'Conflict with the Law': Regulation & Homeless Youth Trajectories toward Stability

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Abstract

Youth without housing experience more regulation and conflict with criminal justice than their housed counterparts. Using in-depth qualitative interviews with fifty-one young people, we focus on how efforts to move away from homelessness towards long-term housing stability are impacted by conflict with law, a term referring to a broad range of experiences with various authorities in the legal system, social services, shelters, etc. Our paper comes out of a yearlong longitudinal study of the factors and processes affecting the transition away from youth homelessness in Toronto and Halifax. We consider practical barriers generated by conflict with law, but also the role that it can play in shaping the identity processes at the heart of successful transitions. Our findings highlight how conflict with law and regulation—even occurring before and during homelessness—has serious repercussions for young people well after they have left the streets.

Keywords: criminalization, youth homelessness, records, self concept, law, housing transitions, regulation

Résumé

Les jeunes sans domicile fixe se buttent à davantage de réglementation et de conflits avec l'appareil de justice criminelle que leurs pairs domiciliés. À l'aide d'entrevues qualitatives approfondies effectuées auprès de cinquante-et-un jeunes, nous étudions comment les efforts des jeunes pour effectuer la transition de l'itinérance à un logement stable sont frustrés par des conflits avec la loi, dans leur sens le plus large et incluant une grande variété d'expériences avec divers paliers de l'appareil de justice, des services sociaux, des refuges, etc. Notre analyse est le résultat d'un an d'étude longitudinale des facteurs et processus touchant les efforts des jeunes pour abandonner l'itinérance à Toronto et à Halifax. Nous examinons non seulement les obstacles concrets à l'atteinte d'un logement stable que produisent les conflits avec la loi, mais aussi le rôle que ces conflits jouent dans le façonnement de l'idée de soi des jeunes, facteur déterminant d'une transition réussie. Nos conclusions démontrent comment les conflits avec la loi et la réglementation – même ceux antérieurs à l'itinérance – ont de profondes répercussions sur les jeunes longtemps après leur expérience d'itinérance.

Mots clés : criminalisation, jeunes itinérants, casiers judiciaires, idée de soi, loi, transitions en matière de logement, réglementation

Introduction

Young people who are homeless or street-involved experience more regulation and conflict with the criminal justice system (police stops, by-law ticketing) than their housed counterparts (Baron and Hartnagel 1998; Berstein and Foster 2008; Hermer and Mosher 2002; Mayock 2008). This has been explained by a number of factors including classic age/crime curves, compounding poverty and disadvantage, and criminal justice policies that target marginal and disorderly people (Hagan and McCarthy 1998; O'Grady, Gaetz, and Buccieri 2011). Furthermore, evidence shows a strong bi-directional relationship between contact with the criminal justice system and persistent/chronic homelessness, whereby one increases the odds of the other (Gowan 2002; Gaetz and O'Grady 2006; Dyb 2009; John Howard Society 2010). Within this context, there has been growing awareness of the destructive effects of criminalization and regulatory practices that widen the net and target street-entrenched 'disorderly' people, highlighting the long-term consequences and cyclical effects of even 'lower-level' contact with the justice system (e.g. Beckett and Herbert 2010; Brayne 2014). This issue is particularly salient in Canada because of provincial statutes that target panhandlers in Ontario[1] and British Columbia,[2] as well as increasing documentation of how practices like police carding and by-law enforcement are differentially experienced by the poor and the homeless (Chesnay, Bellot, and Sylvestre 2013).

These revolving door problems are not only concerning socially and morally, but they are also costly to tax payers via the increased use of expensive prisons, shelters, and other emergency services (Culhane and Metraux 2008). Where some attention has been given to the criminalization of chronically homeless, 'street-entrenched' youth while they are on the street (Hagan and McCarthy 1998; Whitbeck and Hoyt 1999; Gibson 2012), the present study seeks to understand how conflict with law shapes the pathways of young people in the process of exiting homelessness. Since that process is rarely linear (Karabanow 2008; Johnson and Chamberlain 2008), it is important to understand facilitators and barriers to stability and well-being, including conflict with the law. This is explored here using qualitative interviews from an in-depth mixed-methods longitudinal study of the transition of young people away from homelessness.

The interviews pushed us to embrace a broad definition of conflict with law. Although most of the related examples focused on contact with the criminal justice system, participants also described meaningful experiences involving other entities and decision-makers who govern them. For our purposes, we are using the term "conflict with law" to refer to a broad range of experiences and interactions where people are opposed, constrained, or negatively impacted by structures, processes, and actors in legal and bureaucratic domains. This includes interactions with various areas of law (ex. criminal, family, immigration, mental health, statutes, legislation, and municipal by-laws), but importantly, our broad definition also extends to authorities within the social service system, like income support,

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[1]   Ontario Safe Streets Act SO 1999, c8.
[2]   British Columbia Safe Streets Act SBC 2004, c75.

disability support, children's aid, shelter staff, program staff, and other agents of control like landlords and private security.

In this paper, we explore how experiences of conflict with law influence young peoples' efforts to move towards long-term housing stability and wellness. After introducing our concepts, key literature, and methodological approach, we provide a brief overview of the process of exiting homelessness, as described by the young people in the sample. Next, we focus on conflict with law as it relates to exiting homelessness. We consider the practical barriers that emerge and the under-researched role that any type of conflict with authorities can play in shaping the identity processes at the heart of making successful life transitions.

