

No. 23-175

In the Supreme Court of the United States

CITY OF GRANTS PASS, PETITIONER,

v.

GLORIA JOHNSON AND JOHN LOGAN, ON BEHALF OF
THEMSELVES AND ALL OTHERS SIMILARLY SITUATED,
RESPONDENTS

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT*

**BRIEF OF *AMICUS CURIAE*
OFFICE OF THE SAN DIEGO COUNTY
DISTRICT ATTORNEY IN SUPPORT OF PETITIONER**

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**IDENTITY AND INTEREST
OF AMICUS CURIAE¹**

Amicus Curiae, the Office of the San Diego County District Attorney (“SDCDA”), is the governmental entity which represents the People of the State of California in the criminal prosecution of felonies committed in San Diego County as well as misdemeanors in the unincorporated areas and most municipalities within the county. In this capacity, the SDCDA’s chief mission is to ensure public safety and to pursue equal and fair justice for all individuals, including the county’s sizable homeless population.

Unsafe and inhumane conditions in homeless encampments on public property in San Diego County pose a serious threat to the safety and wellbeing of its occupants as well as the general public. As of June 2023, it was reported that homelessness in San Diego County increased by at least 14 percent. “Overall, the county found no less than 10,264 individuals experiencing homelessness across our region. This number includes 5,171 unsheltered San Diegans with 5,093 individuals in shelters and transitional housing.”²

¹ Pursuant to Rule 37.2, all parties were given ten days’ notice of intent to file this brief. Pursuant to Rule 37.6, no party or party’s counsel authored this brief in whole or in part, or contributed money that was intended to fund its preparation or submission; and no person other than the *amicus curiae*, its members, or its counsel, contributed money that was intended to fund the preparation or submission of this brief.

² City News Service, *Homelessness in San Diego County Increased By at Least 14%, Annual Count Finds*, KPBS Public Media (June 8, 2023), <https://www.kpbs.org/news/local/2023/06/08/homelessness-san-diego-county-increased-14-annual-count>.

San Diego County is the fifth most populous county in the United States and third most populous county within the Ninth Circuit.³ Because the Ninth Circuit decision in this matter has a substantial impact on local efforts to abate these encampments and the dangers posed by them, the SDCDA has a significant interest in this Court granting the petition for writ of certiorari.

SUMMARY OF THE ARGUMENT

Sprawling homeless encampments on public property in San Diego County have become focal points of substance abuse and crime, which pose a serious threat to the health, safety, and welfare of their occupants as well as the general public. In 2021, the county's homeless population, according to official records by the Medical Examiner, experienced a drug overdose fatality rate that was 118 times higher per capita than the general public. This data point regarding the alarming higher drug overdose rate, mainly from illicit fentanyl, demonstrates the extent of untreated substance abuse and addiction for a substantial segment of homeless individuals.

Similarly, homeless individuals were 6 to 27 times more likely to be victims of violent crime than the general public, and 25 to 500 times more likely to be perpetrators of serious felony crimes. Accordingly, the continuing spread of homeless encampments throughout San Diego County, like most urban areas of the United States, is a matter of great concern for local governments grappling with the challenge of assisting and protecting the homeless population as

³ World Population Review, Largest Counties in the US 2023, <https://worldpopulationreview.com/us-counties> (last visited Sept. 20, 2023).

well as housed individuals living and working in the areas surrounding the encampments. The data and evidence compels the conclusion that homelessness and the attendant encampments have produced both a humanitarian and public safety crisis.

The Ninth Circuit's decision in this case as well as its precedent in *Martin v. City of Boise*, 920 F.3d 583 (9th. Cir. 2019) (*Martin*) greatly impact the efforts of local government to abate unsafe homeless encampments. As such, this case presents a question of exceptional importance to local governments and agencies within the Ninth Circuit, and is worthy of review. Accordingly, the City of Grants Pass's petition for writ of certiorari should be granted.

ARGUMENT

Strategies and solutions to address the growing challenges posed by an ever-increasing homeless population require balancing the rights held by homeless individuals against the public safety risks posed by homeless encampments, including violent crime, environmental decay, disease, untreated substance abuse, and mental health issues that result in drug overdose death and inhumane physical and mental decompensation.

