowsill of a café at Queen and Yonge Streets.

This ledge bounds one side of the contentious Dundas Square, a newly-designed City-owned public site at Dundas and Yonge Streets opposite the Eaton Centre. Its irregular surface may be primarily intended to prevent skateboarding, but it also discourages lying down comfortably (each distinct plane is only about a metre in length).





Despite the water fountains and patio-style furniture, critics of Dundas Square say it is both exclusionary and simply not socially enticing or interesting. Adding to the corporate commercial feel, the surrounding buildings are heavily layered with high tech corporate advertising. Buskers are not allowed in the Square.



The Cawthra Square Parkette is located behind a community centre on a heavily street kid-populated stretch of Church St. It has been carefully homeless-proofed, with fence, sign (see below), and metal arms added to benches.



5.3 Bus Shelters and Privatization of Public Space

The following photos show several generations of bus shelters, each apparently designed to be less accommodating for the weary traveller than the last.

An old 1980s era bus shelter with a wooden bench, located near Nathan Philips Square in front of Toronto City Hall on Queen Street.





A newer bus shelter with a shallow, metal bench.



In the newest bus shelter design, the bench is even shorter and has metal arms.



No bench here at all, but a large advertisement that reduces visibility. In the upper right hand corner (barely visible in this photo), is the name of the corporation VIACOM that supplies the advertising. The fact that the street name has been replaced with a brand name evokes the fact that these structures are primarily designed as vehicles for advertising.



The cash-strapped City of Toronto has traded the cost of erecting and maintaining bus shelters to private corporations in return for advertising privileges. This is just one example of the increasingly pervasive privatization and commodification of public space.

To offset the cost of installing and maintaining public trash bins on sidewalks, the City has agreed to allow, as a pilot project, a private corporation to install five-foot tall advertising boxes that integrate garbage and recycling slots on their shorter, less visible sides. The promotion of these units is paradoxical in the sense that one of the primary arguments used by officials is that homeless people obstruct the sidewalk.

A "monster box" erected on a sidewalk in the Parkdale area of Toronto combines oversized advertisements with garbage and recycling functions.

5.4 The Illusion of Inclusion

Dixon Hall, a community agency that serves homeless people, spearheaded the development of a housing project on the site of a former City public works yard that lies between an elevated expressway deck and an old factory. After many delays, the ten townhouses were finally ready for occupancy in 2000 and rented to 40 formerly homeless persons. Potential residents of the new 30 St. Lawrence Street project were required to complete a “home preparation program” in which they identified their goals in making the transition to being responsible for a permanent dwelling. Each resident has his or her own room and is visited by housing workers from Dixon Hall, only one block away.



New townhouse development of shared units for previously homeless people.

In the words of architectural critic John Bentley Mays, the project’s location among industrial buildings “is not lovely.” Moreover, it was separated from the houses to the north by an imposing high brick wall. But trying to connect the residential properties proved an insurmountable challenge. The first plan was a compromise — to replace the wall with a wood fence with an opening to the parkette at the end of the abutting street. But when a provincial government funding cut forced a renegotiation of terms, even this compromise was vehemently opposed by the neighbours. The City planner and the architect eventually relented under the strong resistance. In the end, a trompe l’oeil of a treed park path was painted on the project side of the wall, topped with menacing metal spikes. This illusory mechanism is the only tie to what minimal neighbourhood exists in the area.



A trompe l'oeil of a green park path and rear house replicas have been painted on the high brick wall that is topped with metal spikes. A sign saying Dixon Trail has been placed in front of the illusory path.

North side of the brick wall showing the parkette and terminus of a residential street.



5.4 No Shanties Allowed

A “cleanup” of the banks of the Gardiner expressway during the mid-1980s was one of the first episodes in which dispersal of encampments of homeless people was in the news. These photos show the sites of sheltered campsites before the cleanup and the new highway landscape.



During the mid-1980s, encampments were located among the trees under this bridge that crosses the Gardiner Expressway.



In lieu of homeless shanties under the bridges, corporations paid to sponsor strips of land along the highway that displayed their logo in plant material and stone.



An encampment was recently dispersed (with the direct involvement of the Mayor's office) under the Bathurst St. Bridge. Evictions have taken place repeatedly at this site.



Close-up of site of recent dispersal under the Bathurst Street bridge.

5.5 Encampments and Squatting

We should be clear that it is certainly not our intention to promote “urban camping” as a solution to homelessness. The reality is, however, that there is not just a shortage of shelter spaces in Toronto, but that those available are often viewed as crowded, overly regulated, and even dangerous to those on the street. Despite the use of camping as a survival technique, it is almost always thwarted by authorities. For example, the few attempts of squatting in City-owned empty buildings have met with firm, swift evictions. This reaction is characteristic of North American cities in which various forms of previously communal space are increasingly taken over by corporate interests: a modern day enclosure of “the commons.”

It is important to note that there is no legal right to squat (to take up abandoned property and occupy it) in Canada as there is under common law in some countries such as England (although this right has been severely curtailed in recent years). In North America, private property rights, and the accompanying development of trespass law is absolute. Nevertheless, transient populations have claimed a moral right to escape the permanent transience of public space by erecting lodgings.

Two points regarding the regulation of public space are notable with respect to squatting:

- Squatting is associated with a likelihood of eventually obtaining a better housing situation (Tipple and Speak 2005). This tendency is most evident among squatter settlements in developing nations, but there is some precedent in Toronto: about 100 homeless individuals living in shanties in Tent City were eventually given housing subsidies by the City of Toronto and successfully re-housed (details of this program are outlined in the elsewhere in this report).
- Not all countries, even wealthy countries, are opposed to property-less people temporarily residing on unused public land. For example, shanties are a common sight in urban parks and fringe lands in southern Japanese cities. The more temperate climate and the lack of public shelters makes homeless people’s attempts to settle on public land understandable, but does not explain the apparently high degree of tolerance of squatting (especially since public opinion towards homeless people is less sympathetic in Japan than in Canada). While there are occasional rousts of the homeless from some sites, usually in response to specific complaints, shanties are most often simply ignored, even those visible from the windows of the Tokyo metropolitan government offices, where 80 to 100 people live in a park across the street.



The following photos show some of the varied settings where homeless people live in Japanese cities.⁵⁵ Blue plastic tarps are a prevalent indicator of where people have set up a shanty. The vast majority of these “rough sleepers” are middle-aged and older men who lost employment during the 1990s downturn of the Japanese economy, especially the construction industry. Thus, many unemployed construction workers have turned their skills to building shanties in public space.

One of a group of tents set up under a round wisteria-covered trellis, located in the Kamagasaki area of Osaka.



Shanties in a park located in Osaka.

55 Photos were selected from an architecture book that highlights the inventive and creative designs of shanties built by homeless people (Sakaguchi 2004).



Shanty showing parked bicycles and multiple batteries to power various electronic appliances. Even the dog has his own shelter.

Shanties located along the wide walkway fronting the Sumidagawa River in Tokyo – closed for the day. Cruise ships of tourists regularly pass this section of the river. Because these houses are removed once a month, the structures are easy to dismantle and erect. Many homeless people earn money by collecting and selling recyclable materials, allowing them to buy food to cook simple meals “at home.” Some are able to earn money as a day labourer.



6. Programs and Policies to Prevent Homelessness

The following is based on information provided by 23 key informants and participants in two focus groups, one for service users and one for service providers.⁵⁶ They were asked to describe and assess programs and policies that prevent or reduce post-incarceration homelessness, as well as alternatives to incarceration for homeless people.

Of the key informants who were interviewed, 12 work with homeless people who have been incarcerated or involved with the criminal justice system; eight work within the criminal justice system in the Toronto area. Three informants in the U.S. and U.K. provided some comparative perspective and described programs and policies not available or in effect in Canada.

Informant input constitutes a sort of professional or experiential testimony. Depending on roles and vantage points, informants' observations can offer a piecemeal view of reality. We have combined input from multiple service sectors (police, jails, shelters and other agencies serving homeless people and ex-prisoners), as well as homeless individuals with extensive experience with the criminal justice system. From these multiple viewpoints, we may reasonably hope to indicate the range of interventions available in the Toronto area, identify service gaps, highlight some promising practices (local and international), and offer suggestions for improvements.

As to program effectiveness and best practices, informants noted that program evaluations are rarely done. As a result, service providers are uncertain or disagree about how effective particular programs are. Service users' views are similarly limited to their subjective experience of only some programs. Participants in both the service user and service provider focus groups offered their reactions to descriptions of six programs that we had tentatively selected as promising practices. Only those programs or policies identified as a promising practice by both service users and service providers are listed in Part Two of this report.

⁵⁶ The names and titles of key informants and service providers who participated in the focus group are listed in Appendix A. Individuals who participated in the service user focus group are anonymous.

6.1 Sub-group Distinctions in Vulnerability

Some programs and policies are targeted to particular sub-groups. Informants identified several sub-groups that are disproportionately vulnerable to post-incarceration homelessness. They may be poorly served by programs designed for a generic population or mainstream cultural context. (Among the service users, women, youth, and those of Aboriginal descent said that more programs should be designed that suit their issues and circumstances.)

- individuals with previous criminal records; FASD; poor literacy; severe mental illnesses or disorders⁵⁷ and trauma-related brain disorders; low intelligence; addictions or heavy drug use;
- Aboriginals (who are overrepresented among both rough sleepers and jails);
- racialized groups, especially Black males from Caribbean and North African countries;
- women,⁵⁸ especially those working in the sex trade;
- youth, especially those previously in foster care and those with developmental delays;
- refugees, some of whom suffer from post traumatic stress disorder;
- transgender persons, whose gender issues may be misunderstood or ignored.

Informants in Toronto, New York, and London highlighted the vulnerability of individuals with severe mental health problems. Their medication regimen may be interrupted when they are arrested and jailed and appropriate medical care may not be provided while they are incarcerated. This can lead to psychotic behaviour and placement in the segregation range. By the time they are released, they may be traumatized and out of touch with their case worker, as well as homeless and without resources.

Some people with psychiatric disabilities also struggle with addictions and require treatment. Post-discharge access to a treatment program may be difficult to arrange, since residential and community detoxification and treatment centres in Toronto have long wait lists. There are few concurrent disorder programs or treatment programs specifically for youth. Detoxification and withdrawal management programs are costly and short-term. Their benefits are frequently short-lived when homeless individuals have no choice but to return to environments where drugs are used. More effective outcomes require long-term support and follow-up.

Racial minority groups are overrepresented among the incarcerated and the homeless. In Toronto, this applies primarily to people of Aboriginal descent. In New York, it applies to

57 This includes bi-polar disorder, schizophrenia, delusional paranoia, compulsive disorder, and post traumatic stress disorder (the latter, especially, may be unrecognized, e.g. among youth who came from war torn countries as children and women who have been raped or sexually abused). On the other hand, the police are reportedly less likely to apprehend individuals who have soiled themselves, are malodorous, or “very difficult.”

58 Males constitute the majority of those who are incarcerated as well as those who are homeless. It is because women are in the minority that services may be inappropriate or uncomfortable for them and their own issues may be ignored.

African-Americans; in London, to immigrant groups that lack culturally appropriate services or community support for re-settlement.

6.2 Discharge Planning and Community Re-entry

It is critically important for prisoners, especially those in the groups identified above, to receive appropriate assistance during the first few days after release. Some individuals know they can not return to their family home due to strained and broken relationships, or they discover this fairly quickly. Many lack any support system at all, especially those raised in institutional or foster care. Being released with no resources is extremely stressful. Other issues, such as addiction, health problems, illiteracy, learning disabilities, and low levels of education, can make their efforts to apply for income and housing programs more difficult. Falling back on their former income-producing activities may violate civil or criminal laws, leading to a cycle of arrest and homelessness.

Community re-entry is a multi-faceted process. The Women's Prison Association (WPA) in New York City has been assisting prisoners for more than 100 years and has a wide range of programs. (Its housing program is described in Part Two.) The WPA model for successful re-integration reveals the complexity of needs and issues and the sequence of priorities (as shown in Table 18). Once immediate subsistence needs are met, transitional and longer-term access to housing, income, health care, and family connection are addressed.

Re-entry is about more than a job, or housing, or even compliance with parole requirements. It is about all of that, and more. This matrix reflects WPA's view that re-entry has at least five dimensions (the Basic Life Areas of subsistence/livelihood, residence, family, health and sobriety, and criminal justice compliance) and at least three stages (the Phases of survival, stabilization, and of increasing self-sufficiency). These areas are interdependent. A viable plan must include provisions in each area that work with each other. The matrix above shows how an appropriate plan in each area might vary depending on the person's stage of re-entry. (WPA Housing Toolkit at www.wpaonline.org)

The TWA model applies primarily to federal parolees who have been imprisoned for a relatively long time. As the local informants describe below, discharge planning for those released from provincial rather than federal facilities (those held on remand or those who have served short-term sentences) is quite different.

Table 18: Re-Entry Needs And Discharge Planning: A Model for Successful Community Reintegration

Phase	Basic Life Areas*				
	Subsistence/ Livelihood*	Residence	Family	Health & Sobriety	Criminal Justice Compliance
Survival	<ul style="list-style-type: none"> ♦ Gate money ♦ Public assistance ♦ Soup kitchens ♦ Maintain basic hygiene 	<ul style="list-style-type: none"> ♦ Family or friend ♦ Shelter ♦ Street 	<ul style="list-style-type: none"> ♦ Find children ♦ Make contact 	<ul style="list-style-type: none"> ♦ Continue with previous medication regimens ♦ Avoid relapse ♦ Emergency room care 	<ul style="list-style-type: none"> ♦ Report to parole regularly
Stabilization	<ul style="list-style-type: none"> ♦ Public assistance ♦ Training and education ♦ Low wage or subsidized job 	<ul style="list-style-type: none"> ♦ Transitional Residence ♦ Family or friend 	<ul style="list-style-type: none"> ♦ Supervised visitation ♦ Get re-familiarized 	<ul style="list-style-type: none"> ♦ Drug treatment ♦ Treatment of urgent physical & mental health issues ♦ Counselling 	<ul style="list-style-type: none"> ♦ Comply with requirements
Self Sufficiency	<ul style="list-style-type: none"> ♦ Job that pays a living wage and provides benefits ♦ Education to improve employability 	<ul style="list-style-type: none"> ♦ Permanent housing (with subsidy, if necessary) 	<ul style="list-style-type: none"> ♦ Reunify with family ♦ Receive family counselling ♦ Caring for others 	<ul style="list-style-type: none"> ♦ Regular health visits ♦ On-going support structure — 12-step, therapy, community activities 	<ul style="list-style-type: none"> ♦ Earn reduced super-vision or complete parole

* The other basic need is for encouragement, support, and orientation to new things.

** Subsistence includes transportation, food, clothing and all out of pocket expenses.

6.2.1 Current Local Practice

None of the informants felt that discharge planning from correctional facilities in the Toronto area was satisfactory. They stressed that effective discharge or release planning includes ensuring a person will have a place to live and access to health and other support services relevant to their needs. As the in-depth interview data suggests, many homeless people who needed assistance while incarcerated or discharged did not receive it. Those held in short-term custody are typically offered no assistance.

Lack of proper pre-discharge planning in the jails is very short-sighted. For example, if drinking is one of the offender's problems, then while in jail, the person has the time to think about their use of alcohol, their anger, and can begin to address this, together with the consequences, and also to think about what will happen when released. Insufficient attention is paid to these sorts of issues, and the opportunity is lost to address the underlying problems that lead to incarceration.

More programming is offered in federal correctional facilities than provincial ones, including those that attend to the needs of the Aboriginal population, e.g., Elders enter prisons to do some discharge planning.

The federal prisons have developed a more community-like environment rather than penal one in order to begin to address the individual needs of First Nations peoples and their overrepresentation in correctional facilities.

Federal facilities have a mandate to provide supervised parole for prisoners released before serving their full sentences, but not to provide post-discharge support in the community. Provincial probation officers have heavy caseloads. Their focus is on monitoring and minimizing risk, not community integration and aftercare. Provincial halfway houses for people requiring transitional assistance have been closed. Neither the federal nor provincial system offers enough post-discharge support or attends to the housing needs of individuals who become homeless.

Past reductions in provincial funding levels have left fewer jail positions dedicated to programming.

There's very little funding available at the provincial level for prisoner and ex-offender reintegration. We used to have discharge planners at every institution up to the mid-1990s. Then all funding stopped. Now it's only the privately run Penetanguishene jail that has a social work department and runs some rehabilitation programs to prepare for release: programs for substance users, computer courses, anger management, etc.

Provincial jails do still offer some programs, but institutional resources are limited. In one local jail, information on discharge planning is included in the orientation for incoming prisoners, along with a list of available programs to address issues such as literacy,⁵⁹ anger management, or addictions. Prisoners are told how to contact a prison chaplain, the John Howard Society of Toronto, and other outside service agencies. Intake screening includes a determination of certain special needs, which may trigger a referral to a particular program or the institution's psychiatrist for a full assessment.

In another large correctional facility, inmates may find it quite difficult, if not impossible, to arrange a meeting with the sole social worker responsible for well over a thousand prisoners. Most prisoners are on remand and incarcerated for a short time. For those with multiple needs, there may not be enough time to connect them with the several agencies whose services they require.

Correctional facility workers in support roles, such as social workers and chaplains, are aware of the challenges prisoners face on discharge. Their resources for providing assistance have diminished. They may be unable to secure access to a shelter bed for a released prisoner, since most shelters do not allow a bed to be reserved. (In shelters that do allow it, reserving a bed is more difficult in winter than summer due to the higher occupancy rates in cold weather.)

In one provincial treatment centre for special needs prisoners, staff track upcoming discharges of those who completed a sentence and meet with each prisoner to determine their primary needs on release, which may include a place to live, treatment program, welfare or disability benefits, replacement of documents, and information on other services, such as adult education or job search programs. It is estimated that 90 percent of this facility's prisoners require some kind of assistance. In the week before their release, inmates are allowed to use an office phone

59 A teacher is on staff to offer literacy classes three times a week.

to contact shelters and other agencies. It is not unusual for them to be told to phone again after their release. Staff have seen many cases when a prisoner's commitment to a treatment program has dissipated on discharge due to the lack of agency co-operation and follow-through support.

6.2.2 Applying for Benefits and Release Readiness

Because provincial prisoners are usually not allowed to have a pen, they need help to complete applications for subsidized housing and welfare benefits. Prior to policy changes made in the late 1990s, welfare workers went into jails to assist prisoners about to be released. They would prepare an application, schedule an office appointment, and make advance preparations to issue an emergency cheque. Thus, most prisoners obtained basic assistance quickly. Welfare workers no longer go into prisons. Prisoners released at week's end may face several days without money or any assistance at all. Holiday weekends are the worst. On Mondays, welfare workers are busy dealing with a backlog of cases. Welfare files are closed within 30 days of inactivity. People incarcerated for a longer term cannot have their benefits re-instated; they must begin a new application process. Current policy requires applicants to first phone social services, however, collect calls are not accepted. An application must be completed in the presence of a welfare worker. These policy changes have had a severe impact on released prisoners and, reportedly, contribute to their re-offending.

The Prison Services in the U.K. is trying to reduce their recidivism rates by having welfare workers go into selected jails to help prisoners prepare applications and schedule office appointments prior to their release. (They are also considering bringing in prospective employers.)

Some local agencies who serve homeless people send workers into jails to help inmates begin application procedures, including those to replace documents, which are often lost or stolen. New regulations for obtaining a birth certificate, in effect since November 2003, make it very difficult to apply while in jail. Without assistance, inmates are unlikely to obtain their documents by the time they are released.

