



Medical Neglect in Jail, Criminalization of Mutual Aid for the Unhoused, and Right to Housing in Dayton, Ohio

Submission to the United Nations Universal Periodic Review of United States of America (Fourth Cycle, 50th Session of the UPR, Human Rights Council)

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Overview

This submission focuses on the human rights issues experienced by individuals living in Dayton, Ohio⁶ (USA) and its surrounding area. It highlights human rights issues related to medical neglect within the Montgomery County Jail and issues related to the criminalization of mutual aid for the unhoused, among other housing issues. It evaluates the extent to which relevant 3rd Cycle recommendations have been implemented and proposes additional recommendations to address each of the issues. The submission also identifies recommendations that cut across topics: access to adequate mental health services, human rights education, and human rights institutions at all levels of government. While the evidence is mostly limited to a geographical area within the U.S., many of the issues highlighted extend to other cities across the U.S.

¹ daytonunitedforhumanrights.org

² udayton.edu/artssciences/ctr/hrc/about/index.php

³ www.mcjailcoalitionohio.org/about

⁴ www.daytontenantunion.com/about-us

⁵ www.nourishourneighbors.net

⁶ en.wikipedia.org/wiki/Dayton,_Ohio

The Context: Dayton, Ohio

Dayton, Ohio, is a city with approximately 135,000 residents. It has a rich history⁷ that includes being a hub for inventors and innovators like the Wright brothers and Charles F. Kettering at the turn of the 20th century.

The Dayton region also has a legacy of segregation and discrimination, as illustrated by well-documented redlining practices⁸ in housing, school segregation⁹, or more recently, civil rights violations when it comes to access to public transportation¹⁰ in the City of Beavercreek, Ohio - a suburb of Dayton.

The City of Dayton has passed several resolutions in the past four years signaling a desire to protect human rights, including declaring racism a public health crisis¹¹ in 2020, a Housing Bill of Rights¹² in 2022, a call for a ceasefire in Gaza¹³ in 2023, and a commitment to follow the necessary steps to declare itself a Human Rights City¹⁴ in 2023.

When it comes to housing specifically, the City of Dayton passed a 'pay to stay' ordinance¹⁵ to protect tenants from unnecessary evictions in 2021, an ordinance that protects tenants from discrimination due to source of income¹⁶ in 2023, and created new mechanisms to enable

⁷ DDN Staff (2022, September 2). 113 things you might not have known were invented in Dayton. Dayton Daily News. www.daytondailynews.com/local/12-things-you-might-not-have-known-were-invented-in-dayton/2WYB7OHZFBCPHFNKJXVDCUGHM/

⁸ Redlining: Mapping Inequality in Dayton & Springfield: A Think^{TV} Documentary (2022). PBS. www.pbs.org/video/redlining-mapping-inequality-in-dayton-springfield-kam44p/

⁹ McClory, Eileen (2024, July 11). Local schools still deeply segregated 70 years after Brown v. Board. Dayton Daily News. www.daytondailynews.com/local/local-schools-still-deeply-segregated-70-years-after-brown-v-board/BV6WMOFGE5DDXAYW634TJKMAIM/

¹⁰ Free To Ride: The Documentary (2016). The Kirwan Institute for the Study of Race and Ethnicity. www.youtube.com/watch?v=sUmX8YyxH_E

¹¹ Caswell, B. (2020, June 9). Dayton declares racism a public health crisis. Dayton 24/7. dayton247now.com/news/local/dayton-declares-racism-a-public-health-crisis

¹² Frolik, Cornelius (2022, December 5). Dayton leaders push for policies that treat housing as a 'human right'. Dayton Daily News. www.daytondailynews.com/local/dayton-leaders-push-for-policies-that-treat-housing-as-a-human-right/YHCXF2J7QZFR5KRUMCLVOR333Y/

¹³ Bishop, London (2023, December 21). Dayton City Commission resolution calls for Israel-Hamas cease-fire. Dayton Daily News. www.daytondailynews.com/local/dayton-city-commission-resolution-calls-for-israel-hamas-cease-fire/5INBX33LJRHV7IF37G3VFU75YY/

¹⁴ Mobley, Kathryn (2024, June 7). Will Dayton become Ohio's first 'Human Rights City'? WYSO. www.wyso.org/news/2024-06-07/will-dayton-become-first-ohio-human-rights-city

¹⁵ Hollingsworth, Torey (2021, March 24). City Commission passes "pay to stay" ordinance. Press Release. daytonohio.gov/ArchiveCenter/ViewFile/Item/1743#:~:text=Today%2C%20the%20Dayton%20City%20Commission%20unanimously%20passed,if%20an%20eviction%20has%20already%20been%20filed.

¹⁶ Frolik, Cornelius (2023, March 3). Dayton approves 'source of income' protections; landlords rip Section 8 program. Dayton Daily News. www.daytondailynews.com/local/dayton-approves-source-of-income-protections-landlords-rip-section-8-program/7AJKWSZWZZGBXA7BE3HPGH4NS4/

tenants to seal their eviction records¹⁷ in 2024.

The City of Dayton has also adopted a number of community-generated recommendations to reform the Dayton Police Department, including the creation of a new Mediation Response Unit¹⁸ to send unarmed mediators to non-emergency 911 calls in 2022. Welcoming America renewed the City of Dayton's Certified Welcoming¹⁹ status in 2023 and the Human Rights Campaign has given the City favorable ratings²⁰ when it comes to LGBTQ+ protections.

In this submission, we focus primarily on reviewing the experiences of Dayton community members when it comes to incarceration and housing. We review evidence indicating human rights concerns and suggest recommendations to address those concerns.

