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The Barriers to Reentry of Formerly Incarcerated Elderly Individuals
That Can Ultimately Lead to Homelessness: A Policy Document Analysis

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Abstract

Although homelessness, mass incarceration, and reentry to society are discussed in many different areas of research, there is little known when it comes to the effects that these issues have on elderly individuals. The barriers that elderly individuals face upon reentry society are countless and the transition is far from smooth. This paper primarily focuses on housing, social security, and employment policies. Public and private housing can be difficult to access due to required background checks and other factors such as loss of contact with family members due to long-term incarceration. Elderly individuals who spent most of their lives in prison may not be able to benefit from social security either. Additionally, employment could be difficult as well for those who cannot engage in physical activities and for those who do not have the technological skills necessary for non-physical jobs. Together, these findings suggest that the current policies make it incredibly difficult for elderly formerly incarcerated individuals to have any kind of financial cushion upon release, making them inevitably vulnerable to homelessness.

Keywords: aging, homelessness, elderly, formerly incarcerated, policy analysis, housing

**The Barriers to Reentry of Formerly Incarcerated Elderly Individuals
That Can Ultimately Lead to Homelessness: A Policy Document Analysis**

According to the Bureau of Justice Statistics, an estimated of 2.3 million people were incarcerated in the United States in the year of 2016 and this has been a development for the past four decades (Bureau of Justice Statistics, 2020). It is predicted that by the year 2030, the number of older prisoners over the age of 55 will be one third of the entire prison population (Yarnell et al, 2017). Furthermore, out of the 2.3 million people incarcerated, over 600,000 prisoners are released from prison every year. In general, the types of barriers that formerly incarcerated individuals face during the process of reentry is widespread and complex. However, there is a limited amount of research and an inadequate amount of resources available upon reentry for formerly incarcerated individuals who are categorized as elderly.

There are many social and personal barriers the elderly individuals face when reentering society. The social barriers these individuals face can range from loss of family contact, limited skills such as basic independent skills and education, and ageism in relation to social stigma attached to incarceration. A research study was conducted where participants reported what might be the most helpful external resources upon release and some of the many were family, education, and basic living skills training (Maschi & Koskinen, 2015). Unfortunately, many of these programs are not available for elderly individuals upon release. The article *Growing Older: Challenges of Prison and Reentry for the Aging* states that “Studies show that fewer older probationers have completed high school or a GED than their younger counterparts” (Williams & Abraldes, 2007). Furthermore, the authors suggest that these adults who have spent the majority of their lives in prison do not have basic independent skills, “...such as cooking, shopping, and balancing a checkbook and would benefit from community placement orientation

before release” (Williams & Abralles, 2007). Without education and basic living skills, elderly individuals face barriers of secure housing once again due to lack of employment. Research also shows that “Due to age and a length of incarceration, many family members are lost or indifferent to the plight of their relatives who have been removed from them, in some cases, for many years” (Stojkovic, 2007). This makes the formerly incarcerated elderly population to become the most vulnerable to homelessness since they have essentially nowhere to go.

The personal barriers that many individuals face is substance abuse and mental illness due to long years of incarceration. According to the Bureau of Justice Statistics, 40 to 60 percent of elderly individuals imprisoned have a mental illness but only a third of them get treatment (Bureau of Justice Statistics, 2020). For individuals who have had past mental illness and substance abuse history, the reentry process is expected to be worse than others. Furthermore, due to long term confinement, elderly individuals who may not have had mental illness prior to imprisonment have higher risk of onset due to social isolation and violence within prison. For those who have not dealt with mental illness and substance abuse, they are more likely to experience either or even both due to “...reported anxiety and feelings of loneliness and alienation” upon release and they are expected to adjust quickly (Western et al., 2015).

Another major barrier for elderly individuals was stated in this research study, “New technology, crowds, mass transit, and other aspects of everyday life were unfamiliar and only slowly became part of the respondents’ daily routine” (Western et al., 2015). The authors argued that the reentry process is especially stressful for the aging individuals who have spent most of their lives in prison. Stress can also be accumulated through lack of employment, social stigma, various health issues, lack of family support and can be directly correlated to substance abuse.

