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Justice Department Condemns Local Criminalization of Homelessness, Files Brief in Case Against Boise, Idaho

WASHINGTON, DC - On August 6, 2015, the Department of Justice put enforcement power behind longstanding federal policy against criminalization of homelessness by filing a statement of interest brief in a case opposing a Boise, ID anti-camping ordinance brought by the [National Law Center on Homelessness & Poverty](#) (NLCHP) and [Idaho Legal Aid Services](#), with the pro bono support of [Latham & Watkins](#) LLP.

The NLCHP case, filed in 2009, seeks to overturn a Boise ordinance which criminalizes sleeping in public, even when there are not enough shelter beds available to homeless individuals. Boise amended its ordinance in 2014 in response to the lawsuit, but continues to allow police to ticket homeless persons if any shelter beds are open, even if those beds are unavailable to individuals due to disability or religious objection, and although the total number of homeless people in Boise far exceeds the number of beds.

“The DOJ’s brief sends a strong signal to Boise and to communities across the country that homeless people do not lose their constitutional rights when they lose their homes,” said Eric Tars, Senior Attorney at the Law Center. “As U.S. [courts](#) and [international human rights monitors](#) have increasingly recognized, criminally punishing homeless people for life-sustaining behavior in the absence of alternatives is cruel, inhuman, and degrading.”

Principal Deputy Assistant Attorney General Vanita Gupta, head of the Civil Rights Division said in a [press release](#), “Criminally prosecuting those individuals for something as innocent as sleeping, when they have no safe, legal place to go, violates their constitutional rights. Moreover, enforcing these ordinances is poor public policy. Needlessly pushing homeless individuals into the criminal justice system does nothing to break the cycle of poverty or prevent homelessness in the future. Instead, it imposes further burdens on scarce judicial and correctional resources, and it can have long-lasting and devastating effects on individuals’ lives.”

“We hope that the city will reconsider its ill-conceived policies on dealing with homelessness in Boise and instead work with providers to solve the real needs of homeless people and end the cycle of homeless,” said Howard Belodoff, attorney at Idaho Legal Aid Services.

Latham & Watkins lawyer Scott Jones added, "We are pleased to have the DOJ weigh in on such a critical part of the fight to protect the constitutional rights of homeless people."

“Our [reports](#) show that, despite a lack of any available alternatives, more cities are choosing to turn the necessary conduct of homeless people into criminal activity,” said Maria Foscarinis, Executive Director of the Law Center. “We welcome the DOJ’s support for our case and call on Boise and other local governments to take swift action to solve homelessness with homes, not jails and prisons.”

The case will go before the court for a hearing on summary judgment on August 20.

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The National Law Center on Homelessness & Poverty (www.nlchp.org) is the only national organization dedicated solely to using the power of the law to prevent and end homelessness. With the support of a large network of pro bono lawyers, we address the immediate and long-term needs of people who are homeless or at risk through outreach and training, advocacy, impact litigation, and public education.