



No fixed abode: The implications for homeless people in the criminal justice system

Summary

the **Howard League** for **Penal Reform**

Key points

- A third of people leaving prison say they have nowhere to go (Centre for Social Justice, 2010). Including those on remand, this could be up to 50,000 people annually (Ministry of Justice, 2013a, 2013b). No fixed abode (NFA) is the formal term used to identify these people
- Prior to or post custody, people with no home can be temporarily accommodated in hostels in the community. Such hostels subject residents to surveillance and supervision as part of a residence license and can be described as 'semi-penal institutions' (Barton and Cooper, 2012). In the study, semi-penal institutions consist of probation hostels, homeless hostels and refuges for women.
- The research was undertaken in North West England, and was based on a total of 34 interviews.
- Almost all men in the research sample were recalled to custody. Men often chose not to reside in hostels, and this, along with strict licensing terms and conditions, led men to breach their bail and/or licensing conditions
- Many men interviewed in the sample found hostels unduly restrictive and disempowering because of various stringent terms and conditions and said they would rather spend their sentence in prison
- Women in the research sample said that they felt safe and looked after in hostel accommodation. Frequent group work helped to facilitate a supportive environment. However, women were frequently moved away from existing family networks to be accommodated due to the poor geographical spread of hostels.

Shirelle, 36, approved premises probation hostel

Shirelle originally came from Macclesfield. She had been homeless, on and off, for ten years. She had been in prison eight times over the last seven years. Prior to going into custody for the first time, Shirelle was housed in a social housing property for two and a half years. Once in custody, Shirelle lost her accommodation within two weeks, because of rent arrears. After release from prison, Shirelle made a homeless application to her local authority to be rehoused, but she was deemed intentionally homeless as a result of rent arrears.

Shirelle's prison sentences were all short-term. She also spent four months on remand and was later acquitted. Shirelle did not receive any housing support during her time in prison. On one occasion, she was released from prison into a tent.

When interviewed, Shirelle was staying at an approved premises probation hostel. Shirelle had been living on the streets prior to arriving at the hostel. Shirelle had to register on a drink detox programme as part of the hostel's terms and conditions.

While staying at the hostel, Shirelle was put on a choice-based letting scheme to be rehoused. This scheme advertises council and housing association properties available in the locality so that applicants can 'bid' to view and rent the property of their choice. Shirelle decided to relocate to the same vicinity as the hostel. Circumstances in her home area, including the death of her partner and drug use among the people she knew, meant she felt there was nothing to go back for. She was due to view a flat on the day of the interview.

Introduction

This summary is based on research published by the Howard League available at www.howardleague.org/publications-resettlement.

The research aimed to unpack experiences of homeless people in the criminal justice system, and consider their experiences of semi-penal accommodation and its impact on their propensity to reoffend and potential for being recalled to custody. Throughout the summary, 'hostels' will be used to refer to the various types of semi-penal accommodation.

The research was undertaken in North West England. Thirty-one interviews were carried out with people who were homeless and had been or were currently imprisoned. Three interviews were carried out with practitioners.

Since the research was undertaken the Coalition Government introduced the under occupancy charge, commonly known as the 'bedroom tax'. Research into the first 100 days of the bedroom tax by the National Housing Association (2013) and Aragon Housing Association (2013) shows that there are not enough smaller properties available. The majority of homeless people who have been in contact with the criminal justice system are single and need to be housed in smaller properties. Increased demand for these properties caused by the bedroom tax will make it more difficult to find suitable housing for these people.

Homelessness and the criminal justice system

Number of homeless people

It is difficult to know the true number of homeless people in contact with the criminal justice system because of a lack of reliable data. A key reason for this is the failure of prisons to record when people entering or leaving custody are homeless. This is compounded by the fact that homeless people often fail to declare their homeless status to increase their chances of being released on bail or granted parole.

Problems in legislation

The Homelessness Act 2002 places responsibility on local authorities to find accommodation for people who are vulnerable as a result of serving a custodial sentence. However, there are two key complications with this legislation:

1. Vulnerability: people who are homeless as a result of serving a prison sentence must demonstrate some vulnerability beyond the normal circumstances of homelessness in order to be declared 'priority need' for housing.
2. Intentionality: previous criminal conduct can be deemed as a deliberate action leading to intentional homelessness, as homelessness after custody is 'a likely consequence of committing an offence' (CLG, 2006: 98).

These caveats often deter both homeless people and support organisations from making homeless applications through local authorities to be rehoused, meaning people do not receive the housing support they urgently need.

Likelihood of being remanded to custody

People experiencing homelessness are more likely to be remanded to custody as the ability of criminal justice agencies to monitor them is compromised by their lack of a fixed address. To avoid being remanded to custody, some people admitted to giving a false address. This put them in breach of their bail conditions. The lack of certainty around

court hearing dates and outcomes makes it difficult for agencies to provide housing support to people held on remand.

Men's experiences of semi-penal accommodation

The study found that men experienced an intensification of disciplinary control in hostels compared to their experience of imprisonment. Semi-penal institutions were perceived by male participants as an alternative form of punishment. Additionally, unfeasible expectations placed on residents, restrictions meaning they were sometimes unable to work, and an increase in the powers given to probation to allow recall with less bureaucracy (Ministry of Justice, 2009) resulted in men becoming 'stuck' in the release–recall web of punishment.

