



Testimony to the UN Special Rapporteur on Contemporary forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance

November 2, 2023

- My name is Eric Tars, and I am the Senior Policy Director at the National Homelessness Law Center.
- I come to you today because if you are talking about racial discrimination in America, you are talking about homelessness, and the criminalization of homelessness.
- Black Americans make up approximately 13% of the national population, but almost double that - 26% of the population in poverty. But then double that again, to 40% of people experiencing homelessness, and as my colleague, Jesse, said, up to 90% in DC.
- And in most American communities, where there are laws that make surviving, sometimes just existing in public spaces a crime, where race and homelessness intersect, we see tragic results.
- Black people are cited at 10 times the rate of white people for the low-level offenses usually charged against unhoused persons. Latinx people at 6 times the rate of whites.
- And as homelessness grows, these ordinances are on the rise – the number of cities criminalizing camping has risen by more than 90% over the past two decades, the number of laws prohibiting living in vehicles up by more than 200%.
- In some communities more than half the people in jail on any night are there because of homelessness-related charges.
- And each one of these unnecessary police encounters carries the threat of police violence. Although unhoused persons make up less than 3% of San Francisco residents, one-third of police use of force incidents were against unhoused persons.
- And indeed, some of those incidents result in the death of unhoused persons, like Kurt Andras Reinhold, a Black unhoused man murdered by police after stopping him for jaywalking.
- It also gives tacit permission for vigilante hate crimes, like Daniel Penny, who murdered Jordan Neely, an unhoused Black man with mental health disabilities in front of a crowd on a New York City subway.
- Moreover, as some limited court victories have made it more difficult to enforce these laws, communities are turning to other methods of getting unhoused people out of sight, by using the civil involuntary commitment system to target unhoused persons with mental health disabilities. And because of the historical over-diagnosis of Black persons with schizophrenia and other mental health disorders, these policies have a disparate impact as well.
- While these policies occur mostly at the local level, we have seen a concerning recent trend of states passing statewide bans on camping and lowering due process protections against involuntary commitments, being pushed by an organization known as the Cicero Institute, whose leader has ties to the private prison industry.

- Moreover, even though the federal government has taken some positive steps toward ending criminalization of homelessness, its own federal police agencies have been criminalizing homelessness, including the National Parks Service supporting a massive sweep of more than 70 unhoused persons from the McPherson Square encampment, just two blocks from where you are sitting now, with only a handful being brought into shelter, and most simply scattered to other parks and corners throughout DC, breaking up relationships with service providers and putting them at risk. Again, my colleague Jesse in the room was on the front lines of that.
- Moreover, former President Trump and numerous other leaders are actively demonizing unhoused populations and proposing fascistic “relocation camps” to exile them from our cities.
- Please see our report for more detailed recommendations, but we request you to:
 - 1) meet with directly impacted people on your mission and hear their stories from them,
 - 2) Ask federal officials what steps they’re taking to end the criminalization of homeless through incentives and enforcement action, and protocols for their own law enforcement divisions
 - 3) Ask state and local officials what they are doing to stop criminalizing homelessness and the use of involuntary commitments against unhoused persons and instead ensure adequate housing and health care, including mental health care, are recognized and implemented as human rights.
- Thank you.