



Research Brief

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ARRESTED AND HOMELESS IN NYC

By Richard R. Peterson, Ph.D.

How do the characteristics of homeless arrestees differ from those who are not homeless?

Are there differences between homeless arrestees living on the street and those living in shelters?

How are the cases of homeless arrestees processed in NYC criminal courts?

CJA is a not-for-profit corporation that provides a variety of criminal justice services under a contract with the City of New York.

CJA staff interview defendants arrested in New York City, make recommendations for pretrial release, and notify released defendants of upcoming court dates. CJA also operates two supervised release programs for nonviolent felony clients in Queens and Manhattan.

The Research Department conducts studies addressing a broad array of criminal justice policy concerns. The Research Brief series summarizes the results of some of these studies.

Homelessness in New York City has increased significantly in the past few years, and is at its highest level in at least 30 years. Increases in rents, evictions, unemployment, and poverty are among the factors contributing to the rise in homelessness. Homeless families and individuals face many problems, including employment instability; dropping out of school; limited access to transportation; and difficulties addressing drug addiction, mental illness, disability, and chronic health problems. Coping with these problems may be especially difficult for those who are arrested or have a criminal record. Homeless people, particularly those who live on the street, may be arrested for trespassing, "fare-beating," and public order offenses related to their presence in public spaces. Individuals released from jail or prison may face obstacles finding stable housing, and being homeless may make it difficult to avoid returning to crime.

This research brief examines data on arrests of homeless individuals in New York City in 2013, distinguishing between those living on the street and those living in a shelter. It reports on differences between homeless arrestees and those who are not homeless in community ties, demographic characteristics, criminal history, and the type and severity of arrest charges. It also examines differences in case processing and court dispositions.

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Identifying Homeless Arrestees

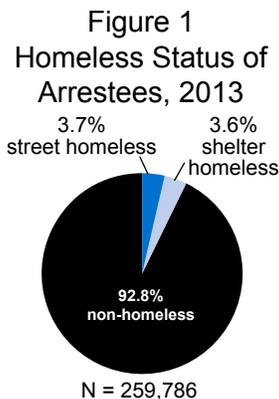
This study identified homeless arrestees using address information provided during CJA’s interview of defendants held for arraignment. We classified arrestees as “street homeless” (N = 9,580) if they said they lived on the street or had no address (N = 9,114) or if they provided the address of a homeless drop-in center that does not provide shelter (N = 466). We classified arrestees as “shelter homeless” if they provided the address of a homeless shelter (N = 9,227). We developed a list of addresses for homeless shelters throughout New York City and New York State, including hotels and motels converted to homeless shelters. We classified addresses as homeless shelters if they provided temporary housing for those who had no permanent address. The shelter addresses include three types of shelters: “single shelters” (for single adults), “adult family shelters” (for couples who have no children, or adults living with their adult children), and “family shelters” (for one or two parents residing with a child under 18).

We classified all other addresses (N = 240,979) as “non-homeless,” although some of these actually housed homeless individuals. For example, we were unable to identify the addresses of some homeless shelters, particularly those run without government funding. Also, we could not identify homeless individuals receiving temporary housing assistance who lived in cluster-site and scatter-site housing. (Private landlords own this housing and rent it to the City or to non-profit service providers who house the homeless there under a contract with the City.) Because the “non-homeless” category in-

Sources of Data

These analyses use data from the CJA database, including the CJA interview, NYPD arrest information, and court processing information from the New York State Office of Court Administration. The analyses include all docketed arrests in 2013 of adults 16 and older who were held for criminal court arraignment and who reported an address or indicated they were homeless. The analyses exclude arrestees who were issued Desk Appearance Tickets (DATs), whose cases were declined for prosecution, who were under 16, who refused to provide an address, who didn’t know their address, or whose address was missing. Street homeless arrestees are rarely eligible for DATs, and shelter homeless arrestees are less likely to be eligible for DATs than the non-homeless.

cludes arrestees who were homeless, the data presented here undercount the number of arrestees living in homeless shelters by an unknown amount. However, the misclassified arrestees are likely to be a small percentage of cases, and the categories should provide useful comparisons between the shelter homeless and the non-homeless.



This study classifies arrestees as street or shelter homeless or as non-homeless based on the information reported at the time of each arrest. Arrestees who were arrested more than once during 2013 may be classified in different homeless categories on different arrests. Most of the arrestees who transition between the street homeless and shelter homeless categories are men who sometimes reside in single shelters.