Literature Review

Hard Times for Homeless Youth

Youth (aged sixteen to twenty-five) represent 20 percent of the homeless population in Canada and are considered to be one of the fastest growing segments of the homeless population (Laird 2007; Gaetz *et al.* 2013). The causes of and pathways into youth homelessness include family dysfunction, poverty, abuse and exploitation, stigma, and service sector inadequacies (Hagan and McCarthy 1998; Ringwalt *et al.* 1998; Baron 2008; Mayock, Corr, and O'Sullivan 2013). The difficulty of surviving homelessness as a young person is highlighted most dramatically by their high mortality rate (Roy *et al.* 2004) and suicidality (Yoder 1999; Kidd 2004). The challenges are also characterized by experiences of hunger (Antoniades and Tarasuk 1998), drug and alcohol abuse (Adlaf, Zdanowicz and Smart 1996; Mayock 2008), mental and physical health problems (Whitbeck and Hoyt 1999) and victimization (Fitzpatrick, La Gory, and Ritchey 1993; Gaetz 2004). There is growing recognition that without safe, affordable, and long-term access to housing, people struggle to avoid crime and to maintain wellness, stability, and sobriety (Frankish, Hwang, and Quantz 2005; Harding and Harding 2006; Kertesz and Weiner 2009; Gaetz 2012).

Criminalization

Although the preferred methods of control have changed over time from vagrancy laws to so-called "civility laws" targeting panhandling and various behaviours in public like sitting, sleeping, and urinating, the fact that homeless populations are (and have been) criminalized is well established (Feldman 2004; Ranasinghe 2010; Sylvestre and Bellot 2014). The concept of "criminalization" derives from recognition of the role of law in relationships between dominant and subordinate social groups, where official definitions of law are created and applications of rules are sanctioned (Williams and Drake 1980). The criminalization of homelessness refers to laws, statutes, policies and practices that "restrict the movements and activities of people because of WHO they are and WHERE they are" and increase the chances that certain groups will come in contact with the criminal justice system and other regulatory bodies (O'Grady, Gaetz, and Buccieri 2011, 7; see also Chambliss 1964). These practices tend to include 1) the establishment of new laws, acts, and statutes that target activities like panhandling and sleeping in public, 2) discriminatory

enforcement of existing laws, acts, and statutes, 3) manipulation of urban design and social control to make being in public spaces difficult for the homeless, 4) increased surveillance of public spaces by police and private security, 5) the increased use of incarceration (and pre-trial detention), and 6) poor discharge planning that increases the chances that individuals leaving institutional care will end up homeless (*ibid*).

Many cities have adopted measures to limit the rights of homeless people to occupy public spaces like parks, benches, and sidewalks and to solicit charity by panhandling (Hermer and Mosher 2002; Beckett and Herbert 2011; O'Grady, Gaetz, and Buccieri 2011) for example, by encouraging the use of ticketing "disorderly" people in public spaces as a means to exclude and punish. Studies have confirmed the futility of these fines and demonstrated how the "debt" generated by unpaid fines can get people jailed and/or affect their credit ratings and the odds of their accessing good housing or services like heat and phone lines (Chesnay, Bellot, and Sylvestre 2013). This is just one example of how criminalization is impacted by homelessness and how subsequent housing stability is then undermined by the repercussions of that criminalization.

As a result of criminalization practices, homeless people are more likely to be picked up by police, ticketed, fined, and jailed for failure to pay (Chesnay, Bellot, and Sylvestre 2013), to be given stricter bail conditions, higher risk designations and heavier amounts of monitoring[3] (Canadian Civil Liberties Association 2014; Quirouette, Hannah-Moffat, and Maurutto 2016), and to end up cycling in and out of the correctional system (John Howard Society 2010). In their study of young homeless people's conflict with law, O'Grady, Gaetz, and Buccieri (2011) interviewed 240 homeless youth about their interactions with police and found that the majority of interactions centred only marginally on criminal activity or offending. Most homeless youth reported having been stopped and frisked, questioned, asked to 'move on,' ticketed, and/or arrested for such things as panhandling or loitering (*ibid*, 11). Others have found that many youth (esp. non-white males) who never committed any crimes at all still reported long histories of negative interactions with police (*ibid*; see also Wortley and Owusu-Bempah 2009). Through processes of criminalization, homeless youth are disproportionately punished for wrongdoings that are typical for young people (Carlen 1996). Criminalization is especially concerning because young people who experience contact with the criminal justice system sooner in life tend to continue experiencing criminalization, homelessness, and incarceration throughout their life (Baldry and Dowse 2013; Saddicha *et al.* 2014).

Homelessness and Crime

Youth are not only criminalized for "being" homeless, they are also more likely to experience conflict with law for reasons related to their precarious living situations. Targeted and over-policed, people experiencing homelessness also engage in

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[3]   Studies also show that young people on bail have to follow on average 10 court conditions or risk having bail revoked or being charged with an administrative offense (Myers and Dhillon 2013). These conditions criminalize ordinary behaviours and require youth to demonstrate perfect adherence to strict rules—which is exceptionally difficult when homeless.

illegal or quasi-illegal activities like panhandling, prostitution, survival sex work (sex for food, shelter, etc.), dealing drugs, and theft (Greene, Ennett, and Ringwalt 1999; Kipke *et al.* 1997). The reasons for criminal offending among homeless young people are complex but often have roots in survival and the need to provide for oneself in the face of blocked opportunities and serious deprivation (Hagan and McCarthy 1998; Baron 2008). Criminal justice contact also occurs when youth are dealing with compounding disadvantages like mental illness, drug-induced psychosis, acquired brain injuries, or cognitive disabilities (Baldry and Dowse 2013). Altogether, data show that *more than half* of Canadian homeless youth end up going to jail and/or get put on a probation order (Public Health Agency of Canada 2006), and we can safely assume that a much larger proportion of this population experiences "lesser" forms of contact with the criminal justice system.

