

## Chapter 15

# Homelessness, Mental Health Afflictions, Problematic Substance Use, and Associated Criminality: A Transformative Justice Resolution

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### ABSTRACT

*Homelessness and related community ailments have plagued society for a number of years, and governments have found it difficult to get these under control. The sheer number of homeless with mental health afflictions and problematic substance use problems leaves no doubt about the need for a stronger, more urgent government response. Community ailments such as these have led to increased crime rates and incarcerations and overcrowded prisons without a lasting solution in sight. This chapter uses the transformative justice model, with the expectation it produces better results than current models, by examining the source of homelessness, mental health afflictions, and problematic substance use and their bi-directional relationship with crime. This inter-jurisdictional study compares the current situations in the state of California and the province of Ontario, which have a high percent of homeless populations. It proves that special attention to vulnerable populations such as racialized groups, the socioeconomically disadvantaged, and youth is warranted.*

### INTRODUCTION

In 2019, San Francisco resident Paneez Kosarian was attacked by a man outside her condominium building because, in his mind, he was attempting to “save her from robots.” Media reports differ on whether he had problematic substance use or mental health afflictions, but they concur that he had no known address; he was homeless. Incidents such as these have led to growing public sentiment against the homeless, those

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with mental resistance health afflictions and those who suffer from problematic substance use. Backlash in the form of building navigation centers and tent encampments in residential areas, due to the spurt in crime committed by the homeless, has garnered increasing attention to vulnerable populations in California. According to one report, almost half of the homeless population in the United States is in California where rising house prices and astronomical rents have locked many out of the housing and rental market. Research studies suggest that homelessness is intrinsically linked to problematic substance use and mental health afflictions (McDonagh, 2011; Piat et al., 2015; Fuller, 2019).

The situation is no different across the border in Ontario, Canada's most populous province. Brad Chapman, a 43-year-old father found himself homeless, and in and out of jail due to a drug dependency, until his death on the streets of Toronto (Boisvert, 2018). His case helped substantiate research findings that long-term homelessness impacts the well-being of individuals due to problematic substance use, cognitive impairments, chronic illness, and mental health problems. This and other similar incidents put focus on treatment services and the increased need for interventions for these individuals. This was also significant in another context: it sparked interest in the relationship between psychoactive substance use and crime and the impact on the criminal justice system (Berenbaum, 2019).

In line with this trend, cities within California and Ontario are witnessing an increase in crime driven by poverty, homelessness, mental health afflictions and problematic substance use and putting immense pressure on limited resources allocated to the criminal justice systems. This chapter studies these community ailments, evaluates governments' performance in addressing them and identifies crime-reduction outcomes using the transformative justice approach. These encompass proper discharge planning, reintegration, housing assistance, social supports, employment, training, and education. Finally, it provides recommendations for state/provincial government policy shifts in keeping with the transformative justice theme of this chapter.

## **RETRIBUTIVE, RESTORATIVE OR TRANSFORMATIVE JUSTICE?**

There is a good reason homelessness and associated mental health afflictions and problematic substance use are associated with criminogenic behavior. The Institute of Fiscal Studies and Democracy (2018) explains that jurisdictions deal with the symptoms of homelessness but not the underlying issues also known as the feeder roots of homelessness. Groups of people such as those in foster care, military veterans, prisoners, and discharges from hospitals have all experienced serious life disruptions only to find themselves at a point where desolation intersects with criminality. In its attempt to address this criminality, the chapter reviews the merit of three approaches to justice as follows and finds that the transformative justice model is most suitable from a criminal justice reform perspective.

### **Retributive Justice**

The retributive approach to justice asserts that criminals must be punished for their actions and has its foundations in the philosophies of Georg Hegel (1942), Immanuel Kant (1956) and Herbert Morris (1968). Ezorsky (1972) contends that moral balance is the centerpiece of retributive justice where a criminal act is countered with retaliatory punishment of equal magnitude and where punishment restores the unfair advantage a person has gained in society by failing to exercise what another has exercised: self-control and self-restraint. Norval Morris (1974) argues that while the victim's desire for punishing

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