Demographic Characteristics and Community Ties

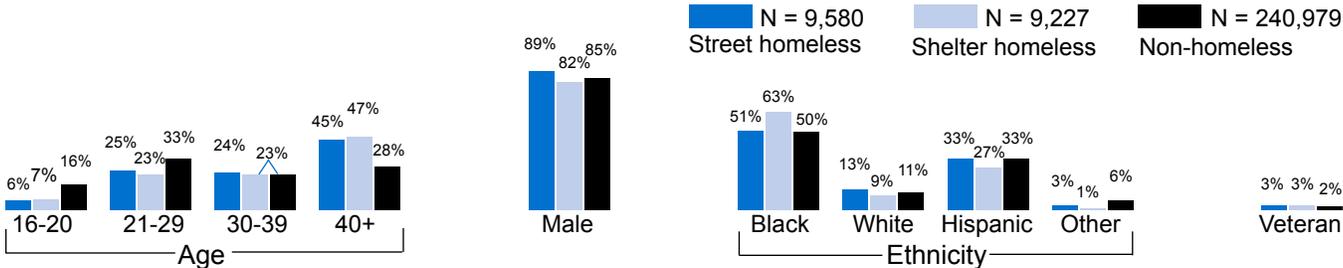
Homeless arrestees were generally older than those who were not homeless. Over two thirds of homeless arrestees (both street and shelter homeless) were 30 and older, while only about half of the non-homeless were 30 and older (Figure 2, next page).

Homeless arrestees who lived on the street were slightly more likely to be male (89%) than those who were not homeless (85%), while arrestees who lived in shelters were slightly less likely to be male (82%).

The ethnic characteristics of street homeless arrestees were similar to those who were not homeless. However, arrestees who lived in shelters were much more likely to be non-Hispanic Black (63%), and much less likely to be in any other ethnic group, than arrestees who were not homeless (50% non-Hispanic Black).

The homeless were only slightly more likely to have served in the military—3% of the street and shelter homeless arrestees were veterans, compared to 2% of the non-homeless arrestees.

Figure 2
Demographic Characteristics of Homeless and Non-Homeless Arrestees, 2013



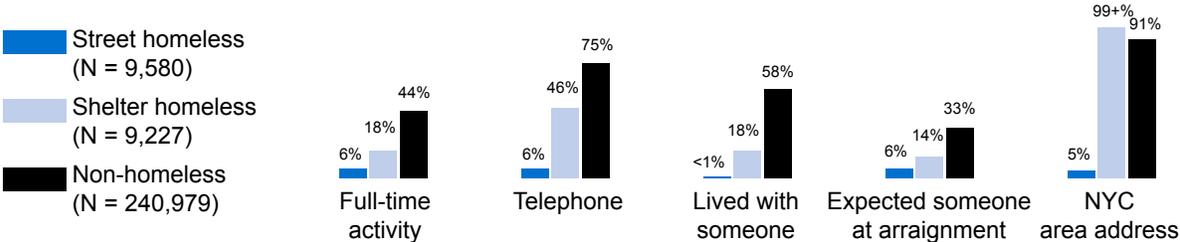
Not surprisingly, homeless arrestees, particularly the street homeless, had weak community ties (Figure 3). Only 6% of the street homeless were engaged in full-time activity (work, school, and/or training), only 6% had a telephone, less than 1% reported living with a spouse, common-law spouse, parent, grandparent or legal guardian, and only 6% expected someone to attend their arraignment. Only 5% were classified as having a New York City area address (these were arrestees who reported their address as a drop-in center).

of the shelter homeless were engaged in full-time activity, 46% had a telephone, 18% reported living with someone, and 14% expected someone to attend arraignment. Nearly 100% reported a New York City area address (18 arrestees reported living in shelters in upstate New York).

Arrestees living in shelters were somewhat more likely to have community ties. About 18%

Arrestees who were not homeless were much more likely to be engaged in full time activity (44%), to have a telephone (75%), to live with someone (58%) and to expect someone at arraignment (33%). About 91% reported having a New York City area address.