Existing research also shows that crime and homelessness have a bi-directional effect in that being involved with the justice system (police, courts, and corrections) can cost people their housing and bring them to the streets, and being "on the streets" often leads people towards more criminal justice involvement (John Howard Society 2010; Mayock, Corr, and O'Sullivan 2013; Roy *et al.* 2004). Through these processes, criminal justice contact can become cyclical and self-perpetuating, as the constant shuttling between institutions and the streets (often referred to as the revolving door syndrome) increases instability in every life domain, making it difficult for people to maintain housing or therapeutic and pro-social supports (Gaetz and O'Grady 2006; Novac *et al.* 2006; Dyb 2009).

It is common for poor disadvantaged people—like homeless youth—to have multiple and complicated legal conflicts and to be disproportionately affected by them. As Wexler (1970, 88) explains: "poor people are always bumping into sharp legal things… and will still be bumped and chafed and jostled by the law long after the lawyers have completed their last appeals." Indeed, "the earlier a young person comes into contact with the criminal justice system, the more contact over life is likely", EVEN if the contact is not an arrest (victim/witness) (Baldry and Dowse 2013, 226). In this paper, we focus predominantly (but *not* exclusively) on experiences youth had with various aspects of the Canadian criminal justice system (police, courts, jail, probation, records, etc.).

Exiting Homelessness

Relative to the large number of studies examining the risks associated with pathways *into* youth homelessness and the risks associated with street life, very little work has concentrated on pathways *out* of homelessness. Two cross-sectional studies by Karabanow and colleagues (2005; 2008) comprised an initial investigation into how Canadian youth successfully and unsuccessfully disengage from street culture and move towards stability. The data helped identify structural and individual barriers, including poverty, discrimination, unemployment, addictions, trauma, and breaking ties with street culture and friends. Other work has shown how self-concept and identity shape transitions, including the motivation to exit homelessness (Kidd and Davidson 2007). In a similar vein, other research (e.g. Hagan and McCarthy 1998; Baker 2013) has suggested that the social and

cultural capital youth accumulate during their homelessness can draw them further into street life and act as a barrier to moving away from the streets.[4] Our longitudinal exploration of the "exiting process" considers the interplay between structural and identity-based factors and allows us to develop some understanding of the lived experience of young people once they have left homelessness and the streets.

Data and Methods

The analysis presented here is based on interviews with fifty-one Canadian young people with a history of homelessness as they attempted to transition into stable housing over the course of a year. Twenty-one young people were recruited from Halifax, Nova Scotia, a medium-sized city on Canada's East Coast, and thirty young people were recruited from Toronto, Ontario, Canada's largest city.

To be eligible for the study, participants had to be between the ages of seventeen and twenty-five, have been homeless previously for at least six months, and in stable housing (defined as anything other than shelter, street, couch-surfing, or other transient living spaces) for at least two months, but no more than two years. These criteria ensured youth were in the process of transitioning away from homelessness, but still in the early stages. Youth were referred from social services in Toronto and Halifax, and participants in the study were asked to pass information about the study to people in their social networks. This sampling strategy was valuable because we were able to include youth with no, or very limited, contact with social service agencies.

The average age of the respondents was 21 and there was relatively equal representation of men and women in the sample (51 percent women, 47 percent men, and two percent identifying outside of the gender binary). Forty-two percent of the sample identified as lesbian, gay, bisexual, transgender or queer (LGBTQ), and 51 percent identified as visible minority, with the two largest subgroups being Aboriginal (12 percent) and youth who identified with more than one ethnic/racial identity (22 percent). At the time of the first interview, 41 percent of the youth were not in employment or education, and most respondents were living with roommates in either subsidized (35 percent) or market housing (26 percent).

Youth were asked to participate in four interviews over the course of a one-year period, at roughly three month intervals. At each time point, youth participated in an in-depth interview consisting of a qualitative interview and a quantitative survey with a series of questions regarding demographics, background factors, and measures of well-being.

The current paper draws primarily on the qualitative interviews. These interviews combined in-depth interviewing techniques[5] (Johnson 2002; Miller and Crabtree 2004) with a modified life review approach (Clausen 1998). This type of

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[4]   Despite the significance of self-concept to the process of exiting homelessness, evidence shows that even the most 'street entrenched' youth can find housing stability *if* given the right help (Johnson and Chamberlain 2008; Mayock, Corr, and O'Sullivan 2013).

[5]   Interviews were semi guided, but were exploratory in nature (45 minutes to 3 hours each, x3).

interviewing uses open, direct, verbal questions to elicit stories and topic-specific narratives in order to gather detailed and nuanced information (Miller and Crabtree 2004, 189). Particular attention was given to the process of exiting homelessness, including discussion of turning points, supports, and barriers in the exiting process, and the impact that transitioning had on a participant's relationships, identity, emotions, life satisfaction, and physical and mental well-being. The qualitative data were analyzed by members of the research team reading the transcripts and using an open coding process to identify emergent themes. This coding was then organized through a more focused process to identify core themes and patterns.