6.2.3 Medication

In one local jail, prisoners with special needs (most often, this refers to a psychiatric disability, but includes those who are elderly, HIV positive, receiving methadone treatment, and on suicide watch) may be placed in a special area and receive more assistance, both during their incarceration and upon discharge. However, if they are released from court, they will not have their medication with them. When released from jail, a nurse may be able to arrange for uninterrupted prescribing by a community physician, send lab results ahead to speed the transition, and provide enough medication for one week. The physician in the jail, however, does not provide released prisoners with a prescription. Medical resources in jails are generally limited to that of a first aid station, and assistance is given according to priority needs. Continuity of medical treatment would be improved if prisoners could leave with a prescription.

6.3 Lack of Service Coordination

Some released individuals receive no form of assistance at all. Others receive assistance from many agencies without the agencies knowing what the others are providing. Informants described several weaknesses in service provision:

- service fragmentation, with no formal shared care protocols in effect;
- lack of communication among correctional facilities (the police, courts, probation, and jails);
- lack of co-ordination between correctional facilities and other agencies (shelters and providers of housing, social service, and health care).

6.3.1 *Diversion Programs and Alternatives to Incarceration*

Court diversion programs in Toronto provide an alternative to incarceration for some vulnerable sub-groups: people with psychiatric disabilities; repeat offenders with addictions⁶⁰; and people of Aboriginal descent. Informants considered these programs effective due to the court's knowledge of mental health issues and the four workers who connect clients with appropriate services that address a range of needs and issues, including housing and health services. These programs were praised for fostering successful releases into the community with follow-up support. Some homeless people benefit from these programs, but no diversion program addresses the needs of homeless people as such.

6.3.2 *Court Releases*

When released from court (rather than jail), homeless inmates have virtually nothing but the clothes they wore while they were detained, and sometimes arrive at shelter in jail-issued jumpsuits. It is their right to reclaim the clothes⁶¹ and belongings (including identification) they had when arrested, but they must make their own way back to the facility where they were held to retrieve them. Informants in Toronto and London stated this is a significant service gap. Some informants argued that the criminal justice system should take responsibility for transporting court-released prisoners back to jail and ensure that, at minimum, shelter accommodation is arranged for them.

Some released homeless youth have court-mandated appointments with a Community Work Officer or Probation Worker. There is no assistance, not even the provision of public transit fares, to ensure that they can meet the requirements and avoid breaching post-detention conditions.

60 Several cities across Canada have applied for federal funding for a drug treatment court program. A drug treatment court program has recently begun operation in Vancouver.

61 Their clothing may not be available. Clothes that are bloodied or torn, perhaps from a fight, are frequently discarded by police. Some clothes are held as evidence.

6.3.3 Discharge from Jail or Detention

Discharge planning by jail staff has diminished since the mid-1990s and is now minimal. Basic information is sometimes offered on shelters and other community services. A single public transit fare may be offered or available on request.

Outside agencies may provide more help, notably the Ontario Multi-faith Reintegration program which helps find housing and other supports for those released from provincial facilities, partly through the efforts of volunteers. The John Howard Society of Toronto and the Elizabeth Fry Society provide discharge planning for inmates who request assistance and a range of programs in the jails and in the community for released inmates. Both agencies use a case management model and address a range of client needs, including referrals to other services. The Elizabeth Fry Society has some halfway houses for federal discharges in Toronto and other communities. Both agencies provide referrals to private and social housing providers. Informal assistance is available from various agencies. Shelters that commonly admit released inmates tend to respond more to their needs (e.g., by reserving a bed or providing transportation from jail to the shelter).

Sentenced individuals with mental health and/or addiction problems are more likely to receive discharge planning assistance by jail and other agency staff and to be eligible for post-release programs. For example, the Aboriginal Addictions program refers released inmates to the Centre for Addictions and Mental Health (CAMH) housing project for homeless people with concurrent disorders or mental health issues (for which there is a waiting list). CAMH also distributes a housing manual of all housing projects for people with mental health and addiction issues. This is a useful resource for workers at many agencies.

Service gaps in discharge planning are not unique to Canada. In New York, jails regularly refer released prisoners to shelters and offer no other assistance.

In New York City, in times of fiscal crisis, homeless shelters have been converted to jails and vice versa. Shelters are just a de facto jail in some cases, and jails often function as housing for some people.

In England, reportedly half of short-term prisoners do not receive formal discharge planning. In response, U.K. Prison Services are instituting more sophisticated, standardized intake assessments of prisoners' needs at First Night Centres and developing a case management system with external community agencies to improve re-integration. Initiatives to develop work skills and community sentencing schemes are also being considered to reduce the high number of short-term prisoners and improve their re-integration on release.

6.3 Suggestions

6.3.1 Housing

Virtually all informants stressed the necessity of affordable, safe housing, as well as income security, and community and support services, to prevent or reduce post-incarceration homelessness. They deplored the fact that jails send released prisoners to homeless shelters.

It seems worthy of consideration whether appropriate housing could effectively interrupt the cycle of re-offending.

Several informants referred to transitional or supportive housing models as solutions to address both the housing and support service needs of released prisoners who are homeless. Single room occupancy (SRO) hotels could be used to address several streams of time-limited assistance:

- temporary housing for homeless people who must satisfy bail conditions to avoid being incarcerated;
- transitional housing for newly released prisoners;
- longer term housing for released prisoners who require a more gradual, less demanding transition.

An innovative type of program operating in Wales involves giving a dilapidated building to a prison for renovation by prisoners. Some of the buildings have become small housing schemes for ex-offenders; other buildings have been returned to the community.

The important point is that prisoners get actual work experience, plus the opportunity to develop or improve community links prior to release. Only prisoners who meet specific criteria are allowed to participate in such programs. They return to the prison each night; they're out on day release under supervision.

At a more modest level, discharge planning committees could include a housing worker to provide inmates with current, accurate information on housing options and how to deal with varying application procedures (e.g., for supportive housing).

Inmates need to have realistic housing expectations, such as a rooming house. Guys need to accept what they can get based on their welfare benefits; they may have to start in a rooming house or sharing a unit. The basic shelter allowance⁶² will not get them the one-bedroom apartment in the private sector [that] so many say they want when they leave jail.

6.3.2 Service Coordination

Currently, service coordination occurs on a happenstance or occasional basis.

We are in a mess here, locally, in terms of service provision for the homeless. It is disjointed, uncoordinated. There are only bits and pieces; it's not a real system. We need across-the-board co-ordination of existing services, at least. We need this now, more than years ago, since we have so many more people with very different ideas about how to provide service.

There are 16 Police Divisions, 14 psychiatric units, and 6,000 police officers in Toronto. A person may be repeatedly arrested under the Mental Health Act by different officers or taken to different facilities for a psych assessment. There is no link up, unless information is

62 The current shelter allowance component of Ontario Works (welfare) is much lower than the average rent of a one-bedroom apartment in Toronto.

offered by the person apprehended. Different police officers and psychiatrists are involved in each incident, no consistency for an individual. Having a specific central system in place to track such cases would be helpful, for the courts, the individual involved, and that person's family members.

It's very important for agency workers to stay in contact with clients in jail. Otherwise, people disappear. The agency doesn't know where the person is, until the person shows up and is really desperate for help. It helps if agencies know if their client is in conflict with the law. Otherwise, a great deal of resource time is spent to track down a person in prison and establish contact. Having a protocol or service in place as part of correctional services — for agency workers to track their incarcerated clients — would be very beneficial for homeless clients.

Informants thought the development of protocols that cut across service sectors would reduce duplication of effort, improve continuity of care, and reduce recidivism. The planning process should include senior managers from the police, courts, jails, shelters, and providers of social housing, social services, and health care, as well as community agencies that serve former prisoners who are homeless.

The impetus for change in the current system has to come from within correctional services. It's very hard for community agencies to respond and provide appropriate services to meet the complex needs of offenders without proper communication from correctional services.

Such a process resembles current efforts being undertaken in New York City, where the Commissioner of Corrections has taken the organizing lead, and there is an emphasis on working beyond the planning and funding silos of various departments. Moderated retreats have been held with agency heads from corrections, shelter services, welfare, housing, public health, and many other agencies that work with people who have been incarcerated. One of several workgroups has been focused on how to target services for individuals who cycle between jail and homeless shelters.

One informant noted that clients may not share full information about their involvement with other agencies. Some agencies are unaware of each other's programs. He suggested developing a "communications case manager" role that could link all the service providers involved with a client. The role would include helping bridge access to service for discharged prisoners, such as securing a bed in a treatment program and transporting a person from jail directly to it. A case manager could ensure post-discharge continuity between a program begun in jail and one in the community.

The system needs more programs in jails funded by correctional services, more discharge planners, more time for assessment, not just a list of needs, but time to make calls and plans for the client after discharge.

Some agencies, notably the ID Prison Group, are involved in advocacy work and are trying to develop service co-ordination strategies. Their current efforts, however, are preliminary.

7. Conclusions and Recommendations

7.1 Conclusions

Although it is clear that 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.

Since there was considerable evidence of underreporting of the statistics obtained from all administrative sources, the year-to-year differences are a more reliable measure than the annual counts. According to data obtained from the Ontario Ministry of Safety and Rehabilitative Services, the number of homeless adults who were jailed in the Toronto area increased by 64 percent, from 2001 to 2005. During 2004-2005, 42 percent of the homeless admissions were by individuals who were returning to jail, indicating a very high level of recidivism. In the same year, more than 460 people were discharged from a provincial jail in Ontario without a place to live — more than 650, if we include those with plans to stay temporarily with family or friends. In the same time period, more than one hundred people became homeless (i.e., lost their housing) while in custody.

At a minimum, 885 people were admitted to a shelter on release from a jail or court between April 2002 and March 2003, according to City of Toronto data. From 1988 to 2003, of all admissions to a shelter from a correctional facility, repeat admissions increased from 22 to 28 percent. Both municipal and provincial data reveal a growing problem of people cycling from jail to shelter and back.

Information on the types of charges for which homeless individuals were incarcerated was not available to us. However, we were able to compare the charges and previous convictions of homeless and housed JHS-T clients. The public perception that homeless individuals, especially men, are dangerous was not supported by the results of this comparison. Despite a general

profile of earlier involvement with the criminal justice system and use of substances, and greater disadvantage in educational credentials and employment prospects, homeless clients did not differ much from housed clients in the types of outstanding charges they faced or their history of previous convictions. In fact, homeless clients were less likely than housed clients to be charged with violent offences; and they were no more likely to have had previous convictions for violent offences. However, they were more likely to have outstanding charges and past convictions for property-related offences (which included trespass).

Although the survey and in-depth interview results are based on the experiences of a small, non-representative sample of homeless individuals, they indicate a range of problems and point to new areas of inquiry. The long-term homeless adults and youth we interviewed had had extensive involvement with the criminal justice system. They appreciated the necessity for policing to maintain social order, but believed that the police act unfairly in their treatment of racialized groups, the young, and the poor. The respondents reported predominantly negative relations with police, a portrayal that was supported by the key informants. A disturbingly high level of abusive treatment by police was reported, especially by males of Aboriginal descent. Many respondents expressed resentment or contempt for security guards' lack of training and bullying manner. Half of those respondents who had dealt with the court system did not understand the legal procedures, what was happening to them, or why they were being treated as they were. When last discharged from a provincial jail, about half of the respondents said they were unaware they could have requested assistance with discharge planning. Of the minority who did receive some assistance, it usually consisted of being given a list of local shelters and transportation costs. These experiences suggest that individuals who are incarcerated for short periods of time or held on remand in provincial correctional facilities generally receive little or no assistance to prepare them for community re-entry.

Most of the survey respondents had been victims of crime (theft, sexual or physical assault) during the past year, but due to the "code of the street" and their anticipations that police would not protect them, few of them reported the crime to police. In one-quarter of the cases, the perpetrator was reported to be a police officer. About half of the respondents had been targets of verbal abuse and threatened and actual attacks during the previous year. They attributed most of this abuse to racism and prejudice against the homeless. Suggestions offered to reduce maltreatment of homeless people and help those involved with the criminal justice system included design changes (e.g., security cameras in shelter, where forms of bullying, intimidation, and theft commonly occur), targeted services (e.g., mental health and addictions treatment), advocacy (e.g., liaison workers at courts and detention centres), better discharge planning, and training (especially for police), as well as affordable, supportive housing.

Finally, among the interventions described in Part Two of this report are alternatives that divert people from incarceration altogether; policies that affect access to housing for those in the penal system; pre-release programs that help secure housing and resources prior to discharge; housing for people being released from correctional facilities; programs that offer post-release support; and new and emerging programs and police directions.

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Several avenues for future research are suggested by the results of this study. For instance, more reliable data is needed on the numbers of homeless individuals who are incarcerated (and the reasons for their arrest) and individuals who are homeless on discharge from a correctional facility. An understanding of police officers' views of homelessness would contribute to a productive dialogue of how they deal with homeless individuals and the role of policing in dealing with a major social and political problem such as homelessness. Both homelessness and incarceration have a tremendous impact on Aboriginal communities and warrant study.

7.2 Recommendations

Based on extensive experience with its clients, as well as the results of this study, the John Howard Society of Toronto recommends the following actions be undertaken to reduce homelessness among those who are, or may be, involved with the criminal justice system.

We are very encouraged and pleased that the City of Toronto has already begun to act on some of these recommendations.

7.2.1 *Government of Canada*

1. Since a significant number of ex-prisoners are homeless when discharged, and there is a widespread lack of affordable housing, it is recommended that the Government of Canada fund a program similar to the U.K. Housing Benefit (see page 163) to reduce the number of persons being released from custody with no fixed address.

7.2.2 *Government of Ontario*

2. As there is currently no consistent, reliable, or universal data collection on the housing status of persons released from the correctional system – either from the jail or the courts – it is recommended that the Government of Ontario provide funding to an independent community agency for a pilot study to collect accurate data in several urban centres on the numbers of individuals who have no fixed address when they are admitted to and released from custody and to determine their need for assistance. This project should also track the numbers of persons who become homeless or are evicted from housing during their incarceration as a result of the loss of shelter-related government benefits or loss of income.
3. It is recommended 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.
4. It is recommended that the Government of Ontario provide high quality 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.
5. It is recommended that persons should not be permitted to leave jails and courts wearing prison-issue orange jumpsuits. 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.
6. It is recommended that the Government of Ontario provide funding to community agencies to employ specialized transitional/resettlement workers at all jails, detention centres, and courts. Such workers should act as brokers, connecting homeless persons with vital services,

including adequate housing. Their work may include referrals, community accompaniment, the provision of information, transportation assistance, and landlord and tenant mediation.

7. It is recommended that a priority policy for access to social housing be implemented to allow those leaving correctional facilities with no fixed address to be fast tracked into affordable social housing units.
8. It is recommended that the Province of Ontario provide funding for an independent service provider to collect and store belongings of incarcerated people, in order to prevent the loss of personal items and valuables prior to release.
9. It is recommended that the Government of Ontario arrange for accessible toll-free telephone service for incarcerated people to allow them to contact agencies that would assist in meeting their housing and service needs prior to discharge.
10. In the interest of dealing more adequately with the root causes of crime, it is recommended that the Government of Ontario review the means to reduce its reliance on incarceration. Such review should include restorative justice and other community-based rehabilitative alternatives including diversion and mediation.
11. It is recommended that the Government of Ontario, the City of Toronto and community agencies work together to build supportive and transitional housing for homeless persons leaving the criminal justice system, such housing to include rent subsidies and 24-hour, on-site support.
12. It is recommended that the Government of Ontario and the City of Toronto jointly fund the ongoing education of shelter employees, front line community workers, and housing providers on the special needs and experiences of persons who have been incarcerated.

7.2.3 City of Toronto

13. It is recommended that the City of Toronto review shelter practices of recording the reason for service use and conduct a short-term pilot study to more accurately track the number of admissions from a correctional facility.
14. It is recommended that the City of Toronto take the lead in the creation of an effective communication strategy with the Ontario Ministry of Community Safety and Correctional Services and local agencies that work with ex-prisoners and homeless persons. This strategy would be designed to facilitate a continuity of services in matters such as housing, addictions, and health care.
15. It is recommended that the City of Toronto and Toronto Police Service promote community policing strategies that specifically recognize the marginalized character of the homeless, and that an informed protocol be developed that will shape officer discretion in police-homeless encounters.

Part Two: Scan of Interventions and Promising Practices

8. Introduction

Being homeless puts individuals at risk of coming into conflict with the law, sometimes leading to a first incarceration or re-incarceration. Homeless individuals are more likely to spend brief periods on remand or serving time for minor offences since they lack money and stable housing that are requirements for making bail, paying fines, or qualifying for a sentence in the community. Even brief stays in jail may be long enough to cause people to lose housing, employment, social assistance benefits, and custody of their children. A cyclical or revolving door effect may result, in which brief periods of incarceration repeatedly disrupt already-unstable housing arrangements, until homelessness becomes entrenched.

Given our understanding of these patterns, how can we prevent them from occurring and contributing to homelessness? Some programs or policies intervene by preventing involvement with the criminal justice system or providing housing or other resources to people released from jails and prisons. One type of program that is gaining recognition as a critical intervention is re-entry planning and co-ordination. In Canada, services to help plan for prisoners' re-entry into the community are generally offered only to those released by federal prisons (those serving sentences of two years or more) and those sentenced in the provincial system. They are rarely available for those on remand in provincial jails (i.e., those held while awaiting trial) who represent approximately 60 percent of prisoners in Ontario's provincial detention centres. Although they may not be convicted of a crime, remand prisoners risk losing a job, social assistance benefits, and housing.

This scan describes a wide array of programs and policies that intervene in the cycle of homelessness and criminal justice system involvement or prevent such a cycle from developing.

The scan is not exhaustive, nor is it intended as a resource for service users. Instead, it offers a sampling of programs and policies at the local, provincial, national, and international levels, in order to provide a sense of the breadth of possible interventions in this area. These program ideas and models should be useful to program developers. Contact details have been provided in order to enable users of this scan to obtain up-to-date information about the status of each program. There are many more homelessness prevention programs than identified in this document, some of which assist people involved with the criminal justice system. Our intention,

however, was to select interventions that specifically target or serve predominantly those involved with the criminal justice system.

Each entry provides a brief description, followed by contact details for those who want more information. Entries are presented in order of geographical area, beginning with Toronto programs, followed by those in Ontario, across Canada, and worldwide. They are categorized as follows, according to the point in the incarceration-homelessness cycle at which they intervene:

- **alternatives** that divert people from incarceration altogether;
- **policies** that affect access to housing for those in the penal system;
- **pre-release** programs that help secure housing and resources prior to discharge;
- **housing** for people being released from correctional facilities;
- programs that offer **post-release** support; and
- **new** and emerging programs and policy directions.

Some of these programs work with people at many points in the cycle; in such cases, the program is listed under the first point of the cycle at which it intervenes, or under the category that describes the most prominent part of its work.

We conclude the scan with a brief list of promising practices selected according to criteria garnered from the literature as well as feedback from the focus groups of service providers and people with direct experience of homelessness and criminal justice system involvement. These criteria include the following:

- continuity of service through incarceration and into the post-release period, and especially through multiple incarcerations;
- coordination of corrections, community, and government services with private sector actors such as employers and landlords, to create a network of support pre- and post-release;
- provision of financial, material, practical, and emotional support to help ex-prisoners obtain and maintain housing;
- specialized approaches for populations at especially high risk of homelessness and incarceration, such as people with Fetal Alcohol Spectrum Disorder (FASD), prisoners with mental health problems, Aboriginal people in the criminal justice system, and street youth.