Figure 3
Community Ties of Homeless and Non-Homeless Arrestees, 2013

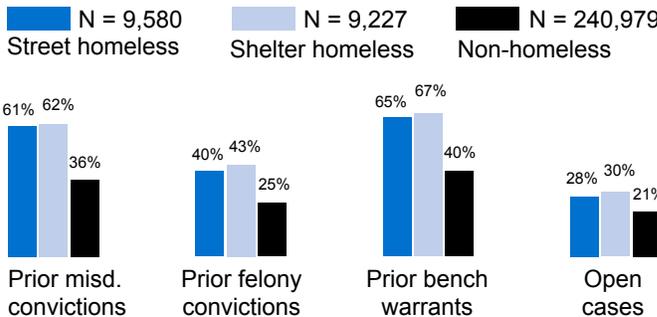


Criminal History

Over 60% of homeless arrestees had prior misdemeanor convictions and over 40% had prior felony convictions, compared to 36% and 25% among arrestees who were not homeless (Figure 4).

Figure 4
Criminal History of Homeless and Non-Homeless Arrestees, 2013

About two thirds of street and shelter homeless arrestees had prior bench warrants, compared to 40% of those who were not homeless.

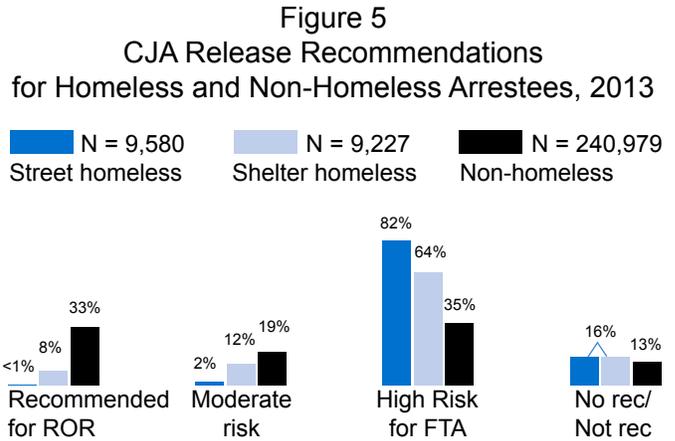


Homeless arrestees were also more likely to have open cases at the time of their arrest (28% of the street homeless and 30% of the shelter homeless), compared to those who were not homeless (21%).

CJA Release Recommendation

CJA’s release recommendation reflected the weak community ties and more extensive criminal history of homeless defendants. CJA classified 82% of the street homeless as “high risk: not recommended for release,” compared to 64% of the shelter homeless and 35% of the non-homeless (Figure 5).

Recommendation rates were considerably lower for the homeless. The street homeless were rarely recommended for ROR (<1%). About 8% of the shelter homeless were recommended for ROR, compared to 33% of the non-homeless.



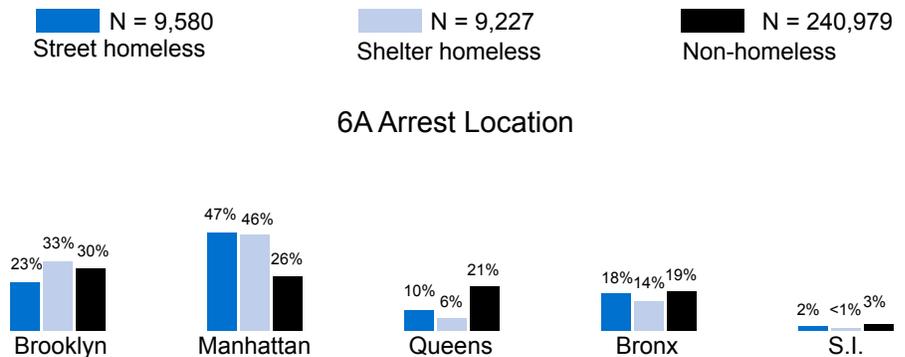
Arrest Characteristics

Although only about a quarter of arrests of the non-homeless occurred in Manhattan in 2013, nearly half of the arrests of both street and shelter homeless individuals occurred there (Figure 6, 6A). Shelter homeless arrestees were more likely to be arrested in Brooklyn (33%) than street homeless arrestees (23%).

How do arrest charges differ between homeless and non-homeless arrestees? The homeless were often arrested for violations of local laws, which accounted for 19% of the arrests of the street homeless and 16% of the arrests of the shelter homeless, but only 8% of arrests of the non-homeless (6B).

Among the street homeless, 8% of the arrests were for violations of the New York City Administrative Code (e.g., open container in public, aggressive solicitation, unlicensed vending), 6% were for violations of NYC Transit Rules (e.g., panhandling, blocking access, open container), 3% were for violations of NYC Park Rules and Regulations (e.g., present in park after

Figure 6
Arrest Characteristics of Homeless and Non-Homeless Arrestees, 2013



closing hours, obstruction of sitting areas), and 2% were Health Code and other local law violations (data not shown).