Despite our research *not* focusing specifically on conflict with law, this theme became prominent in the interviews and emerged unprovoked, with twenty youth talking to us specifically about conflict with criminal justice.[6] We acknowledge the limitations related to not asking respondents systematically and directly about their experiences of contact with criminal justice or with other areas of law and other governing bodies and agents. However, the main risk of such a limitation is the presentation of a more conservative (and admittedly incomplete) picture of how conflict with law impacts the process of exiting homelessness than is actually experienced by this population. We present the current analysis as exploratory and encourage future research in this area.

Conflict with Law and the Process of Exiting Homelessness

Getting Off the Streets

It is valuable to begin with a brief overview of the transitioning process we documented in the larger study because it is this process that is impacted by conflict with law. The interviews described a general three-stage process (these are ideal-type stages and there was plenty of messiness and overlap between them). The first stage was characterized by a transition point in which a traumatic or cumulative set of negative experiences oriented youth towards the process of exiting homelessness. The second stage was characterized by the acquisition of basic stability through housing; this could include market-based, transitional, subsidized, or supported housing. The third stage built on basic stability and involved working towards personal and financial goals such as employment, education, and improving personal relationships. The transition away from homelessness as described by our participants included cycling between these various stages in a process characterized by slow overall gains and significant setbacks. Many of the youth in our study struggled to maintain basic stability, and about a quarter lost their housing during the study. Only a small number of young people made it to the stage where they were beginning to work on longer-term goals like employment and education.

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[6]   Respondents talked about past and present charges, convictions and timelines in very incomplete ways. We cannot know whether they were processed under the *Canadian Criminal Code* (R.S.C., 1985, c. C-46), the *Youth Criminal Justice Act* (S.C. 2002, c. 1), the *Controlled Drugs and Substances Act* (S.C. 1996, c. 19, or even the *Mental Health Act* (R.S.O. 1990, c. M.7), the *Family Law Act*, (R.S.O. 1990, c. F.3), the *Residential Tenancies Act* (1992, c. 31, ss. 1), or any other provincial Acts and municipal by-laws.

To contextualize the subsequent discussion, it is worth noting some key findings about the factors that shaped the exiting process, but a more detailed analysis can be found in the work by Kidd *et al.* (2016). First, stability is fragile. Major threats to basic housing stability include poor quality housing, drug and alcohol problems, roommate issues, and exploitative or overly strict landlords. Youth in our sample often had limited supports, so even minor problems (e.g. a late pay cheque, fight with a roommate) could lead to a loss of housing.

Second, identity and motivation are key factors in the exiting process. The significant barriers and personal challenges that young people we interviewed faced mean they had to maintain a significant amount of personal drive to continue moving forward. We found that identity is central to maintaining this drive, as youth have to have confidence in their ability to succeed and feel that society has a place for them to be successful.

Third, social supports and relationships are central to the process of exiting homelessness. Youth who managed to maintain basic stability and who began to work towards personal goals all had a key person in their life who could provide emotional, practical, and material support (e.g. help making important decisions and navigating bureaucracies, a place to stay, money). Additionally, success was linked to a person's ability to manage their personal relationships by distancing themselves from street-involved friends who might pull them back into risky situations or bad habits and by building and maintaining relationships with housed and stable friends and family.

All of the factors that we found meaningful for successful transitions and stability (income, good quality housing, social support, hope, and motivation) are affected by experiences of conflict with law in direct, indirect, short-term, and long-term ways. The subsequent discussion will focus on the specific role that conflict with the law played in this broader process of transitioning away from homelessness. The discussion will examine the practical and self-concept related implications of that conflict in shaping the transition away from homelessness.

Conflict with Law on the Streets

Youth in our sample reported having experienced criminalization during their time on the street. Thirty-nine percent of our participants disclosed conflict with the criminal justice system during the study period *without* being prompted on that theme. It seems likely that more went unreported. Participants described police harassment for sleeping outside, smoking cannabis, loitering, "looking suspicious," or for being in "the wrong place at the wrong time." Youth also talked about getting in trouble with police because of their status (homeless, sex worker), their appearance (racialized, gangster, punk), or their place (near shelters, in poor neighbourhoods). For some of our respondents, this was a new situation they perceived as scary, unfair, and stigmatizing[7] (a point we return to in the self-concept section). For others, criminalization and harassment were simply part of a long unbroken

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[7]   Stigma is "an attribute that is deeply discrediting" and often applies to heavily stereotyped people, like the mentally ill, addicted individuals and/or homeless people (Goffman 1963, 3).

history that predated their homelessness. In some cases, conflict with authority, punishment and confinement were considerable sources of trauma—one young man described a harrowing experience in jail that caused him to suffer paranoia and psychosis, followed by frequent panic attacks and subsequent hospitalizations.

Experiences of conflict with law sometimes continued during and after young people transitioned away from homelessness and intersected with enforcement by service providers, landlords, and other authorities. Participants also bumped into issues with non-criminal justice regulations as well as institutional control from the social service sector, income assistance, housing authorities, shelters, children's aid, and so on. These systems can knit together, forming a web of control in the lives of our participants. For example, one young man explained to us how housing staff kept notes: "*If you're suspected to be high or drunk—even if you're not on a probation order or parole or anything like that—they'll write it down in a log, and send it all off to a social worker when it gets big… Then, one day the cops knock at your door*" (Mark, Halifax).[8] Though the contact was not exclusively criminal in nature, our results confirmed that the workings of many 'care/control' systems (financial, disability, and housing supports for example) mean that certain groups—the poor, marginal, and at-risk—tend to experience more control in their lives (Soss, Fording, and Schram 2011). As we will discuss in more detail, this type of experience left youth resentful towards authority, distrustful of social, health, and justice institutions, and yearning for independence and privacy.