All of these barriers are interconnected to each other and build up to the main focus of this paper: the structural barriers. The structural barriers range from housing policies, social security benefits, and employment policies. Due to the social and personal barriers elderly individuals may experience during reentry, it is crucial that they have equal access to housing, benefits, and employment. This research was conducted to identify the barriers that formerly incarcerated elderly individuals experience during reentry that can ultimately lead to housing insecurity and homelessness.

Elderly

The National Institute of Corrections defines elderly and aging individuals as age 50 and older (National Institute of Corrections, 2020). The Bureau of Justice Statistics defines elderly and aging individuals as age 55 and older (Bureau of Justice Statistics, 2020). The reason why the threshold is typically lower than the general population is due to evidence that supports accelerated aging when incarcerated caused by stress, lack of healthcare, substance abuse, and more (Greene et al., 2018). According to the same study, incarcerated individuals who were the average age of 59 experienced health conditions of those who are 75 or older from the general population (Greene et al., 2018). Therefore, for the purpose of this research, the term elderly will be used to describe formerly incarcerated individuals who over the age of 50.

Methodology

Initially, a comprehensive literature review was conducted to examine the barriers that the formerly incarcerated elderly individuals face that might lead to homelessness. However, the literature review alone was not sufficient enough to identify what leads to the common barriers that they face. A policy analysis has been conducted to analyze the efficiency of the policies and how they affect these individuals. This paper will specifically identify the systematic evaluation

of the current efforts in the policy process; why the policies were created, who they benefit, and who they leave out during the process. An evaluation of current programs and policy alternatives will be recommended. In conclusion, best practices will be discussed in a comparative perspective. The primary goal of this paper is to critically analyze existing policies and determine whether the policies in place provides equal access to housing for elderly individuals.

Policy Context

Housing

Background. Figure 1 depicted below shows the likelihood of a formerly incarcerated individual to face homelessness in comparison to the general population.