Numerous news articles have addressed the growing homelessness crisis in San Diego County. Additionally, the San Diego County District Attorney's Office has collected abundant data on the increase in crime, both within the homeless encampments and in the surrounding communities, and has partnered with numerous community organizations to address the homelessness crisis in San Diego.

Notably, the San Diego Union Tribune has brought to the public eye, several issues connected

to homeless encampments. Like most urban communities nationwide, the homelessness “crisis is growing faster than it can be contained” in San Diego County.⁴ This crisis has primarily manifested itself in the proliferation of homeless encampments on public property.

These homeless encampments pose considerable health and safety risks to their occupants as well as to the general public. For example, the spread of Hepatitis A infections in San Diego County’s homeless encampments has raised considerable concern to local governments and agencies.⁵ Likewise, recent heatwaves have been disproportionately dangerous for those individuals living in homeless encampments.⁶

Homeless encampments have also become hubs of drug abuse and the sale of controlled substances, which threaten the safety of the homeless occupants of

⁴ Blake Nelson, *The New Monthly Homelessness Report Again Shows a Crisis Growing Faster Than It Can Be Contained*, The San Diego Union-Tribune (August 16, 2023), <https://www.sandiegouniontribune.com/news/homelessness/story/2023-08-16/the-new-monthly-homelessness-report-again-shows-a-crisisgrowing-faster-than-it-can-be-contained>.

⁵ Paul Sisson, *Hepatitis A Cases Rising Among Homeless People; County Ramps Up Prevention Efforts*, The San Diego Union-Tribune (May 16, 2023), <https://www.sandiegouniontribune.com/news/health/story/2023-05-16/hepatitis-a-cases-rising-among-homeless-residents-county-ramps-up-prevention-efforts>.

⁶ Blake Nelson, *“The Sun is Intense Out Here”: San Diego’s Heat Wave is Falling Especially Hard on Homeless People*, The San Diego Union-Tribune (August 13, 2023), <https://www.sandiegouniontribune.com/news/homelessness/story/2023-08-13/the-sun-is-intense-out-here-san-diegos-heat-wave-is-falling-especially-hard-on-the-homeless>.

the camps as well as the general public. In mid-2021, the homeless population in San Diego County experienced a per capita rate of drug overdose deaths that was 118 times higher than that of the general population, based on Medical Examiner data. Office of the San Diego County District Attorney, *Homeless Individuals and Their Intersection with the Criminal Justice System* (November 2019-October 2021), (March 21, 2022), <https://www.sdca.org/content/MediaRelease/Homeless%20Rates%20PDF%203-21-22.pdf>, Appendix A at 7a. Homeless individuals were also 44 times more likely to engage in illegal drug sales than the general population on a per capita basis. *Id.* at 3a.

During the same time period, homeless individuals were 19 times more likely to be victims of murder, 12 times more likely to be victims of aggravated assault, 15 times more likely to be victims of robbery, and 9 times more likely to be victims of sexual assault than the general population on a per capita basis. Appendix A at 6a. Conversely, homeless persons were approximately 25 times more likely to commit murder, 130 times more likely to commit aggravated assault, 175 times more likely to commit robbery, 25 times more likely to commit sexual assault, and 500 times more likely to commit arson than the general population on a per capita basis. *Id.* at 4a.

The impact of encampments on nearby residents, who must essentially cross into the streets, subjecting themselves to hazards from vehicles driving on the road because the sidewalks are blocked by encampments, cannot be overlooked. *City Addressing Encampments Imposing on the Public Right of Way*, (insidesd), News & Information from the City of San

Diego (undated), <https://www.sandiego.gov/insidesd/city-addressing-encampments-imposing-public-right-way> (last visited Sept. 20, 2023), Appendix B at 8a-10a. The impact on small business owners having their livelihood interrupted because entry by customers is impeded by encampments also causes much hardship.