Methodology

DUHR has been holding monthly community meetings, as well as broader Community Collaboratives to listen to and document the experiences of Dayton community members when it comes to their human rights and identify potential recommended actions to address concerns. This work was the foundation for this UPR submission.

In preparation to create this submission, we partnered with grassroots organizations in the Dayton region that are working directly with affected people to gather information and evidence about human rights concerns related to incarceration and housing. We assembled a team of volunteers and developed an interview protocol to gather information about specific issues, cases, and patterns of human rights violations that these groups have experienced. We also asked for potential recommendations to address these issues.

The DUHR team reviewed the evidence, recommendations from the last UPR cycle, and other Human Rights Law materials. We compiled this submission and proposed recommendations.

Lethal Neglect in the Montgomery County Jail

During the 3rd cycle of the UPR, the United States of America supported the following recommendations:

¹⁷ Frank, Shay (2024, August 1). Dayton residents now have opportunity to seal certain eviction records. WYSO. www.wyso.org/news/2024-08-01/dayton-residents-now-have-opportunity-to-seal-certain-eviction-records

¹⁸ Elzie, Sheena (2021, November 29). Dayton to launch program that would use unarmed mediators to respond to non-emergency 911 calls. Spectrum News 1. spectrumnews1.com/oh/columbus/news/2021/11/20/unarmed-mediators-instead-of-police-to-respond-to-non-emergency-911-calls

¹⁹ Pak, Lola (2023, July 18). Dayton earns renewed "Certified Welcoming" status. Press Release. www.daytonohio.gov/ArchiveCenter/ViewFile/Item/2575

²⁰ 2024 Municipal Equality Index Scorecard - Dayton, Ohio. Human Rights Campaign. hrc-prod-requests.s3-us-west-2.amazonaws.com/files/documents/MEI-Scorecard-Assets/MEI-24-Scorecards/2024-MEI-Dayton-Ohio.pdf

- “Ensure that appropriate measures are taken by the police to identify and protect persons suffering from mental illness during their operations” (26.241),
- “Train the personnel of law enforcement agencies on human rights principles in arrest, detention, investigation and decent treatment” (26.248)
- “Ensure access to health care, drugs and treatment to all segments of society” (26.293)

“Nothing prepared me for what I saw when I entered Montgomery County Jail,” recalls Benjamin Fisher, a former naval officer, martial arts expert, and first responder, reflecting on witnessing the death of Terry Clemmons²¹.

The Montgomery County Jail is in Dayton, Ohio, the county seat, and serves County law enforcement as well as all of the municipalities contained therein. Between 2013 and 2018, the Jail - which is operated by the Montgomery County Sheriff’s Office - was the subject of multiple lawsuits because to documented abuses of detainees²². In 2020, the County had to pay \$10 million to settle²³ lawsuits involving the jail.

The Montgomery County Jail was originally designed to hold 443 detainees and as recently as 2019 would regularly house up to 800 people. In 2024, the jail held approximately 550 people per day on average. Despite a lower population, the jail retains an infamous reputation as a site of violence, abuse, neglect, and death. In 2023, more people died in the Montgomery County Jail than in any other jail in the state of Ohio²⁴.

Inside the Montgomery County Jail, a private corporation, Naphcare, is contracted to provide mental health and medical care for all detainees²⁵. According to community member Denise Henton, “NaphCare has a horrific track record nationwide of deceptive practices, negligence, and wrongful death settlements that cost local taxpayers tens of millions of dollars.”²⁶

Between January and July 2023, seven people in need of medical care died in jail while in the custody of the Montgomery County Sheriff’s Office and Sheriff Rob Streck. All seven of them were in jail awaiting trial. Their names are Steven D. Blackshear, Aaron Dixon, Amber Goonan,

²¹ Public comment delivered at the Montgomery County Commission meeting on June 18, 2024.

²² Gokavi, Mark and Steward, Chris (2018, August 6). DETAILS: What each of the 13 lawsuits filed against the Montgomery County Jail claim. *Dayton Daily News*. www.daytondailynews.com/news/details-what-each-the-lawsuits-filed-against-the-montgomery-county-jail-claim/Vg7OATFKjpwdm86NvfrpcM/

²³ Lyon, Edward (2020, February 4). Update: Montgomery County, Ohio Pays \$10 Million to Settle Jail Lawsuits. *Prison Legal News*. www.prisonlegalnews.org/news/2020/feb/4/update-montgomery-county-ohio-pays-10-million-settle-jail-lawsuits/

²⁴ Dawes, Sydney (2024, June 19). Montgomery County Jail deaths: Community deserves state-led investigation, coalition says. *Dayton Daily News*. www.daytondailynews.com/local/montgomery-county-jail-coalition-community-deserves-state-led-investigation-of-2023-jail-deaths/YTBUKEPCUZBYRCGBEZHDQGJGC4/

²⁵ Dawes, Sydney (2023, July 21). Officials seeking solutions after 6 deaths this year at the Montgomery County Jail, the most in Ohio. *Dayton Daily News*. www.daytondailynews.com/local/officials-seeking-solutions-after-6-deaths-this-year-at-the-montgomery-county-jail-the-most-in-ohio/PMPWDBKGBT5D6JH4D5HXQZGX74E/

²⁶ Public comment delivered at the Montgomery County Commission meeting on April 25, 2023. youtu.be/HGrHttTPlt8?si=nvLh46MAVsXIEhLD&t=2620

Isaiah Tramell, Amanda Campbell, Gerald Ford, and Terry Clemmons. For these people, entering the legal custody of Montgomery County meant the denial of life-saving medical care and ultimately the loss of their lives.