Representing programs and policies at the local, provincial, national, and international levels, these promising practices offer examples of innovative approaches at each stage of the cycle:

- education and other interventions that help people who are homeless avoid criminal justice system involvement;
- alternatives that divert people at high risk of homelessness from incarceration, thus enabling them to maintain housing, income and community ties that promote stability;

- policies that target the cycle of homelessness and incarceration and enable the provision of resources to break the cycle;
- pre-release services that help prisoners—especially those on remand and serving short sentences—start release planning early in their incarceration, and help them maintain their housing while incarcerated;
- community supports that provide continuous service before, during, and after incarceration;
- housing that meets the needs of ex-prisoners who are at high risk of homelessness, or homeless people at high risk of criminal justice system involvement; and
- post-release services that reduce the risks of recidivism, re-incarceration, and homelessness.

The history, mission, and services of each promising practice are described at some length. Where information on evaluations, outcomes, and funding are available, these have been included. Because many of these promising practices are relatively new, emerging, demonstrations, or pilot projects, evaluations are ongoing, and the future of these projects may be unclear.

9. Toronto

9.1 Alternatives to Incarceration

9.1.1 Drug Treatment Court

This court, the first of its kind in Canada, was launched in Toronto in 1998 to provide an alternative to the criminal justice system for people with a recognizable drug addiction who are facing non-violent drug-related charges. The mission of the Drug Treatment Court (DTC) program is to reduce the social and economic cost of illicit substance abuse through an innovative partnership between the criminal justice system and drug addiction treatment services. The DTC works with participants to identify other issues linked to drug addiction, including unemployment, housing,⁶³ violence and family discord, and mental and physical health, and connects participants to the supports needed to deal with these issues. Of the 500 to 600 yearly applications to Drug Treatment Court, it is estimated that 85 percent are homeless.

Non-violent offenders who meet the eligibility criteria can choose to participate in the program. Those with a prior record or facing serious charges will receive a non-custodial sentence following completion of the DTC program. Prospective participants are engaged as soon as possible in the program after their arrest. Successful applicants begin treatment sessions immediately, and their progress is discussed at regular case conferences. Liaison staff brings this information to the Court and also informs treatment staff of any actions or recommendations of the Court. Participants attend DTC sessions on a regular basis, where the judge reviews their progress in consultation with the Drug Treatment Court Team. An evaluation of its first three years of operation showed that criminal behaviour and drug use among DTC graduates was reduced, and their health was improved, including that of babies born drug-free to women in the program.

Contact:

Richard Coleman, Drug Treatment Court Co-ordinator

Centre for Addiction and Mental Health, 33 Russell St., Toronto, ON, M5S 2S1

63 Five units of Ecuhome supported housing are dedicated for allocation through the Court.

Phone: (416) 535-8501 ext. 6331 Fax: (416) 595-6619

E-mail: Richard_coleman@CAMH.net

Website: www.torontodrugtreatmentcourt.ca

9.1.2 Mobile Crisis Intervention Team

Police response units are often the first to respond to psychiatric disturbances and crises, but they are generally limited to taking individuals to an emergency room or jail. St. Michael's Hospital's Mental Health Service in collaboration with Toronto Police Service 51 Division initiated an innovative crisis response program in 2000. It aimed to divert individuals experiencing a mental health crisis from the criminal justice system and decrease hospital admissions, as well as prevent serious dysfunction, and improve access to mental health assessment, treatment, and community referral networks. The mobile crisis intervention team (MCIT) was developed and evaluated during a two-year pilot phase, after which it was expanded.

It is composed of a crisis nurse and non-uniformed, specially trained police officer; they respond to radio dispatch "emotionally disturbed person" calls in an unmarked police car (to reduce intimidation). The nurse, who has access to a psychiatrist on call from St. Michael's Hospital, assesses the client on the scene, provides appropriate intervention, and facilitates referral to appropriate community or hospital services. Due to funding limitations, the program operates only between 1 p.m. to 11 p.m. seven days a week, the time when most calls of this nature are received. During 2004, the MCIT responded to more than 700 calls. The MCIT currently works with two downtown police divisions, and a further expansion is planned to include two more police divisions in conjunction with St. Joseph's Health Centre.

An evaluation of the first two years of operation found that only 18 percent of the 419 persons served were homeless, but almost all of the contacts (including repeats) were made on the street or in a shelter. Individuals were assessed on their dangerousness, support system, and ability to co-operate. Most often, the reason for referral related to harm (to self or another) and bizarre behaviour; it was rarely criminal behaviour. Only 2 percent of the contacts were taken into police custody; more than half were brought to the emergency room or apprehended for involuntary mental health evaluation and treatment; and more than one-third were left at the scene. Compared to the housed contacts, homeless contacts had a weaker support system, were more often considered dangerous, and more often brought to the emergency room rather than left at the scene.

Contact:

Joanne Walsh, Manager

Mobile Crisis Intervention Team (MCIT)

Phone: (416) 864-6060 ext. 6396

E-mail: walshj@smh.toronto.on.ca

9.2 Policies and System-wide Initiatives

9.2.1 *Tent City Emergency Homelessness Pilot Project and Toronto Rent Subsidy Program*

(see Promising Practices Section)

9.2.2 *Prison/ID Working Group*

Street Health initiated the Prison ID Working Group in 2003 in response to client reports, at its ID replacement clinics, of stolen and destroyed identification by the police and within the prison system. Other agencies joined the coalition, including John Howard Society of Toronto, Spirit of the People, Aboriginal Legal Clinic, PASAN, Queen West Community Health Centre, Rexdale Legal Clinic, S.O.S., and John Howard Society of Durham.

With advice from Rexdale Legal Clinic, the Group developed an incident reporting form to document cases of ID stolen or destroyed by police and within the prison system. Incident reports have been collected via several agencies, including the Scadding Court Community Centre who initiated the Community Education and Access to Police Complaints Demonstration Project (CEAPC). As part of its intake process, CEAPC asked about stolen or destroyed identification. A summary of these results will be included in the CEAPC report.

The Prison/ID Group also informs relevant agencies and advocates for system improvements.

For example, it has met with police from the Aboriginal Peacekeeping Unit and the Community Programs-Mental Health/Homeless Unit to draw their attention to the problem and suggest training for police officers. The Group has also met with provincial Ombudsman's Office staff (manager of Corrections Complaint Services and the supervisor of Community Education) to discuss the problem of stolen ID as well as the general lack of proper discharge planning, which includes ensuring people released from prison have their identification.

Since there have been no more reports of identification taken by police, the ID Prison Group recently evaluated its efforts and shifted its focus to the problem of documents lost or stolen in prison. This new effort will be led by the John Howard Society of Toronto.

Contact:

Jane Kali, Team Leader, Street Health
238 Dundas St. E., Toronto, ON, M5A 2A1
Phone: (416) 921-8668 ext. 269
E-mail: jane.kali@streethealth.ca

9.3 Pre-release Programs

9.3.1 *Homeward*

Homeward is a community mental health agency that offers release planning and ongoing clinical case management to prisoners of the Toronto Jail who have severe long-term mental health issues. Approximately half of all clients referred have no fixed address. The agency

works with both remand and sentenced prisoners. Referrals are received from the jail, the court diversion project, prisoners and their families. Homeward also receives referrals from shelters for clients recently involved in the criminal justice system.

Homeward case managers meet with people in jail and provide support, discharge planning assistance, and court accompaniment. After release, they work with people to secure accommodation, access disability benefits and replace identification. Case management is based upon a service plan developed with the client, and continues throughout the transition process, until appropriate housing is secured.

Contact:

David Stolfi, Intake, Release Planning and Case Management
125 Danforth Ave., Toronto, ON, M4K 1N2
Phone: (416) 462-3334 ext. 29

9.3.2 Street Survivors, Central Neighbourhood House

Operated by Central Neighbourhood House in Toronto's East End since 1997, the Street Survivors Program provides daily high-support street outreach seven days a week to homeless people in parks, ravines (including the Don Valley Ravine), wastelands, and streets in the centre-east part of Toronto. Using a mini-van, Street Survivor reaches out to and maintains relationships with homeless people in many locations, including jails. At least one-quarter of program users have been previously incarcerated. The project's staff includes volunteer Peer Workers who have experience of the street and of shelters. Street Survivor seeks to connect homeless people on the street to shelter, housing, and other services such as drop-in centres.

It provides referrals and transportation to a range of services including health care, shelters, social assistance offices, food banks, detoxification/withdrawal management, housing, and job interviews.

With new funding from the City of Toronto's Off the Street and Into Shelter Program (part of the umbrella Street to Homes Program), Street Survivors now also helps to directly re-house people. City of Toronto staff negotiate with private sector landlords for apartments, and Street Survivors staff assist homeless individuals with the practical steps of moving (e.g., filling out rental applications, providing beds courtesy of Sleep Country) and provide ongoing support.

Contact:

Vicky Sanders, Manager, Street Survivors
349 Ontario St, Toronto, ON, M5A 2V8
Phone: (416) 925-4363 Fax: (416) 925-4363
E-mail: central@cnh.on.ca

9.3.3 Partners for Access and Identification (PAID), Street Health and Neighbourhood Link: Access to Health Cards for the Homeless (Access) and ID Safe, Street Health

Street Health provides a range of health and social services to people who are homeless and at risk in Toronto. Recognizing that loss of identification affects homeless people's access to healthcare and other services, Street Health initiated the Partners for Access and Identification (PAID) program and Access to Health Cards for the Homeless (Access) which runs identification replacement clinics at locations throughout the city. At these clinics, people who are homeless receive assistance in completing the application forms and paying the fees for identification replacement. One PAID outreach worker goes into the Don Jail on a weekly basis to meet with prisoners and complete forms. If the prisoner does not have a secure address the new identification cards are mailed to PAID and delivered by the worker. Similar services are available on an as-needed basis to prisoners at the Toronto East Detention Centre. In addition to the PAID and Access program, Street Health also operates ID Safe where people who are homeless and under-housed can store their original birth certificates, health cards, immigration documents, and other identification. Protocol agreements with government agencies allow clients to access services using verified copies while storing their original documents. All of these identification programs respond to the needs of ex-prisoners, especially those held on remand and released directly from court, who are often released without their ID.

Contact:

Julia Chao, Co-ordinator, PAID Project, Street Health

338 Dundas St. E., Toronto, ON, M5A 2A1

Phone: (416) 921-8668, ext. 228 Fax: (416) 921-5233

e-mail: julia@streethealth.ca

Jane Kali, Co-ordinator, Access and ID Safe

jane@streethealth.ca

Phone: (416) 921-8668 ext. 269

9.3.4 Breakaway

Breakaway provides comprehensive harm reduction and addiction treatment services, including individual, family, group and day treatment. Through their Harm Reduction Outreach Program, the agency provides individual counselling, needle distribution and exchange, outreach and several support groups for women and youth who are street-involved or in conflict with the law. Outreach workers go to Metro West Detention Centre, Etobicoke Youth Centre, and Vanier Centre for Women. At Vanier, the outreach program works with the correctional centre's discharge planners. In addition to harm reduction and treatment services, the outreach team offers transportation for their clients who are released from court. When program clients will be released with no fixed address, outreach workers provide support and advocacy in locating emergency shelter options such as hostels or temporary arrangements with family members, and will transport clients to these accommodations.

Contact:

Melissa Brown, Harm Reduction Outreach Co-ordinator
2 Billingham Rd., Ste. 400, Toronto, ON, M9B 6E1
Phone: (416) 234-1942 ext. 227 Fax: (416) 234-5702
E-mail: agency@breakawayyouth.org

9.4 Housing

9.4.1 Turning Point Program, Salvation Army

This 28-day residential transition program — comprised of 20 beds at the Salvation Army's Maxwell Meighen Centre, one of Toronto's largest shelters for men — receives referrals from Salvation Army chaplains in correctional centres, as well as referrals from bail programs, probation, withdrawal management, and other agencies, and self referrals. Applicants must be men between the ages of 18 and 60 who demonstrate a motivation to change and are physically and mentally able to participate. Most of those coming from a correctional facility are on a conditional sentence or have completed their sentence of incarceration. The program prepares men with substance use problems for a Phase Two residential program called Harbour Light. Phase Three is focused on relapse prevention, and a proposed Phase Four would provide community support and housing advocacy through a community worker. Medical and psychiatric consultations are available on-site as needed.

Contact:

Program Director, Alcohol and Chemical Dependency Rehabilitation Treatment Program
135 Sherbourne St., Toronto, ON, M5A 2R5
Phone: (416) 366-2733 Fax: (416) 366-0166
E-mail: po.box2@sa-mmcc.org

9.4.2 VincenPaul Community Homes, Society of St. Vincent de Paul

Toronto's Society of St. Vincent de Paul operates 12 community-based recovery homes for women and men who have graduated from a recognized substance use treatment program. Though there are no designated spaces for people leaving correctional institutions, the project receives referrals from St. Vincent de Paul chaplains at the Toronto jail and accepts self-referrals from people nearing their release date or recently released. An applicant's history in corrections is taken into account in the eligibility interview, and the homes are structured to support the reintegration of ex-prisoners into the general population. The Society also offers volunteer-run court support services by facilitating communication between lawyers and their clients who are in holding cells, a service available daily from 10 a.m. to 1 p.m. In addition, the Society works with the Salvation Army to provide clothing and referrals to people discharged from court.

Contact:

Frank Boscariol, Director of VincenPaul Community Homes, Society of St. Vincent de Paul
240 Church St, Toronto ON, M5B 1Z2

Phone: (416) 364-5577 ext. 25 Fax: (416) 364-2055

E-mail: f.boscariol@yahoo.com

Website: www.svdptoronto.com

9.5 Post-release Supports

9.5.1 *Just Us*⁶⁴

This entirely volunteer-run agency provides various types of informal support for ex-prisoners. Twelve-step style weekly support meetings are facilitated by an ex-prisoner at a local church. Volunteers — some of whom are themselves ex-prisoners — meet with ex-prisoners in the community. They may make referrals to community resources such as clothing banks and shelters, and advocate for individuals moving into shelters or permanent housing. Services offered to prisoners in local jails include visits, a pen pal program, a literacy group, and some informal discharge planning upon request. Just Us does little outreach, relying instead on word of mouth and their firm reputation among inmates to make prisoners aware of their services. The agency is committed to challenging the boundaries between “us” (volunteers) and “them” (ex-prisoners). They are funded by church groups and private donors who are often former prisoners and their families.

Contact:

Meghan Mills

C/o Trinity St. Paul’s United Church

Phone: (416) 532-7370

9.5.2 *National AfriCan Integration and Families Association (NAIFA)*

This small agency offers support to ex-prisoners through two programs: Wrap Around Support and Heritage Counselling. In the Wrap Around program, a group of five or six volunteers offers support to people recently released from prison. The group helps with goal setting, mentorship, and referrals to community resources. Heritage Counselling is available on a one-on-one basis to people of continental African descent, to address social and familial issues at the root of coming into conflict with the law. NAIFA also provides referrals for ex-prisoners in need of housing. In the case of youth under 20 who are released from custody with no fixed address, NAIFA seeks accommodation with a family in the youth’s community of origin. NAIFA operates with little staff and limited funding, so programs may change. Talks are underway with local detention centres for a jail visitation program.

Contact:

Nathan Okonta, Program Manager

60 Wellesley St. W., Toronto, ON, M5S 3L2

Phone: (416) 975-0877

64 This program has stopped operating.

9.6 New and Emerging Programs

9.6.1 All Saints Church Jail Diversion Program

This very small, unfunded, new program offers diversion through a local court for women and men who are homeless and have a history of being in and out of jail. The program's focus is preventing recidivism and addressing multiple needs such as housing and mental health. Participants must commit to attending six sessions of a weekly peer support group whose focus is housing, life skills and employment. Potential participants with minor charges are identified by the Crown Attorney and referred to All Saints, though in the future the program also hopes to support early release for people already incarcerated. All Saints also runs a drop-in program for people who are homeless; drop-in staff may refer people to the Diversion Program.

Contact:

Michael Phillips

315 Dundas St. E., Toronto, ON, M5A 2A2

Phone: (416) 368-7768

9.6.2 HARP, Legal Aid Ontario

Homeless Access and Referral Partnership (HARP) is a pilot project designed to improve community-based access and referrals to legal services by re-locating the intake process from Legal Aid offices to places where homeless people are. A community legal worker visits five drop-in centres on a two-week rotation. HARP offers direct assistance (e.g., help in securing a Legal Aid certificate to pay for legal services) and referrals (e.g., to community legal clinics or summary advice sources) in the areas of criminal law, immigration and refugee cases, family law, and welfare and disability. It also collects tickets for provincial offences issued to homeless individuals and forwards them to Downtown Legal Services where legal staff provide representation in court. Typical charges include drinking in public, aggressive panhandling or squeegeeing, and trespass.

HARP implements tracking mechanisms to better maintain contact between homeless individuals and their lawyers, especially with cases of long duration, such as refugee and immigration claims. Another program goal is to improve other service providers' ability to promote access to legal services. HARP has a plan to alter the application form for a legal aid certificate and train other service providers to complete them on behalf of their clients.

HARP became operational in March, 2005 and is funded by Legal Aid Ontario and the Supporting Communities Program Initiative (SCPI) until September, 2006. An internal evaluation of the program is being conducted by Legal Aid Ontario. An evaluation of a forerunner pilot project found that an "overwhelming majority" of the clients were satisfied and said they would use the service again (Graham and Zizys 2003).

Contact:

Seth Clark, Co-ordinator

Phone: (416) 598-0200 ext. 4719 Cell: (416) 526-9177

10. Ontario

10.1 Alternatives to Incarceration

10.1.1 Operation Springboard

This large, community-based agency provides a continuum of services in the criminal justice and social services systems. Based on a model of restorative justice, several of their programs provide an alternative to incarceration for youth and young adults. Their Court Diversion Program for first-time, non-violent offenders provides an alternative to a formal court process, in which people admit responsibility and complete program requirements in order to have their charges withdrawn. Their Community Service Order program supervises people in the completion of a required amount of community service as a condition of probation. Through the Scarborough Youth Justice Committee, trained volunteers negotiate appropriate alternatives for young people to make amends and be held accountable for their actions.

In addition to these alternatives to incarceration, Operation Springboard provides housing and assistance to people in conflict with the law. They operate several open custody residences for youth awaiting trial or sentenced under the Youth Criminal Justice Act. Markeen House, a sixty-bed rooming-house style residence for men who have been homeless, offers particular support to men coming from a correctional background who might be excluded from other housing. Finally, people who are currently incarcerated can request a one-on-one visit with an Operation Springboard worker to assist with re-entry planning. The agency also provides a range of other services, including employment training, residences for people with disabilities, and crime prevention education for youth.

Contact:

Margaret Stanowski, Executive Director

2 Carlton St., Suite 800, Toronto, ON, M5B 1J3

Phone: (416) 977-0089

E-mail: development@operationspringboard.ca

Website: www.operationspringboard.on.ca

10.1.2 Youth Justice Committees

These community-based committees were first established in 1999 and now there are 23 across Ontario. As an alternative to court proceedings for minor and non-violent offences, the committees meet on a voluntary basis with the youth charged, their parents, and the victims if they wish to participate, in order to determine an appropriate sanction for the offence.