Providing treatment for individuals in encampments for addiction or mental illness is not viable on the streets, and translates into inhumane conditions for both the homeless individual and the neighboring public. In fact, allowing these encampments is cruel and creates more suffering than the alternative. Thus, the abatement of homeless encampments has become a priority for local governments and agencies to ensure public health and safety for the homeless population as well as the general public. Recently, the City of San Diego enacted an unsafe-camping ordinance to address this crisis. However, enforcement of the ordinance faces potential legal challenges under current Ninth Circuit authority in this case as well as *Martin*. Gary Warth, *San Diego's Homeless Camping Ban May Face a Legal Challenge. Could this Case in Another City Be a Bellwether?*, San Diego Union Tribune (June 17, 2023), <https://www.sandiegouniontribune.com/news/homelessness/story/2023-06-17/san-diegos-homeless-campingban-may-face-legal-challenge>, Appendix C at 11a-16a. The Voice of San Diego, a local news outlet reported that, already, the *Martin* decision “has stymied crackdowns on homeless camps in West Coast cities like San Diego” by requiring the availability of adequate shelter before enforcing anti-camping ordinances. *Morning Report: How a Key Shelter Debate's Playing in San Diego*, Voice of San Diego

(September 13, 2023), <https://voiceofsandiego.org/2023/09/13/morning-report-how-a-key-shelter-debates-playing-in-san-diego/>, Appendix D at 17a-19a.

Beginning in 2018, District Attorney Summer Stephan convened two stakeholder symposiums to address the intersection of criminal justice, mental health, and homelessness. The results were documented in the SDCDA's *Blueprint for Mental Health Reform: A Strategic New Approach Addressing the Intersection of Mental Health, Homelessness and Criminal Justice in San Diego County*.⁷ This Blueprint identifies the gaps, needs, and concrete solutions that balance compassion and dignity with public safety and accountability.

Recognizing that addressing the critical issues surrounding mental health and the criminal justice system is a complex and monumental task, the recommendations contained in the Blueprint were not intended to cast blame on any one party or agency for the homelessness crisis. Rather, the recommendations acknowledged the shared responsibility in creating a better, more humane way to serve individuals with mental illness when they find themselves entangled in the criminal justice system.

District Attorney Stephan also acknowledged that these issues in San Diego County cannot be solved or fixed by any one agency alone. Rather, it would take a coordinated response to create a shared strategic

⁷ Summer Stephan, *Blueprint for Mental Health Reform: A Strategic New Approach Addressing the Intersection of Mental Health, Homelessness and Criminal Justice in San Diego County*, Office of the San Diego County District Attorney (February 2019), <https://www.sdca.org/Content/Preventing/Blueprint%20for%20Mental%20Health%20Reform.pdf>

plan for the entire county that leverages the communities' resources, with recognition that this effort would be a significant transformation of an outdated approach into a system that strives for public safety, fairness, and dignity.

Since then, collectively with the San Diego County Board of Supervisors, law enforcement, Behavioral Health Services, and the District Attorney's many partners with lived-experience, including the National Alliance for Mental Illness (NAMI), San Diego County has made great progress in making recommendations set forth in the Blueprint become a reality, including community-based crisis stabilization centers, mobile crisis response teams, de-escalation training for more than 3,000 police officers, a 911 card for families calling about a loved one in distress, and expanded access to Behavioral Health Court and Mental Health Diversion.

By the end of 2023, District Attorney Stephan will roll out new technology that can quickly locate suitable shelter beds for individuals experiencing homelessness, improving on the process that is currently in place. This newly developed cell phone application will mobilize a more efficient county response, providing access to comprehensive and centralized information about the capacity, quantity, and availability of shelter beds and services across San Diego County. This technology will expand on the Safe Shelter Collaborative model that has successfully focused on efficiently sheltering victims of domestic violence and other violent crimes. "With the creation of the Safe Shelter Collaborative, Stephan said people were matched to shelters in just eight minutes. Once launched in about six months, the app can be used by homeless outreach workers, emergency medical

technicians and others who interact with homeless people on the street...it also will be available to law enforcement, who could use it as a tool to offer shelter to people as an alternative to jail.”⁸

Although San Diego County has already begun efforts to improve outcomes for people in our communities who are grappling with mental health issues and homelessness while being mindful of the health and safety of both the homeless population and that of the greater community, many issues still must be resolved by this Court to clarify what other efforts may be made within the bounds of the law. The questions raised by this case are of paramount importance to local governments within the Ninth Circuit such as those served by the SDCDA, and warrant this Court’s thoughtful attention. Accordingly, the SDCDA supports a grant of certiorari.