The practices of the Montgomery County Jail demonstrate a pattern of abuse, torture, and negligence in the provision of medical care. Expectations for reasonable care set forth by international and domestic law were explicitly violated. The death of these seven community members is evidence of a disturbing pattern of medical neglect and discrimination against people with disabilities, mental illness, and addiction. These deaths evidence violations of the right to be free from arbitrary detention, the right to be free from torture, and the right to access health services in jail as outlined in the *Universal Declaration of Human Rights*²⁷, *International Covenant on Civil and Political Rights*²⁸, *Convention Against Torture*²⁹, and *Basic Principles for the Treatment of Prisoners*³⁰—each of which bestows legal obligations on all levels of U.S. government, including county officials.

Details

Lethal neglect, abuse, and death have been common and consistent features of the Montgomery County Jail under the leadership of Sheriff Rob Streck, as well as his predecessor Phil Plummer:

- June 2017; Sasha Garvin died from an obstructed bowel in 2017, mistreated as a drug-related issue and originally deemed an overdose;³¹
- January 2023; Aaron Dixon died from injuries from seizures, deemed an overdose from Fentanyl;
- January 2023; Steven D. Blackshear died after three days in the jail found unresponsive in his cell, covered only in towels and his own vomit;
- February 2023; Amber Goonan, died due to mistreated drug-related Bronchopneumonia, in custody of the Montgomery County Jail;³²
- February 2023; Amanda Campbell died after two days in the Jail, supposedly “naturally caused because of her extensive health issues”;³³

²⁷ www.un.org/en/about-us/universal-declaration-of-human-rights

²⁸ www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

²⁹ www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading

³⁰ www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-treatment-prisoners

³¹ Gokavi, Mark (2017, June 8). Inmate to jail staff: ‘She’s dead, she’s been dead for a while’. *Dayton Daily News*. www.daytondailynews.com/news/inmate-jail-staff-she-dead-she-been-dead-for-while/MrioPH0U0iNA38Mrv1z7JJ/

³² Faith, Clara (2023, June 22). Montgomery County Sheriff’s Office investigates 6 inmate deaths in their jail this year. *Dayton 24/7 Now*. dayton247now.com/news/local/montgomery-county-sheriffs-office-investigates-6-inmate-deaths-in-their-jail-this-year

³³ Dawes, Sydney (2023, July 21). Officials seeking solutions after 6 deaths this year at the Montgomery County Jail, the most in Ohio. *Dayton Daily News*. www.daytondailynews.com/local/officials-seeking-solutions-after-6-deaths-this-year-at-the-montgomery-county-jail-the-most-in-ohio/PMPWDBKGBT5D6JH4D5HXQZGX74E/

- June 2023; Gerald Ford suffered 10 hours in the jail before dying due to substance related issues;³⁴
- July 2023; Terry Clemmons died after 36 hours in the jail of a heart attack, having sought medical assistance multiple times.³⁵

No more clearly is this pattern evident than with the story of Isaiah Trammell, a 19-year old young man living with Autism Spectrum Disorder who died as a result of head injuries sustained in the jail. Initially ruled a suicide, Trammell's experience in custody as a person with a disability led him to have a dysregulated episode.³⁶ Trammell was placed in wrist and ankle restraints while the medical staff and correctional officers taunted him. Once returned to a cell, Trammell repeatedly banged his head against the wall and died in a hospital hours later. Prior to his arrest, he was employed, lived on his own, and enjoyed spending time outdoors. His disability and medical needs were fatally neglected by the staff of NaphCare and the Jail.³⁷

Brandy Abner, Trammell's mother, shared her story publicly in an attempt to reveal the cruel abuse experienced by her son in the jail.

My special needs son was mocked, laughed at, provoked, called names, taunted, all while having a meltdown that required emergency medical treatment. He begged for mercy, he begged for someone to listen, he begged for a phone call, he begged for medicine, he begged for a simple drink of water. The nurse contracted through NaphCare told him he was being a baby and throwing a temper tantrum, and that she wasn't going to deal with him. She was his only line of defense.³⁸

The State of Ohio conducted an investigation into Trammell's death and found "no deficiencies" in the conduct of the jail or its staff,³⁹ a point echoed by Sheriff Streck.⁴⁰

³⁴ Byrd, Seth (2023, June 22). After 6th inmate death of 2023, Montgomery County Sheriff's Office looks for answers. *2 News, WDTN*. www.wdtn.com/news/local-news/after-6th-inmate-death-of-2023-montgomery-county-sheriffs-office-looks-for-answers/

³⁵ WHIO Staff (2023, February 3). Sheriff's office investigating deaths of 2 inmates in Montgomery Co. Jail. *WHIO TV 7*. www.whio.com/news/local/sheriffs-office-investigating-deaths-2-inmates-montgomery-co-jail/KIMCAJDQIFELNLUHM6FHIITJIE/

³⁶ Dawes, Sydney (2024, June 26). Family of autistic teen who died in jail custody joins calls for probe. *Dayton Daily News*. www.daytondailynews.com/local/family-of-autistic-teen-who-died-in-jail-custody-joins-calls-for-probe/2DK5ZIUK6BCHRDVEIGYNG2KESI/

³⁷ Dawes, Sydney (2025, March 21). Family of autistic teen who died in jail custody sues Montgomery County, jail medical provider. *Dayton Daily News*. www.daytondailynews.com/local/family-of-autistic-teen-who-died-in-jail-custody-sues-montgomery-county-and-jail-medical-provider/YED6NBYHBBHTFL2NIHVGDRZI6E/

³⁸ Public comment delivered at the Montgomery County Commission meeting on June 25, 2024.

