



Human Rights Implications of the Criminalization of Homelessness

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Criminalization of Homelessness



Definition of
Criminalization

Impacts of
Criminalization

Civil Rights Implications



Overview of Criminalization of Homelessness

Definitions:

Criminalization of Homelessness:

- ▶ Policies, laws, and local ordinances that make it illegal, difficult, or impossible for unhoused people to engage in normal, everyday, life-sustaining activities that most people carry out on a daily basis, or in activities that help make them safer.
- ▶ Use of laws, law enforcement, and government authority to erase or diminish the visible evidence of homelessness.

Definitions:

- ▶ Laws that specifically target unhoused residents:
 - ▶ Banning people from sitting, sleeping, and lying on the sidewalk
 - ▶ Limiting the amount of property that individuals can have on the sidewalk
 - ▶ Preventing people from “dwelling” in vehicles
 - ▶ Panhandling bans
 - ▶ Preventing food distribution in public

Definitions:

- ▶ Neutral laws that are disproportionately enforced:
 - ▶ Drinking in public
 - ▶ Urinating and defecating in public
 - ▶ Shopping cart bans
 - ▶ Milk crate bans
 - ▶ Jaywalking
 - ▶ Trespassing
 - ▶ Violations of park/beach closing times

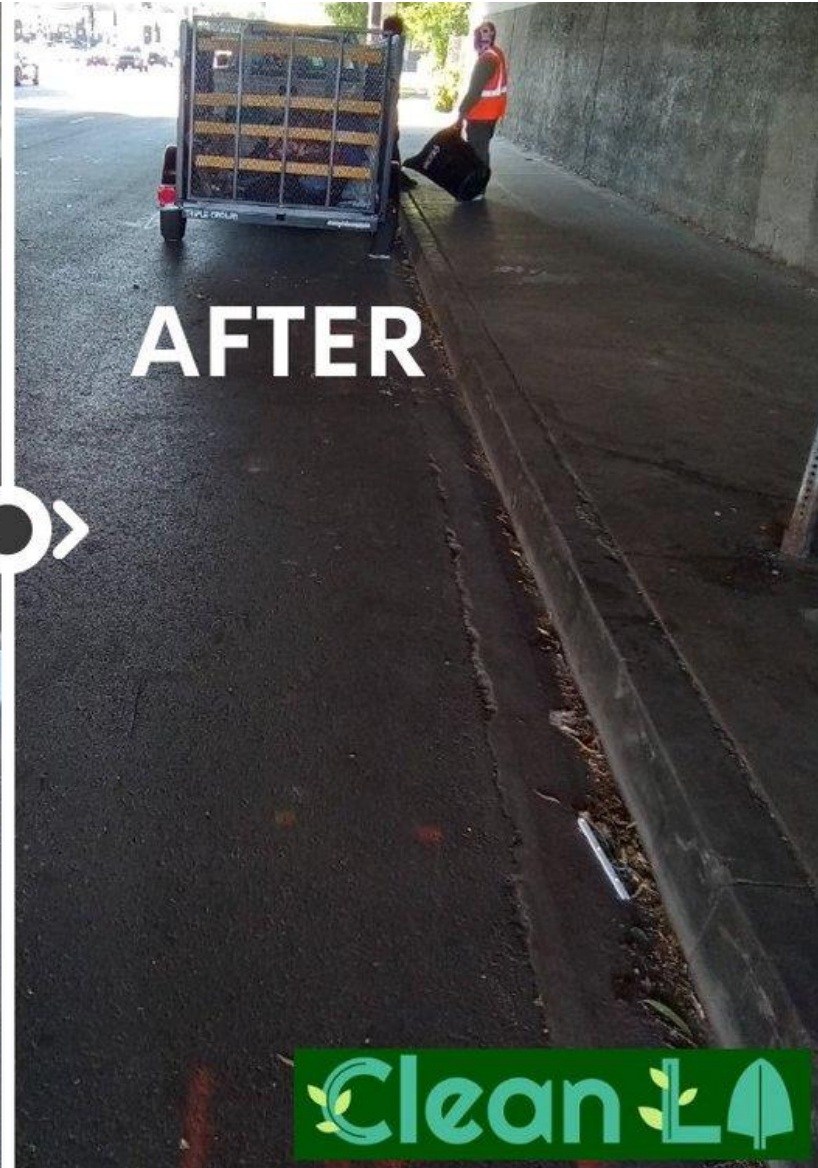
Definitions:

Criminalization does not just include throwing people in jail. It also includes:

- ▶ Moving people along
- ▶ Banishing people from public spaces
- ▶ Forcing people to accept shelter, rehabilitation, medical care, or other interventions under threat of arrest
- ▶ Stripping people of their Fourth Amendment rights
 - ▶ Warrantless searches and seizures
 - ▶ ID, warrant, and probation checks
- ▶ Seizing property, including medical supplies, pets, shelters, clothing, bedding

Why Criminalize Homelessness?

- ▶ “Addresses” real concerns about public health
- ▶ Allows governments to be responsive to constituent concerns
- ▶ Forces people to accept shelter/services
- ▶ What jurisdictions know how to do
- ▶ Easier than solving wealth inequality , systemic racism, or the housing crisis



Impacts

- ▶ Impacts of Criminalization on unhoused people
 - ▶ Tangible:
 - ▶ Loss of belongings
 - ▶ Exposure to cold/heat
 - ▶ Difficulty obtaining services
 - ▶ Missing court dates, appointments, work
 - ▶ Intangible
 - ▶ Trauma
 - ▶ Displacement
 - ▶ Disconnection
 - ▶ Distrust

Impacts

Civil Rights Implications:

- ▶ Can violate people's constitutional rights
 - ▶ First Amendment: free speech and expression
 - ▶ Fourth Amendment: unreasonable searches and seizures
 - ▶ Eighth Amendment: cruel and unusual punishment
 - ▶ Fourteenth Amendment: due process and equal protection

Impacts

Civil Rights Implications:

- ▶ Disparate impact on people of color
- ▶ Disparate impact on communities of color
- ▶ Disparate impact on LGBTQ+ communities
- ▶ Contributes to racial segregation
- ▶ Leads to disability discrimination
- ▶ Harm victims of intimate partner violence
- ▶ Increase hate crimes

Impacts

- ▶ Implications for Jurisdictions that criminalize homelessness:
 - ▶ More expensive
 - ▶ Harder to move people into housing
 - ▶ Increased mental health challenges and corresponding substance abuse issues
 - ▶ Litigation



Questions?