⁸ Gary Warth, *County Agrees to Fund New App to Connect Homeless People with Available Housing*, San Diego Union Tribune (March 14, 2023), <https://www.sandiegouniontribune.com/news/homelessness/story/2023-03-14/new-app-may>.

CONCLUSION

The petition for writ of certiorari should be granted.

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1a

APPENDIX A

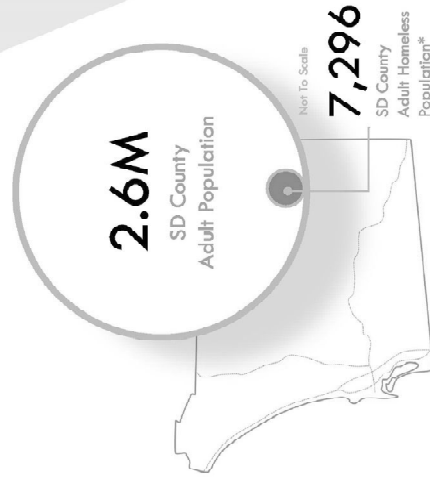
**Homeless Individuals' Interactions with the
Criminal Justice System**

**Using District Attorney data based on crimes
provable beyond a reasonable doubt**

November 2019 to October 2021

(24-Month Period)

Population



* Homeless Adult Population Estimates (2020)
2020 WeAllCount Results, San Diego Regional Task Force on the Homeless
<https://www.rtfhsd.org/wp-content/uploads/2020/11/WeAllCount.pdf>



DA's Office
Case Issuing Totals
(November 2019 to October 2021)

