

# **Coming Together: Collective Living and Homelessness Amongst Criminalized People**

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## **INTRODUCTION**

At every step of the criminal justice system, relationships between criminalized people are seen as threats, as sources of crime. It therefore seeks to eliminate or manage those relationships, which fragments communities and increases isolation. This comes with many negative outcomes, including an increased risk of homelessness.

In this paper, I argue that relationships between criminalized people can actually be one of our greatest strengths in terms of preventing homelessness, allowing us to manage the harms caused by the justice system and to make positive changes in our lives. Whether it is against police investigations, the routine brutality of the prison system or the social exclusion faced by former prisoners, I concur with Fayter (2022) that criminalized people are each other's best defense against social forces that deny our humanity.

Specifically, we are capable of banding together to meet our material needs collectively, securing and maintaining housing. This gives us the space and stability required to make the changes in our lives we feel we need to – on our own terms and free of coercion in the form of bail or parole conditions, sentencing considerations or within the prison system.

Collective living and mutual aid among criminalized people are already common, but with a bit of support, these practices have the ability to address some of the most urgent needs faced by people as they are released. As we exit the prison system, we have urgent needs for housing, food, clothing, and other bare necessities that need to be met the same day, which we often need to acquire by relying on our support networks. Rather than being coerced into 'leaving that world behind us', we can work together to make that world more free and equal.

I make this argument based on my own lived experience of incarceration and homelessness. I have been locked up five times in provincial jails in Ontario, over the period of about a decade, and this has caused me to lose my often-precarious housing several times.

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## HOW THE CRIMINAL JUSTICE SYSTEM SEPARATES CRIMINALIZED PEOPLE FROM THEIR COMMUNITIES

When I say that every step of the criminal justice system seeks to separate criminalized people from their communities, I do mean every step.

**At the bail stage**, non-association conditions between co-accused or between the accused person and their ‘associates’ are standard – it is rare to not see them applied (Myers, 2017). This means that if you are caught talking with someone covered by a non-association condition, your bail will be revoked and you will await trial in a detention centre.

People become co-accused in all kinds of ways. It is of course sometimes the case that people were in fact involved in the criminalized acts together, but not always. As an example, a raid on a home in which drugs are found often results in charges against multiple people in the home. Even if the charges are later dropped, spending a year forbidden from interacting with people you were once close to can cause incalculable harm, including homelessness.

**At trial and sentencing**, being embedded in a criminalized community is perceived as putting you at higher risk of reoffence, which is used to justify harsher sentences (Hannah-Moffat, 2005). Additionally, the legal process is highly individualized – each person is required to be individually represented by a lawyer, and collective defence is very difficult and costly to secure. This results in people being incentivized to throw each other under the bus, which systematically undermines relationships.

**In prison**, criminalized individuals are physically removed from their community and exposed to harsh conditions. They are then sorted based on the punitive logics of the prison system (Hannah-Moffat, 2005), including by race, gender, sexual orientation and willingness to cooperate. The harms this causes are myriad, but two very concrete and material outcomes of cutting people off from their community are isolation and homelessness.

**During the parole process**, one of the standard conditions applied to all parolees is to not associate with anyone who has a criminal record. This blanket condition turns interacting with anyone, attending any events or accessing services into a high-risk exercise (Sylvestre et al., 2020). It also means that the targeted person continues to be excluded from their criminalized community even after release, while simultaneously

experiencing stigma and exclusion that prevents them from finding another community. It makes it that much harder to find stable, dignified housing (Leasure, 2019).

How do these attacks on our relationships play out in practice? What can we do to maintain our relationships despite them? How can collective living and mutual aid intervene to prevent homelessness and other negative outcomes associated with involvement in the justice system? Let me tell you three stories from my own life.

### **Story 1**

In my early twenties, I was living with roommates when we were all arrested. I was subject to a blanket bail condition that prohibited me from contacting my former roommates and many other people for two years. This included the person I was dating at the time. Needless to say, I lost my housing.

I carried on my relationship with the person I was dating in secret for two years, even as the repression caused us both to become homeless. We lived first with one of my sureties and then between an unfurnished apartment and a car.

I ultimately pled out and did my time. During that time though, my partner, their grandmother, and their sibling banded together to buy a house and they invited me to join them when I was released. We lived together as a family for many years after that. Because I had kept my relationship strong despite it being made illegal, I was not released into homelessness.

### **Story 2**

In my early thirties, I was living with four close friends when our house was targeted for a violent police house raid, during which I was arrested. I was given non-association conditions with all of my housemates and was banned from the city. This lasted over a year, during which time I lived on a pullout couch with a surety and then spent six months in prison.

Years earlier, I lost my housing when this happened, but this time, my housemates kept my room for me by subletting it until I was able to return. Because of my community, I was able to avoid once again becoming homeless – or having to struggle to find a place in the ever-more expensive rental market.

After I returned home, several other friends and I decided we needed to quit drinking and drugs, and the same collective energy that kept me housed

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held me through that process too. Today, I am three years sober and that is due in no small part to the fact that I did not lose my housing and am part of a community where we look after each other.

### **Story 3**

Once when I was in prison, I was up for provincial parole. My parole plan involved moving in with a group of close friends, who also happened to be former co-accused. A parole officer spoke with my friends and then told the parole board he did not support my release plan.

Despite this, I was able to make the case to the parole board for how important and nourishing those relationships are to me. They agreed and I was freed early and allowed to live with my friends, which is an exemption to the standard parole condition. Friendship with criminalized people literally got me out of jail.

While on parole, I prioritized staying in touch with people I was technically not allowed to see, one of whom was on charges and preparing to do time. I did not want to allow that person to become isolated, because I had seen the difference strong social bonds had made in my own life. We pooled money to help with their rent until they freed up and they are still living in the same affordable apartment today.

## **CONCLUSION**

These are just personal anecdotes, but I hope they make clear that collective living and mutual aid among criminalized people has the potential to transform lives. Collective living is an especially interesting solution because it does not require anything from any authorities (although it would certainly be easier if they would stop applying conditions that make it risky to maintain our relationships).

In terms of supports, conflict resolution support and capacity-building around the skills needed to organize and sustain a collective living situation could help make collective living arrangements more likely to succeed. As well, education programs could make more people aware that collective living is a viable option – sharing success stories, describing common models of collectivity and breaking down the financial benefits.

As well, financial support would, of course, be welcome. Currently, programs like Ontario Works and the Ontario Disability Support Program

penalize working together, requiring us to lie about our living situation in order to avoid having our income reduced (or cut off altogether) (Mosher & Hermer, 2010; Foster & Spencer, 2012). For example, if someone is living with others, whether as roommates or romantically, social assistance programs require an overwhelming amount of paperwork from them, which is a barrier in and of itself, and often leads to a reduction in income. A subsidy program that specifically encourages collective living could turn it into a practical option for more people.

There is little research on the subject of collective living as a response to homelessness and none that I am aware of that is specific to formerly incarcerated people, but it is certainly a topic worthy of further study. Pushed by necessity, many marginalized people are already developing ways of living together as adults that go beyond the nuclear family and criminalized people are no exception. We are already making this work. Sharing our experiences and research could help make this option available to more people.

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