Committees are made up of community volunteers who work in partnership with participants in the criminal justice system such as Crown attorneys, police, victims' services and probation officers. Referrals may be made by police before a charge is laid, or by the Crown. Youth referred to the Committee must be willing to take responsibility for their actions and to participate in the program, and must have been informed of their rights and options.

Reparations recommended by the committee in consultation with the ex-prisoner, parents, and victim may include such measures as community service, paying back the victim, counselling, curfews, a written project, or an agreement not to associate with a particular person or group.

Contact:

Heather Campbell

Community Justice Programs, Ministry of the Attorney General

720 Bay Street, 9th Floor, Toronto, ON, M5G 2K1

Phone: (416) 326-2416

E-mail: heather.campbell@jus.gov.on.ca

10.2 Pre-release Programs

10.2.1 Spirit of the People: Supporting Aboriginal Ex-Offenders

This organization provides reintegration services to Aboriginal people within and outside the corrections system. A counsellor visits the Ontario Correctional Institute, a treatment facility located in Brampton, Ontario, three times per week to do discharge planning with prisoners who will be released to the local area. Men who have recently left corrections may also be referred to the agency by NaMeRes (Native Men's Residence), an emergency hostel. The agency also provides outreach services, via several community agencies, to people released from court. In-reach takes place at the Native Diversion Court at Gladue Court. While this organization works mainly within the provincial system, referrals are often received from Native Liaison Officers working with federal prisoners, in order to help connect them with an outside community agency.

Contact:

Caroline Francis, Reintegration Worker

360 Bloor St. W., Suite 306, Toronto, ON, M5S 1X1

Phone: (416) 335-5077

10.2.2 The Bridge Prison Community Ministry

The Bridge provides services on contract to the Ontario Ministry of Corrections to do discharge planning with prisoners leaving the Ontario Correctional Institute, one of the few treatment centres in Ontario. Upon entering the Institute, inmates attend an orientation session at which they receive program information about the Bridge. Through the Bridge office in the facility, inmates have access to a phone in order to make housing arrangements, and staff may help inmates to complete applications for government assistance and emergency funds. One staff person runs educational groups and information sessions that people attend within four months of their release date. At these sessions, people work to complete a discharge plan. In addition, the Bridge runs support groups at Hamilton Detention Centre and Invictus Youth Detention Centre on topics such as self-esteem and relationships. Individual discharge support is available upon referral or request.

Though their primary focus is support, the Bridge sometimes provides housing-related assistance, such as transporting ex-prisoners to emergency shelters, helping them to complete applications for social housing, and referring clients to housing help centres. The agency serves the greater Toronto area, Halton Region and Peel Region.

Contact:

Gary Glowacki, Program Director

P.O. Box 143, Brampton, ON, L6V 2K9

Phone: (905) 460-5274

10.2.3 Prisoners HIV/AIDS Support Action Network (PASAN)

PASAN works with male, female, and transgender prisoners and ex-prisoners who are HIV-positive and those who have AIDS. Their services to incarcerated people include harm reduction education, individual advocacy, group counselling, and one-on-one counselling which may include discharge planning if requested. Though their focus of service is provincial and federal facilities in Ontario, PASAN accepts collect calls from adults and youths in facilities across Canada, including those on remand.

PASAN also works with former prisoners and their families in the community, providing referrals, a clothing bank, a needle exchange program and a safer crack use kit distribution program. Workers also assist with replacing identification and applications for subsidized housing.

Contact:

Anne-Marie diCenso, Executive Director

489 College St., Suite 500, Toronto, ON, M6G 1A5

Phone: (416) 920-9567

Toll Free: 1-866-224-9978

Fax: (416) 920-4314

E-mail: info@pasan.org

10.3 Housing

10.3.1 The Bridge from Prison to Community

This program provides transitional housing to federal and provincial ex-prisoners who are returning to the Hamilton area. There are six beds in total, three for short-term stays (i.e., for two weeks, renewable depending on bed availability and stability of individual) and three for long-term (i.e., up to six months depending on need). The average stay is three months. Residents pay rent and have access to discharge planning to help them arrange for independent housing. In addition to housing, the Bridge offers support groups for ex-prisoners and their partners or family members. Trained volunteers form “reintegration teams” that visit the local detention centre and offer ongoing support to ex-prisoners after their release.

Contact:

Mary Jackson

P.O. Box 37037, Hamilton, ON, M8R 2P1

Phone: (905) 522-0283

10.3.2 St. Leonard's Community Services

St. Leonard's operates halfway houses for Corrections Canada for federal inmates throughout Ontario. Through its Addictions and Mental Health Services, the agency also runs the Buffalo Street Residence, a residential treatment program for men on federal parole. During stays lasting approximately six months, residents at Buffalo Street have access to a number of services, including relapse prevention training, maintenance support groups, individual counselling, and employment training. Follow-up and aftercare are available. In addition, St. Leonard's Justice Services provide support for people in conflict with the law, from working with police at the pre-charge stage to providing placements for community-based sentences.

Contact:

Sue Lefler, Director, Addictions and Mental Health Services

133 Elgin St., Brantford, ON, N3T 5P9

Phone: (519) 759-8830

Fax: (519) 759-8156

E-Mail: slefler@st-leonards.com

Website: <http://www.st-leonards.com>

10.3.3 Housing Programs, John Howard Society of Ottawa

The John Howard Society of Ottawa manages three transitional housing facilities. Besides the youth project described below, they include Tom Lamothe Residence, with fourteen bachelor apartments and a crisis room for homeless sex offenders, and a new development, St. Anne Street Residence, with 26 self-contained studio apartments. All three projects received funding from the National Homelessness Initiative.

A Different Street

This transitional housing program, a partnership with Eastern Ontario Young Offender Services, provides support for homeless youth who are leaving custody or a group home setting. Up to 23 beds are available in self-contained bachelor, one-bedroom, and two-bedroom apartments. Financial support until recently was provided by Youth Justice Canada; now the program is funded by the Ministry of Children and Youth as well as Children's Aid Society of Ottawa, United Way/Centraide Ottawa, and Ontario Works. A total of 40 youth have received residential and community support for periods from 30 days to one year. An independent evaluation by Carleton University described this program as an essential part of young offender services in the Ottawa Region.

Contact:

Mark Routliffe

Phone: 9613) 232-6410 Fax: 9613) 789-7431

E-mail: markr@ottawa.johnhoward.ca

10.4 Post-release Supports

10.4.1 Housing Help Centres

Located in communities across Ontario, Housing Help Centres provide a range of services to help low-income and marginalized people obtain and maintain rental housing. In the absence of consistent service provision in release planning or post-release support, Housing Help Centres have become the de facto post-release resource for people returning to many communities from jails and prisons. These centres are funded out of provincial funds for homelessness services that are administered by municipalities. In addition to providing regularly-updated listings of private sector rental accommodation and assistance in applying for subsidized housing, most centres also offer information and advocacy in dealing with landlords, support and accompaniment for tenants with special needs, and eviction prevention services. Some also administer rent banks which provide interest-free loans to cover rental arrears. While ex-prisoners may access any Housing Help Centre, the Scarborough Housing Help Centre is attempting to formalize their work of helping ex-inmates re-enter the community by proposing a partnership with the Ministry of Corrections and other community groups in which housing workers will enter local jails to begin re-entry planning before release.

Contact:

Rosalee Bender, Co-ordinator, RENT—Resources Exist for Training and Networking

C/o East York East Toronto Family Resources

945 Queen St. E., Toronto, ON, M4M 1J9

Phone: (416) 686-3390 ext. 332 Fax: (416) 686-8282

E-mail: coordinator@housingworkers.ca

Website: <http://housingworkers.ca/index.html>

10.4.2 Ontario Multifaith Council Re-integration Program

Established in 1999, the Re-integration Program assists with the community reintegration of people who are released from provincial correctional institutions. Through mediating family reconnection and/or helping released prisoners locate other housing, the program actively works to divert potentially homeless persons from the emergency shelter system.

Community Chaplains meet with prisoners (mostly sentenced prisoners) who will be released with no fixed address to conduct an assessment. Upon release, ex-prisoners — called “returnees” in the project — are assisted by the Community Chaplain and linked with a volunteer team that provides personal and social support. Through the program, returnees may receive assistance with housing, employment, life skills, lifestyle changes, and family reconnection. Support team volunteers are drawn from a variety of faith groups; where appropriate, returnees are connected to the faith community of their choice to support the social/spiritual healing process.

Contact:

Michael Skaljin, Central Regional Manager – Re-integration Program

789 Don Mills Suite 208, Toronto, ON, M3C 1T5

Phone: (416) 422-1490 ext. 204

Toll free: 1-888-837-0923

Fax: (416) 422-4359

Website: <http://www.omc.ca/reintegration/>

10.5 New and Emerging Programs

10.5.1 Ontario Ministry of Health Long-Term Care: Mental Health and Justice Initiative

In January 2005 the Ontario government announced mental health funding for services that intervene in the cycle of homelessness and criminal justice system involvement. This funding will be divided among community-based agencies across Ontario, in order to support programs in the following areas:

- Crisis response and outreach
- Short-term residential crisis support beds
- Court support services
- Intensive case management
- Supportive housing services

One example of how this funding will be used comes from the Canadian Mental Health Association (CMHA), Toronto Branch. In addition to administering rent supplements,⁶⁵ setting

⁶⁵ Rent supplements are a subsidy in the amount of the difference between the full rent and 30% of the renter household's income.

up crisis beds, and adding staff to existing mental health diversion courts, the CMHA will create a new Mental Health and Justice Intensive Case Management Program that will co-operate with a city-wide mental health and justice system for those convicted of non-violent offences. Streamlined access to self-contained supportive housing units for people living with severe and persistent mental illness and with current or recent involvement (within past two years) in the criminal justice system will be provided by the Toronto Mental Health and Justice Supportive Housing Lead Agency group, which consists of four agencies: CMHA, COTA Health, Houselink Community Homes, and Loft Community Services. A safe bed network of short-term residential crisis beds will be provided through CMHA, COTA Health, Gerstein Crisis Centre, and Reconnect Mental Health Services. Referrals can be made through police, emergency services, and other agencies.

Contact:

Dan Strasbourg

Ministry of Health and Long-Term Care, Mental Health Program

80 Grosvenor Street, 5th Floor, Hepburn Block

Toronto, ON, M7A 1R3

Phone: (416) 314-6197

Steve Lurie, Executive Director

Community Mental Health Association Toronto

970 Lawrence Avenue West, Suite 205

Toronto, ON, M6A 3B6

Phone: (416) 789-7957 Fax: (416) 789-9079

E-mail: cmha@toronto.cmha.ca

Paul Bruce

COTA Comprehensive Rehabilitation and Mental Health Services

700 Lawrence Avenue West, Suite 362

Toronto, ON, M6A 3B4

Phone: (416) 785-9230 ext. 1108 or 1-888-785-2779

Fax: (416) 785-9358

11. Canada

11.1 Elizabeth Fry and John Howard Societies

The Elizabeth Fry Societies and the John Howard Societies are organizations working with people in conflict with the law in Canada. Through their local member agencies, they provide a broad range of services and supports to women and men respectively. Their activities span all categories in this scan, from research, advocacy and policy development, to providing alternatives to incarceration, housing, and pre- and post-release supports for people in conflict with the law. Because it is not feasible to list all member societies' services, each national organization listing is followed here by a sampling of relevant programs in some member agencies across the country. This listing aims for geographic and program diversity, rather than comprehensiveness. In most cases the programs listed—such as halfway houses, restorative justice initiatives, or group programs—are offered by many branches of the agency but have been listed only once.

11.1.1 Canadian Association of Elizabeth Fry Societies (CAEFS)

Named for a 19th-century Quaker prison abolitionist, the Elizabeth Fry Societies are a national network of local agencies working with and for girls and women who are, have been, or are at risk of becoming in conflict with the law. The Society started with the creation of the Elizabeth Fry Society of Greater Vancouver in 1939, and now includes 25 member agencies across the country. While CAEFS determines policies and positions on issues of common concern, and ensures substantive equality of services across the country, each of the local member societies is free to develop unique programs specifically suited to the needs of women in its community. Principles that guide the work of all member agencies include the equal benefit of the law for women; the right to legal counsel and due process; women's right to justice without fear of gender discrimination; that there should be minimal interference by the justice system with individual rights and freedoms; and that correction should take place within the community whenever possible. Services offered include court support, Community Service Order supervision, prison visits, individual counselling, case management, outreach, transitional housing, and education/support programs on issues such as parenting, relationships,

shoplifting, anger, and substance use. A cross-country snapshot of some programs is provided below.

Contact:

Kim Pate, Executive Director

151 Slater Street, Suite 701, Ottawa, ON, K1P 5H3

Phone: (613) 238-2422 Fax: (613) 232-7130

E-mail: caefs@web.ca

Elizabeth Fry Society of Cape Breton

- Court Services: Staff and volunteers attend Provincial, Supreme, and Family Courts daily to provide support, explain court procedures, assist in obtaining legal counsel, and make referrals.
- Drop-in Centre: Women can drop-in to this centre located in the society's offices on weekdays afternoons.
- Community Service Orders: The Society serves as a placement for women who are required to complete CSOs, and also supervises CSOs offsite.
- Aftercare: This nine-week group program deals with the special needs of women following their terms of incarceration. Topics include release and long-term planning, stress and anger management, high risk situations and coping skills.
- Shoplifting Intervention Program and Teen Intervention: This 12-week program combines individual counselling and group work to help adult women and teens deal with the root causes of shoplifting. Attendance may be court-mandated, or by self-referral.

Contact:

Darlene MacEachern, Executive Director

16C Levatte Cres., Sydney, N.S. B1N 3K3

Phone: (902) 539-6165 Fax: (902) 539-0290

E-mail: efrycb@ns.sympatico.ca

Elizabeth Fry Society of Mainland Nova Scotia

- Community Outreach and Support Program: This program provides visits, goal setting and release planning for incarcerated women; and counselling, regular check-ins, and life skills support for women after release.
- Personal Boundaries Program: This series of four workshops offers women the tools to create appropriate, safe boundaries.

Contact:

Laurie Ehler, Regional Advocate

2786 Agricola St., Suite 117, Halifax, N.S. B3K 4E1

Phone: (902) 454-5041 Fax: (902) 455-5913

E-mail: efrymain@ns.sympatico.ca

Société Elizabeth Fry du Québec

- La maison Thérèse-Casgrain: This halfway house offers a supervised environment for up to 20 women who have been in a local jail or prison. House residents include women on probation, mandatory supervision and day parole, and women sentenced directly from court. Programming includes counselling and a mother-child component.
- Pre-release Training Program: This 30 hour program is available to women in Joliette Federal Prison to help them prepare for community reintegration. It is a support group that focuses on issues such as work, health, emotional and financial security, sexuality, available resources and everyday life management.

Contact:

Ruth Gagnon, Regional Advocate

5105 chemin de la Côte-St.-Antoine, Montréal, QC, H4A 1N8

Phone: (514) 489-2116 Fax: (514) 489-2598

E-mail: elizabethfry@qc.aira.com

Elizabeth Fry Society of Ottawa

- Housing Retention and Support: This program provides advocacy on housing issues, workshops on tenant rights, support for housing searches and negotiations with landlords, and accompaniment at housing-related appointments.
- JF Norwood House: Offers transitional supportive housing to six single women and two families.
- Hooked Up: This program offers support to women and transgender or transsexual people who work in the sex trade. Services include peer support, counselling, an after-hours crisis line, a supper club, assistance with housing and identification, and access to a food bank, laundry facilities, and survival kits.

Contact:

Jodie Golden, Executive Director

311-211 Bronson Ave., Ottawa, ON, K1R 6H5

Phone: (613) 237-7427 Fax: (613) 237-8312

E-mail: jodie.golden@efryottawa.com

Elizabeth Fry Society of Toronto

- Shoplifting and fraud program: This program is offered as a diversion measure through a local court. It supports women in understanding and coping with the underlying reasons for fraud and theft.
- Pregnancy support groups: These groups are offered to pregnant women incarcerated in several local centres.

Contact:

Leslie Kelman, Executive Director
 215 Wellesley St. E., Toronto, ON, M4X 1G1
 Phone: (416) 924-3708 Fax: (416) 924-3367
 E-mail: lkelman@efrytoronto.org

Elizabeth Fry Society of Saskatchewan

- Women's Community Training Residence: This is a residential facility for women who are completing provincial or federal sentences. It provides community-integrative programs that are culturally aware, individually planned and holistic, to give residents the opportunity to address issues that contributed to their conflict with the law. An Elder Program supports Aboriginal women's spiritual and cultural identities.

Contact:

Caroleen Wright, Executive Director
 201, 165-3rd Avenue South, Saskatoon, SK, S7K 1L8
 Phone: (306) 934-4606 Fax: (306) 652-2933
 E-mail: efry@sasktel.net

Elizabeth Fry Society of Calgary

- Bridges Program: Women re-entering the workforce or returning to school may undertake individual and group work to assist in setting goals, obtaining employment, enhancing self-esteem and developing life skills. An Aboriginal Employment Program is run concurrently with the Bridges program, offering a cultural holistic approach to sharing, healing and learning.
- Berkana House: Run in partnership with the John Howard Society of Calgary, this is a residence for federally sentenced women on day parole, some of whom have children, to facilitate successful transition from prison to the community.
- Outreach Program: This program provides assistance for women in conflict with the law to secure community resources for basic needs such as safe housing, food, clothing, and medical needs, as well as advocacy and support in dealing with social service systems.
- Women's Trades Training: This partnership project with the YWCA Trades Centre offers on-the-job experience to young women who wish to pursue employment in the trades.

Contact:

Diane Altwasser or Juliana West
 600-1509 Centre Street South, Calgary, AB, T2G 2E6
 Phone: (403) 294-0737 ext. 235 (Diane) or ext. 226 (Juliana)
 Fax: (403) 262-0285
 E-mail: coordinator@elizabethfry.ab.ca

Elizabeth Fry Society of Edmonton

- Private Home Placement Program: The Society recruits, trains, and supports individuals or families who are interested in providing accommodation and supervision to women on Federal Conditional Release from the Edmonton Institution for Women.
- Pardon for Women Program: This program provides financial assistance and facilitation for women attempting to obtain a pardon, thus removing one barrier to women's employment, housing and education.
- Release Kit Project: Women at risk of contracting HIV/AIDS and Hepatitis C are provided, upon release, with a kit containing sanitary supplies and information on resources to help them survive the first 72 hours in the community.
- Aboriginal Women's Program: Through this program, an Aboriginal worker offers one-on-one support and referrals, healing and talking circles, connection with Aboriginal teachings and culture, arts and crafts circles, prison visiting, ceremony and ritual, workshops, an annual retreat, potlucks, and agency visits by elders.

Contact:

Valerie Meaney, Regional Advocate

10523-100th Avenue, Edmonton, AB, T5J 0A8

Phone: (780) 421-1175 Fax: (780) 425-8989

E-mail: director@elizabethfry.ab.ca

11.1.2 John Howard Society of Canada

John Howard Societies, named for an 18th-century prison reformer, first took form in Toronto in 1867 as a voluntary group that sought to bring spiritual help to prisoners. By the end of the 1950s branches had opened in most provinces and today there are 78 John Howard Society offices across every province, Nunavut and the Northwest Territories. As with the CAEFS, the John Howard Society of Canada is a federation of provincial and territorial societies, each of which has the freedom to create its own programs within the broader John Howard Society mission to develop effective, just, and humane responses to the causes and consequences of crime. The Society's work includes direct services to people in conflict with the law, as well as research, advocacy, public education and crime prevention. Principles that guide the Society's work include the right of all to live in a safe and peaceful society; the right of every person to be treated with dignity, equity, fairness and compassion without discrimination when involved with the criminal justice process; that all people have the potential to become responsible citizens; and that justice is best served through measures that resolve conflicts, repair harm, and restore peaceful relations in society. These principles are reflected in the services of member societies across the country, which include halfway houses, other housing programs, outreach and support, prison visits, alternatives to fines and incarceration, restorative justice programs, employment training, and educational and recreational programs. The listing below profiles programs across Canada that may be unique, or are representative of those offered by many branches. Halfway houses, other residences, and restorative justice measures, in particular, may be found in many communities served by the John Howard Society.