The young people in our sample also reported coming into conflict with the law through their own offending—often in the context of committing subsistence crimes. Some youth talked about anger problems and getting into physical fights, others told us about breaking-and-entering, robberies, stealing cars, fraud, drug dealing, and other financially motivated crimes. In one particularly disheartening case, crime was described as a strategic move to access shelter and services available through the corrections system:

> Some days I would just feel so tired I wouldn't panhandle at all. I'd just go into the dollar store and steal a bunch of stuff. I wouldn't care if I got caught, because then they'd call the police and I'd go over to [jail]. Then I'd have food and a warm place to sleep so, you know, it was, like, it was like the end of the line for me, I just didn't care anymore. (Jason, Halifax)

Stories like this point to serious gaps in community housing and social services for homeless young people, especially in smaller cities like Halifax.

Young people we spoke with also experienced conflict with the law as victims and as witnesses of crime. For some, victimization started at home or at school and was a factor driving them to the street. Indeed, many participants in our study described family violence, incest, sexual abuse, neglect, rape, assault, and the murder of friends and family. For others, victimization was characteristic of their experience on the street. Interactions with the police were usually described as negative, and they expressed feelings that the legal system was not designed for their protection. In addition to being victimized, some young people in our

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8   Participant names are pseudonyms.

sample were routinely questioned as part of investigations, and in at least one case were asked to testify in court against their friends. Similarly, these experiences were characterized as negative and stressful.

In summary, the youth in our sample reported their experiences in ways that require a broad concept for conceptualizing their interactions with legal domains and institutional gatekeepers, hence the choice to gather these experiences broadly under the term "conflict with law." The respondents described numerous incidents, often with single respondents experiencing conflict across multiple domains (e.g. as offenders, victims, witnesses, clients, and wards), with various bodies of law, and with various types of legal actors and quasi-legal sources of authority. Indeed, it became apparent that conflict with the criminal justice system is only one part of a much larger set of negative experiences that the young people in the sample encountered with a broad range of regulatory systems.

While we cannot break down each legal and regulatory conflict that youth experienced, we can draw from the interviews to sketch out the impact of criminalization and broader feelings of being policed, controlled, and excluded by society. What our interviews highlight is that conflict with law and authority—even if it occurs primarily before and during homelessness—has practical and emotional repercussions on the stability of young people well after they leave the streets.

Practical Barriers

In this section, we highlight key practical barriers to the transition away from homelessness that stem from conflict with law, primarily through processes of criminalization and conflict with the justice system. These include the destabilizing effect of arrest and incarceration, the lasting impact of police records, and the unintended consequences of criminalizing young people's behaviours.

Arrested, Jailed, Evicted, Hustle, Rinse and Repeat

Conflict with the law had significant practical impacts on transitions away from homelessness for youth in our sample. One particularly direct example was a loss of housing when youth were arrested and jailed. Even a short period in remand could be enough to destabilize a housing situation. This finding connects strongly to our broader observation within the study that stability for this group of young people is very fragile. For a few respondents, being incarcerated meant that they could not communicate with landlords and roommates to organize for their absence. In these instances, the result was typically an eviction, or at minimum coming back into a precarious housing situation because rent was behind or roommates had moved on. A couple of others reported even worse experiences, for example, getting out of jail and realizing their roommates had run off with their belongings without paying rent, leaving them robbed, in debt, without a landlord referral, and homeless once again. If housing was lost while youth were incarcerated and they were exiting the correctional system without immediate access to their own housing, they were usually directed to the emergency shelter system, perpetuating the cycle of homelessness and criminalization.

Housing stability can also be directly jeopardized by even the most minor contacts with the law. Drawing from the low end of the housing stock and stigmatized by their age and low income, it was common for youth to report patronizing and strict landlords who enforced rules beyond the applicable tenancy laws or were reluctant to provide much leeway in the case of problems or conflicts:

> *I got arrested so we both had to leave the house 'cause my landlord has kids.*
>
> *Interviewer: Can you tell me more about that?*
>
> *Respondent: Well the landlord had kids, it's like a <u>kid</u> neighbourhood, so that's why. And we had promised the landlord that we wouldn't cause trouble so we had to leave.* (Janelle, Toronto)

The young people in our sample were particularly vulnerable to unlawful evictions and landlord problems because they often lacked legal knowledge and supports. This often occurred because participants lost touch with supports available through shelters and drop-in services, as many tried to avoid social service spaces for fear of getting caught up with old peers and habits (e.g. relapsing on drugs, getting in trouble).

