

Criminal Justice Issues and Prisoners' Rights

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CINCINNATI The ACLU of Ohio presented oral arguments today at the First District Court of Appeals to argue that the Hamilton County Court of Common Pleas lacked the jurisdiction to issue an improper, sweeping ban on homeless encampments across Hamilton County. Joe Mead argued for the ACLU of Ohio on behalf of New Prospect Baptist Church, a religious organization harmed by the August 16 ruling.

The ACLU of Ohio argues that the initial litigation resulted in a series of broad bans that exceed the courts authority, and violate due process. This case was litigated between two friendly parties: Hamilton County and the City of Cincinnati. Both sought the same remedy - to forbid people experiencing homelessness from seeking shelter in tents anywhere within the City and County borders, argued Joe Mead, cooperating attorney for the ACLU of Ohio. Rather than address structural and systemic issues that lead to extreme rates of homelessness, the two parties manufactured this lawsuit to decree County-wide policy.

None of the people experiencing homelessness whose liberty interests were curtailed were named in the suit or given a chance to respond to the ban, and nor were private property owners like New Prospect Baptist Church which opens its grounds to people in need of a place to stay. The broad and permanent ban presents a formidable roadblock for our clients religious mission to offer its campground as a sanctuary, added Mead.

Hamilton County has one of the largest homeless populations in Ohio, with shelters often over capacity and hundreds of people living unsheltered. The ruling is as unlawful as it is immoral. Poverty is not a crime and County and City leadership must end their assault on people experiencing homelessness, said J. Bennett Guess, executive director for the ACLU of Ohio.

New Prospect asks the appellate court to direct the lower court to withdraw the unlawful injunction and end the current enforcement of the county-wide ban on homeless encampments.

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