Lack of Personal and Physical Safety

Life on the street is a reality for too many. The National Alliance for the Homeless estimated that more than 500,000 people were without homes as of January 2015. For those living without the benefit of shelter, the lack of personal and physical safety is a constant reality. According to the National Coalition for the Homeless (NCH), targeted attacks against the homeless are increasing. These attacks are often brutal, and posted on, or inspired by, social media. Moreover, privately produced videos, such as the Bumfights series, encourage violence between and towards members of the homeless population. According to the NCH, “These crimes are believed to have been motivated by the perpetrators’ biases against homeless individuals or by their ability to target homeless people with relative ease.” In addition, many youth on the street find themselves victims of exploitation, including “survival sex” and trafficking. According to the National Runaway Switchboard, homeless youth identifying as LGBT are seven times more likely than their heterosexual peers to be victims of a crime.

This lack of personal and physical safety extends to low-income Americans as well. Poor Americans are disproportionately impacted by crime. In 2008, the victimization rate for all personal crimes among individuals with family incomes of less than $15,000 was over three times the rate of individuals with family incomes of $75,000 or more. Many working poor people struggle with choosing severely cramped homes in “good neighborhoods” or more spacious homes in neighborhoods with higher crime rates. A study of 124 mothers and grandmothers in Baltimore showed that when faced with this decision, most mothers and grandmothers chose a bigger apartment in a less desirable location.

Over the years, the ABA has taken policy positions and sponsored position papers focused on the various issues involved with this topic. These policies and positions are based on the knowledge and intellectual work product of lawyers who could be in a unique position to strengthen community-based efforts to address physical and personal safety of low-income Americans. Lawyers can work shoulder-to-shoulder with stakeholders including community-based entities, providers/advocates, academic communities, foundations/funders, politicians, program users/beneficiaries and the general public to use the law and justice system to tackle systemic barriers and obstacles to physical and personal safety of low-income and homeless Americans.

For example, in 1995, the ABA advocated for the “adoption of creative and comprehensive measures to address homelessness,” (Report No. 111). The Association, in its 2005 Resolution 111 urged, “Congress and the President to support the establishment of a federal affordable housing trust fund to increase the availability of affordable housing.” In 2010,
the ABA passed Resolution 105B which focuses on youth homelessness. The Resolution urges the Federal Government to (1) assist local communities in establishing plans to end youth homelessness; (2) make specific recommendations for the role of federal and state governments in abating youth homelessness; (3) develop and implement model laws designed to address issues related to youth homelessness. Resolution 109B urges all governments and regulators to amend existing laws and regulations to ensure that victims of domestic violence, sexual assault, and stalking have meaningful access to safety and autonomy in their homes. Resolution 107G supports avenues for victims of human trafficking to obtain lawful immigration status, employment authorization, and public benefits, including safe housing.

The ABA Commission on Homelessness & Poverty has compiled for informational purposes only—and without any intended endorsement—the following issues and potential strategies for consideration as each community develops its own unique local plan of action for eliminating legal and justice system related policies, practices, and procedures that unfairly perpetuate or worsen the harmful effects of poverty, particularly those that serve as unfair obstacles and barriers to helping the homeless achieve personal and physical safety. The Commission is able to offer technical assistance in identifying and convening community stakeholders for roundtable discussions to develop strategic plans for local community action.

**ISSUE: HATE CRIMES AGAINST THE HOMELESS**

In the last six years, violence against the homeless in the United States has increased 15%. Over the last fifteen years, there have been 1,437 reported acts of violence against homeless people and 375 of those acts were fatal. In 2013 alone there were a reported 109 attacks, eighteen of which were fatal. Many more attacks have likely occurred, but because the homeless community has been marginalized it is likely that additional attacks have gone unreported.¹ More than 80% of the crimes were committed by perpetrators under the age of 30.² These crimes are most likely motivated by bias and discrimination against homeless people, and the ease with which they can be targeted. Further, as described by NCH, the criminalization of the status of homelessness, “sends to the general public the message: Homeless people do not matter and are not worthy of living in our city.” These areas have some of the highest level of hate crimes.

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¹ Michael Stoops, ed., VULNERABLE TO HATE: A Survey of Hate Crimes and Violence Committed against Homeless People in 2013 A report by the National Coalition for the Homeless.

² Id.
STRATEGIES:

- Encourage state legislatures to make “homeless” a status under hate crime legislation. Drafters can look to legislation in Alaska, California, Florida, Maine, Maryland, Puerto Rico, Rhode Island, Washington, and Washington, D.C. for guidance in creating a protected class for the homeless. The National Coalition for the Homeless has an online manual with model legislation language that can be promoted to state legislatures.

- Encourage legislation, both federal and state, declaring that housing is a basic human right. Proponents can reference Fact Sheet No. 21: The Right to Adequate Housing by the Office of the United Nations High Commissioner for Human Rights to learn about the international human rights law recognizing every human’s right to adequate housing.