Instability could also happen in advance of any contact with criminal justice. Arrest and incarceration were so threatening that often the young people reacted with urgency and de-prioritized other aspects of their well-being like housing, employment, education, or health if they broke the law. For example, a few of the youth reported leaving their housing pre-emptively, anticipating arrest. One person who experienced both types of situations explained: "*When I have a warrant out, I can't be there anymore. So like, if I move into a new place and the cops are looking for me and I don't want to go to jail I'll leave, right? Or I'll go to jail and I can't pay my rent… then what am I supposed to do?*" (Monica, Toronto). In some cases, being wanted by the police for charges or breaches even led youth to avoid important basic resources and support. For example, the same youth talked about avoiding shelters after being evicted for fear of being arrested: "*We lost that place, and he went to jail, and I had a lot of warrants out for my arrest, so I wouldn't go to a shelter, thinking if I went to a shelter then the cops might find me, so that's why I would stay on the streets.*"

Taken together, these findings highlight how conflict with law can interfere with a young person's immediate access to housing and undermine the important step of establishing basic housing stability required to move on to later stages of the exiting process, like work and educational goals. Additionally, conflict with law can encourage system avoidance and reduce the ability of youth to access the resources necessary for transitioning away from homelessness.

Records Checking

Although we do not know exactly how many within the sample had a criminal record, many young people told us about challenges related to current records-checking processes. Criminal records created a diverse set of challenges for the young people in the sample. One issue directly related to housing was that fears about records checks encouraged youth in the sample to take substandard or illegal housing that would be unlikely to check, or to share with strangers and avoid

putting their name on the lease. One young man (couch surfing with friends at the time) talked about looking forward to the day when his charges would be cleared and he could put his own name down on paper, musing that this would be the *real* start of stability and change for him. Shared "off contract" living conditions left young people vulnerable both to roommates and landlords, because if their friends decided to move or kick them out they were powerless to fight it, or they had limited protections in case of problems like mould or pest infestations. In the context of limited controls on records checks, these practices have serious implications for a population that is routinely over-policed and whose stability often relies on the choices (and biases) of others.

Indeed, many of the most severe consequences of having a police record occur outside the criminal justice system, where noncriminal justice actors rely on records for their own objectives (like housing, immigration, Jain 2015). Although, no young people specifically reported being denied housing because of their record (a landlord would most likely just not call them back), the impact of criminal records has been documented elsewhere (John Howard Society 2014), including an experimental study of records-based screening by Evans and Porter (2015, 30) that found that, when disclosed, a criminal record "reduces the probability of prospective tenants receiving landlord acceptance to view an apartment rental by more than 50%." What was clear from the interviews with our sample, particularly those in Toronto, was that finding housing in a competitive rental market was very difficult at the best of times. In a competitive rental or job market, police records (even for non-convictions like withdrawn charges and conditional or absolute discharges from diversion programs), along with the black mark of being on social assistance or disability supports, can effectively exclude young people from market housing (also see Thatcher 2008).[9]

Having a police record also undermined the acquisition of human capital for young people in our sample, leaving them without key credentials related to education and work experience. One youth lamented this, explaining how *"I don't know if I can get a job right now cause I'm on charges. That's another thing about being on the street. You get into trouble, so even after—that's still something you still have to deal with"* (Jerome, Toronto). Indeed, "employers, volunteers, managers, educational institutions, licensing bodies, and governments are incorporating police record checks into their hiring and management practices" (Canadian Civil Liberties Association 2014, 3). Recent findings suggest that at least half of employers are now asking for police background checks (John Howard Society 2014). In our sample, the problem of a criminal record was particularly acute for those youth who were interested, because of their past experience, in working in the "helping professions" or social service sector, which in Canada usually requires applicants to undergo a special in-depth records checks because of potential contact with vulnerable people. This barrier was particularly demoralizing because it blocked these young people from accessing a line of work that they actually felt passionate about and that gave meaning to their own difficult life experiences.

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9   Criminal records are particularly problematic for racialized people (Pager 2007).

Between a Rock and a Hard Place: Cycles of Instability

Having discussed the two main practical barriers posed by conflict with law described in the interviews, this section focuses on a few of the more subtle processes that feed into and perpetuate cycles of instability for young people trying to exit homelessness. One spin-off consequence of housing problems caused by conflict with law was that the stress of these challenges often exacerbated physical and mental health problems, interfered with self-care, or hindered efforts to avoid getting into trouble. Legal issues stressed and distracted youth and forced them into substandard or risky housing situations where they could be pulled back into drug use or illegal activity, or get implicated in the criminal involvement of their roommates. The interviews were replete with stories of youth in the sample being forced to live with negative or problematic individuals, where they were vulnerable to emotional, physical, and sexual abuse.

Another issue related to conflict with law and housing insecurity discussed by our participants was the challenge they faced finding a safe space to smoke cannabis. Marijuana was an important part of some of our participants' newfound stability. They described it as a way of coping with stress, "laying low," and avoiding the party scene and harder drugs. Youth we interviewed lacked spaces where they felt they could smoke in privacy and relative safety. Most transitional housing units and youth shelters in Toronto do not allow drug use on-site[10] and many in market housing have hyper vigilant landlords. The problem is that a young person's consumption in public exposes them to police contact and the risk of further legal issues. Displaced from the safety of public areas, youth are compelled to hide out in underpasses and other risky spaces. As others have pointed out (Gaetz *et al.* 2013), this is in sharp contrast to housed youth, who sneak out to get stoned in their parents' backyards, cottages, and basements. As we discuss next, these struggles and negative life experiences can also be demoralizing, undermining motivation and sending youth back towards old street networks, spaces, and bad habits.