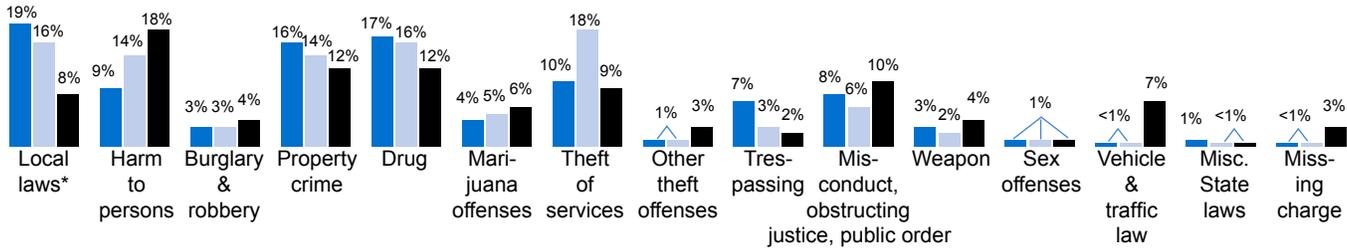
Among the shelter homeless, 6% of arrests were for Administrative Code violations, 7% were violations of Transit Rules, 1% were violations of Park Rules and Regulations, and 2% were Health Code and other local law violations.

The homeless also were more likely to be arrested for offenses involving drugs (other than marijuana). About one sixth (16-17%) of the arrests of the homeless were for the posses-

sion, use, or sale of controlled substances, compared to 12% of the arrests of the non-homeless.

Almost 18% of the arrests of the shelter homeless were for theft of services (this charge is most commonly used for fare-beating on the transit system), compared to 10% of the arrests of the street homeless, and 9% of the arrests of the non-homeless. The homeless were slightly more likely to be arrested for property crime (16% of the street homeless and 14% of the shelter homeless vs. 12% of the non-homeless). The street homeless were more likely to be arrested for trespass-

6B Top Arrest Charge Type

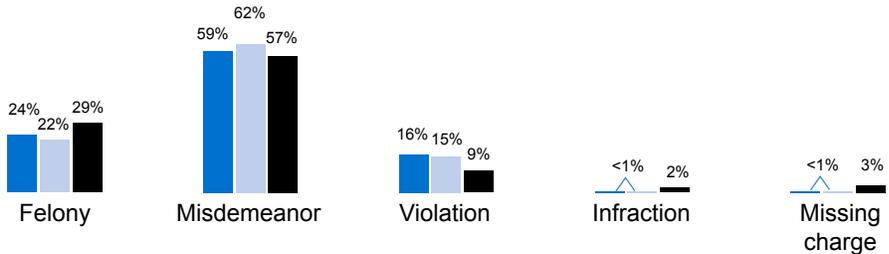


*Local laws include Administrative Code, Transit Authority Rules, Park Rules, Health Code, etc.

ing (7%) than the shelter homeless (3%) or the non-homeless (2%). The homeless were less likely to be arrested for crimes involving harm to persons (9% of the street homeless and 14% of the shelter homeless vs. 18% of the non-homeless).

The homeless were less likely than the non-homeless to be charged with felonies (24% of the street homeless and 22% of the shelter homeless vs. 29% of the

6C Arrest Charge Severity



non-homeless), and more likely to be charged with violations (6C). In part, this reflects the frequency of local law charges for homeless arrestees; many local law charges are violations.

Arraignment Outcomes

Are cases of homeless defendants processed differently from those of non-homeless defendants?

Over half of the cases of homeless defendants were disposed at arraignment, compared to 39% of the non-homeless defendants (Figure 7). Homeless defendants were more likely to plead guilty at arraignment than non-homeless defendants, particularly to misdemeanor charges (data not shown).

Among cases continued at arraignment, only 38% of the street homeless and 53% of the shelter homeless were released at arraignment, compared to 70% of the non-homeless (Figure 8).