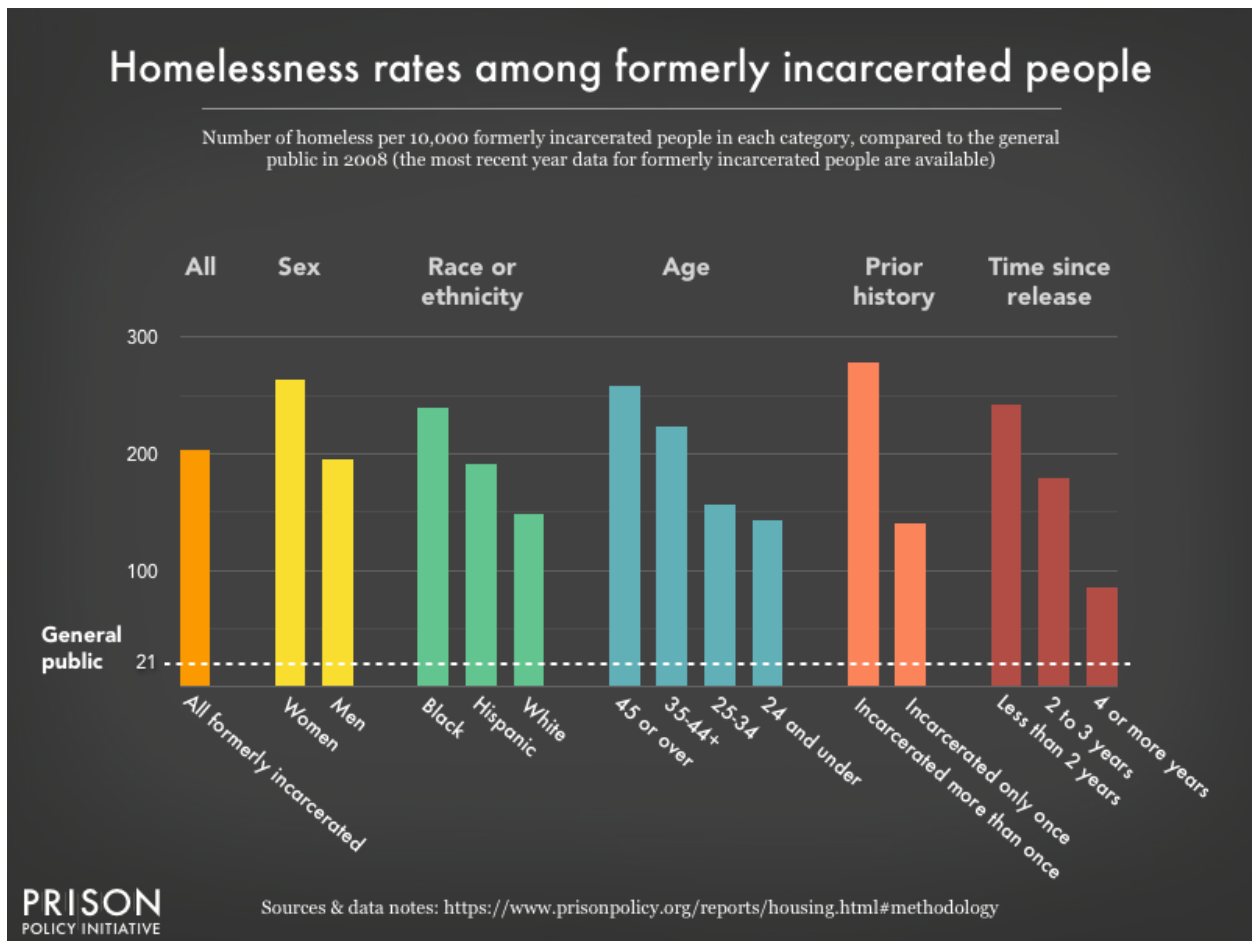


Figure 1. Formerly incarcerated individuals (2008) were nearly 10 times more likely than the general public to be homeless.

A major barrier that formerly incarcerated individuals face is housing. Individuals who were formerly incarcerated face a higher risk of homelessness post release (Fontaine, 2013). This may be because studies have shown that nearly 15.3% of individuals were actually homeless prior to incarceration (Greenberg, 2008). Access to public assisted housing is often limited to those who are reentering society from prison. On March 28th of 1996, the Department of Housing and Urban Development introduced a new policy called the “One Strike and You’re Out” under the Clinton Administration (U.S. Department of Housing & Urban Development, 1996). This policy was implemented in efforts to reduce crime and keep neighborhoods safe. This allowed the Public Housing Administration to automatically deny admission and evict tenants if the individual or any family member has a history of drug use.

After release from prison, many individuals cannot access private housing due to “...lack of sufficient funds for move-in costs” (Cortes & Rogers, 2010). Furthermore, public housing cannot be a resource for individuals who have had a felony or drug conviction in the past. The reason for this is because there are housing policies in place that prevent individuals to be considered as possible applicants. Although landlords cannot refuse to rent their space for anyone who has a criminal record, they are allowed to implement their own standardized policies that might legally justify discrimination.

Without direct access to housing, elderly individuals released from prison become particularly more vulnerable than the general population to housing insecurity and homelessness. There seems to be a lack of coordination between prison and local housing providers or reentry services. The elderly individuals who have spent longer years in prison may not know what

resources are available. Research suggests that many housing assistance programs are only available to those who were only recently released from prison (Remster, 2019). Time is crucial such that the elderly individuals should have access to resources and programs prior to being released from prison to avoid housing insecurity.

While younger formerly incarcerated individuals may have the option to return home, aging individuals may face personal barriers where they are no longer in contact with their families. Long-term incarceration itself is known to "...increase the risk of homelessness by weakening community and family ties" (Greenberg & Rosenheck, 2008). This can ultimately mean that the elderly individuals do not have a place to return to other than public housing which can be inaccessible and homeless shelters that is not a stable form of housing. In addition to all the barriers, elderly individuals may also need housing that is geriatric-appropriate to their health needs (The Osborne Association, 2018).