Total Adult Cases	53,163
Total Adult Cases, Homeless Defendants	8,860



2a

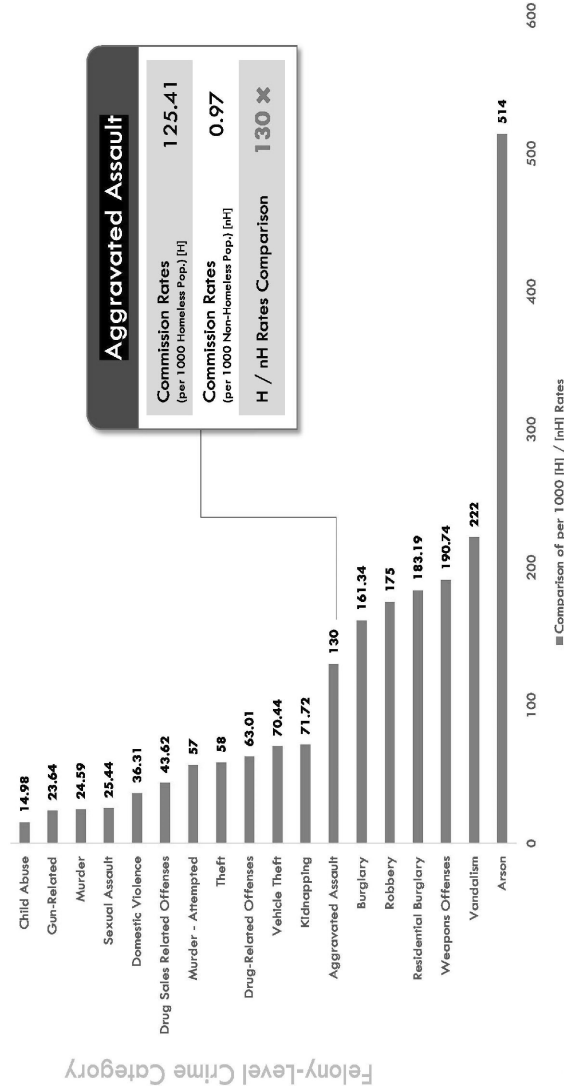
San Diego Population Perspective

Felony-Level Crime Category (Highest Charge)	Defendant-Case Count		Comparison of per 1000 [H] vs [nH] Rates (Multiplier)
	Homeless Defendant (H)	Non-Homeless Defendant (nH)	
Aggravated Assault	915	2529	130 times
Vandalism	433	700	222 times
Robbery	386	792	175 times
Residential Burglary	282	552	183 times
Drug Sales	280	2302	44 times
Arson	162	113	514 times
Theft	130	800	58 times
Attempted Murder	27	171	57 times
Murder	21	296	25 times
Sexual Assault	12	175	25 times



San Diego Population Perspective

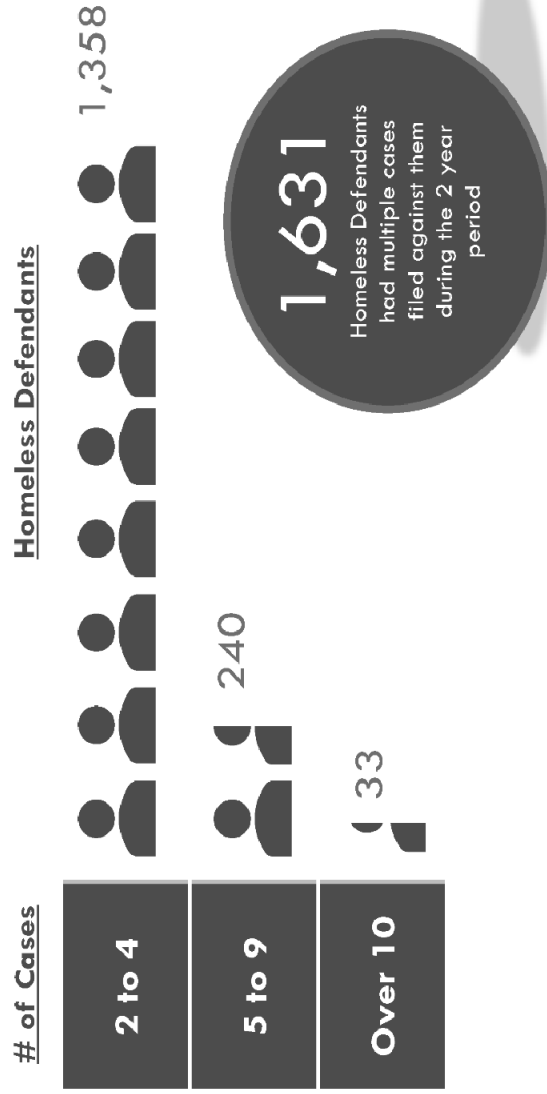
Rates Comparison (Homeless vs Non-Homeless Populations)



4a



Homeless Defendants Recidivism



5a



6a

Homeless Victims

The increased vulnerability associated with homelessness

San Diego Population Perspective

Crime Category (Highest Charge)	Case Count		Comparison of per 1000 [H] vs [nH] Rates (Multiplier)
	Homeless Victim (H)	Victims Not Noted as Homeless (nH)	
Domestic Violence	171	3950	15 times
Aggravated Assault	165	4904	12 times
Robbery	44	998	15 times
Attempted Murder	13	168	27 times
Elder Abuse	11	399	10 times
Child Abuse	9	515	6 times
Sexual Assault	9	355	9 times
Murder	8	149	19 times



Drug Overdose Deaths among Homeless

- In mid-2021, homeless had **118x higher** chance of dying of a drug OD than would be expected given their population size if their OD rate were the same as that of non-homeless individuals

Annual Counts	
Mid-2020	
Total OD Deaths	389
○ Homeless	74
○ Non-Homeless	315
Mid-2021	
Total OD Deaths	649
○ Homeless	161
○ Non-Homeless	488
	Prev. Year Comparison
	▲ 67%
	▲ 118%
	▲ 55%

7a



APPENDIX B

News & information from the *City of San Diego*

News & information from the City of San Diego

(/insidesd)

City Addressing Encampments Imposing on the Public Right of Way



Growing homeless encampments are presenting significant public health and safety challenges for people experiencing homelessness as well as residents and businesses in San Diego neighborhoods - and the City is taking action to address the situation.