Figure 7
Disposition at Arraignment for Homeless and Non-Homeless Arrestees, 2013

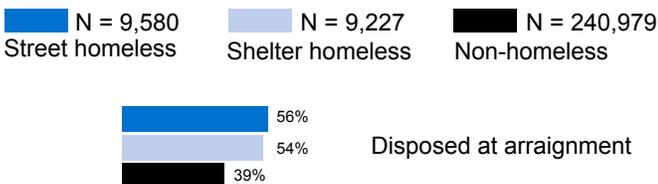
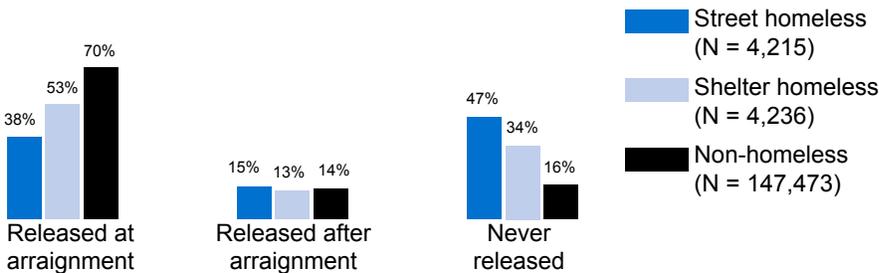


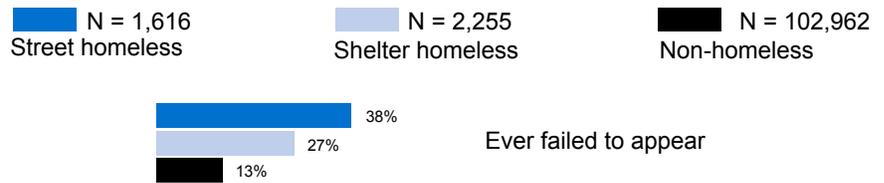
Figure 8
Release Outcomes of Cases Continued Beyond Arraignment for Homeless and Non-Homeless Arrestees, 2013



Failure to Appear

Failure-to-appear rates were considerably higher for the homeless. Among those released, about 38% of the street homeless and 27% of the shelter homeless failed to appear for at least one scheduled court appearance, compared to only 13% of the non-homeless (Figure 9).

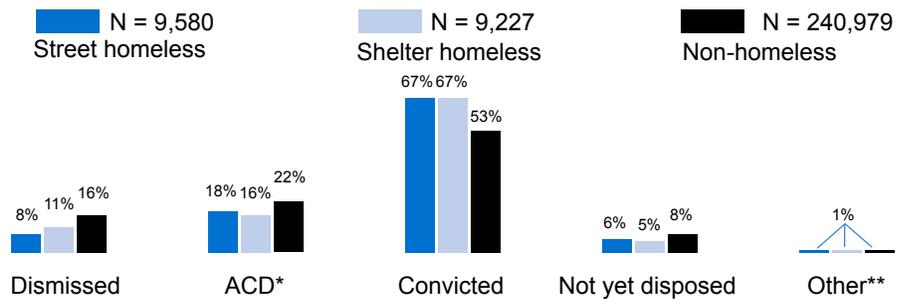
Figure 9
Failure to Appear Rates of Homeless and Non-Homeless Arrestees for Released Defendants in Cases Continued Beyond Arraignment, 2013



Case Dispositions and Sentencing

Overall, including dispositions at arraignment, street and shelter homeless defendants were much more likely to be convicted (67%) than the non-homeless (53%) (Figure 10). Convicted street and shelter homeless arrestees were much more likely to be convicted of a misdemeanor (53%) than the non-homeless were (34%), and much less likely to be convicted of a violation (31% vs. 43%; data not shown).

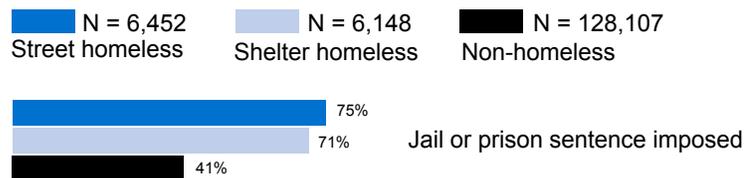
Figure 10
Case Dispositions for Homeless and Non-Homeless Arrestees, 2013



*Adjourned in contemplation of dismissal
**Other includes cases that were transferred, extradited, or consolidated.

The homeless were much more likely to receive a sentence of imprisonment. The court imposed a jail or prison sentence in the cases of three quarters of convicted street homeless arrestees and 71% of convicted shelter homeless arrestees, compared to only 41% of convicted non-homeless arrestees (Figure 11).