Current Efforts. Under the Fair Housing Act in Los Angeles, it is illegal to discriminate against the following; race, sex, mental illness, physical disability, age, marital status, and more. Formerly incarcerated individuals are not classified as a group. (42 U.S.C. § 3601 et seq.) The application of these standards to those with criminal history have been addressed by the U.S. Department of Housing and Urban Development in 2016. The department states that there is a violation of the Act in two conditions: "if, without justification, their burden falls more often on renters or other housing market participants of one race or national origin over another (i.e., discriminatory effects liability)" and also "if a housing provider treats individuals with comparable criminal history differently because of their race, national origin or other protected characteristic (i.e., disparate treatment liability)." (U.S. Department of Housing and Urban Development, 2020). In order for an individual to prove that they have been discriminated, the

individual needs to prove that they were discriminated against based on their race. However, many individuals might not be able to secure representation and will therefore not be successful in challenging the system.

Even if an individuals' application is accepted, the department is slow in offering assistance due to the waiting list of high-level applications. It is unlikely that elderly individuals who are reentering society and in search for housing will have the time and resources to wait for assistance. Furthermore, it is unlikely that these individuals looking for assistance in public housing will have the resources to prove in court that they have been discriminated against without prior knowledge to these policies.

Another program that many low-income individuals qualify for is Section 8; the program allows private landlords to rent apartments at fair housing prices. However, the program also conducts criminal history and background checks like public housing. An article states that, "...those who have served time for violent offenses may face exclusion from Section 8 housing." (Lincoln et al., 2007). Section 8 automatically denies admission to those who have alcohol and drug abuse history, violent criminal activity (attempted and threatened), and those who are sex offenders (Housing Authority of the City of Los Angeles, 2019). A report by the Bureau of Justice Statistics states that more than 65% of the elderly prisoners were serving time for violent criminal activity (Bureau of Justice Statistics, 2020). This could mean automatic denial in admission to Section 8 Housing for most formerly incarcerated elderly individuals. Even if an individual was able to pass the background check, the average wait time for Section 8 Housing is two years and a lottery spot open only every few years for Los Angeles residents.

Policy Options. The Fair Housing Act does not protect formerly incarcerated elderly individuals and allows housing providers to discriminate against these individuals. The Fair

Housing Act should put into consideration on how much time has passed since an individual has been convicted of a crime. Studies have shown that if an individual has not reoffended in the last six to seven years, the risk of the individual to reoffend is lessened to the amount that is the same of a person without a criminal record. (Kurlychek et al., 2006). This means that as a formerly incarcerated individual ages, they age out of crime and are less likely to pose a threat to society.

The federal laws that ban public housing inevitably to formerly incarcerated elderly individuals should be repealed by the U.S. Congress. In addition, the Public Housing Administration should consider evaluating applicants individually before automatic denial. The evaluation could consider overlooking criminal records that are older than ten years, require all public housing to keep record of automatic denials, train housing providers on individual screening, educate housing providers that denial could solidify homelessness, conduct research on the impact of denials on minorities, and exclude eviction for families who are able to take in individuals reentering society.

Furthermore, the implementation of the coordination between prisons and local housing services or reentry services should be made mandatory. Studies have shown that many formerly incarcerated individuals are not aware of what kind of resources and services are available to them (La Vigne et al., 2004). An individualized housing plan prior to release for elderly individuals could possibly prevent homelessness. Insufficient housing assistance should be addressed by the state so that all elderly incarcerated individuals could be connected to services in their communities prior to release.

Social Security

Background. According to the Social Security Administration, elderly individuals who

are above the age of 62 could receive retirement benefits and could receive even more benefits if they access their benefits after the age of 70 (Social Security Administration, 2020). Elderly individuals who are 65 and older could also qualify for the Supplemental Security Income (SSI) program which provides benefits if they meet the financial threshold (Social Security Administration, 2020). If one qualifies for SSI, the individual also automatically qualifies for Medi-Cal which can help cover medical expenses. Another program that many elderly individuals are eligible for is Medicare, which is essentially a program that helps individuals over the age of 65 in two parts: Part A that is Hospital Insurance and Part B which is Medicare Insurance (U.S. Department of Health & Human Services, 2020). To be eligible for Medicare Part A, the individual must have paid into taxes for the past ten years.