Many men in the study indicated that the accommodation provided by criminal justice agencies for them after release was of poor quality and overcrowded. They felt disempowered by the restrictions and the threat of being recalled, and by being unable to challenge residence and/or licence terms and conditions. Many male participants in the study indicated that criminal justice agencies failed to take into account their need for privacy, responsibility, power and agency, and felt it was more feasible to serve their entire sentence period in prison.

*Case study: Callum, 32, prisoner
I got recalled in last January and I was in for five months. I got out, went back to a hostel and this is basically non-residing that I'm coming in for because I don't want to stay in a probation hostel... they are not helping me. When people say to me 'sum it up what it's like there' I say it's like a strict open prison. I don't think I should be in a hostel like that where I'm supervised where I've got curfews because, I have done my punishment. I wanted to work and I wasn't allowed to, you know? And the consequence of it out of my six and a half year sentence is that I've done just over five years of my sentence in jail.*

Women's experiences of semi-penal accommodation

The study found that women had mostly positive views about their experiences of semi-penal accommodation. All were involved in some form of group work activity that focused on women-centred offending-related needs. Discussions around domestic violence, drug and alcohol awareness and being separated from children generated empathy and trust. Supporting women's underlying issues had a profound impact on women's sense of self-esteem and their future direction.

*Case study: Belinda, 45, homeless hostel
They have been brilliant. They have helped me get a doctor because I am a drug user, I've only been clean now two days so they helped me get a script with the doctors and they are going to help me go on the house search next week to get a flat. Yeah, they've been great with me. They've helped me sort all my benefits out but I know I'm safe and no one can touch me here, it's just nice to feel safe and have somewhere to live for a change.*

However, the study also found that women were moved away from their home areas to be accommodated. Sixty-six per cent of women in the study did not originate from the area in which they were residing when interviewed, compared with 28 per cent of men. This dispersal was due to the scarce availability of hostels for women – there are currently six hostels for women, and 94 for men. The benefits of the accommodation for women must be considered alongside their geographical dispersal, as women were forced to sever ties with family and friends in order to be housed. Moving women to new communities can exacerbate feelings of social exclusion and isolation, and trigger emotional distress, which can intensify problems associated with offending.

Some women in the study decided to relocate permanently to the area where they were accommodated after release from custody, and this decision was made due to the lack of opportunities in their original home communities.

Conclusion

The research demonstrated some of the key problems faced by homeless people in contact with the criminal justice system. Homeless people are regarded as risky because they have no fixed abode, which increases the likelihood that they will be remanded to custody pre-trial and undermines attempts to resettle and rehouse them on release from prison. Some homeless people lie and claim that they have an address as a strategy to stay out of prison, but this in turn jeopardises bail and release terms and conditions. Many homeless people find it difficult to make the current legislative framework support their needs, meaning they miss out on support from local authorities.

Experiences of semi-penal accommodation were found to be highly gendered. Men expressed a degree of disempowerment, social exclusion and difficulty in achieving unattainable expectations; whereas female participants claimed that they felt safe and secure in their accommodation.

The uneven geographical spread of hostel accommodation for women meant women were removed from their original home area in order to be housed, raising questions around whether moving women away from their original community can reduce or intensify offending.

The role of semi-penal institutions warrants further critical inquiry, in relation to quality, suitability, location and the ways in which successfully run institutions can help to reduce the risk of reoffending and lead to successful reintegration.

Recommendations

- There are no authoritative national statistics on the number of people who are homeless and end up in prison. There should be a formal record of homeless people entering and leaving prison. This information would stimulate appropriate provision for homeless people.
- A 'homelessness forum' should be developed between prisons and their usual receiving local authorities. Its purpose would be to develop a process for supporting prisoners into housing pre and post release and monitor this process in order to maximise housing support to prisoners. A procedure should be developed to work with prisoners not resettling in the local area.
- Too many people end up in the prison system on remand or return to prison because of inappropriate accommodation. Once a baseline level of demand for approved premises and hostel accommodation has been achieved, the range of services currently provided needs to be assessed to ensure that demand in terms of gender, geography, remand, resettlement etc. can be met. There needs to be an appropriate mix of accommodation services in each region.
- Given the poor geographical spread of accommodation for women the above exercise should be prioritised in order to provide appropriate accommodation for homeless women in the criminal justice system.

- There should be equality of provision so that hostels are able to provide both men and women with the support they need to lead crime-free lives.
- There should be a review of the rules and regulations governing behaviour in semi-penal institutions to assess whether they are too restrictive and consequently increase the likelihood of breach, in order to help get people out of the release–recall web of punishment.
- A routine inspection of approved premises should be implemented based on the model developed for inspecting prisons. The inspection should consider capacity, overcrowding, communal facilities, privacy and bedrooms as well as the regime operating in the hostel.
- Homeless people who are released from custody should be considered a housing priority, and they should be exempt from the bedroom tax.

A full list of references for this summary is available on the Howard League website at www.howardleague.org/publications-resettlement

All names of participants are pseudonyms.

About the researcher

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About the Howard League

The Howard League is a national charity working for less crime, safer communities and fewer people in prison.

We campaign, research and take legal action on a wide range of issues. We work with parliament, the media, criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change.

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