Figure 11
Imprisonment Sentences for Convicted Homeless and Non-Homeless Arrestees, 2013



Summary of Findings

This research brief has examined differences among street homeless, shelter homeless, and non-homeless arrestees.

Homeless arrestees were more likely than non-homeless arrestees to be at least 30 years old. The shelter homeless were more likely to be non-Hispanic Black and less likely to be Hispanic or non-Hispanic White than either the street homeless or the non-homeless. Homeless arrestees,

particularly the street homeless, had weak community ties. For example, only 6% of the street homeless and 18% of the shelter homeless were engaged in full-time activity, compared to 44% of the non-homeless.

There were even larger differences in the percentages of arrestees who had a telephone or cell phone: 6% of the street homeless, 46% of the shelter homeless, and 75% of the non-homeless.

Homeless arrestees, whether they lived on the street or in a shelter, had more extensive criminal histories than non-homeless arrestees. The homeless were more likely to have prior misdemeanor and felony convictions, more likely to have prior bench warrants, and more likely to have open cases at the time of their arrest.

Arrests of the homeless occurred primarily in Manhattan and Brooklyn. Among the homeless, local law charges (Administrative Code, Transit Authority Rules, Park Rules and Regulations, and Health Code charges) were more common than among the non-homeless. The homeless were more likely to be arrested for charges involving controlled substances, Penal Law theft of services, property crime, and trespassing than the non-homeless. Homeless arrestees, particularly the street homeless, were less likely than the non-homeless to be arrested for charges in-

volving harm to persons. The homeless were less likely than the non-homeless to be arrested for felonies, and more likely to be arrested for violations.

Homeless arrestees were much more likely to be classified by CJA as high risk for failure to appear than non-homeless arrestees. The cases of homeless arrestees were more likely to be disposed at arraignment, particularly through a plea of guilty to a misdemeanor charge, than the non-homeless. When their cases were continued, the homeless, particularly the street homeless, were much less likely to be released at arraignment; when they were released, their FTA rates were higher than those of the non-homeless.

Finally, the homeless were more likely to be convicted, particularly of misdemeanor charges, than the non-homeless were; they also were more likely to have a jail or prison sentence imposed.

Discussion

In New York City in 2013, the police arrested nearly 19,000 individuals who were homeless at the time of their arrest. About half of the homeless were living on the street and half in shelters. Because very little is known about arrests of the homeless, this research brief has presented a portrait of homeless arrestees to provide a background for understanding the causes and consequences of these arrests.

Arrests for certain charges disproportionately affected the homeless. Blocking access on the transit system, obstructing sitting areas in the parks and transit system, and being in a park after hours are offenses that were charged primarily in the arrests of homeless individuals. Only occasionally did arrests of non-homeless individuals involve these charges. Farebeating, panhandling on the transit system, and aggressive solicitation charges were also more common in the arrests of homeless individuals than non-homeless individuals.

For homeless arrestees, there were some clear advantages to living in a shelter rather than on the street. Because of their stronger community ties, CJA was more likely to recommend the shelter homeless for release on recognizance or to classify them as a moderate risk for failure to appear. The street homeless, on the other hand, were much more likely to be classified as having a high risk of failure to appear. The court was more likely

to release homeless arrestees during the pretrial period if they lived in a shelter rather than on the street. Homeless arrestees who lived in a shelter were less likely than those who lived on the street to have a warrant ordered for failure to appear.

The advantages of living in a shelter did not extend to case disposition or sentencing, however. Whether they lived in a shelter or on the street, homeless arrestees were about equally likely to be convicted, and if convicted, to have a jail or prison sentence imposed.

Because we did not have data about arrestees' mental health, physical health, disability, drug abuse, or alcohol abuse, we were unable to address whether these problems played a role in the arrest of the homeless, affected their case processing, or increased the obstacles the homeless faced after their arrest. Other research suggests that many homeless individuals face these problems, and it seems likely that these problems, compounded by poverty, make it even more difficult to escape from homelessness and from a cycle of arrests and convictions. As reported here, homeless arrestees have more extensive criminal histories than non-homeless arrestees do. To address this in further detail, a future research brief will compare recidivism rates of street homeless, shelter homeless, and non-homeless defendants.

No. 37 (May 2015)
Arrested and Homeless in NYC

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TO:

The mission of the New York City Criminal Justice Agency, Inc.,
is to assist the courts and the City in reducing unnecessary pretrial detention.

No. 37 (May 2015)
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Forthcoming:

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by Marian Gewirtz

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