Contact:

Graham Stewart, Executive Director
809 Blackburn Mews, Kingston, ON, K7P 2N6
Phone: (613) 384-6272 Fax: (613) 384-1847

John Howard Society – Saint John Branch

- **Residences for Young Offenders:** Two residences provide supervised living in a home-like setting for young people sentenced to open custody, and to other young persons in need of supervised care. Programming supports residents in continuing their education, participating in sports and community activities, and developing interpersonal skills.
- **Community Residential Centre:** This 15-bed co-ed facility houses federal and provincial prisoners released on temporary absences, day or full parole or mandatory supervision. Residents can participate in existing community programs, and in employment and educational counselling provided by the Society.

Contact:

William Bastarache, Executive Director
68 Carleton St., Saint John, N.B., E2L 2Z4
Phone: (506) 632-0800 Fax: (506) 652-3081
E-mail: jhssj@nbnet.nb.ca

John Howard Society of Moncton

- **Restorative Justice Services:** Through this program, trained volunteers facilitate conferencing, mediation, and healing circles to support healing justice in the community.
- **Fine Option Program:** An alternative to incarceration for non-payment of fines, this program matches people who have received a “notice of fine” with a community agency, assesses the number of hours to be completed, supervises the placement, and notifies the court of completion.
- **Adult Alternative Measures:** This is a pre-charge option based on a restorative justice approach. It provides an opportunity for ex-prisoners to take responsibility for their actions, recognize harm done to victims and community, and make reparations through community service, restitution, or reconciliation.

Contact:

Joanne Murray, Executive Director
141 Weldon St., Moncton, NB, E1C 8N8
Phone: (506) 854-3499 Fax: (506) 854-2057
E-mail: jhsmctn@nbnet.ca

John Howard Society of Toronto, Housing Support Program

If inmates have a release date, staff or volunteers arrange appointments for the client with services and programs across the city. Clients who will be released with no fixed address may

receive assistance from the housing worker (or another agency depending on their need and locational preferences). Inmates may be assisted to complete or update their application for social or supportive housing.

Once released, sentenced and remand prisoners who received discharge planning advice from staff and volunteers are referred to the Society's office to obtain other services through a case management model.

A full-time housing worker meets with homeless ex-prisoners to help them obtain and move into a new home and provides referrals to essential services, such as meal programs and food banks, clothing rooms, and community health centres. If the client is staying at a shelter, sleeping rough, or staying with family or friends, he will be supported until a more permanent solution becomes available. The housing worker can sometimes refer clients to a market sector landlord with a room for rent, but more often refers them to shared accommodation residences, or to supportive or transitional housing providers with services for people with addiction or mental health problems. Landlord-tenant conflict mediation and eviction prevention services are also provided.

Contact:

Amber Kellen, Interim Program Manager
60 Wellesley St. W., Toronto, ON, M5S 3L2
Phone: (416) 925-4386 ext. 224
E-mail: akellen@johnhowardtor.on.ca

JHS Waterloo Wellington

- Cambridge Youth Services—Housing Registry: This registry provides an updated listing of housing options in the Cambridge area suitable to the needs and income of youth.
- Alternative to Custody: This program is intended for 12- to 15-year-olds as an alternative to receiving a term of imprisonment. It promotes the development of skills, positive values, and responsible behaviour.

Contact:

John Bilton, Executive Director
Joan Brown, Program Manager
310 Charles St., Kitchener, ON, N2G 2P9
Phone: (519) 743-6071 Fax: (519) 743-9632
E-mail: inquiries@waterloo.johnhoward.on.ca

Manitoba John Howard Society

- Literacy Program: This comprehensive adult literacy program is provided to Aboriginal and non-Aboriginal inmates of a local jail and a remand centre, as well as to ex-prisoners in the community. The program uses inmate peer tutoring in addition to assistance provided by John Howard staff and volunteers.

- Recreation and Leisure Program: This program informs participants of recreation and leisure activities available in the community, in order to foster options for pro-social leisure activities and support reintegration into the community.

Contact:

583 Ellice St., Winnipeg, MB, R3B 1Z7

Phone: (204) 775-1514 Fax: (204) 775-1670

E-mail: office@johnhoward.mb.ca

Calgary John Howard Society

- Bedford House: Services include a halfway house for special needs ex-prisoners, a life management educational program, and supervision for men released into the community from federal institutions.
- Calgary Community Conferencing Project: This project allows all who are affected by a crime to have input into the consequences for harmful behaviour, through a facilitated meeting between ex-prisoner, victim, families and supporters.
- Institutional Visitation: Through this program, counselling, advocacy, referrals and pre-release planning are provided to men incarcerated in several local centres, including those on remand.

Contact:

Gordon Sand, Executive Director

917-9th Ave. S.E., Calgary, AB, T2G 05S

Phone: (403) 266-4566 Fax: (403) 265-2458

E-mail: info@johnhoward.calgary.ab.ca

John Howard Society – Fraser Valley

- Family House: This house provides short-term accommodation for up to ten people: families and friends visiting inmates in the local Federal institutions, and those relocating to the area. Basic food, counselling, and assistance with relocation are available.

Contact:

1790 McKenzie Rd., Abbotsford, BC, V2S 7B7

Phone: (604) 852-1226 Fax: (604) 854-5867

E-mail: jhsfv@shaw.ca

Northern John Howard Society of BC

- Buddy Program: This program matches screened volunteers with incarcerated adults, people recently released or paroled, and youth in group homes or on probation. Buddies provide companionship and help in settling into the community.

Contact:

Franca Letendre, Executive Director
1150-4th Ave., Prince George, BC, V2L 3J3
Phone: (250) 561-7343 Fax: (250) 561-0510
E-mail: njhs@telus.net

John Howard Society of Nanaimo

- **Forensic Housing Program:** This program provides ten beds of transitional housing and two emergency units (in motel rooms) and assistance to prisoners and other adults with mental health issues who are having difficulty sustaining tenancies in the community mental health or private market sectors.
- **Institutional Services:** Services to incarcerated men include pre-release counselling, Community Re-entry Education Skills Training, drug and alcohol education, and pre-application for income assistance.
- **Neighbourhood Accountability Board:** This program offers an alternative to the court system for youth charged with a first offence. Participants are referred by the Crown and must accept responsibility for the offence, take part in the process, and complete program requirements.

Contact:

Tony White, Executive Director
200-1585 Bowen Rd., Nanaimo, BC, V9S 1G4
Phone: (250) 754-1266 Fax: (250) 754-2340
E-mail: jhsnan@shawcable.com

John Howard Society of Northwest Territories

- **Institutional Fine Option:** People previously incarcerated for non-payment of fines are referred to the Fine Option Program by the institution as an alternative to further incarceration. An appropriate number of community service hours are supervised by the Society.

Contact:

Box 1508, 5002-50th Avenue, Yellowknife, NT, X1A 2P2
Phone: (867) 920-4276 Fax: (867) 669-9715
Website: <http://www.johnhowardnt.org>
<http://www3.sympatico.ca/cfcn/nwterr.html>

11.2 Alternatives to Incarceration***11.2.1 Mental Health Diversion Courts, Canadian Mental Health Association***

For the past ten years, this partnership between the provincial Ministries of the Attorneys General and the Canadian Mental Health Association has provided a more suitable response to

adults and young people who find themselves in conflict with the criminal justice system because of mental health problems. Instead of being prosecuted the ex-prisoner is referred to a hospital, a mental health professional, or the Canadian Mental Health Association to seek treatment. Diversion is decided by the judge on a case-by-case basis. This program provides people with mental health problems who come into conflict with the law the opportunity to gain the necessary treatment and support they need to prevent future criminal activity.

Contact:

Elizabeth Ostiguy, Director, Public Issues

Canadian Mental Health Association

8 King Street East, Suite 810, Toronto, ON, M5C 1B5

Phone: (416) 484-7750 Fax: (416) 484-4617

E-mail: eostiguy@magma.ca

Website: <http://www.cmha.ca/bins/index.asp?lang=1>

11.3 Pre-release Programs

11.3.1 Carving Program, Fenbrook Institution

The Fenbrook Institution is designated by the Correctional Service of Canada to receive federal prisoners from Nunavut. A carving skills program for Inuit prisoners is offered as part of the rehabilitation program at the prison. These courses provide prisoners with skills to support themselves upon return to Nunavut. Carvers who sell their art are able to keep the proceeds in a savings account which they can access upon release.

This program came to national attention with the release of a book, *Arctic Transformations: Carvers at Fenbrook*, which profiles an initiative in which the carvers donated art for a charity auction, raising \$14 000 for the Illitit Society of Nunavut. Part of the book proceeds go to the carvers' fund to pay for tools and supplies for the prisoners.

Contact:

Leetia Nowdluk, Research Officer

Legislative Assembly of Nunavut

Phone: (867) 975-5136

For information on the book, see Seraphim Editions' website:

<http://www.seraphimedititions.com/arctic.html>

11.4 Housing

11.4.1 Long Term Housing and Satellite Housing Program

Stella Burry Community Services (SBCS) provides supportive housing, education and employment, and community support programs for high need individuals, including those in conflict with the law. Referrals for its residential programs are accepted from various sources, including Correctional Services of Canada.

Since 1985, the Long Term Housing Program provides permanent housing for former residents of its transitional housing programs at Emmanuel House and Naomi Centre who are otherwise unable to obtain housing in St. John's tight rental market. SBCS leases 19 apartments from the City of St. John's Non-Profit Housing Division and sub-leases them to former clients.

Under a contract with Correctional Services of Canada, SBCS operates a Satellite Housing Program for people leaving prison on parole. Currently there are five individuals receiving housing, counselling, and other supportive services through this program.

Contact:

142 Military Road, St. John's, NF, A1C 2E6

Phone: (709) 738-7805 Fax: (709) 738-1030

E-mail: sbcs@outreach.nf.net

Website: <http://www.stellaburly.ca>

11.5 Post-release Supports

11.5.1 Circles of Support and Accountability (aka Circles of Support, Circles of Care, Support Circles, Family Support Circles or Circle Sentencing Projects)

Circles of Support (COSA's) were pioneered by the Community Reintegration Project of the Mennonite Central Committee of Ontario and have spread throughout North America. In recent years, Corrections Canada Chaplaincy has invested in this program to help communities respond to the needs of high-risk sex offenders who are released at the end of their sentence without supervision. They provide a unique resource to people who have access to few other sources of support from Corrections or non-governmental agencies. A COSA is usually made up of about 4 to 7 volunteers, primarily from faith based backgrounds, who are committed to enhancing public safety and supporting community re-entry through providing informal contact and support to their "core member": that is, a person released after serving a full sentence for a sexual offence. Operating according to the principles of restorative justice, COSA's consider the needs and concerns of the victims and community as well as those of the offender. At the regular meetings of the COSA, leadership is non-hierarchical and decisions are made by consensus. Meetings will be more frequent in the core member's first days in the community and less frequent later on. The group provides a temporary model of living responsibly within the larger community, and encourages the core member to develop skills in self-care and to engage in the wider community in safe and appropriate ways. Extensive training procedures for COSA volunteers, group facilitation guidelines, and protocols that cover most aspects of COSAs are provided by Corrections Canada.

Contact:

Rev. Hugh Kirkegaard

Phone: (416) 604-4390 or (416) 596-9341

or Evan Hesie, Mennonite Central Committee

Phone: (416) 596-9341

12. International

12.1 Alternatives to Incarceration

12.1.1 Victim Offender Mediation Association (VOMA), St. Paul, MN, USA

Victim Offender Mediation Association (VOMA), an international membership association, supports and assists people and communities working at restorative models of justice. VOMA provides resources, training, and technical assistance in victim-offender mediation, conferencing, circles, and related restorative justice practices. In particular, they promote Victim-Offender Mediation (VOMA), a face-to-face meeting, in the presence of a trained mediator, between the victim of a crime, the perpetrator, and in some cases community members or supporters. VOMA offers all parties the opportunity to discuss what happened, the effects of the crime, and their feelings about it. If they choose they may enter into an agreement for the repair of damages resulting from the crime. The practice provides benefits not available through the criminal justice system: it offers victims the opportunity to be heard, and perpetrators the opportunity to take responsibility for their actions in a meaningful way. Based upon longstanding traditional justice practices, the first Victim Offender Reconciliation Program began in Kitchener, Ontario in 1976; now there are more than 1200 such programs worldwide.

Contact:

Doreene Langason, Administrator

c/o Center for Policy, Planning and Performance

2233 University Ave W, Suite 300, St Paul, MN, 55114, USA

Phone: (612) 874-0570 Fax: (651) 644-4227

E-Mail: voma@voma.org

12.2 Policies and System-wide Initiatives

12.2.1 Homelessness (Priority Need for Accommodation) Order, 2002, Wales

Under the Homelessness Act 2002 for England and Wales, people considered “involuntarily” homeless were designated a vulnerable group with priority for housing duties, meaning that

local authorities (municipal governments) are obligated to provide them with housing. In Wales, this priority category includes ex-prisoners who have a local connection with the area. The housing provided varies from bed and breakfast facilities to permanent subsidized housing.

More information about this policy and its application can be found at the website for Crisis, http://www.crisis.org.uk/about/home_act.php.

12.3 Pre-release Programs

12.3.1 HomeStart / Massachusetts Re-entry Initiative, Boston, MA, USA

The focus of HomeStart's work is to move people into housing and provide the necessary support to help them maintain their homes. A housing search advocate works with a client to explore their needs and potential resources and barriers, and to maximize their existing benefits. When clients are denied housing services, an advocate will assist them through the appeal process. It is the responsibility of the staff person to locate housing options for each client. Once a person or family is housed, they are transferred to a stabilization staff person. These are voluntary services focused on assisting with maintaining housing and may include provision of referrals to other support and services in the community, assistance in life skills such as budgeting, and support in landlord/tenant conflicts.

HomeStart provides re-entry services to prisoners through a partnership with the Massachusetts Re-Entry Initiative. The program targets high risk prisoners between the ages of 18-35 who are being released without supervision. It assesses prisoners' needs for housing, substance abuse, mental health and employment and addresses these needs through the development of individual program participation plans. The Department of Corrections is responsible for ensuring that each prisoner has safe and proper housing, and discharges into emergency housing/shelters are deemed unacceptable. Hence, they have entered into a contact with the South Middlesex Opportunity Council and HomeStart in Boston to hire six housing specialists. The planning with each prisoner will begin one year before their release to help find the services that they will need, including housing. There is one case manager in each of the 18 facilities. In the first tier of the program, the Department will work to house all returning prisoners. In the second tier, the Opportunity Counsel and HomeStart will locate housing and support for those who do not have stable living arrangements and who will be released shortly.

HomeStart will provide one housing specialist to serve the Boston area and the Opportunity Counsel will offer units in their own properties, which include 867 units of affordable housing in 113 buildings located in various suburbs of Boston. These units include emergency housing, re-entry housing, sober housing, low rent apartments, and even some home-ownership properties. It is estimated that the Counsel and HomeStart together will serve 400 ex-prisoners per year.

Contact:

Linda Wood-Boyle, Executive Director

HomeStart Inc.

105 Chauncy St., Boston, MA, 02111, USA

Phone: (617) 542-0338 Fax: (617) 542-1454

E-mail: woodboyle@homestart.org

12.3.2 Shelter Prison Advice Project, Scottish Executive Rough Sleepers Initiative, Scotland

This project, started in 2000, provides housing advice to prisoners in all six prisons in the North and Northeast of Scotland. It trains prison officers to give basic advice regarding a variety of housing issues including access to benefit claims, application forms, rent arrears, and termination of tenancies. Officers may consult workers at the Project advice line for complex housing questions. Project workers also hold housing clinics in prisons, through which prisoners have access to rights information, advocacy, case management, and referrals. Housing officers, support workers, and landlords can contact prison officers directly in order to reach incarcerated applicants or tenants, and help them obtain or maintain housing. The Project also identifies people with more complex and enduring accommodation problems, and works with all relevant agencies to develop pilot accommodation models.

Contact:

Shelter Prison Advice Project,

Greyfriars House, Gallowgate, Aberdeen, AB10 1LU, Scotland

Phone: 01224-643-469 Fax: 01224-621-595

E-mail: info@shelter.org

12.3.3 Programs funded by Welsh Assembly Government, Wales

The Welsh Assembly government, in co-operation with a range of community agencies, funds a number of programs throughout Wales that provide housing advice, referrals, and advocacy for people in prison. Some examples include the following:

Prison Link Cymru

This project provides information to all local authorities (municipal governments) in Wales about prisoners who will be homeless at the time of their discharge into the local area, in order to facilitate the provision of appropriate housing and support upon release.

Outside Key Project

This project provides advice and resettlement support to prisoners with a local connection with Wrexham County Borough. A project worker makes contact with prisoners shortly before their release and maintains contact throughout the transition period, in order to arrange for temporary accommodation, co-ordinate referrals to appropriate local agencies, and ensure that permanent housing is provided by the local authority.

Tai Trowthy LINK Scheme

This project works with eight South Wales local authorities to prevent homelessness among ex-prisoners. Following a referral from a prison, project workers meet with prisoners who would be homeless upon release, in order to complete an assessment, inform them of their options, and begin making arrangements for housing and supports. The Project is able to take applications for homeless priority need for accommodation while clients are still in prison, allowing local authorities to begin the process of housing allocation earlier.

Transitional Support Scheme

This partnership between the Prison Service, Probation Service, and Welsh Assembly Government links prisoners serving short sentences with mentors to support their rehabilitation from substance use, beginning with the development of a personal action plan and continuing for three months after release.

Buckley Hall Prison

Prisoners in this facility initiated the development of a housing advice centre, and staff it along with a prison officer. Among its services is an innovative debt repayment program through which prisoners can pay some of their prison wages towards rent arrears, enabling them to maintain their housing while serving their sentences.

Contact:

Information on these programs came from the report, "Homelessness -- It's a Crime: Impact and Costs of a Failing System" produced by Shelter Cymru. See <http://www.sheltercymru.org.uk>.

12.3.4 Women In Transition, Salisbury, MA, USA

This pre-release program facility, opened in December 2000 to serve women in conflict with the law, houses about 24 women and provides services for 12 women who are on electronic monitoring. The program targets women who are in prison for two and half years or less. Women selected for the program are transferred to the Women in Transition Facility, where they will stay for various amounts of time, with the ideal time being a four month period.

Women in the program meet weekly with a clinical and reintegration co-ordinator, and take part in family and group therapy. They work to discover the origins of their behaviours that led to their incarceration and try to identify solutions to these problems. The women are encouraged to take part in aftercare treatment such as that which might be offered to them in a halfway house. In addition to therapy, GED preparation, parenting skills training, and domestic violence support groups are available.