³⁹ Bureau of Adult Detention. (2024). *2024 Full Service Jail Annual Inspection Reports Montgomery*. Ohio Department of Rehabilitation & Correction. drc.ohio.gov/about/resource/reports/bureau-of-adult-detention/2024-full-service-jail-annual-inspection-reports-montgomery-county-jail

⁴⁰ Dawes, Sydney (2024, June 7). Sheriff: State review of jail inmate death last year found no 'deficiencies'. *Dayton Daily News*. www.daytondailynews.com/local/sheriff-state-review-of-jail-inmate-death-last-year-found-no-deficiencies/XO7G7UUI6ZECNMY4TMXZNHWWVE/

Nonetheless, the words of Benjamin Fisher ring true “For these people, an arrest was a death sentence.”⁴¹ The indifference of Montgomery County to the physical safety of its detainees poses a substantial threat to anyone arrested, and is a clear indication of the jail’s negligence to duty of care threatens basic human rights, including: safety of person, freedom from arbitrary detention, freedom from cruel and unusual punishment, and to access to adequate medical care.

Human Rights Violations

The Montgomery County Sheriff’s Office violated multiple areas of international human rights law in its treatment of detainees, in particular across the seven cases of neglect, abuse, and death in 2023. Several of these issues were raised by Member States during the Third Cycle⁴²:

General

- All seven individuals were being detained “pre-trial,” having not been convicted of the charges against them and held only on the basis of their inability to afford cash bail. Pre-trial detention is a form of wealth-based detention, discriminatory, and arbitrary.⁴³
- Montgomery County Jail is habitually overcrowded, hindering the ability to deliver adequate care to detainees and provide for a safe environment.⁴⁴

The Case of Isaiah Trammell

- When he was initially taken into custody, Trammell was in the midst of a dysregulated episode, “stimming” to cope. He should have been treated in a way that adequately protected him from undue harm during the arrest and while incarcerated.⁴⁵
- Correctional officers and nursing staff subjected Trammell to torture by failing to provide appropriate medication and to respond to the medical needs he clearly declared. Instead, they placed him in a restraint chair where his emotional state and behavioral response further deteriorated. The staff stood by, mocking him and watching him thrash and yell, rather than assist with life-saving interventions.⁴⁶

⁴¹ Public comment delivered at the Montgomery County Commission meeting on June 25, 2024.

⁴² A/HRC/46/15

⁴³ “Put an end to unlawful practices which violate human rights, including extrajudicial executions and arbitrary detention, and close any arbitrary detention centres” (A/HRC/46/15, Para. 176.203)

⁴⁴ “Take further action to prevent overcrowding of jails and prisons...eliminating or reducing mandatory minimum sentences would be crucial to this effect (A/HRC/46/15, Para. 26.242)

⁴⁵ “Ensure that are taken by the police to identify and protect persons suffering from mental illness during their operations” (A/HRC/46/15, Para. 26.241).

⁴⁶ “Prohibit torture in detention and ensure detainees have access to fair trials and full redress” (A/HRC/46/15, Para 26.164)

⁴⁷ United Nations Office of the High Commissioner on Human Rights. (1946). *Universal Declaration of Human Rights*. United Nations General Assembly 37/194.

Expectations of safe, just imprisonment and medical care put forward by the Office of the High Commissioner on Human Rights^{47,48,49} have been explicitly violated. The right to protection from arbitrary detention, the right to be free from torture, cruel or unusual punishment, and the right to access to adequate health services in detention have been violated by the sheriff and deputies responsible for the Montgomery County Jail, as well as by the nursing staff employed by NaphCare.

Recommendations

The submission urges Member States to recommend the following actions:

1. The U.S. Department of Justice must investigate the Montgomery County Sheriff's Office to determine what actors will be held accountable for these deaths and what remedies will be afforded to survivors.
2. The U.S. Department of Justice must investigate NaphCare for its central role in these jail deaths and hold the company accountable for wrongdoing.
3. Montgomery County Sheriff's Office must produce and implement a plan of action to address systemic abuse and discrimination in its jail, especially with regard to individuals with disabilities, mental illness, and addiction.
4. Montgomery County Board of County Commissioners must produce and implement a plan of action to utilize alternative response mediators in lieu of police, reduce its jail population, and provide for community-based support services in the areas of disabilities, mental illness, and addiction on a permanent and sustainable basis.
5. The U.S. must ratify the international human rights instruments to which it is not a party, particularly the Declaration on the Rights of Disabled Persons⁵⁰ and the Principles for the protection of persons with mental illness and the improvement of mental health care.⁵¹

Housing: Criminalization of Mutual Aid for the Unhoused, Tenant Rights, and Homelessness

During the 3rd cycle of the UPR, the United States of America supported the following recommendations:

- Further enhance activities that will lead to reducing homelessness among vulnerable groups across the country (26.286).

⁴⁷ United Nations Office of the High Commissioner on Human Rights. (1946). *Universal Declaration of Human Rights*. United Nations General Assembly 37/194.

⁴⁸ United Nations Office of the High Commissioner on Human Rights. (1982). *Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. United Nations General Assembly 37/194.

⁴⁹ United Nations Office of the High Commissioner on Human Rights. (1991). *Principles for the protection of persons with mental illness and the improvement of mental health care*. United Nations General Assembly 46/119.

⁵⁰ <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-rights-disabled-persons>

⁵¹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-protection-persons-mental-illness-and-improvement>

- Develop strategies for addressing the housing and sanitary problems of marginalized communities such as indigenous and migrant communities (26.287).
- Take concrete steps to ensure the enjoyment of the human right to health by all its people without discrimination (26.289).

This section documents systemic human rights violations faced by tenants, unhoused individuals, and grassroots advocates in Dayton, Ohio, with broader implications across the United States. It is informed by community-based research and lived experiences gathered from members of the Dayton Tenant Union, the Unhoused Bill of Rights Committee, and Nourish Our Neighbors. Key areas of concern include the criminalization of mutual aid for the unhoused, criminalization of homelessness, unsafe housing conditions, lack of due process in shelters, and children's rights violations.