However, research has shown that “Many who have been in prison since their young adulthood may not have paid into the Social Security system long enough to be eligible for Social Security or Medicare upon release” (The Osborne Association, 2018). Furthermore, elderly individuals who are under parole supervision cannot receive Medicare even if they are eligible for the program (42 CFR § 411.4). If an individual is incarcerated for more than 30 days, benefits such as social security and SSI are automatically suspended and they do not automatically reinstate upon release (Social Security Administration, 2020). If the individual is incarcerated for more than a year, which is most likely the case for the majority of the elderly formerly incarcerated population, the individual has to apply for a new application upon release (Social Security Administration, 2020).

In the year 1996, a federal law was passed that restricted states to provide food stamps for drug felons. Although many states have modified this law by implementing drug tests and treatment programs, food stamps are still denied to anyone who violates parole (Federal Register,

2011). Individuals have to pay to be on parole and when an individual cannot attend a scheduled appointment, misses a court hearing, or fails to pay a fine—it is considered a violation of parole. These rules that are in place make it seem like the system is set up to fail elderly individuals who are in the most need of these benefits and who might not be able to keep track of appointments or meetings on their own.

Current Efforts. In order for an individual to file for an application from prison directly to a social security office, the prison they are staying at must have a prerelease agreement. According to the Social Security Administration, there is only one federal prison located in Los Angeles (Metropolitan Detention Center Los Angeles) that has a national prerelease agreement that allows individuals to apply for social security cards and benefits (Social Security Administration, 2020). For the rest of the prisons who do not have a prerelease agreement, the individuals can only contact social security on their own 90 days before their release date and the time it takes to receive benefits is 12 to 18 months (42 U.S.C. § 1383).

Policy Options. Many aging individuals may not know what resources are available and the barriers to social security makes it difficult during reentry to their communities. Another concerning factor is that access to healthcare is crucial for the aging population and healthcare costs can become overwhelmingly high. In order for individuals to have a smooth transition during reentry, all prisons should have a prerelease agreement such that this vulnerable population can apply for benefits prior to their release date. Furthermore, since the application could take up to 18 months, elderly individuals who have a set release date should have the option to apply for benefits earlier than 18 months rather than the last 90 days.

The State should automatically reinstate benefits as soon as the individual is released from prison without the need to contact the Social Security office. Parole violations should also

be considered on an individual evaluative basis. Without any of these options available, the elderly individuals leaving prison will be especially vulnerable to homelessness due to medical costs and lack of overall financial support.

Employment

Background. According to a report, unemployment is the leading cause to homelessness in the United States for the past few decades (National Coalition for the Homeless, 2009). The reason for this could be the gap between income and affordable housing. Many elderly individuals reentering society after long term incarceration most likely would not have had any type of previous work history other than the work they did in prison. This could mean that their resumes do not have any employment history and the references section would be left blank. Limited work histories could make finding employment extremely hard for elderly individuals.

According to a study, "...parole stipulations and social welfare programs often require individuals to work and to find work within a relatively short timeframe, a mandate that becomes exceedingly more difficult with an increase in age and time served" (The Osborne Association, 2018). Unemployment could also be another parole violation which could lead to recidivism.

In addition, much like landlords in housing, employers in the labor market can implement employment policies that deny applicants who have a criminal record. If an individual is able to find a job that does not require recent technology such as emails, phones, and the internet which the elderly may never have been exposed to, the job will most likely require hard labor-intensive work or physically standing all day (The Osborne Association, 2018). Figure 2 represents unemployment rates for those who are formerly incarcerated.



Figure 2. Formerly incarcerated individuals’ (2008) unemployment rate is at 27%, whereas the unemployment rate during the Great Depression (1933) was 25%.

Current Efforts. Criminal background checks can be found in most job applications. A few studies have found that the background checks do not represent employability. For example, a longitudinal study at Johns Hopkins Hospital found that applicants with criminal records “...exhibited a lower turnover rate” (Johns Hopkins Medicine, 2015). Another study found that out of 1.3 million U.S. military enlistees, individuals with criminal records were promoted more quickly due to better performance (Lundquist et al., 2018). Furthermore, employees who had criminal records at a call center had longer tenure in comparison to employees without a criminal record (Minor et al., 2017). These studies show that criminal background checks do not serve as a reflection to work ethic and performance.