Contact:

Kim O'Hara, Program Director
Essex County Sheriff's Department
197 Elm St., Salisbury, MA, 01952
Phone: (978) 750-1900 ext. 3721

12.3.5 Getting Out and How to Survive It, VACRO, Melbourne, Australia

Produced by Victorian Association for the Care and Resettlement of Offenders (VACRO), this is a self-help workbook for prisoners who are about to be released. It includes vital information necessary for the first few weeks and months post-release, a time that is critical to a successful new start. Prisoners may work through it on their own or with the help of a community corrections officer or a Transitional Assistance Program (TAP) worker from VACRO. The booklet includes a checklist of questions that prisoners should ask themselves prior to their release, in order to plan for areas where they might be in need of assistance. In addition to providing practical information—such as where to find housing, how to apply for housing, how to apply for benefits, and how to replace identification—the booklet also has blank pages for note taking, a pre-release planner guide, and a list of organizations to contact for support. Prisoners are given the books to keep. (A similar guide, produced by the Ex-Offender Task force in Baltimore, U.S.A., even includes copies of application forms for things such as replacement I.D. cards.)

VACRO is an organization that works with prisoners before and after release. Among other services, they provide a prison information helpline, family liaison services in local jails and prisons, assistance with prisoners' property and banking, support groups and counselling for male and female prisoners and their families, and drug and alcohol education.

Contact:

VACRO

P.O. Box 14093, Melbourne, VIC, 8001, Australia

Phone : (03) 9602-1366

E-mail : enquiries@vacro.org.au

12.4 Housing

12.4.1 Criminal Justice Accommodations Services, Scotland

In Scotland, the Scottish Executive provides various types of housing for those serving community sentences as well as for ex-prisoners released on supervision. While most people serving community sentences live in homes they rent or own, in some cases those released from prison have a variety of housing needs. There are about 200 bed-spaces of this supported accommodation in various forms:

- 24-hour staffed hostels, which provide enhanced levels of supervision for people assessed as presenting a risk to the public;
- Core and cluster, in which hostel staff provide support and supervision for a number of smaller units located nearby;
- Supported tenancies, in which people receive support and supervision from a project worker while living in an apartment found for them by the project;

- Retained spaces in boarding houses or bed-and-breakfasts, some with low levels of support;
- Residential treatment facilities for people with addiction and mental health needs; and
- Specialist services with intensive supervision and mentoring for those assessed as medium or high risk for re-offending and/or harassment.

In some cases, criminal justice funds are used to purchase spaces in supportive housing projects that deal with addiction and mental health issues, if these issues are directly linked to the person's conflict with the law.

Contact:

Scottish Executive Justice Division

F Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, Scotland

Phone: 0131 244 3532 Fax: 0131 244 3548

12.4.2 Safer Foundation Adult Transition Centres, Chicago, USA

The Safer Foundation has worked for 28 years to support people re-entering the community post-incarceration through services, advocacy, and policy initiatives. Their Adult Transition Centres are two minimum-security transition houses for men, administered on behalf of the Illinois Department of Corrections. During their stay, residents are still "inmates" but are required to take part in 35 hours per week of outside employment, education, life skills development, and/or community service while also assuming daily living responsibilities in the house. Residents have access to case management services, cognitive therapy, mental health services, substance abuse treatment and family support services.

Contact:

Safer Foundation

571 W. Jackson, Chicago, IL, 60661, USA

Phone: (312) 922-2200 Fax: (312) 922-0839

12.4.3 Fortune Academy, The Fortune Society, New York City, USA

Formed in 1967, the Fortune Society works to improve prison conditions, protect prisoners' rights, and help prisoners, former prisoners, and those facing jail or prison time. Staffed primarily by former prisoners, they seek to reverse the current punitive criminal justice policy, and to address root causes of crime through outreach and advocacy.

The Fortune program most relevant to this directory is Fortune Academy, a residential facility that opened in 2002. It provides 18 emergency spaces and 41 longer-term housing spaces for women and men leaving prison with no family, no prospects, and nowhere else to go. Residents enter the facility through the emergency spaces where they may stay up to 45 days. Those who need additional time to stabilize and are deemed eligible are provided with longer-term housing at the Academy. The 59 homeless and often HIV-positive residents have access to a broad range of supportive services to help them move towards independent housing, including

life skills training, drug treatment, medical care, and career development services. On-site staff are available to assist residents as needed. Housing specialists assist residents and other Fortune Society clients to secure permanent housing. The Academy provides three meals a day, and residents have access to a laundry room and community space for socializing in a drug-free environment.

In addition to their housing and systemic advocacy work, Fortune Society also offers a range of other programs. Their Counselling Services Unit provides crisis intervention, individual and group counselling, needs assessments, and referrals. Their educational services include in-house programs in Adult Basic Education, English for Speakers of Other Languages, and General Equivalency Diploma preparation. Through their Career Development Unit the Society offers a two-week workshop for employment preparation, and job search assistance from a Job Developer who maintains links with employers willing to hire ex-prisoners. In addition, the Society offers an alternatives to incarceration program, an outpatient substance abuse treatment program, health services with a focus on HIV/AIDS and Hepatitis C, peer education for youth aged 16-21, family services, drop-in services, a recreation/food program, and aftercare services.

Contact:

JoAnne Page, Executive Director
53 West 23rd St., 8th floor, New York, NY, 10010, USA
Phone: (212) 691-7554 Fax: (212) 255-4948

12.4.4 Sarah Powell Huntingdon House, New York City, USA

(see Promising Practices below)

12.4.5 St. Leonard's Ministries, Chicago, Illinois, USA

This organization has worked with ex-prisoners for 45 years and now offers residential services alongside its case management and vocational services. Transitional housing is provided to male ex-prisoners at St. Leonard's House, and to women at Grace House. St. Andrews Court offers longer-term housing for male ex-prisoners. Residents at St. Andrew's Court have access to case management, a health centre, a mental health centre, counselling and therapy (provided through a partnership with a school of counselling) recreational opportunities, and educational upgrading. The three projects serve a total of 350 people per year.

Contact:

Bob Dougherty, Executive Director
Phone: (312) 738-1414 ext. 13
E-mail: webmaster@slministries.org

12.5 Post-release Supports

12.5.1 Faith Community Partnership / Reintegration Alternatives Personal Program, Washington, D.C., USA

Through a partnership with the Court Services and Offender Supervision Agency in Washington, D.C., members of various religious organizations act as mentors to ex-prisoners who are returning to the community. The program is staffed by administrators but runs primarily on volunteer support. There are 200 mentors working with about 100 ex-prisoners. By providing telephone and even video-link support to prisoners during their incarceration, mentors are able to forge connections with people weeks before they are released. People convicted of sex offences or multiple violent crimes, and those with severe substance abuse problems, are excluded from the program.

Reintegration of Ex-Offenders Project, Christian mentoring, Washington, D.C., USA

This ministry provides training to volunteers who wish to mentor ex-prisoners in the D.C. area. Mentors meet regularly with prisoners during their incarceration and after their release. They call and/or visit ex-prisoners once per week in the community, and the mentoring relationship is maintained for at least six months. Mentors offer their protégés information on housing and other resources, support them in coping with life outside prison, and assist them in transitioning into the church community. Both Christians and non-Christians are served by the program, and all are screened before being accepted.

Contact:

Conquest Offender Reintegration Ministries

P.O. Box 73873, Washington, D.C., USA, 20056-3873

Phone: (202) 723-2014

12.5.2 Revolving Doors Agency, London, England

This agency assists vulnerable people, particularly those with mental health problems who come into contact with the criminal justice system. They run local offices in police stations, prisons and courts to support and advise people who have fallen through the net of mainstream services. Link workers take referrals from throughout the criminal justice system, and provide intensive follow-up, outreach and case management, in order to link clients with housing problems back to mainstream services.

Contact:

Ethel Samkange, Director of Link Worker Schemes

Unit 29, The Turnmill, 63 Clerkenwell Rd., London, England

Phone: 020 7253 4039 Fax: 020 7553 6079

E-mail: admin@revolving-doors.co.uk

12.6 New and Emerging Programs

12.6.1 Re-Entry Partnership Initiatives, USA

Through this five-year national pilot project funded by the U.S. Department of Justice, eight municipal regions across the U.S. set up demonstration partnerships between corrections and community agencies to facilitate the return of prisoners to the community. Each city's project links multiple government, correctional, and community-based agencies in a coordinated re-entry process that takes place across three phases: institutional, structured re-entry, and community reintegration. Every city, however, brings a local perspective to the partnerships, yielding diverse innovations with different levels of emphasis on recidivism prevention, rehabilitation, or restorative justice. Some examples include the following: in Burlington, Vermont, community corrections personnel co-ordinate housing, employment and treatment services with corrections staff; in Baltimore, Maryland, short-term housing funded by corrections is provided for those moving back into the community from prison; and in Lake City, Florida, prisoners nearing the end of their terms are moved to correctional facilities closer to their homes, to allow for participation in work release programs that guarantee employment upon release. The Maryland Re-entry Partnership Initiative is profiled in more detail below, as an example.

Project evaluations have been carried out and documented in a series of papers by scholars at the University of Maryland, from whom copies of the evaluation papers can be obtained.

Contact:

Dr. Faye S. Taxman or Dr. Douglas Young

University of Maryland, College Park

4511 Knox Road, Suite 301, College Park, MD, 20740

12.6.2 Maryland Re-Entry Partnership Initiative (RPI)

Unlike the other RPIs, this one is led by a non-profit, the Enterprise Foundation; it brings together institutional and community-based corrections, government services, and non-profit agencies operating in the communities to which ex-prisoners are returning. Male prisoners are eligible for the program if they are returning to designated Baltimore communities, are not convicted of assault against children or sexual assault, and are not assigned to maximum security or segregation. The institutional phase of the program begins as early as two years prior to the inmate's release, and as late as 75 days prior, starting with a needs assessment and the development of a re-entry plan, as well as the provision of supportive services and case management. Participants are transferred from federal institutions to a Transition Centre in Baltimore where they participate in a specialized pre-release program in addition to traditional programs. During the structured re-entry phase, intensive services bridge the transition from prison to community. Upon release, participants are met at the prison gate by their case manager or community advocate, who accompanies them to their homes or to transitional housing provided by a community-based agency. Arrangements are made for obtaining identification, reporting for supervision, receiving a physical exam, linking to community

supports, and taking part in monthly support meetings. The community reintegration phase of the program lasts up to two years after release, and participants may continue to access support services and program personnel after graduation. A third year has recently been added to the program, in which graduates are matched with recently-released ex-prisoners. Early evaluations show that 70 percent of participants stay with the program until graduation and only 20 percent will return to jail within three years, a significantly lower rate of recidivism than among the general corrections population.

Contact:

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312 N. Martin Luther King Jr. Blvd., 3rd floor, Baltimore, MD, 21201, USA

Phone: (410) 230-2115 Fax: (410) 230-2290

E-mail: rmoss@enterprisefoundation.org

12.6.3 Michigan Department of Corrections, Michigan, USA

The MDOC will be working throughout 2005 to initiate a pilot re-entry program in nine northern Michigan counties, as part of the Michigan Prisoner Re-entry Initiative. The project includes two programs that specifically aim to reduce the risk of homelessness among parolees: the provision of rent subsidies for released prisoners who might otherwise end up homeless, and the provision of special supports to incarcerated veterans who are at risk of homelessness upon release.

Contact:

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13. Promising Practices

13.1 The Tent City Emergency Homelessness Pilot Project and Toronto Rent Subsidy Program, Toronto, Canada

History, Mission and Services

Tent City was a shantytown called home by a group of squatters who settled there from 1998 to 2002. It was located by the waterfront on a piece of land owned by Home Depot. The settlement grew and soon a series of shacks and lean-tos stood there, providing some shelter for up to 80 people who lived there for varying periods of time. Most of the residents had previously been incarcerated, usually more than once. And police officers were increasingly coming to the site to investigate incidents and charge individuals (Bishop-Stall 2004). This community was assisted by various organizations including the Toronto Disaster Relief Committee, but was always under the threat of eviction. Several unsuccessful attempts were made by these groups, the City, and even Home Depot to relocate the squatters. In September of 2002, private security guards hired by Home Depot forced the individuals living there to evacuate the premises. Within days the dwellings were demolished and the site was razed.

On a pilot project basis, about 100 evicted Tent City residents qualified for the use of an emergency response protocol that had been developed for the rooming house sector in Toronto. Under this protocol, former residents of Tent City were offered immediate services. WoodGreen Community Services—a multi-service centre whose programs include a housing help centre, social housing, services to newcomers, child care, and harm reduction programs—worked with the City of Toronto as the primary agency in the response. WoodGreen’s community centre was used as an emergency shelter for Tent City residents, until spaces in shelters (for single people), motels (for couples), and the Humane Society (for pets) could be secured.

In further response to the eviction, the City of Toronto initiated the Emergency Homelessness Pilot Project, under which rent supplements and practical assistance were provided to former occupants of Tent City to find and maintain new housing arrangements. This program was delivered by the local social housing provider, the Toronto Community Housing Corporation (TCHC), and WoodGreen was contracted to find apartments, facilitate relationships between

private sector landlords and tenants, and support the residents. A steering committee made up of city staff and various key stakeholders in the process was set up to guide the pilot project.

TCHC created an expedited eligibility application process for pilot project participants. A letter of guarantee was provided for private sector landlords, stipulating that TCHC would pay first and last month's rent on an apartment in the private rental sector, and guarantee 100 percent of the rent for the second and third months. In subsequent months, the project would pay the difference between what the tenant could afford and the actual rent, up to a maximum of the Canada Mortgage and Housing Corporation established median market rent for Toronto (that is, \$519 for a room, \$865 for a bachelor or one-bedroom apartment, and \$1020 for a two-bedroom). This vital measure placed apartments in the private market within reach for the first time for people whose social assistance cheques included a shelter portion that was woefully inadequate: \$320 in the case of Ontario Works, and \$516 in the case of Ontario Disability Support Plan.⁶⁶

WoodGreen provided three Housing Support Workers to maintain contact with former Tent City residents in the shelter system, assist them in applying for social assistance and obtaining identification, accompany them to appointments with landlords, advocate for them in housing, and support them in the development of life skills required to maintain housing.

Objectives and Outcomes

A follow-up study of the pilot project conducted one year later found that, of 108 households in the program, 96 were still housed. This success rate of about 90 percent is all the more remarkable considering that almost all participants had been homeless more than five years before the Tent City eviction. In the evaluation, a majority of respondents reported that their new housing met their needs more appropriately than their former housing at Tent City. Improvements in general health and quality of life were also found. The evaluation recommended screening of landlords and better co-ordination and communication among the various support organizations. The City of Toronto feels the project is a good blueprint for a larger strategy.

Funding

Funding for the pilot project came from the City of Toronto.

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WoodGreen Community Services

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⁶⁶ As of March 2005, the shelter allowance rates were \$328 for OW and \$524 for ODSP.

13.2 Aboriginal Legal Services of Toronto, Toronto, Canada

History, Mission, and Services

Aboriginal Legal Services of Toronto (ALST) opened in 1990, following a needs assessment conducted by the Native Canadian Centre in the 1980s. Its mission is to strengthen the capacity of the Aboriginal community and its citizens to deal with justice issues and provide Aboriginal controlled and culturally based justice alternatives. Through a range of programs and services, it supports Aboriginal people involved in the criminal justice system, and advocates for changes at the systemic level to reduce the criminalization and incarceration of Aboriginal people.

The Community Council Program is a criminal diversion program for Aboriginal ex-prisoners – adult and youth – who live in Toronto, including those affected by Fetal Alcohol Spectrum Disorder (FASD). The program takes Aboriginal ex-prisoners out of the criminal justice system and brings them before a Council made up of men and women who represent a cross-section of Toronto's Aboriginal community. The focus of the Community Council is to develop a plan by consensus that will allow the ex-prisoner to take responsibility for his/her actions, address the root causes of the problem, and reintegrate him/her into the community in a positive way. Community Councils are a long-standing practice, rooted in the traditional delivery of justice in Aboriginal communities in Eastern and Central Canada before the arrival of Europeans in North America.

The Legal Clinic is a community legal aid clinic, funded by Legal Aid Ontario, which provides free legal assistance to low income Aboriginal people living in Toronto. Though only referrals are available for criminal law matters, the clinic provides assistance with Police Complaints. Also, through its assistance with Landlord and Tenant and Social Assistance cases, the clinic helps clients avert homelessness.

Aboriginal Court Workers attend criminal, family, and youth courts in the Toronto area. They explain legal rights and obligations to their clients, assist in securing legal counsel, find interpreters if they are needed, and assist with pre-sentence reports, bail hearings, and referrals.

Through its Litigation program, ALST intervenes in cases that bear upon the rights of Aboriginal people at the Ontario Court of Appeal and the Supreme Court of Canada, including a number of criminal cases. *R. v. Gladue* was one such case that now affects the sentencing of Aboriginal people. In this case, the Supreme Court interpreted the provisions of s. 718.2 (e) of the Criminal Code, which states that when imposing a sentence, a court should look at all alternatives to custody, paying particular attention to the circumstances of Aboriginal people. The decision in this case led to the creation of the Gladue Court (see below).

Gladue (Aboriginal Persons) Court

This Toronto court accepts guilty pleas, sentences offenders and conducts bail hearings, applying principles from *R. v. Gladue*, that set out parameters for the sentencing of Aboriginal offenders. ALST provides Gladue Caseworkers who prepare reports on the life circumstances of offenders, to be considered by the Court in the determination of bail or sentencing.

Contact:

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13.3 Street Youth Legal Services (SYLS), Justice for Children and Youth, Toronto, Canada

History, Mission and Services

Justice for Children and Youth is a Legal Aid Ontario specialty clinic operated by the Canadian Foundation for Children, Youth and the Law. It provides legal representation and advice for low-income children and youth under 18. Through its Street Youth Legal Services (SYLS) program, it provides legal information, referrals, advice and outreach to street-involved youth at shelters and youth services across Toronto.

Because street-involved youth are often unaware or distrustful of mainstream services, and especially the legal system, SYLS aims to provide legal information in a way that overcomes these barriers. A lawyer holds regular onsite clinics at agencies serving street-involved youth throughout Toronto, in order to provide legal information, summary advice, referrals, and representation. This enables youth to develop a trusting relationship with the staff lawyer and also provides them the benefit of consulting with a legal professional who is bound by confidentiality. Youth requiring representation beyond that provided by the program are assisted in accessing other legal resources, such as the lawyer referral service and the legal clinic system. In addition, SYLS staff provide training, workshops, and consultation to staff and clients of agencies serving street youth, in order to improve their knowledge of their rights and their access to the legal system. Finally, SYLS distributes legal information in specialized formats accessible to youth, such as “Street Law Smarts” trading cards that combine basic legal information and referral numbers with innovative design and formatting. Written in plain language, their educational materials include clear descriptions of the kinds of behaviour and circumstances that put street youth at potential conflict with the law; suggest how best to handle various situations with police, special constables, and security guards; outline how to lodge a complaint against the police and others; and spell out their rights with respect to financial support and housing.

Contact:

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Website: www.jfcy.org

13.4 Community Residential and Reintegration Program for Adult Male Offenders with Fetal Alcohol Spectrum Disorder, Westcoast Genesis Society, New Westminster, BC, Canada

History, Mission, and Services

Established in 2000 as a non-profit agency, the Westcoast Genesis Society's mission is to promote the physical, emotional and spiritual well being of adults who are marginalized due to factors such as Fetal Alcohol Spectrum Disorder (FASD), Aboriginal status, mental health issues, homelessness, and involvement with the criminal justice system.