Criminalization of mutual aid for the unhoused

In April 2024, the Dayton Police Department detained a volunteer with Nourish Our Neighbors (NON), a local mutual aid community group,⁵² for handing out a burrito to an individual in downtown Dayton alleging that food distribution to the unhoused violated Dayton Municipal Ordinance 137.21.⁵³ The ordinance requires individuals or organizations to obtain a permit to distribute “food, clothing or toiletries in a public place within the central area of the city.” To obtain a permit, organizations must pay a \$50 non-refundable fee for each distribution.

The NON volunteer was physically forced into a cruiser and threatened with incarceration. Even though the officers eventually released the volunteer and did not charge him with a crime, violating the ordinance is a fourth-degree misdemeanor. The continued presence of police at subsequent distributions had a chilling effect on the mutual aid efforts of Nourish Our Neighbors.

NON and other community members asked the city to repeal the ordinance⁵⁴ at multiple City of Dayton Commission meetings, arguing that it is immoral and unconstitutional. The City of Dayton responded⁵⁵ by explaining why the City Commission passed the ordinance in 2005. The city attributed its enactment to trash, littering, and nuisance issues with some services in 2004. NON has repeatedly testified that their volunteers leave the square in which they distribute food and supplies cleaner than it was when they arrived. The city did not act to repeal the ordinance.

⁵² Frolik, Cornelius (2024, April 11). Dayton man arrested after giving food to homeless without a permit; Some say city law ‘criminalizes’ charity. Dayton Daily News. www.daytondailynews.com/local/dayton-man-arrested-after-giving-food-to-homeless-without-a-permit-some-say-city-law-criminalizes-charity/YDED2OW4KZCGZG6XU5FQ3JXIUE/

⁵³ Dayton Municipal Code. Sec. 137.21. - Preparing and distributing food in public place within central area of the city. library.municode.com/oh/dayton/codes/code_of_ordinances?nodeId=TITXIIIIEOF_CH137PUOR_S137.21PRDIFOPUPLWICEARCI

⁵⁴ Frolik, Cornelius (2024, April 23). ‘It’s just food’: Activists want Dayton to repeal ordinance requiring permit to distribute food downtown. Dayton Daily News. www.daytondailynews.com/local/its-just-food-activists-want-dayton-to-repeal-ordinance-requiring-permit-to-distribute-food-downtown/RVSK26XVWBGTFZPGANTLUZU2Q/

⁵⁵ Frolik, Cornelius (2024, May 14). Dayton food handout law dates to 2005 fights over Cooper Park meals for homeless. Dayton Daily News. www.daytondailynews.com/local/dayton-food-handout-law-dates-to-2005-fights-over-cooper-park-meals-for-homeless/E7FOU7BB5FFEPC4UP5K5HWYH2U/

In November of 2024, NON filed a lawsuit⁵⁶ challenging the constitutionality of the ordinance in Federal court. In a related 2021 case in Florida, the U.S. Court of Appeals, 11th Circuit, ruled in favor of Ft. Lauderdale Food Not Bombs⁵⁷ affirming that sharing food is expressive conduct protected by the First Amendment⁵⁸ to the U.S. Constitution. To our knowledge, the City of Dayton is fighting to keep the ordinance in the code.

This case illustrates a growing trend to criminalize mutual aid that serves the unhoused population. Approximately 70 cities across the U.S. have similar ordinances banning food sharing or other actions to support the unhoused.⁵⁹

Recently, there has also been an increase in laws that criminalize those who are unhoused. In 2024, the U.S. Supreme Court broke with precedent and ruled that laws banning sleeping in public do not constitute cruel and unusual punishment - even when there are no shelters available - thus ruling these laws constitutional.⁶⁰ As of December of 2024,⁶¹ six cities in Ohio had banned sleeping outside and three more cities were considering legislation to ban sleeping outside. As of January of 2025, the *Ohio Capital Journal* estimated that “roughly 150 cities in 32 states have passed or strengthened such ordinances.”⁶²

Housing conditions, tenant rights, and practices leading to homelessness

The criminalization of mutual aid for the unhoused and those who are unhoused in the U.S. is even more disturbing when one considers how existing systems fail to protect tenants’ right to housing. According to the 2025 Gap Report,⁶³ the U.S. has a shortage of 7.1 million rental homes affordable and available to renters with extremely low incomes. In Ohio, this shortage means that there are “only 40 affordable units available to every 100 extremely low income households.”

The Dayton Tenant Union has been working for the last two years to educate tenants about their rights, support tenants who want to exercise their rights, and advocate for fairer laws and policies to protect the right to housing in the Dayton region. The experiences of two local renters

⁵⁶ Nourish Our Neighbors v. City of Dayton, Ohio, and Shelley Dickstein (2024). U.S. District Court of the Southern District of Ohio. pacifical.org/wp-content/uploads/2024/11/Nourish-Our-Neighbors-v.-City-of-Dayton-Ohio_Complaint_11.19.24.pdf

⁵⁷ Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale (2021). United States Court of Appeals, Eleventh Circuit. <https://caselaw.findlaw.com/court/us-11th-circuit/2143078.html>

⁵⁸ Pacific Legal Foundation. Dayton, Ohio, burdens charities, punishes kindness with permits to share food. pacifical.org/case/dayton-charity-nourish-our-neighbors/

⁵⁹ Stevens, Ashlie D. (2023, August 7). “Criminalizing the Samaritan”: Why cities across the US are making it illegal to feed the homeless. Salon. www.salon.com/2023/08/07/criminalizing-the-samaritan-why-cities-across-the-us-are-making-it-illegal-to-feed-the-homeless/