In areas like Downtown's East Village, Barrio Logan and City Heights, homeless encampments have made some sidewalks wholly impassable, forcing pedestrians, and even children walking to nearby schools, into the street in order to pass.

"We are not going to be a city that's content leaving people to live on our streets, sidewalks, along our riverbeds or in our canyons," Mayor Tood Gloria said.

“We cannot tell our children that we prefer them to walk in the middle of the street to get to school, and we cannot tell elderly or disabled residents that they must find a way to get around a line of tents. We cannot surrender our sidewalks to unsafe encampments. The bottom line is that sidewalks are not homes. We have shelter options that can get folks off the street right now, as well as storage for their belongings.”

Encroachment enforcement operations are typically preceded by the City’s outreach teams repeatedly visiting an area and offering shelter and services to residents whose encampments are blocking sidewalks. Officers with the San Diego Police Department’s Neighborhood Policing Division then will contact people found to be in violation of the law, offering services and shelter at every interaction and applying their progressive enforcement model. (<https://www.sandiego.gov/police/services/neighborhood-policing-division>)

While officers will be emphasizing the enforcement of IA encroachment (<https://www.sandiego.gov/sites/default/files/tb19-10unauthorizedencroachmentsprohibited-sdmc54.0110.pdf>), where an obstruction of the public right of way is present, other violations of the law will be addressed as well. Unsheltered residents are also offered storage at the City’s two storage centers for belongings they’d like to keep and are given the opportunity to discard unwanted items. Workers will not discard items a resident indicates they’d like to keep; however, they may be cited for blocking the public right of way. After three citations, a person can be arrested for the repeated violations. If a person is arrested, their belongings will be impounded and instructions provided for their retrieval.

“NPD’s goal is to achieve a higher level of public safety in the area through increased presence, enforcing clear violations of the law and holding individuals accountable,” said Neighborhood Policing Division (NPD) Captain Shawn Takeuchi. “Our officers are trained to lead with compassion by offering services and shelter every time, and then follow our progressive enforcement model.”

The City’s Environmental Services Department will assist with the cleanup of any trash and debris in the area or abatement of property that is left behind after enforcement actions are taken. According to San Diego Police conducting the encroachment enforcement, most of the people contacted this week declined offers of service and shelter, and the majority of arrests were made for outstanding warrants on both felonies and misdemeanors.

The City provides a wide array of services to assist residents in ending their homelessness including outreach (<https://www.sdhc.org/homelessness-solutions/city-homeless-shelters-services/#coordinated>), shelter (<https://www.sdhc.org/homelessness-solutions/city-homeless-shelters-services/#shelters>), storage centers (<https://www.sdhc.org/homelessness-solutions/city-homeless-shelters-services/#parking>), safe parking (<https://www.sdhc.org/homelessness-solutions/city-homeless-shelters-services/#parking>) and more. Since July 2021, more than 600 people have been connected to permanent or longer-term housing directly from the City’s shelter network. Many others have found a home through other City-funded service programs.

The City will continue to address the proliferation of encampments in other neighborhoods across San Diego.

11a

APPENDIX C

The San-Diego Union-Tribune

<https://www.sandiegouniontribune.com/news/homelessness/story/2023-06-17/san-diegos-homeless-camping-ban-may-face-legal-challenge>

San Diego's homeless camping ban may face a legal challenge. Could this case in another city be a bellwether?



San Diego Mayor Todd Gloria address the City Council to urge their support on the proposed Unsafe Camping Ordinance on June 13. (Nelvin C. Cepeda/The San Diego Union-Tribune)

A trial has been scheduled for San Francisco to defend clearing homeless encampments. An attorney for a national homeless rights group said San Diego's ordinance also could be challenged.

BY GARY WARTH

SAN DIEGO – While the city of San Diego prepares to begin enforcing a ban on homeless encampments, at least one attorney says it could face a legal challenge, and another California city already is fighting to enforce its own camping prohibition.