- Provide “Know Your Rights” liaisons to law enforcement.

- Encourage state legislation to create a Homeless Bill of Rights, such as those passed in Rhode Island, Illinois, and Connecticut, to ensure that individuals are not discriminated against based on housing status.

- Educate law enforcement on homelessness issues and how to most effectively deal with homeless individuals and hate crimes against homeless individuals.

ISSUE: HOMELESS YOUTH FALLING VICTIM TO SEXUAL TRAFFICKING

In a study conducted by Covenant House on youth staying in its New York shelter, researchers found that almost 15% of the youths in their sample were victims of some form of trafficking. Participants told researchers that traffickers would loiter in areas where homeless youth gathered and when shelters were full would offer them shelter.

The ABA strongly supports the recognition of adequate housing as a basic human right, and urges implementation of this right at all levels of government. The legal community plays an important role in implementing this right by getting victims access to justice and by advocating for change to ensure the basic human dignity of every individual. (See the ABA Policy on Implementation of the Human Right to Adequate Housing, August-2013).
STRATEGIES:

- Support and work with organizations that realize the special concerns of homeless youth.

- Collaborate with and make use of the resources of the ABA Taskforce on Human Trafficking.

- Advocate for local and state governments and NGOs to expand access to emergency housing options.

- Encourage state legislatures and attorney generals to develop a state strategy for preventing child exploitation and trafficking. The strategies can be modeled after the United States Department of Justice’s national strategy.

ISSUE: SEXUAL EXPLOITATION OF HOMELESS YOUTH AND LOW-INCOME INDIVIDUALS

The study conducted by Covenant House also found that in addition to the 15% of youths staying in its New York shelter that were victims of some form of trafficking, another 8% had engaged in survival sex. The participants in the study revealed that they were trading sexual activity for shelter. Further, a study surveying sexual assault victims from 1994-2010 revealed that females living in the lowest income bracket experienced rape or sexual assault at higher rates than females in other income brackets. In the period from 2005-2010, females in households earning less than $25,000 per year experienced 3.5 rape or sexual assault victimizations per 1,000 females compared to 1.9 per 1,000 households earning between $25,000 and $49,999 and 1.8 per 1,000 households earning $50,000 or more.
**STRATEGIES:**

- Encourage schools, community centers, and after-school groups to offer discussions on runaway prevention. The National Runaway Safeline has a free interactive curriculum that can be used to educate youths on alternatives to running away and other unsafe behaviors.

- Collaborate with all governmental, business and community stakeholders to establish a peer-led outreach group and accessible street based and comprehensive drop-in services like the models created by the Urban Institute.

- Collaborate with all governmental, business and community stakeholders to implement strategic planning to ensure that young people leaving the foster care or juvenile detention systems are not discharged into homelessness.

- Advocate for state legislatures to adopt human trafficking legislation and a system that will effectively respond to sexual exploitation of homeless youth. Proponents can look to Minnesota’s legislation as a model.

- Collaborate with all governmental, business and community stakeholders to implement model policies to end youth homelessness as outlined by the United States Department of Health and Human Services.

**ISSUE: DOMESTIC VIOLENCE AND HOMELESSNESS**

According to the National Coalition for the Homeless, approximately 63% of homeless women have experienced some sort of domestic violence. Often, women who are in abusive relationships have few resources and nowhere to go, which forces them to choose between living on the streets or in an abusive environment.

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3 The Urban Institute has many additional model policies communities can implement to combat survival sex.
STRATEGIES:

• Educate communities on domestic violence. Encourage legislation and municipal policies creating more protection for victims who report incidents of domestic violence, and encourage better funding and the creation of more shelters for survivors of domestic violence. The ACLU has resources to educate communities on the relationship between domestic violence and homelessness, and possible solutions and preventative measures.

• Encourage local governmental, business and community stakeholders to develop and implement programming to provide hotel vouchers for battered women and their children when homeless shelters are filled to capacity.

• Train local shelters, health departments, churches, or other any other such institution on how to educate and assist homeless individuals in applying for grants and assistance programs like the ones available through the U.S. Department of Health and Human Services and the U.S. Department of Housing and Urban Development

• Collaborate with local school board and NGOs to provide public education in schools, learning centers, and community centers on the issues surrounding homelessness in an attempt to inform and to de-stigmatize homelessness. For example, activists can contact the Faces of Homelessness Speakers’ Bureau to schedule a panel presentation.

• Advocate for state and federal governments to create access to adequate housing for all individuals.

• Advocate for state legislatures to adopt laws that protect the housing rights of survivors of domestic and sexual violence. The National Law Center on Homelessness & Poverty created a report containing proposed and pending legislation that state legislatures can use as models to develop their own legislation.