⁶⁰ City of Grants Pass, Oregon v. Johnson et al. Certiorari to the United States Court of Appeals for the 9th Circuit. www.supremecourt.gov/opinions/23pdf/23-175_19m2.pdf

⁶¹ Crawford, Kendall (2024, December 4). Some Ohio cities are banning sleeping outside – and facing backlash for it. The Ohio Newsroom. www.statenews.org/section/the-ohio-newsroom/2024-12-04/some-ohio-cities-are-banning-sleeping-outside-and-facing-backlash-for-it

⁶² Sequeira, Robbie (2025, January 28). Many more cities ban sleeping outside despite a lack of shelter space. Ohio Capital Journal. ohiocapitaljournal.com/2025/01/28/many-more-cities-ban-sleeping-outside-despite-a-lack-of-shelter-space/

⁶³ Harati, R., Emmanuel, D., Renzi, K., & Aurand, A. (2025, March). The Gap: A Shortage of Affordable Homes. National Low Income Housing Coalition. nlihc.org/gap

illustrate how inadequate housing conditions can impact many facets of life and directly threaten the ability to remain housed:

- A tenant union organizer and mother rented a property where repairs were made to address a leaky roof but were done improperly, producing a black mold hazard in the domicile. The presence of mold impacted her daughter's health which, in turn, resulted in her daughter missing school due to illness. Eventually, the mother had to pull her daughter out of school. Her daughter's health situation also resulted in increased medical visits and healthcare costs, and the mother missing days of work - all because her house was making her family sick. Eventually, she was no longer able to afford rent and was evicted. She ended up having to relocate to a different city as a result.
- An 85-year-old woman lived in a rental unit without heating. Despite repeated complaints and city inspections, nothing was done and she had to live through winter in Ohio without a functioning heating system. Her housing provider's refusal to address the problem forced her to have to rely on space heaters, increasing her utility bills and fire risk, as well as her health, while her housing provider refused to address the lack of heating capabilities.

The DTU has found that tenants often do not know their rights and that, even when tenants know and exercise their rights, existing systems often unfairly favor housing providers over tenants. One example of this is eviction filings. When tenants exercise their rights and demand that a housing provider ensures the habitability of their rental unit or file for an escrow to hold their housing provider accountable, the housing provider can still file to evict the tenant. Regardless of what happens after, and even if the eviction is dismissed, the eviction filing remains in the tenant's record for years and other housing providers can legally use this record to deny housing. Eviction filings can impact not only the record of the adults who are responsible for the rental agreement but also their family members - including children - living the rental property. As a result, an eviction filed against a child's parent can result in the child having an eviction record years before they are eligible to rent a house.⁶⁴

In contrast, tenants can rarely access any record to learn about the past behavior of housing providers and no accountability mechanisms exist to hold housing providers accountable for unethical or illegal practices. In 2024, the City of Dayton passed legislation to enable tenants to seal their eviction records,⁶⁵ which is a positive step. But more needs to be done to address the power imbalance in the system and protect the right to housing. For example, mandatory rental registries that track past behavior of housing providers (e.g., complaints for inadequate conditions, evictions filed) and make this record readily accessible to tenants before they sign a lease can help reduce the imbalance.

In 2023, the DTU successfully advocated for allocating a portion of the funds raised from an income tax levy renewal in the City of Dayton to housing issues.⁶⁶ One of the proposed uses of these funds was to ensure a right to counsel for tenants facing eviction. Nationally, there is a

⁶⁴ Preview Clip from documentary "Evicting the American Dream." (2025). Presbyterian Church USA. pcusa.org/resource/preview-clip-documentary-evicting-american-dream

⁶⁵ Frank, S. (2024, August 1). Dayton residents now have opportunity to seal certain eviction records. WYSO. www.wyso.org/news/2024-08-01/dayton-residents-now-have-opportunity-to-seal-certain-eviction-records

⁶⁶ Byrd, Seth and Pearson, Alex (2023, November 29). Dayton Tenant Union fights for funding through Issue 9. *2News/WDTN*. www.wdtn.com/as-seen-on-2-news/dayton-tenant-union-fights-for-funding-through-issue-9/

significant disparity in legal representation between housing providers and tenants during eviction proceedings. The National Coalition for a Civil Right to Counsel estimated that, on average, 83% of housing providers have legal representation in eviction hearings while only 4% of tenants do.⁶⁷ This imbalance often results in unfavorable outcomes for unrepresented tenants. The large majority of tenants with legal representation avoid evictions or involuntary moves.⁶⁸ If relocation is necessary, represented tenants tend to receive more time and resources to secure alternative housing.

However, the funds raised for the Dayton tax levy during its first year after renewal were not allocated directly to support tenants. In 2024, Learn To Earn and Advocates for Basic Legal Equality began piloting an access-to-counsel program in two zip codes within the City of Dayton with a disproportionately high number of eviction filings.⁶⁹ A program like this could provide a meaningful avenue to reduce evictions and involuntary moves in Dayton.

Facing Homelessness in Dayton

The lack of affordable housing stock combined with systems that are unfair to tenants by design leads to countless situations in which people end up unhoused through no fault of their own. There are very few systemic policies in place that prevent people from falling back into homelessness or housing insecurity once they have obtained stable housing. For people experiencing homelessness, even after being housed through programs, long-term supports to help them stay housed, like income assistance, mental health care, or tenant protections, are often lacking. Tenants face a fragile reality in which they can be evicted for reasons like non-renewal or slight delays in payment, with little to no legal recourse.