In response to the recommendations of a report on the implications of FASD for correctional practice (Boland, 1998), the Society developed their Community Residential and Reintegration Program. It supports high need adult male offenders on conditional release to develop pro-social living skills and behaviours that will help them reintegrate into the community. The core of this program is Genesis House, a 20-bed community residence facility and Program Centre under contract with Correctional Service of Canada (CSC), which offers a highly structured and supportive living environment for adult male offenders with FASD. In addition, the program includes a volunteer-based Community Education and Support component to educate the community, and recruits and trains long-term volunteers to work with and support individuals during conditional release and after.

From July of 2000 when the residence opened, Genesis House has provided comprehensive residential services. It is a halfway house staffed by 8-9 full time employees and 5 part time employees, who have received specialized training in working with people with FASD. There are 20 residents, who are assigned to single, double, or triple rooms in a way that maximizes resident harmony. The majority of residents are under age 30, though some have been up to age 60. Residents must work with a case manager to develop and achieve goals included in their individual case plans. Programming is guided by these plans, and includes one to one and group counselling, as well as assistance in finding suitable housing, employment, further training or other means of financial stability for the completion of their program at the house. Meals, telephone access and free laundry facilities are provided. Substance abuse, criminal activity, violence and threatening behaviour are not tolerated. Staff dispense all medications and conduct periodic searches of the locked rooms. A drug dog is frequently brought into the building, and visiting hours are at set times, with visits taking place in designated areas. Individual case plans reinforce compliance with release conditions and personal behaviour change.

Program participants work with staff to develop an aftercare plan. While staying at the house, they must become involved with employment, educational upgrading or volunteer work. After release, participants are linked with a volunteer based community support group in the community. These groups, modeled on "Circles of Support and Accountability" groups for other high-needs offenders, provide the ongoing support and supervision that people with FASD require in order to lower the likelihood of re-offending.

Despite NIMBYism in the community at first, Genesis House has been successful in getting support for the facility from city staff and local police through the involvement of the House's director with the local residents' association and by hosting the annual community BBQ.

Objectives and Outcomes

Research in the area of FASD has shown that offenders with this disorder need safe housing with an emphasis on structure and routine. This demonstration project is the first of this kind in Canada and is founded on the recognition that traditional approaches do not necessarily work with this population. The objectives of the program include the reduction of recidivism, securing public safety and striving towards full community reintegration of program participants. Programming and house rules are based on the External Brain model, in which a network of persons and prompts maximize structure and predictability in the external environment of a person with FASD.

Preliminary evaluation of the program has shown that the residents have demonstrated attitudinal and behavioural improvements including greater compliance with house rules, active employment search, the development of positive associations in the community, a decrease in the number of incidents involving inappropriate expressions of emotion and ways of communicating, and an increase in the ability of residents to more successfully manage high risk situations.

Funding

The program is funded by CSC as a demonstration project. Funding includes a per diem, a portion of which is for room and board. Residents who are employed pay \$25 per week. The high intensity of staffing and programming needed to support people with FASD requires an increase in funding, and the program is evaluating its funding sustainability and possible new funding sources in order to achieve this.

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13.5 SPAN Program, Bowery Residents' Committee Inc., New York City, USA

History, Mission and Services

The Bowery Residents' Committee Inc. is a voluntary non-profit organization addressing the needs of person with limited resources. The agency provides various services including housing, meals, withdrawal management, mental health and addiction services, health care, vocational rehabilitation, AIDS services, community education and advocacy. The agency began in 1973 and evolved from the efforts of local lodging house residents to provide basic social services for themselves and other disenfranchised men who lived on the Bowery, in flophouses, and on the streets.

Among other programs, the Committee offers Gateway Services—outreach, referral and case management services for people living on the streets, coming out of jail, or who have special mental health needs. Under these services fall the five Service Planning and Assistance Network (SPAN) programs that have been opened to serve all of New York City. SPAN programs originated out of a class action lawsuit seeking discharge planning services for inmates in New York City jails. The case, *Brad H. et al. v. City of New York*, was brought in the summer of 1999, to demand changes to release practices such as those of Rikers Island correctional facility, in which inmates with or without mental health diagnoses were taken to a subway station in the middle of the night, given \$1.50 and two subway fares, and provided with no other assistance or services. The suit resulted in a settlement agreement in 2003 stipulating that New York City will provide comprehensive discharge planning services for people jailed longer than 24 hours who received psychiatric treatment while in jail, so that continuing mental health treatment, related services, and benefits are arranged for them following release. People eligible for these services must have had at least two mental health treatment visits while incarcerated (that is, one initial assessment visit that must take place for all prisoners within 24 hours of admission, and at least one further visit on the basis of an assessment of mental health problems), and/or have a diagnosis of a serious and persistent mental illness (SPMI).

In addition to providing mental health assessments and treatment and discharge planning services through trained staff in the jails, the new program provides services in the community through SPAN offices, which are located within walking distance of criminal courts all five of the city's boroughs. In order to facilitate accessibility of these services, the settlement stipulates that prisoners must be released during daylight hours, and SPAN offices are open from 10 a.m. until 7 or 8 p.m.

SPAN offices provide voluntary, comprehensive discharge planning services to released inmates who request them within 30 days following their release. For people diagnosed as seriously and persistently mentally ill (SPMI), mandatory follow up determines whether they went to the SPAN program, and if they did not appear the City is required to try to contact them for up to 30 days to set up another appointment. Discharge plans for released prisoners are individually assessed, and may include mental health treatment and support services, assistance in applying for public benefits, assistance with Medicaid reactivation, the provision of a Medication Grant Program card that can be used at pharmacies throughout the city, appropriate housing or shelter, and transportation to housing or shelter. Prisoners may refuse any or all discharge planning assistance.

In terms of housing, the agreement stipulates that best efforts are to be made to ensure that prisoners with mental health problems have appropriate housing when released from jail. If they are deemed to need supportive housing, discharge planners are required to complete and submit all necessary application forms. If this housing is not available upon the prisoner's release from jail, they may be placed in temporary shelters. In these instances, follow up notification of housing placement is provided for those released prior to appropriate housing being available.

Other areas of service through the Bowery Residents' Committee include the provision emergency housing, emergency residential withdrawal management and stabilization, transitional/supportive housing, permanent supportive housing, and day treatment and services. Emergency housing is run through the Reception Centre which is a 54 bed transitional residence for men and women who are homeless and have psychiatric disabilities. It is staffed 24 hrs a day, 7 days a week and offers three meals a day, case management, mental health assessment and other educational activities and related services (www.brc.org).

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13.6 Project Greenlight, New York City, USA

History, Mission, and Services

This eight-week comprehensive re-entry program for male sentenced prisoners at Queensboro Correctional Facility—a minimum-security state prison in New York City—was implemented in 2002 as a partnership of the New York State Department of Correctional Services, the New York State Division of Parole and the Vera Institute of Justice. Though housing assistance was not initially included in the project, a housing component was developed when staff realized that many project participants' parole plan consisted simply of reporting to the city's main homeless shelter.

When new prisoners entered Queensboro, they attended an orientation session where they received information about Greenlight, and completed a form to indicate whether they wanted assistance with re-entry planning. Eligible participants had to have a release date less than two months away, and had to be released to parole supervision. The men selected to participate received services from two Division of Parole institutional officers and two Department of Correctional Services counsellors who were trained by Greenlight as re-entry case managers. They helped participants to secure appointments with local programs that addressed issues of employment, education, substance abuse, family issues and constructive use of leisure time. Men were able to invite their families to the jail to take part in regular counselling sessions with them which aimed to reinforce bonds with these individuals and plan for how they would fit back into the family. The project's community co-ordinator met with each individual who had signed up and conducted a housing intake assessment and a psycho-social assessment, in order to determine specific housing needs, such as whether there was a need for addiction treatment. Finally, a release plan was completed after several weeks of working with each individual.

Securing housing for prisoners without creating or subsidizing new housing required intensive work with the project participants and housing providers. The co-ordinator visited residences in the community and met with staff and current residents, in order to establish relationships with management and gather first-hand knowledge of the facilities and amenities to be made available to the clients. Housing included beds in unregulated private rooming houses and

welfare hotels, as well as units managed by non-profit housing providers. Project participants were carefully matched with appropriate housing based upon factors such as their willingness to obey curfews and their service needs. When housing could not be secured before release, the community co-ordinator worked with the city's homeless shelter to ensure that parolees could be "expedited" from the general population in the shelter to special housing placements. Some participants placed in shelters were referred to specialized programs (such as the Ready, Willing and Able employment and sobriety program) that would place graduates in housing upon program completion. Upon release, each individual referred to housing was provided with a letter containing directions and contact information for the residence. The case manager followed up on the client's progress in housing in order to update the release plan, and this information was sent to the inmate's field parole officer.

Objectives and Outcomes

From February 2002 to February 2003, the program served 348 men. Of the 225 men who left prison and participated in Greenlight from mid September 2002 to mid March 2003 (that is, after the need for a housing component had been recognized), more than a quarter (66) were eligible for housing help on the basis that they had no fixed address and planned to go to a shelter upon release (participants who had money saved and planned to find an apartment were not provided with intensive housing support). While a few of these found housing on their own, the remainder (51) received housing assistance. Some men who originally indicated that they did want housing assistance eventually declined, due to a number of factors: the prison-like qualities of some residences (bunk beds, lack of privacy); concern about making any additional commitments outside parole; and unwillingness to engage in intensive services.

Now Greenlight is working with the New York City Department of Correction (DOC) and the Center for Employment Opportunities (CEO) to introduce discharge planning into the city's jail system at the time of intake, to address the needs of the majority of detainees who will stay in jail 45 days or less. The new project will help short-term detainees secure essential identification documents, connect them with immediate short-term employment through CEO, and provide them with other services designed to address their urgent needs for job training, substance abuse treatment, and housing.

Contact:

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13.7 Sarah Powell Huntington House, New York City, USA

History, Mission, and Services

The Women's Prison Association (WPA) has been operating for more than a century and a half. It is a service and advocacy organization committed to helping women with criminal justice

histories realize new possibilities for themselves and their families. Its program services make it possible for women to obtain work, housing, and health care; to rebuild their families; and to participate fully in civic life. Through the Institute on Women and Criminal Justice, WPA pursues a rigorous policy, advocacy, and research agenda to bring new perspectives to public debates on women and criminal justice. It provides services to about 2,500 women and their families each year. Most of its clients have been involved in the city jail and state prison systems rather than the federal system.

The WPA provides an integrated continuum of services to criminal justice-involved women in response to five key areas of need: livelihood, housing, family, health and well-being, and criminal justice compliance. For example, a homeless woman awaiting trial can be contacted in jail by the Transitional Services Unit, receive information on HIV prevention, and be counselled regarding community-based services. Subsequently, she can be provided with emergency housing at the Hopper Home. Then she can be admitted to the Sarah Powell Huntington House, where she can work with a case manager, participate in community-based services (such as drug treatment, individual counselling, and vocational training), and reunite with her children. Before leaving Huntington House, she can be assisted with her transition into the community by locating housing and employment by staff of the Steps to Independence Program.

Hopper Home Alternative to Incarceration

Hopper Home is a program for women under court supervision who can fulfil their criminal justice obligations in the community rather than in prison. Hopper Home includes both transitional residence and community supervision phases.

Hopper Home provide a safe, clean, drug-free residence for up to 20 women who would otherwise face an average prison sentence of two to six years. It is staffed 24 hours a day, 7 days a week. Women who enter the residential program live at the Hopper Home for about eight months and then move into the community, where they are monitored for up to six months. All residents with drug histories are enrolled in day-treatment programs in the community and their progress is assessed by a case manager. In the evenings, residents participate in a regimen of group counselling, live-skills workshops, and household work assignments.

To ensure public safety, the clients' compliance with house rules and court-ordered requirements is closely monitored. Women are expected to adhere to a strict curfew. Drug use is tracked through urine screening conducted three times a week.

Residential clients proceed through four program phases. At the conclusion of each phase, clients must assess their own progress and make formal presentations to the case management team outlining the reasons they are entitled to additional privileges. Before leaving the Hopper Home, they must show proof of stable housing and other pro-social community ties, and monitoring continues in the community for up to six months.

Huntington House

Opened in 1993, this 28-unit apartment building is a transitional residence designed to help homeless women who are coming out of jail or prison to rebuild their lives in the community and to reunite with their children. Two 19th century buildings facing a large park were converted into a single six-storey structure that includes two childcare rooms and a first floor multi-purpose room.

According to WPA, most women need a new home on release (one-third who were homeless when they entered jail or prison and another third who face the risks of drug use or domestic violence in the home to which they could return). Huntington House responds to this need and addresses the Catch-22 situation in which, without housing, a mother cannot get custody of her children and, without her children in hand, she cannot get (subsidized) housing.

Prospective residents must be approved by the New York City Department of Homeless Services, must be prepared to enter the program drug-free, and must have custody of their children or a good prospect of regaining custody. During stays of up to two years, women have access to in-house services including case management, substance relapse prevention, HIV/AIDS educational services, peer support, life skills and parenting programs, educational and vocational referrals, on-site childcare, supervised family visits and activities, and permanent housing placement. The House can accommodate up to 37 women. Nine of the apartments are shared double units for single women working toward reunification with their children. Once custody is approved, a woman and her children can move into one of 19 family units.

Funding

Huntington House was developed with funding from the State Homeless Housing Assistance Corporation. A little more than one million dollars in private and city funding now supports building operation and maintenance as well as a staff of 21 (full- and part-time).

Outcomes

During its first ten years of operation, Huntington House was home to 328 women.⁶⁷ About half of them were on parole when they were admitted to Huntington House. Almost half of them had recently served a sentence of less than one year. About half of them had come directly from a shelter. The overall average length of stay was ten months (six months for those who did not progress to the family units and 17 months for those who did).

About one-half of the women achieved reunification with at least one child. Slightly more than one-half of them were discharged to permanent housing. And more than three-quarters of them did not return to the shelter system. Among those who lived with their children at Huntington

67 These findings were drawn from *A Report on the First Ten Years of the Sarah Powell Huntington House* available on the WPA web site.

House, the outcomes were more positive: 80 percent were discharged to permanent housing, and 96 percent did not return to the shelter system.

Among the 45 percent of residents who did not move to permanent housing, some left without authorization, moved to other shelters or places in the community, or became involved in drug/crime-related incidents. Clients that left in this manner usually did so within three months of entering Huntington House. Of this group, 44 percent re-entered the shelter system.

Later phases of the evaluation study will assess client recidivism in the criminal justice system and the extent of client involvement in the formal child welfare system.

Contact:

Ann Jacobs, Executive Director

110 Second Avenue, New York, NY, 10003

Phone: (212) 674-1163, ext. 17 Fax: (212) 677-1981

E-mail: ajacobs@wpaonline.org

Website: www.wpa.org

13.8 Housing Benefit for Prisoners, U.K.

History, Mission and Services

In the United Kingdom, people with a low income who are paying rent are entitled to public assistance funds called “housing benefit.” The amount a person receives will not necessarily cover the whole of their rent but it will be what is a reasonable rent for the area and will depend on the person’s income and savings. These funds may be available to incarcerated people in order to prevent the loss of housing during incarceration.

People who were receiving housing benefit prior to their incarceration must fill out a new claim form once incarcerated. Prisoners on remand can claim housing benefit for up to 52 weeks if they are renting accommodation, no matter what type of rental space they are in (e.g.: social housing or private). In order to claim this benefit, prisoners must return to the address once they are released, and the accommodation may not be sub-let to anyone in their absence. Once a prisoner is sentenced, housing benefit can only be claimed if she or he is serving 13 weeks or less in custody (based on their earliest date of release, and including any time spent in prison on remand). If prisoners are serving longer than 13 weeks, they are not eligible for housing benefit at all, not even for the first thirteen weeks that they are in custody. Those who are sentenced to six months may be eligible for a housing benefit that would cover the first half of the sentence. Those sentenced to up to one year might be able to obtain some benefits if they are on a home detention curfew and might be released after the first 13 weeks.

Prisoners who have family or a partner still living in their residence may make a claim for benefits in order to help their family maintain the housing. Those who were living in a residential care home are permitted to claim housing benefit for the rent portion of the cost associated with this, but other fees such as food and board will not be covered. Some benefits are also available for prisoners who have a mortgage, and in order to pay for tax and utilities. In

the case of some utilities, prisoners can arrange for the supply to be cut off and then reinstated when they return to the accommodation. Finally, a discharge allowance is provided for convicted prisoners who have spent more than 14 days in prison.

Contact:

James Plaskitt, Parliamentary Under Secretary (Commons), Responsible for Housing Benefit
Department for Work and Pensions, Parliamentary Relations Unit
Richmond House, 79 Whitehall, London, SW1A 2N5, U.K.

13.9 Nacro Supported Housing and Resettlement Services, U.K.

History, Mission and Services

The National Association for the Care and Resettlement of Offenders (Nacro) is the leading crime reduction charity in the U.K. Through services to individuals and communities as well as research, advocacy, and training for organizations, Nacro works to offer prisoners a fresh start in life, and campaigns for a just, effective and non-discriminatory criminal justice system. They were founded in 1966 and have grown into one of the largest charities in the U.K., with 1500 staff members and 800 volunteers. Their research and advocacy has pushed the issue of prisoner resettlement up the political agenda. Nacro offers many programs and services to assist prisoners both during and after their incarceration. One of the very practical components that they use to do this is social housing.

Nacro Housing is a registered social landlord and has 1322 places for ex-offenders in self-contained flats, shared houses and hostels around England and North Wales. In addition to providing a place for ex-prisoners to live, these housing projects offer services including help to access other temporary or permanent housing, support packages for tenants, rent deposit services, housing advice in the community and in prisons, and neighbourhood mediation projects. Some of the housing projects provide 24 hour staffing, while others have staff that visit regularly with emergency contacts available all the time. Short stay hostels are also available to people who are homeless.

Tenants in Nacro's housing usually stay for three to twelve months. During this time, they are assisted to prepare for and obtain more permanent, independent accommodation. Nacro offers a Resettlement Support Program through which staff provide individualized support to tenants throughout their tenancy. The program includes the development of independent living skills such as budgeting, shopping, cooking and personal hygiene; assistance in claiming benefits and finding work, training or education; and support with health and personal problems such as substance misuse, debt and family breakdown.

Nacro's Resettlement Plus Helpline provides information and advice to prisoners, ex-prisoners and those who know and work with them. Staffed by only four people, the line deals with almost 18 000 inquiries per year. About three-quarters of the calls are from prisoners and the majority of these inquiries are related to employment and housing issues. The line also provides

information to employers and staff training and careers offices on the Rehabilitation of Offenders Act.

These services and others are informed by Nacro's extensive research and evaluation in areas including racism and the criminal justice system, housing and other resettlement issues, alternatives to incarceration, and addiction prevention and treatment.

Funding

Funding for the housing projects comes from the local authority (municipal government) budgets, the National Assembly for Wales, tenants' rent and other local sources.

Contact:

Tim Bell, Director of Housing

16 Vivian Ave., Sherwood Rise, Nottingham, NG5 1AF, U.K.

Phone: 0115-985-7744 Fax: 0115-962-8949

E-mail: tim.bell@nacro.org.uk

13.10 Transitional Housing Management - Corrections Housing Pathways Initiative, Victoria, Australia

History, Mission and Services

This was a two-year pilot project undertaken by the Victorian Departments of Justice and Human Services to reduce homelessness among ex-prisoners. The initiative targeted sentenced prisoners in three prisons who were found to be at high risk of homelessness on release, in particular those who had a long history of homelessness. As well, the initiative was designed to assist those entering correctional facilities on short-term sentences to retain their existing accommodation.