Self-Concept and Motivation

As discussed, practical barriers stemming from conflict with law can have significant short- and long-term impacts on the ability of youth to transition away from homelessness. A less recognized, but equally impactful, set of barriers emerges from the influence that conflict with law has on identity processes related to the transition away from homelessness. Having negative experiences with law or being labelled and stigmatized by the justice system can foster alternative and deviant group subjectivities (see also Goffman 1961; Becker 1963; Black 1976; Anderson 1999; Brayne 2014). Our findings suggest that identity-related processes, such as a young person's orientation towards or away from street life, the peers with whom they identify, their identification with mainstream goals, and their self-image and self-esteem, are all central in how they navigate their way out of homelessness;

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[10]   Even if some of their harm reduction policies allowed youth to be under the influence.

including choices about relationships, crime, substance use, housing, employment, and education.

Conflict with Law, Turning Points, and Identity

One point at which conflict with law shaped identity processes for youth exiting from homelessness was when interactions with the justice system led to a change in perspective. Criminal charges or near-misses were a common motivating factor in young people deciding to focus on the challenges of exiting homelessness:

> *Cops were there. I almost got arrested and didn't. The room was underneath my name and I almost got dinged for crystal meth that wasn't even mine. From then I was like—I need to change… think that was the biggest thing that changed me. Like that whole, you're gonna be charged with the possession of methamphetamine.* (Jessica, Toronto)

In their initial stages, such turning points could be experienced as a positive force that helped orient youth towards more mainstream life plans and trajectories. Unfortunately, when arrest served as a turning point, subsequent legal interactions and the slowness of the legal process tended to undercut any initial positive momentum (a point we will return to later in this section).

In fact, resolving legal issues (e.g. getting off probation) can also lead to shifts in self-image and create positive momentum for pursuing mainstream stability:

> *That feels amazing! Better than being off the streets to tell you the honest to god truth because like, I used to be a criminal… and just going from criminal to where I am now is just awesome! It feels awesome…* (Jian, Halifax*).*

This respondent is referring to no longer having any warrants or probation conditions and identifies this as a more significant milestone in his trajectory than finding housing. Identity and self-concept also play a role in the bidirectional relationship between housing and conflict with the law.

Moving out of high-crime, over-policed neighbourhoods also lead youth to an improved self-concept through a sense that they were moving closer to their goals. As this interview with Clarice highlights, good quality housing can transform a young person's outlook about themselves and their future:

> *It makes me happy, comfortable, and satisfied because out of all the places that I've lived, this feels like home; even though it's just an apartment, it makes me feel at home and at ease. Like, I don't have to worry about someone busting down my door or getting an eviction letter under my door or people just screaming yelling or shooting guns and all that crazy stuff, like, I do hear sirens but that's outside, not inside my building. I don't have cops busting down my neighbour's door. I feel safe.* (Clarice, Halifax)

A renewed and more positive sense of self can emerge from changes like securing housing or resolving legal issues, and this can have long-term and far-reaching impacts, encouraging young people to avoid risky behaviour for fear of compromising their new identity as a law-abiding and stably-housed person.

These findings suggest that if young people are given the right supports and environments to thrive in, it is possible for them to transition away from homelessness. This is a more complicated endeavour for young people who are or have

been in conflict with the law. While contact with justice can be a turning point, more often the opposite is true in that ongoing legal issues tend to undercut motivation and reinforce a stigmatized and street-oriented identity. A central finding from the larger project was that after an initial feeling of optimism and excitement associated with finding housing, young people often experienced a period of depression, isolation, and worry about their future. Criminal records and ongoing legal issues were a key part of this stress, because participants saw many doors closed to them. One young man, eager to work, explained: *"last two to three months I've dropped off about 400 resumes, I've been trying to my hardest to get a job but my criminal record is just—it's **killing** me right now"* (Jian, Halifax). Responses to such realizations were varied; some youth seemed to enter a holding pattern of basic subsistence through social welfare payments, others appeared to orient themselves back towards street life, while still others continued to move towards their mainstream goals despite the challenges ahead.

Mainstream vs. Marginal

Another dimension in the connection between conflict with law and identity is that negative experiences engendered in youth a negative and suspicious view of society and reinforced the feeling of being an outsider. For some youth, police involvement and conflict with law was part of their entire life's experience, from child protection services, to group homes, to juvenile detention and negative school experiences. While youth often talked about important relationships with special service providers, there were many reports of how terrible 'the system' can be. On this point, one youth said: *"I've heard from doctors and cops worse things than I've heard from people on the street. I've had someone try to kill me and I've felt less intimidated, I guess emotionally, than I have from people who are quote, unquote, supposed to help you"* (Rachelle, Halifax). Such system failures reinforce the stigmatized position of youth and make them feel as though society does not care about them.

As discussed, a consistent finding throughout the interviews was that feeling loved, respected, and cared about was essential for youth to maintain an internal commitment to push forward with their transition goals and to safely cope with the stress and setbacks inherent to exiting street life. Negative interactions with the legal system and other institutional gatekeepers worked directly against such feelings.

Alienation and a negative view of society were also reinforced by continued harassment and criminalization that a number of youth reported on a regular basis:

> *Interviewer: You're feeling targeted?*
>
> *Respondent: Oh yeah all the time. Like walking on the road… when I see a police car it's like: you look at the police car and you see the guy looking at you, trying to figure out what you're doing wrong. The other day I was sitting outside having a cigarette listening to music. This police car drove up and stopped. Stared at me. Came up to me. Searched me. Asked me for my ID. And all this stuff. Took my name, everything. Like, what are you stopping me for? There's no reason. He's like, oh well, I smell weed around here. I'm like, you, you watched*

> *me from your car, like what I was doing right? Didn't run, I didn't hide anything,*
> *I stayed exactly where I was, like you know? It's hard enough being on the*
> *streets—to then have police harassing you?* (Miguel, Toronto)

Adding to the threat of being unjustly stopped and searched, young people in our sample often resided in neighbourhoods that were heavily policed, contributing to the feeling that law is all around them and working against them.