In 2024, Montgomery County identified a total of 687 individuals experiencing homelessness (595 in emergency shelters, 92 unsheltered). While this number represents a decrease from 2023, when 771 individuals were counted (664 in shelters, 107 unsheltered), it is still the second highest number since at least 2018.⁷⁰ The Unhoused Bill of Rights Committee (UBORC) shared testimonies and issues they collected from unhoused individuals living in the Dayton region.

The UBORC described problematic situations in emergency shelters in which children were housed with strangers, offering no privacy and exposing children to trauma, nudity, and unsafe environments. The UBORC offered one example of a mother with two children, one of them on the autism spectrum, who was placed in a shelter dormitory in which strangers entered freely. Her child experienced extreme sensory distress, but the shelter offered no support or accommodation. The UBORC also reported cases illustrating a lack of due process and grievance procedure when shelters evict unhoused people, leaving them without recourse or appeal mechanism.

⁶⁷ National Coalition for a Civil Right to Counsel (2024). Eviction representation statistics for landlords and tenants absent special intervention. civilrighttocounsel.org/uploaded_files/280/Landlord_and_tenant_eviction_rep_stats__NCCRC_.pdf

⁶⁸ National Coalition for a Civil Right to Counsel (2024). Representation Impact and Cost/Benefit Data. civilrighttocounsel.org/resources/organizing_around_right_to_counsel/

⁶⁹ Learn To Earn (2024, October 24). Access to Counsel Pilot Program to Launch in November www.learntoearn.dayton.org/post/access-to-counsel-pilot-program-to-launch-in-november

⁷⁰ Richardson, Joshua (2024, March 29). Montgomery County homeless count released; numbers down from historic high. *Dayton 24/7 Now*. <https://dayton247now.com/news/local/montgomery-county-homeless-count-released-numbers-down-from-historic-high>

There is a need for regulations governing shelter operations and the creation of enforcement mechanisms to ensure that the human rights of unhoused individuals and their families are protected. Given the reality of the housing system in the U.S., unhoused families are going to need adequate shelter for adults and children and, in many cases, accommodations for a range of disabilities. Governments at all levels must take the responsibility to ensure that the right to adequate housing is protected regardless of housing status.

Legal Analysis

Based on our review of the evidence, there is no indication that the U.S. has taken any meaningful steps to address UPR recommendation 26.286 (i.e., reduce homelessness). In fact, homelessness has increased since the 3rd cycle and, in 2024, “the number of people experiencing homelessness on a single night in 2024 was the highest ever recorded.”⁷¹ There also seems to be a trend toward increased criminalization of homelessness.

The UN Special Rapporteur on Extreme Poverty and Human Rights⁷² has condemned the criminalization of homelessness in the U.S. as a human rights violation. Homelessness violates the principle of human dignity in articles 1 and 22 of the Universal Declaration of Human Rights.⁷³ It also violates Article 11(1) of the International Covenant on Economic, Social, and Cultural Rights,⁷⁴ which guarantees the right to adequate housing, and Article 12, which guarantees the right to health. The Committee on Economic, Social and Cultural Rights⁷⁵ has clarified that it is the State’s obligation to ensure that everyone can access basic shelter and housing.

According to our review, there is also no indication that the U.S. has taken steps to address UPR recommendations 26.287 (i.e., develop strategies for addressing...housing and sanitary problems of marginalized communities) or 26.289 (i.e., protect the human right to health by all its people). In 2023, the White House did lay out a blueprint for a Renters Bill of Rights⁷⁶ that contains important steps to protect the human right to housing. But to our knowledge, the blueprint was not adopted or implemented. The City of Dayton also adopted a Housing Bill of Rights resolution⁷⁷ and has passed legislation to support tenants. But the absence of enforcement and accountability mechanisms combined with most tenants’ lack of awareness of

⁷¹ The 2024 Annual Homelessness Assessment Report (AHAR) to Congress (2024, December). The U.S. Department of Housing and Urban Development. endhomelessness.org/wp-content/uploads/2025/01/2024-AHAR-Part-1.pdf

⁷² National Law Center on Homelessness & Poverty (2018, June 4). UN Expert’s Report on Poverty in America Highlights the Criminalization of Homelessness as Driven by “Hatred for the Poor”. Press Release. homelessslw.org/wp-content/uploads/2018/12/06.04.2018_UN_Rapporteur_Report.pdf

⁷³ Universal Declaration of Human Rights. www.un.org/en/about-us/universal-declaration-of-human-rights

⁷⁴ www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights

⁷⁵ www.ohchr.org/en/treaty-bodies/cescr

⁷⁶ <https://bidenwhitehouse.archives.gov/wp-content/uploads/2023/01/White-House-Blueprint-for-a-Renters-Bill-of-Rights.pdf>

⁷⁷ Frolik, Cornelius (2022, December 5). Dayton leaders push for policies that treat housing as a ‘human right’. Dayton Daily News. www.daytondailynews.com/local/dayton-leaders-push-for-policies-that-treat-housing-as-a-human-right/YHCXF2J7QZFR5KRUMCLVOR333Y/

their rights can render many of the existing protections ineffective.

It is too easy for housing providers to be able to evict tenants in the U.S. for arbitrary reasons. Forced evictions from rental units or shelters violate the human rights to adequate housing, security of the person, and freedom from cruel, inhuman and degrading treatment. Forced evictions violate the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the Convention on the Rights of the Child. The U.S. has yet to ratify the last two treaties, but forced evictions can also violate Article 17 of the International Covenant on Civil and Political Rights, which the U.S. has ratified. Article 17 states that “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, not to unlawful attacks on his honor and reputation.”

The children’s rights situations reported in shelters violate the Convention on the Rights of the Child, which sets international norms for child protection, as well as the Convention on the Rights of Persons with Disabilities

Recommendations

When taken together, the policies and practices reveal concerning patterns that violate people’s right to housing and then punish them for being unhoused. The systemic issues described in this submission demand urgent local, national, and international action. The U.S. must fulfill its human rights obligations by protecting the dignity, safety, and well-being of its most vulnerable communities.