In San Francisco, a judge has blocked police from sweeping homeless encampments from sidewalks following a lawsuit filed by the Coalition on Homelessness.

The city's appeal to overturn the injunction was denied in April, and a trial is set for April 2024.

That litigation challenges whether San Francisco is abiding by the legal precedent established in a 2018 federal appeals court ruling, *Martin v. Boise*, that limits a government's ability to cite or arrest homeless people for camping on public property. The ruling is generally interpreted to mean that a city cannot cite a person who has no other place to go, such as a shelter.

The San Francisco case was briefly brought up in Tuesday's marathon San Diego City Council meeting, where the ordinance passed 5-4.

When Councilmember Kent Lee asked about the pending litigation, Chief Deputy City Attorney Heather Ferbert said the case offered little guidance in case law since it remained undecided.

Ferbert said the case questions whether the *Martin v. Boise* decision requires sufficient shelter to house the entirety of the city's unsheltered population in order to enforce a no-camping law.

In San Diego, the city has argued it can cite an individual who is camping on public land and refuses an offer of a shelter. It does not require a specific

number of vacant spots other than the one being offered to the individual.

San Francisco has slightly more emergency shelter beds than it has unsheltered people, with about 4,500 beds and about 4,400 people. The city of San Diego, however, has nearly twice as many unsheltered people as shelter beds — it funds about 1,700 shelter beds and has about 3,300 unsheltered people.

While the San Francisco case is undecided, the City Attorney's Office wrote in a recent legal memo that San Diego is on solid ground in its interpretation of *Martin v. Boise* and can enforce its encampment ban.

In the legal opinion, the city attorney agreed that cities may not prohibit people from sleeping on public property if shelter is not available under the *Martin* decision, but also said cities are allowed to cite people for other behavior, such as blocking a sidewalk.



Critics of a homeless encampment ban held signs showing their opposition to the proposal Tuesday in the hours-long hearing before a divided City Council

passed the measure. (Nelvin C. Cepeda/The San Diego Union-Tribune)

The memo also states that the Martin decision does not categorically prevent governments from prohibiting camping at particular times or in particular locations.

That interpretation would appear to leave the door open to banning camping in some places at all times, regardless of shelter bed availability. In San Diego's case, such a ban would apply within two blocks of schools, shelters, transit hubs, trolley stops, riverbeds, waterfronts, beaches and city parks.

But the memo issued a caveat: "As the courts have not established a test to evaluate the times or locations where camping may be prohibited when shelter is not available, Council should weigh the constitutional rights of unsheltered individuals against the City's need to protect public health and safety in these specific locations."

"When considering whether to ban camping in specific locations that would be applicable when shelter is not available, our office recommends the council's decision be based on facts in the record supporting a strong health and safety reason for the ban," Ferbert said Tuesday. "Council should also consider the collective impact of the specific bans and whether there is a place for people to go when shelter is not available."

Coleen Cusack, a lawyer who has defended homeless people in San Diego, said she did not want to comment on the city's ordinance just yet but would be watching the outcome of the San Francisco case for a possible precedent.

Will Knight, an attorney and decriminalization program director for the Washington, D.C.-based National Homelessness Law Center, said he sees problems with San Diego's ordinance and the city attorney's memo.

Knight notes that the memo says that to comply with the Martin decision, the city must offer a shelter bed that someone can actually accept based on their individual needs. As an example, it says the city cannot conclude it has complied if a woman is offered only a top bunk she cannot access.

Knight agrees with the example but said the memo doesn't go far enough.

The city also should take a shelter's location into account when considering whether it is adequate, he said. For instance, homeless parents may need a shelter near their child's school.

He also said that the memo shows that San Diego is going further than other cities when considering a blanket ban on encampments in certain areas because of public safety concerns.

Knight was referring to a section of the memo that reads: "Other jurisdictions have relied on Martin to ban camping in specific locations when shelter is not available, although this Office has not identified any jurisdiction that has banned camping in a broad area of the city."