Policy Options. A ban on employer and age discrimination is necessary for the elderly individuals to have an equal chance to job opportunities. If insurance and tax benefits become

available to employers, they will be more likely to hire formerly incarcerated individuals because it would provide financial security. Furthermore, employers may be violating Title VII of the Civil Rights Act of 1964; they may be contributing to racial discrimination when they discriminate against individuals with past criminal history due to the disproportion of race in prison (42 U.S.C. § 2000e et seq 1964).

Since many elderly individuals are subject to accelerated aging in prison, some may not be able to work at all. Ultimately, the best policy option would be to provide a temporary income upon release. This will allow individuals to reintegrate to society and help them access resources related to housing and social security. Mandating reintegration programs prior to release that focus on job training or basic independent living skills could reduce the risk of homelessness.

Discussion

Best Practices

- *Senior Ex-Offender Program (SEOP), San Francisco, CA*

The first reentry program in the United States that focuses on serving individuals who are 50 years or older. The program offers counseling, social support, mental health recovery, basic needs such as clothing, and many more to those who have been incarcerated and those who are being released soon.

<https://bhpmss.org/senior-ex-offender-program/>

- *The Osborne Association's Elder Reentry Initiative (ERI), Newburgh, NY*

Individualized case management for those who have been in prison longer than ten years and are over the age of 50. The program provides financial assistance, medical services, housing placement, legal services, transportation, and more.

<http://www.osborneny.org/services/adopting-healthy-lifestyles/elder-reentry-initiative/>

- *Hocking Correctional Facility, Nelsonville, OH*

A pre-release program for the elderly individuals who need job training, self-care skills, and access to benefits. Proper support includes placement in nursing homes.

<https://drc.ohio.gov/hcu>

Conclusion

This literature review and policy analysis aimed to research the topic of structural barriers among formerly incarcerated elderly individuals that could ultimately lead to homelessness. The findings suggest that the policies that are in place are disadvantageous towards the elderly formerly incarcerated population and that housing insecurity is almost unavoidable. Some of the policies exclude people from public housing by automatic denial of admission which threatens the quality of life for these individuals.

The drastic shortage in employment and affordable housing is dreadful in the United States today. The social security benefits that are not automatically reinstated should be addressed by policymakers and political leaders. The unfairness in the allocation of resources is unreasonable; the lack of research and lack of statistics in midst of the rise in homelessness and mass incarceration shows that the elderly individuals who are formerly incarcerated are being left behind. The complexity of this tragic issue that formerly incarcerated elderly individuals may be experiencing homelessness due to policies requires a change in strategy that is multifaceted.

In order for the elderly formerly incarcerated population to thrive, the implementation of reentry programs is crucial in every state so that these individuals have pathways and resources to housing. The change in policies could lead to reunification of families, improved public health, reduced recidivism rates, improved quality of life, economic growth, and ultimately less individuals on the streets. Most importantly, it would mean that elderly individuals will finally have the freedom to live the remainder of their lives peacefully.

References

Bureau of Justice Statistics (2020). Retrieved from <http://bjs.gov/>

Cortes, K., & Rogers, S. (2010). Reentry Housing Options: The Policymakers' Guide. Council of State Governments.

Federal Register. (2011). Retrieved from

<https://www.federalregister.gov/documents/2011/08/19/2011-21194/clarification-of-eligibility-of-fleeing-felons>

Fontaine, J. (2013). Examining housing as a pathway to successful reentry: A demonstration design process.

42 CFR § 411.4. Electronic Code of Federal Regulations “Special conditions for services furnished to individuals in custody of penal authorities.”