1. *The City of Dayton must decriminalize mutual aid* by repealing local ordinances that penalize the distribution of food, toiletries, clothing, or other supplies serving basic human needs.
2. *Local, state, and national governments in the U.S. must strengthen tenant protections*, including universal right to counsel, ensuring adequate and safe conditions in rental units, protecting tenants from retaliation, and establishing oversight and enforcement mechanisms that hold housing providers available.
3. *Local, state, and national governments in the U.S. must establish an independent oversight and enforcement mechanism* to ensure fair rules, transparent procedures, and due process in homeless shelters.
4. *The U.S. must ratify the International Covenant on Economic, Social, and Cultural Rights* and commit to treating housing and shelter as human rights.
5. *The U.S. must ratify the Convention on the Rights of the Child* and commit to protecting *children’s rights* in shelters through private family accommodations and trauma-informed care.

Cross-Cutting Recommendations

1. *We urge national, state, and local governments to ensure that everyone in the community has access to adequate mental-health services.*

Mental health intersects many pressing challenges Dayton faces in upholding human rights. The most in need of mental health support often find themselves among the unhoused community and/or involved with the criminal justice system due to scarcity of resources and systemic neglect. The review of incarceration and housing issues in Dayton makes it clear that a cross-cutting issue is a lack of access to adequate mental-health services in the community.

In Dayton, the closure of psychiatric hospitals in 2008 left the community with a lack of alternatives for getting care for mental health issues.⁷⁸ Between 65 and 75% of youth involved with the criminal justice system were diagnosed with at least one mental-health or substance-use disorder⁷⁹ and 1 in 5 unhoused people in Ohio live with a serious mental illness.⁸⁰

In 2023, the Montgomery County Behavioral Health Task Force reported that hospital emergency departments across the county had seen a 26% increase in patients with behavioral health needs, and an additional 8.6% increase in patients with substance-use disorders since 2019. In 2024, the Crisis Call Center, the Mobile Crisis Response, and the Crisis Receiving Center closed abruptly after RI International cut ties with Montgomery County. Resources to treat people experiencing mental illness in our community are scarce.

Formal institutions and systems must increase their allocation of resources and funding on addressing mental health issues. The major gap in health care systems left behind by deinstitutionalization needs to be addressed. The development of systems to provide care and services must be informed by those who have lived experience. These systems should be working to significantly increase the availability of affordable or no-cost housing, particularly for those with pervasive mental health disorders with care provided for their wellbeing. Institutions need to fund community-led mental health and trauma healing centers and youth community centers with free and donation-based services for those in need.

2. We urge national, state, and local governments to prioritize and fund human rights education for community members and public officials

Reviewing incarceration and housing issues in Dayton highlights the need for community members and public officials to learn more about human rights and responsibilities. The treatment of individuals in custody at the Montgomery County Jail, individuals who are unhoused, and individuals who are helping the unhoused are symptomatic of a lack of understanding of basic human rights.

In the 3rd cycle of the UPR, recommendation 26.101 explicitly addressed fostering “more comprehensive education and training for state and local agencies and officials on human rights” and recommendations 26.248, and 26.252 addressed the need for human rights education specifically within law enforcement. It is critical for public officials to be better educated about human rights *and* for the public at large to also be educated so that they can hold public officials accountable to protect human rights.

3. We urge national, state, and local governments to create accountability mechanisms to ensure the protection of human rights - Human Rights Institutions.

⁷⁸ Frolik, Cornelius and Schroeder, Kaitlin R. (2018, June 4). 10 years after hospital closing: ‘It’s inhumane how they are being treated — it’s not right’ www.daytondailynews.com/news/years-later-closing-mental-health-hospital-haunts-this-region/QUPD7CO2uUIbJbxAlcvuRM/

⁷⁹ Burcher, F., Kretschmar, J., Yang, L., Rinderle, D., & Turnamian, M. (2020). An Evaluation of Ohio's Behavioral Health/Juvenile Justice (BHJJ) Initiative. Case Western Reserve University. case.edu/socialwork/begun/sites/default/files/2020-11/Statewide%20and%20County%20BHJJ%20Evaluation%20Reports%202019.pdf

⁸⁰ Mental Health in Ohio (2021). National Alliance on Mental Illness. www.nami.org/wp-content/uploads/2023/07/OhioStateFactSheet.pdf

The City of Dayton's Human Relations Council (Dayton HRC) is an institution dedicated to protecting the human rights of Dayton community members. However, Dayton HRC has a limited scope, primarily limited to enforcing anti-discrimination ordinances within the city - especially involving housing and business discrimination. As this submission highlights, those are just a small portion of the issues Dayton community members experience.

National, state, and local governments need to invest in human rights institutions at all levels of government that enable oversight, enforcement, and accountability for human rights beyond the City of Dayton. In the 3rd cycle of the UPR, recommendations 26.94 - 26.98 call for the United States to establish a national human rights institution. To our knowledge, the U.S. has taken no meaningful steps toward establishing a national human rights institution since the last review. We also call on local and state governments to work toward achieving this goal within their jurisdictions.

Conclusions

While this submission primarily focused on incarceration and housing issues in the Dayton region, cross-cutting recommendations emerged related to access to mental-health services, the need for human rights education, and the need for accountability mechanisms and a national human rights institution. Most of the information we presented is from Dayton, Ohio. But we know that many of these same issues apply to other cities across the U.S. Our hope with this submission is to highlight what local and regional governments can do to uphold the responsibilities of the local, state, and national governments to protect the human rights of all people living in the U.S.