The initiative was developed with input from focus groups that included service providers in the areas of housing, corrections, support and post-release services. The initiative made available 61 transitional housing units (13 for women and 48 for men), located in a number of independently-managed housing projects across Victoria, as well as support services for eligible prisoners.

Inmates in two men's prisons and one women's prison were screened at intake, and those found eligible to participate in the initiative were referred to Housing Placement Workers located in each facility. The Placement Workers performed an initial assessment to determine prisoners' risk of homelessness, and those found to be at high risk were offered the opportunity to develop a pre-release plan with the Placement Worker. Prisoners who met criteria for independent living and who agreed to the terms of the Initiative were matched with appropriate housing units.

Once a unit was identified for an eligible prisoner, an Initiative Support Provider would begin to offer support for resettlement planning during incarceration. Upon release, the Support Provider would meet with the participant to assist in signing up for the designated housing

unit. Intensive support was provided at the beginning phases of transition immediately following the client's release. Once the client had settled into their accommodation, the Support Worker would begin weekly visits with the client to develop a plan for exiting the transitional unit and moving into long-term housing. In collaboration with other local services, the Support Workers would provide assistance in the development of skills for independent living, and support in accessing longer-term affordable housing and employment.

The initiative also introduced an exemption from public housing guidelines, in order to allow staff to do early assessments of public housing applications submitted on the grounds of recurring homelessness, before the applicant's release from prison. In some cases, this meant that public housing would be available for individuals by the time they were released.

Objectives and Outcomes

Preliminary assessments of the initiative suggest that outcomes are generally positive, with many clients moving on to longer-term housing. Participation in the initiative appears to be associated with decreasing length of any subsequent incarcerations, and increased success in bail applications.

Funding

The Office of Housing funded the dedicated units as well as Housing Placement Workers who are based at each of the prisons involved in the project. Office of the Correctional Services Commissioner funded an average of six months of post-release support per tenant of the 61 designated properties, as well as the evaluation of the project.

Contact:

Peter Lake, Office of Housing

Department of Human Services, Victoria

GPO Box 4057, Melbourne, VIC, 3001, Australia

Phone: 61 3 9616-7777

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Elizabeth Fry Society of Mainland Nova Scotia

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Fortune Academy, The Fortune Society, New York City, USA

Prisoners HIV/AIDS Support Action Network (PASAN), Toronto, Canada

Sarah Powell Huntington House, New York City, USA

Société Élizabéth Fry du Québec

Women in Transition, Salisbury, MA, USA

Youth

Housing Programs, John Howard Society of Ottawa

John Howard Society of Nanaimo

National AfriCan Integration and Families Association (NAIFA)

Operation Springboard

Street Youth Legal Services, Justice for Children and Youth, Toronto

Youth Justice Committees

The Fortune Society, New York City

Prisoners HIV/AIDS Support Action Network (PASAN), Toronto

Appendix A: List of Key Informants

Pam Bentley, Psychiatric Nurse, Toronto Jail

Emily Chan, Community Developer Lawyer, Justice for Children & Youth, Toronto

R. Mooky Cherian, Provincial Prison In-Reach Co-ordinator, Prisoners' HIV/AIDS Support Action Network, (PASAN), Toronto

Richard Coleman, Co-ordinator, Toronto Drug Treatment Court

Police Constable Mike Donnelly, Mental Health/Homeless Co-ordinator, Toronto Police Service

Pam Elliot, Deputy Superintendent — Programs, Toronto Jail

Calvin Henschell (SC), Community Health Outreach Worker, Regent Park Community Health Centre, Toronto

Jane Kali (SC), Team Leader, ID Safe, Access to Health Cards for Homeless, Street Health Community Nurse Foundation, Toronto

Pat Larson (SC), Nurse Practitioner, Sherbourne Health Centre, Toronto

Lesley Logan, Social Worker, Vanier Centre for Women in Milton, Milton, ON

Peter Menzies (SC), Manager, Centre for Addictions and Mental Health, Aboriginal Services (Addictions), Toronto, Ontario

Susan Miner, Director, Street Outreach Services (S.O.S.), Toronto

Marta Nelson, Director, Project Greenlight, State Sentencing & Corrections Program, Vera Institute of Justice, New York City, USA

Hugh Osler, Executive Director, The Salvation Army, Ontario Central Division – Correctional & Justice Services, Toronto

Sylvia Poetschke, Chaplain, Maplehurst Correctional Centre, Milton, Ontario

Dominic Raffo, Manager, St Mungo's Prison Services, London, England

Nino Rodriguez, Senior Field Analyst, New York City , USA

Boris Rosolak (SC), Manager, Seaton House (City of Toronto)

John Sampson, Social Worker, Maplehurst Correctional Centre, Milton, Ontario

Michael Shapcott, Research Associate, Centre for Urban & Community Studies, University of Toronto

Michael Skaljin (SC), Central Regional Manager, Re-integration Programs, Ontario Multi-Faith Council, Toronto

Nancy Soloman, Discharge Planner, Vanier Centre for Women in Milton, Milton, Ontario

Graham Stewart, Executive Director, John Howard Society of Canada, Kingston, Ontario

Appendix B: List of Agencies Participating with Survey

Aboriginal Legal Services of Toronto

All Saints Church, Community Centre

Evergreen Centre for Street Youth

ID Safe Program, Access to Health Cards for Homeless

The Meeting Place, St Christopher House

Salvation Army Community & Family Services

Seaton House

Spirit of the People Supporting Aboriginal Ex-offenders

Street Health Community Nursing Foundation

Street Outreach Services (S.O.S.)

Appendix C: Service Provider Focus Group Participants

Cameron Brown, Interim Director, Toronto Bail Program

Pedro Cebezas, Program Worker, St Christopher House – The Meeting Place

Terry Creamer, Outreach Worker, COTA, Hostel Outreach Program

Gary Glowacki, Program Director, The Bridge Prison Ministry, Brampton, ON

Jon Harstone, Non-profit Housing Development Consultant

Jeannie Loughrey, Priest & Director, All Saints Church – Community Centre

Heather Marton, Manager Hostel & Drop-In, Street Haven

Ruth Yoeman, Counsellor, The Works, Toronto Public Health

Appendix D: Additional Tables

Table D1: NFA Individuals Admitted and Total Admissions to Toronto Area Adult Correctional Facilities⁶⁸, Selected Years

Year	Percentage with No Fixed Address	
2001-2002	Individuals (N = 174)	0.8
	Admissions (N = 296)	1.0
2002-2003	Individuals (N = 235)	1.0
	Admissions (N = 375)	1.2
2003-2004	Individuals (N = 230)	1.0
	Admissions (N = 374)	1.2
2004-2005	Individuals (N = 286)	1.2
	Admissions (N = 496)	1.3

Table D2: NFA Admissions to Toronto Area Adult Correctional Facilities by Sex, 2001/02

Number	Sex Breakdown (%)	Percentage with No Fixed Address
Men (N = 249)	84.1	0.9
Women (N = 47)	15.9	1.4
Total (N = 296)	100	1.0

68 Facilities included Toronto West Detention Centre, Toronto East Detention Centre, Toronto Jail, and Vanier Centre for Women, and Maplehurst Correctional Complex.

Table D3: NFA Admissions to Toronto Area Adult Correctional Facilities by Sex, 2002/03

Number	Sex Breakdown (%)	Percentage with No Fixed Address
Men (N = 343)	91.5	1.2
Women (N = 32)	8.5	1.0
Total (N = 375)	100	1.2

Table D4: NFA Admissions to Toronto Area Adult Correctional Facilities by Sex, 2003/04

Number	Sex Breakdown (%)	Percentage with No Fixed Address
Men (N = 256)	68.5	0.9
Women (N = 118)	31.5	3.1
Total (N = 374)	100	1.2

Table D5: NFA Admissions to Toronto Area Adult Correctional Facilities by Sex, 2004/05

Number	Sex Breakdown (%)	Percentage with No Fixed Address
Men (N = 457)	92.1	1.4
Women (N = 39)	7.9	0.9
Total (N = 496)	100	1.3

Table D6: Reason for Shelter Use, Selected Years (based on admissions)

Main Reason for Shelter Use	1988 (%)	1993 (%)	1998 (%)	2003 (%)
Eviction	10.4	7.5	3.4	2.9
Family breakdown	3.8	4.3	6.3	6.1
From corrections	2.1 (N = 813)	1.6 (N = 812)	1.1 (N = 725)	1.2 (N = 880)
From treatment	2.5	1.8	1.2	1.1
New to city	27.0	19.4	3.5	3.2
Other	16.9	6.6	9.9	14.4
Abuse by parent	0.4	0.5	0.5	0.3
Abuse by spouse	3.4	4.0	1.9	1.0
Transient	33.1	53.7	71.8	68.9
Unsafe premises	0.4	0.6	0.4	0.9
Total	100 (N = 38,719)	100 (N = 55,168)	100 (N = 65,921)	100 (N = 73,344)

Table D7: Number of Individuals in Shelters from Corrections by Age Group, Selected Years (based on unique individuals)

Age Group	1988 (average age = 29)	1993 (average age = 31)	1998 (average age = 31)	2003 (average age = 33)
Youth (16 to 24)	41.2% (N = 254)	32.0% (N = 226)	34.4% (N = 190)	32.8% (N = 208)
Adults (25 to 44)	47.8% (N = 293)	58.4% (N = 413)	54.3% (N = 300)	50.5% (N = 320)
Middle-aged (45 & up)	11.0% (N = 68)	9.6% (N = 68)	11.3% (N = 63)	16.8% (N = 107)
Total individuals	100% (N = 615)	100% (N = 707)	100% (N = 553)	100% (N = 635)

Table D8: Age Group of Individuals in Shelters who came from Corrections by Gender, Selected Years (based on individuals)

	1988	1993	1998	2003
Male Youth	86.6%	85.0%	82.1%	85.1%
Female Youth	13.4%	15.0%	17.9%	14.9%
All Youth (16 to 24)	100% (N = 254)	100% (N = 226)	100% (N = 190)	100% (N = 208)
Male Adults	93.2%	89.1%	84.0%	79.4%
Female Adults	6.8%	10.9%	16.0%	20.6%
All Adults (25 to 44)	100% (N = 293)	100% (N = 413)	100% (N = 300)	100% (N = 320)
Male Middle-aged	91.2%	92.7%	88.9%	76.6%
Female Middle-aged	8.8%	7.4%	11.1%	23.4%
All Middle-aged (45 & up)	100% (N = 68)	100% (N = 68)	100% (N = 63)	100% (N = 107)

Table D9: Previous Residence (one year prior to shelter admission) by Age Group, Selected Years (based on individuals)

		1988	1993	1998	2003
Youth (16 to 24)	Toronto	63.6%	74.7%	83.6%	81.2%
	Elsewhere in Ontario	23.9%	19.5%	11.5%	15.0%
	Another province	12.5%	5.8%	4.9%	3.8%
	Total youth	100% (N = 247)	100% (N = 225)	100% (N = 183)	100% (N = 207)
Adult (25 to 44)	Toronto	64.4%	74.1%	84.4%	78.4%
	Elsewhere in Ontario	24.2%	19.5%	11.9%	15.0%
	Another province	11.4%	6.3%	3.7%	6.6%
	Total adult	100% (N = 289)	100% (N = 410)	100% (N = 295)	100% (N = 319)
Middle-aged (45 & up)	Toronto	67.7%	80.9%	83.6%	79.4%
	Elsewhere in Ontario	26.1%	11.8%	13.1%	10.3%
	Another province	6.1%	7.3%	3.3%	10.3%
	Total Middle Aged	100% (N = 65)	100% (N = 68)	100% (N = 61)	100% (N = 107)
Grand Total		100% (N = 601)	100% (N = 703)	100% (N = 539)	100% (N = 633)

Table D10: Length of Stay of Individuals Admitted to Shelters from Corrections by Age Group, Selected Years (based on individuals)

		1988	1993	1998	2003
Youth (16 to 24)	Less than 1 month	239 94.5%	199 89.2%	136 73.9%	163 79.1%
	1 to 2 months	9 3.5%	21 9.4%	34 18.5%	29 14.1%
	2 to 3 months	3 1.2%	1 0.5%	4 2.2%	5 2.4%
	4 to 6 months	2 20.8%	2 0.9%	9 4.9%	6 2.9%
	More than 6 months	0 0%	0 0%	1 0.5%	3 1.5%
	Total youth	253 100%	223 100%	184 100%	210 100%
Adult (25 to 44)	Less than 1 month	286 97.6%	387 94.6%	259 87.2%	272 84.5%
	1 to 2 months	7 0.4%	16 3.9%	31 10.4%	33 10.3%
	2 to 3 months	0 0%	2 0.5%	2 0.7%	10 3.1%
	4 to 6 months	0 0%	1 0.3%	4 1.4%	5 1.5%
	More than 6 months	0 0%	3 0.7%	1 0.3%	2 0.6%
	Total adults	293 100%	409 100%	297 100%	322 100%
Middle-aged (45 & up)	Less than 1 month	65 95.5%	64 92.7%	53 85.5%	94 88.7%
	1 to 2 months	1 1.5%	4 5.8%	6 9.7%	6 5.7%
	2 to 3 months	1 1.5%	0 0%	3 3.2%	3 2.8%
	4 to 6 months	1 1.5%	0 0%	3 0%	3 2.8%
	More than 6 months	0 0%	1 1.5%	0 1.6%	0 0%
	Total middle-aged	68 100%	69 100%	62 100%	106 100%
GRAND TOTAL		614 100%	701 100%	543 100%	634 100%

Table D11: Length of Stay for all Admissions to a Shelter by Age Group, Selected Years (based on admissions)

		1988	1993	1998	2003
Youth (16 to 24)	Less than 1 month	316 96.9%	302 94.1%	230 83.6%	266 86.1%
	1 to 2 months	7 2.2%	17 5.3%	34 12.4%	35 11.3%
	2 to 3 months	1 0.3%	1 0.3%	5 1.8%	4 1.3%
	4 to 6 months	2 0.6%	1 0.3%	5 1.8%	1 0.3%
	More than 6 months	0 0%	0 0%	1 0.4%	3 1.0%
	Total youth	326 100%	321 100%	275 100%	309 100%
Adult (25 to 44)	Less than 1 month	375 98.4%	473 95.8%	333 89.5%	396 89.8%
	1 to 2 months	6 1.6%	14 2.8%	32 8.6%	33 7.5%
	2 to 3 months	0 0%	2 0.4%	3 0.8%	6 1.4%
	4 to 6 months	0 0%	1 0.2%	4 1.1%	5 1.1%
	More than 6 months	0 0%	4 0.8%	0 0%	1 0.2%
	Total adults	381 100%	494 100%	372 100%	441 100%
Middle-aged (45 & up)	Less than 1 month	81 96.4%	78 89.7%	65 89.1%	122 89.7%
	1 to 2 months	1 1.2%	8 9.2%	5 6.9%	8 5.9%
	2 to 3 months	1 1.2%	0 0%	2 2.7%	4 2.9%
	4 to 6 months	1 1.2%	0 0%	0 0%	2 1.5%
	More than 6 months	0 0%	1 1.1%	1 1.3%	0 0%
	Total middle-aged	84 100%	87 100%	73 100%	136 100%
Grand Total		791 100%	902 100%	720 100%	886 100%

Appendix E: Glossary of Terms

Many of these definitions are drawn from the Ontario Women's Justice Network's on-line glossary at <<http://www.owjn.org/info/glossary.htm>>

Appearance notice: When someone is charged with a criminal offence, they get an appearance notice, which tells them to go to court on a certain date. This is when the court process begins, although the person may have to return to court many more times after this first appearance.

Arrest: When the police detain someone, telling them they are not free to leave until further notice. Often, an arrest will take place at the same time as a person is charged with an offence, but not necessarily. The police can arrest someone and keep them in police custody for some time while deciding whether or not to lay a charge against them. If the police decide not to lay a charge, the person will be released. The right to speak to a lawyer only exists from the time a person is charged. A person would not be fingerprinted or photographed until a charge had been laid.

Bail: When someone is arrested and charged with a criminal offence, they can be released by the police directly from the police station if they make a promise to appear in court on a specified date. When the charge is more severe, the person will only be released after there has been a hearing (called a bail hearing) in court. At this time, the accused person's lawyer will tell the court why the accused person should be released from jail, and the Crown Attorney will tell the court if there are any concerns about releasing the accused person. The person may be "granted bail," which means they will be released from jail. There may be some conditions on their behaviour — they may have to avoid certain areas, not drink alcohol, etc. Sometimes they have to have a person stand up in court and agree to take responsibility for their behaviour. This person is called a "surety" and may have to promise the court to pay money if the accused person breaks the rules of their bail.

Bail hearing: A hearing where it is determined whether the accused should be kept in custody or released on bail. The Crown Attorney must convince the court that the accused should be kept in jail until the trial. Otherwise, the person is released on bail, under the supervision of a probation officer.

Criminal justice system: A legal way of regulating certain areas of behaviour. It is characterized by: (1) explicit rules (laws) created by political authority; (2) designated officials (police, lawyers, judges, etc.) who make, interpret and enforce the rules; and (3) provision for punishment for those who offend and commit acts against the rules and society at large.

Detained: A person may be held or detained temporarily by the police (from a few minutes in a police cruiser to overnight in a police station cell). Pre-trial detention is more commonly called custodial remand or being “held on remand” (see *Remand* below).

Fetal Alcohol Spectrum Disorder (FASD): A serious neuro-developmental disorder that is caused by prenatal exposure to alcohol. Adolescents and young adults, especially, may have limited reasoning and judgment abilities. Their behaviour may be unpredictable and they suffer depression and a higher level of mental illness than would be expected. Abuse of drugs and/or alcohol, which frequently begins in adolescence, may compound the problem.

Incarceration: Means the person must spend a period of time in either a provincial jail (if sentenced to less than two years) or a federal prison (if two years or more); it is the most severe of penalties the judge can impose on a person convicted of a criminal offence. Other penalties include being placed on probation, having to pay a fine, or being required to serve a conditional sentence in the community as an alternative sanction (their movements are limited and other conditions may be placed on their activities).

Offence: A word is used to describe a crime that has been committed.

Parole: Occurs when an individual convicted of an indictable offence (usually a federal offence) is released from prison after serving part of his sentence. A parole officer is assigned to that person, and conditions, which are dependent on the crime committed, are written.

Remand: Custodial remand, a provincial/territorial responsibility also referred to as pre-trial detention, occurs when a person is ordered by the court to be held in custody while awaiting a further court appearance. If a person is in custody on a charge prior to trial, that person is “held on remand.” In other words, the person is charged, but not (yet) convicted.

Sentence: Penalty or punishment the judge chooses once someone has been found guilty.

Show cause hearing: A term that comes up in some bail hearings. If the Crown does not want the accused to be released on bail, it must convince the court about why he or she should be kept in jail. Because the Crown must show the cause for keeping the person in jail, this is called a show cause hearing.

Summary offence: A crime that is considered less severe and is given a lesser penalty. Such cases are tried by a provincial court judge. Generally, if convicted, the accused can receive a fine of not more than \$2,000 and/or imprisonment of up to six months.

Summons: Legal document requiring an accused person to appear in court on a specified date.

Warrant: An order from a court that gives the police the authority to arrest someone.

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