42 U.S.C. § 1383. Electronic Code of Federal Regulations “Procedure for Payment of Benefits.”

42 U.S.C. § 2000e et seq 1964. Electronic Code of Federal Regulations “Civil Rights Act of 1964.”

Greenberg, G. A., & Rosenheck, R. A. (2008). Jail Incarceration, Homelessness, and Mental Health: A National Study. *Psychiatric Services*, 59(2), 170–177. doi: 10.1176/ps.2008.59.2.170

Greene, M., Ahalt, C., Stijacic-Cenzer, I., Metzger, L., & Williams, B. (2018). Older adults in jail: high rates and early onset of geriatric conditions. *Health & justice*, 6(1), 3.

<https://doi.org/10.1186/s40352-018-0062-9>

Housing Authority of the City of Los Angeles (2020). Retrieved from

<http://home.hacla.org/Portals/0/Attachments/S8/Administrative%20Plan/S8%20AP%202020%20October%202019.pdf?ver=2020-01-09-135839-263>

Johns Hopkins Medicine. (2015). Retrieved from

<https://www.diversityincbestpractices.com/medialib/uploads/2016/09/Paulk-Presentation-Hiring-Ex-Offenders-09142016.pdf>

Kurlychek, M. C., Brame, R., & Bushway, S. D. (2006). Scarlet Letters And Recidivism: Does An Old Criminal Record Predict Future Offending? *Criminology Public Policy*, 5(3), 483–504. doi: 10.1111/j.1745-9133.2006.00397.x

La Vigne, N. G., C. Visher, and J. Castro. 2004. *Chicago Prisoners' Experiences Returning Home*. Washington, DC: The Urban Institute.

Lundquist J., D. Pager, and E. Strader. 2018. Does a Criminal Past Predict Worker Performance? Evidence from One of America's Largest Employers. *Social Forces*.

Maschi, T., & Koskinen, L. (2015, June 1). Co-Constructing Community: A Conceptual Map for Reuniting Aging People in Prison with Their Families and Communities. *Traumatology*. Advance online publication. <http://dx.doi.org/10.1037/trm0000026>

Minor D., N. Persico, and D.M. Weiss. 2017. Criminal Background and Job Performance. Available at SSRN.

National Coalition for the Homeless—Employment and Homelessness (2012). Retrieved from <https://www.nationalhomeless.org/factsheets/employment.html>

National Institute of Corrections (2020). Retrieved from <https://nicic.gov/>

Remster, Brianna (2019). A Life Course Analysis of Homeless Shelter Use among the Formerly Incarcerated, *Justice Quarterly*, 36:3, 437-465, DOI: 10.1080/07418825.2017.1401653

Social Security Administration. (2020). Retrieved from <https://www.ssa.gov/>

Stojkovic, Stan (2007). *Elderly Prisoners: A Growing and Forgotten Group Within*

Correctional Systems Vulnerable to Elder Abuse, *Journal of Elder Abuse & Neglect*, 19:3-4, 97-117, DOI: 10.1300/J084v19n03_06 To link to this article: <https://doi.org/>

The Osborne Association. The High Costs of Low Risk: The Crisis of America's Aging Prison Population. Retrieved from <http://www.osborneny.org/resources/the-high-costs-of-low-risk/the-high-cost-of-low-risk/>

U.S. Department of Housing and Urban Development (1996). Notice PIH 96-16 "One strike and You're Out" screening and eviction guidelines for public housing authorities. Washington, DC: Author: Retrieved from <http://www.hud.gov/offices/pih/publications/notices/96/pih96-16.pdf>

U.S. Department of Housing and Urban Development (2020). Retrieved from https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF

U.S. Department of Health and Human Services (2020). Retrieved from <https://www.ssa.gov/>
Western B., Braga A., Davis J., & Sirois C., "Stress and Hardship after Prison," *American Journal of Sociology* 120, no. 5 (March 2015): 1512-1547.
<https://doi.org/10.1086/681301>

Williams B., Abraldes R. (2007) Growing Older: Challenges of Prison and Reentry for the Aging Population. In: Greifinger R.B. (eds) *Public Health Behind Bars*. Springer, New York, NY.

Yarnell, Stephanie & Kirwin, Paul & Zonana, Howard. (2017). Geriatrics and the Legal System. *Journal of the American Academy of Psychiatry and the Law*. 45. 208-217.