ISSUE: HOMELESS SUFFERING FROM MENTAL ILLNESSES

The damaging effects of the school-to-prison pipeline include: 2 million children sent to juvenile detention every year, 70% of the students are Black or Latino, 75% are jailed for non-violent offenses, and 66% of those detained never return to school. Reform of K-12 education policies is critical to reverse the school-to-prison pipeline.

STRATEGIES:

• Encourage local school boards and police departments to reconsider the use of local police officers as school security to handle incidents like disrupting class that were formerly handled by school administrators.
• Collaborate with all governmental, business and community stakeholders to oppose any new legislation and reverse existing legislation that criminalizes homelessness. (See the ABA policy on Decriminalization of Homelessness, February 2007). The National Law Center on Homelessness & Poverty has a report highlighting the prevalence of the criminalization of homelessness and recommendations for actions to reverse the criminalization trends.

• Collaborate with all governmental, business and community stakeholders to develop a community consensus on potential reforms of Veterans’ Affairs and for programs that ensure housing to all veterans.

• Encourage widespread access to public housing for individuals who have arrest/criminal records. The Human Rights Watch has a comprehensive report on criminal records and homelessness and recommendations for legislative bodies and executive agencies.

• Advocate for the establishment of Homeless Court programs in every state, in both rural and urban areas. California has developed a Homeless Court system that can serve as a model for other states that choose to implement a similar system.

• Encourage local governmental, business and community stakeholders to develop and implement housing first and rapid rehousing programs, for example, like the models created by the National Alliance to End Homelessness.

• Encourage collaboration among all governmental, business and community stakeholders to implement widespread, barrier free and affordable access to mental health services. The U.S. Department of Health and Human Services offers information and assistance to the homelessness in need of medical assistance.

• Encourage local community stakeholders to collaborate with the NIMH Outreach Programs to provide more funding, assistance, or policy development to better reach those in the community suffering from mental illnesses.

The ABA partnered with the US Department of Veterans Affairs to address homelessness among veterans. The ABA developed a policy supporting the creation of Veterans Treatment Courts, creating a roadmap for jurisdictions that wish to implement these new courts, which serve as a resource to prevent homelessness among America’s veterans. (See the ABA’s Homeless Veteran’s Justice Initiative).
• Encourage local community stakeholders to collaborate with the National Health Care for the Homeless Council to advocate, research, and offer treatment to homeless individuals with mental illnesses.

**ABA Policy Positions**

• **Comprehensive measures to address homelessness** *(Resolution 111, August 1995)* This policy supports the adoption of creative and comprehensive measures to address homelessness by eliminating illegal residential segregation, increasing the availability of affordable transitional and permanent housing and improving the accessibility of such housing to employment, schools, transportation, and human services, with such efforts to include: (1) stronger enforcement of existing laws designed to eradicate discrimination in housing; (2) affirmative plans to increase and preserve the supply of adequate affordable housing; (3) regional initiatives to provide affordable housing that is accessible to employment, schools, transportation and human services; (4) programs to integrate communities by race and income; (5) provision of incentives and rewards to encourage the planning and development of affordable housing in integrated communities; and (6) enactment of specific affordable housing laws.

• **Establishment of Federal Affordable Housing Trust Fund** *(Resolution 111, February 2005)* This policy urged Congress and the President to support the establishment of a federal affordable housing trust fund to increase the availability of affordable housing.

• **Support for Victims of Human Trafficking** *(Resolution 107G, February 2006)* This policy supports avenues for victims of human trafficking to obtain lawful immigration status, employment authorization, and public benefits, including safe housing.

• **Decriminalization of Homelessness** *(Resolution 106, February 2007)* This policy supports the repeal of laws and policies that punish people who are homeless for living a non-criminal life or sustaining practices or acts in public places, such as eating, sitting, sleeping, or camping when no alternative private spaces are available.

• **Runaway and Homeless Youth Act** *(Resolution 105B, February 2010)* This policy encourages local communities to establish plans to end youth homelessness, which include specific recommendations for the role of federal and state governments in abating youth homelessness, including implementation of model laws developed to address issues related to youth homelessness.

• **Implementation of the Human Right to Adequate Housing** *(Resolution 117, August 2013)* Urges governments to promote the human right to adequate housing for all through increased funding, development and implementation of affordable housing strategies and to prevent infringement of that right.

• **Support for Victims of Domestic Violence** *(Resolution 109B, February 2015)* This policy urges all governments and regulators to amend existing laws and regulations to ensure that victims of domestic violence, sexual assault, and stalking have meaningful access to safety and autonomy in their homes.
Resources

http://www.nlchp.org/documents/Theres_No_Place_Like_Home

http://www.1800runaway.org/runaway-prevention-curriculum-sign-up/


https://www.acf.hhs.gov/sites/default/files/fysb/youth_homelessness.pdf

http://www.nimh.nih.gov/outreach/partnership-program/index.shtml


http://www.dhs.pa.gov/communitypartners/pennsylvaniacommunitysupportprogramcsp/#.VsNrEsfr_FI

http://www.hchmd.org/who-we-are