Youth were also impacted by incidents in which they were victimized and had authorities respond in uncaring ways: *"The cops aren't there to protect you. They're not Power Rangers. They're not people with a higher sense of morality. They're just high school students who don't have a criminal record. They never protected me"* (Jenny, Halifax). These findings correspond to other research that finds that marginalized and homeless victims are often made to feel that they are not valued citizens worthy of protection and fair treatment (Feldman 2004; Huey and Quirouette 2010).

In summary, feeling stigmatized or let down by social institutions made it difficult for youth in the sample to envision themselves as part of mainstream society. It also made many feel that the system was stacked against them and contributed to a sense that they would never escape their past street involvement. This pessimism and deep suspicion of how society is organized is particularly damaging because it happens in the context of all of the other stresses, setbacks, doubts, and emotional struggles that are endemic to the transition away from homelessness. For example, one youth who had overcome dire circumstances (youth care, hospitalization and jail) worked and saved for a year to move out of shelter, stabilized his mental illness, and built up his social confidence, to then be emotionally crushed by his new landlord who called him a "deviant-drug-addict-loser," threatened to call the police constantly, bullied him over smoking cigarettes in front of the property, and eventually evicted him during his very first holidays in his own housing.

Conclusion

This paper has explored how conflict with law can shape key dimensions of a young person's life and affect the transition away from the streets and towards stability. This first happens because of the short- and long-term practical barriers to housing, education, and work generated via arrest, court, jail, records, and oversight from other authorities. Then, second, by shaping self-perception, motivation, and hope for the future. These two effects negatively impact the ability of youth to transition away from homelessness, lengthening the process and threatening their stability, wellness, and ability to access opportunities. Understanding and addressing the consequences of conflict with the law is vitally important for preventing re-criminalization and supporting individuals with community integration.

Examining the identity-related implications of conflict with the law for homeless youth provides unique insight into how identity forces interact with structural inequalities. Our exploratory analysis suggests an interaction where conflict with the law and the resulting practical barriers can contribute to a sense of discouragement. Furthermore, the findings highlight how practical and identity-related barriers interact to create cycles of homelessness and marginalization. For example, the findings underscore the impact of system avoidance: young people who are

disadvantaged and have been in the justice system are under increased surveillance by authorities, and in some this creates feelings of resentment and distrust towards other systems. Our study suggests that system avoidance is especially problematic for homeless youth because they often need access to education, health, mental health, employment, and housing services.

It should be noted, however, that even the more marginalized and jaded youth in our sample were interested in overcoming barriers to find their own version of success and happiness. Our interviews suggest it would be useful to develop interventions and service programs for youth exiting homelessness that consider and support broader definitions of desirable life goals. For example, youth talked passionately about various pursuits including education, employment, and housing but also valued other spiritual, athletic, psychological, social, and artistic endeavours.

There were indications in our data that conflict with the law is especially problematic for people who were exiting homelessness and who were also part of a stigmatized or disadvantaged group, for example racialized, Indigenous, and LGBTQ individuals (also see John Howard Society 2010). Similarly, people who face homelessness along with other types of complex and overlapping problems like addictions, brain injuries, post-traumatic stress disorder (PTSD), language barriers, mental health, race/cultural/LGBTQ discrimination, and physical disabilities were particularly vulnerable to the negative impacts of conflict with law (like records). Among the sample, increased vulnerability seemed connected to individuals' unmet need for services and supports and to the fragility of any housing stability achieved (see also Baldry and Dowse 2013). These themes were present in the interviews, but we were unable to map out exactly how these intersecting inequalities shape people's experience of conflict with law and their transition away from homelessness. Future research should explore these intersections and develop a better understanding of the additional challenges that young people experience.

At a policy level, the findings from this study underscore the ongoing need for more safe, affordable and stable housing options. Without access to such housing, young people are at increased risk of experiencing cycles of homelessness that are both cause and effect of conflict with the law. Although our analysis raises important questions about how young people negotiate the practical and emotional dimensions of being in conflict with legal systems and institutional gatekeepers, we must keep in mind that systemic failings require systemic solutions and that much reform is needed. Briefly stated, our findings support calls echoed elsewhere for more affordable and accessible housing and Housing First initiatives (Culhane, Metraux, and Hadley 2002; Tsemebris, Gulcur, and Nakae 2004; Culhane and Metraux 2008; Mental Health Commission of Canada 2014); for the repeal of legislation like the Safe Streets Act, which criminalizes homelessness without addressing its underlying roots; for policies that limit records checks and increase access to records suspensions[11] (Canadian Civil Liberties Association 2014; John Howard Society 2014); for increased legal supports for homeless and marginalized individuals (Csete and Cohen 2010; Legal Aid Ontario 2016); and for additional funding for community-based supports,

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[11]   Formerly pardons.

advocacy and diversion programs that can leverage conflict with the law as a potentially positive turning point. Additionally, youth who are trying to move away from homelessness need viable opportunities and allowances to build on their potential. Increasing investments in harm reduction, flexible supports and capacity-building programs could reduce high shelter, court, policing, and emergency room costs, while also enabling young people to focus on wellness, education, and career plans and move on with their lives in more positive ways.

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