The memo states that Spokane had banned camping underneath any railroad viaduct regardless of available shelter, the city of Riverside banned camping in a wildland area where houses meet or intermingle with undeveloped wildland vegetation, and Santee banned

camping in areas that threaten to discharge pollutants or waste in the San Diego River corridor.

Knight said those examples are true public safety issues, but San Diego is going beyond reason.

“The city of San Diego is taking it a mile further and saying that Martin says we can do this whenever we want, however we want,” he said.

“What are *not* legitimate public safety concerns?” he said, raising a rhetorical question. “‘We don’t want children to see homeless people.’ That’s the only reason to keep them away from schools. Or ‘We don’t want them in our beautiful parks.’”

Knight also pointed out another part of the memo that calls the ordinance “defensible so long as it does not unduly infringe upon the constitutional rights of unsheltered individuals for the status of being homeless and does not prohibit camping in a manner that results in unsheltered individuals having no alternative place to go.”

But the law, Knight argues, does just that, contending it criminalizes people for being poor, which is unconstitutional.

“It’s something we’d certainly oppose, because it’s definitely not a step in the right direction,” he said.

A second reading of the ordinance is expected to be heard before the City Council later this month.

Under the motion approved by the council on Tuesday, enforcement would not begin until 30 days after the opening of a new city site that will have about 130 spaces for people to legally camp. It is expected to open July 1.

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APPENDIX D
VOICE of SAN DIEGO
MORNING REPORT

Morning Report;
How a Key Shelter Debate's Playing
in San Diego

<https://voiceofsandiego.org/2023/09/13/morning-report-how-a-key-shelter-debates-playing-in-san-diego/>

by Voice of San Diego

September 13, 2023



Beds at one of Alpha Project's city-funded bridge shelters / File photo

Since 2018, a federal court ruling has stymied crack-downs on homeless camps in West Coast cities like San Diego. It required that cities have shelter to offer before they ticket or arrest people living in camps.

That set off a debate in cities including San Diego about the 9th U.S. Circuit Court of Appeal's definition

of “adequate temporary shelter.” CalMatters took a dive dive into this and touched on how it’s played out in San Diego.

How San Diego’s interpreting this: The City Attorney’s Office recommended in a May memo that the city try to “offer shelter that an individual can actually accept based on individualized needs.”

One caveat: The city’s camping ban does allow enforcement in some areas – such as in certain parks and near schools – where it’s decided it can cite public health and safety impacts even when shelter isn’t available.

Why the shelter mandate’s tough: The city has a shelter shortage. In the first month the camping ban was enforced, Housing Commission data shows an average of just 22 percent of shelter referrals made via the agency’s coordinated intake system resulted in a person getting shelter each week. A Voice of San Diego analysis of another commission data set revealed an average of 25 shelter beds were available via the city’s coordinated intake system – which does not include all city-funded shelter options – each day. Those beds don’t come close to matching the volume of people sleeping on city streets. They are typically filled by noon.

It gets even tougher: Unsheltered people often have specific needs that mean not every shelter bed is workable. For example, an unsheltered woman who is a senior who or has a disability needs a bottom bunk. There were several days in the past month where there were no bottom bunks available for women. Shelters also usually can’t accommodate people who can’t bathe, eat or use the restroom on their own.

About the safe sleeping site: The city's Golden Hill safe campsite isn't part of the city's coordinated intake system. As of Monday, a spokeswoman for Mayor Todd Gloria said 147 people were staying there and that the city had space for 15 more tents.

Another shelter debate we're watching: The Vista City Council was set to hold an emergency meeting late Tuesday night to discuss what the city's mayor described as a city shelter shortage. KPBS had more advance details.

Governor wants ruling thrown out: Gov. Gavin Newsom has escalated his rhetoric against a federal judge and her ruling that prevented San Francisco from clearing encampments. He said the state will send in an amicus brief to the U.S. Supreme Court in support of overturning the lower court's decision.

New tally coming: County supervisors also voted unanimously to back Supervisor Joel Anderson's call for a regional assessment of the need for board-and-care and other beds. As our Lisa Halverstadt recently wrote,

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