

# Camping Protestors: Facts from City Hall

## GENERAL INFORMATION ON HOMELESSNESS, SHELTERS, AND SERVICES

**Protestors have said they cannot be accommodated in the current shelter system because of the following:**

- **They are a part of a couple and would have to split up; or**
- **They would have to submit to a drug test; or**
- **They would have to leave their pet**

**Is it true that our shelter system cannot accommodate them?**

*All protestors and campers have been approached and offered an assessment to get onto the community queue for housing assistance. There are shelter options to accommodate each of the situations above, primarily through the Winter Sanctuary Program. Winter Sanctuary can serve both men and women in the same facility and does not require a drug test. If a person arrives at Winter Sanctuary clearly intoxicated, they are not allowed to enter, but are invited back the next night and can be accommodated at the Comprehensive Alcohol Treatment Center (CATC or “Detox”). While only one shelter currently allows a person to stay at the shelter with their pet(s), the City has the ability to arrange temporary sheltering of a pet at the Front Street Animal Shelter, should a person with a pet seek shelter at Winter Sanctuary.*

*More importantly, there are permanent housing opportunities organized through Sacramento Steps Forward that are not dependent on family size or composition at all.*

**Protestors have said that the police department offered transportation to shelter only to find that there were no beds available. Is this true?**

*No. Since December 29, every interaction that the Sacramento Police Department has had with the protestors has included an offer to transport to either the Winter Sanctuary or the VOA Men’s Shelter. Since then, only a few have accepted this offer and they were transported to an open shelter bed.*

**Has the Sacramento police department withheld shelter beds from other homeless people in order to appease or silence the protestors?**

*All beds offered by the Sacramento Police Department to protestors after the normal hours of shelter intake were only of empty beds. Access for the general homeless population to Winter Sanctuary closes at 3:00 p.m. and to VOA Men’s Shelter closes at 8:00 p.m.*

**People have suggested that the waitlists for shelter and housing are years long. What is the typical time from homelessness to housing for an unsheltered person?**

*For many people experiencing homelessness, a major obstacle in securing permanent housing is gathering all the documentation necessary for benefits and housing. With the resources of Sacramento Steps Forward, the community has reduced the timeframes to secure many of these important documents:*

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<b><u>Step</u></b>	<b><u>Past</u></b>	<b><u>Current</u></b>
Verification of military service	30 days	1 day
Disability certification for veterans	30-60 days	1 day
Obtaining DD214 discharge status documentation	30 days	10 days
Compiling housing eligibility documents	120 days	14 days
Verification of homeless history	N/A	5 minutes

With this support, many people experiencing homelessness are able to secure a rental unit in the open market. Additionally, there are new housing resources available, such that those that need rental subsidy and support for a brief period of time, should be able to be housed much quicker than in the past. The City, along with partners from the County and SHRA are supporting these efforts and continue to look for ways to shorten the length of time anyone experiences homelessness in our community.

**At the January 12 council meeting, a speaker indicated that there are 600+ homeless youth (via the official count) or up to 3,000 (via an unofficial count). Is this true?**

The City is not aware of any official or unofficial count of 600 or 3,000 homeless youth. According to the most recent count (January 2015), there were 240 unaccompanied transition age youth (18-24) and an additional 51 transition age youth in households, for a total of 291 transition age youth. This is a significant increase from the previous count in 2013. Sacramento Steps Forward made a concerted effort to reach this population, and partnered with organizations who provide services to homeless youth. The most recent count is the community's best way to estimate the number of people experiencing homelessness, including those in certain subpopulations, such as transition age youth.

**At multiple meetings of the Council, speakers have indicated that the City's camping ordinance is "unconstitutional." How can the City enforce a local ordinance that is unconstitutional?**

The City's ordinance is not unconstitutional. Two courts have recently upheld the constitutionality of City's ordinance as it relates to the Eighth Amendment. In 2015, the City of Sacramento's camping ordinance was challenged in the *Allen v. City of Sacramento* case. The plaintiffs in that case challenged the constitutionality of the City's ordinance as well as the application of the ordinance based on the Eighth Amendment. The trial court dismissed all claims against the City. The plaintiffs then appealed and the appellate court again rejected the claims that the City's ordinance is unconstitutional based on the Eighth Amendment. The only aspect of this case that is currently being litigated is based on the plaintiffs' claim that the City does not equally enforce the ordinance, and, therefore, it is a violation of the equal protection clause of the Fourteenth Amendment. No ruling has been made yet on this part of the appeal.

**The UC Davis Medical School students requested a permit from the City to hold a free health care clinic for the homeless at City Hall on the evening of February 9<sup>th</sup>, but the City denied their permit. Why were the UCD students denied a permit to hold a clinic?**

The UCD medical students first contacted the City's special events department on Friday, February 5<sup>th</sup>, requesting the use of Cesar Chavez Park. Because the park is under construction, the City is not permitting any activities in the park. The students then asked to assemble at City Hall and specifically that they wanted to set up tables and chairs to speak with the homeless population, take their blood pressure and check their feet. This type of activity requires a permit to use the public right of way. The students were told that special event applications are due

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60 days prior to the event and that, due to the short timeframe of only two business days, the City could not permit this activity. Additionally, due to the medical nature of the event, that the Sacramento County Health Department had concerns that would need to be addressed by the students. The students did not get a permit from the City or authorization from the County, but held the clinic anyhow, staying for the most part out of the public right of way.

**At the February 9 Council meeting a speaker suggested that the City is not doing enough to provide health care for the homeless, and suggested that the City look at the free health clinics offered in San Francisco. Why doesn't the City provide such health care services to the homeless population here?**

*In the State of California, public health care services are the responsibility of the counties. In San Francisco, the City and County are geographically and politically one and the same, which is why the "City" is involved in providing public health services. In Sacramento, that responsibility lies with the Sacramento County Department of Public Health (916.875.5888).*

## LAW ENFORCEMENT INTERACTIONS WITH PROTESTORS

**Did the Sacramento police department send in 50+ officers on the night of January 1 to arrest 20 protestors?**

*No, on the night of January 1, five officers responded in regular uniform, and made multiple announcements that the campers were in violation of the city ordinance. The officers asked them to wake up and remove their camping paraphernalia. Services were also offered to anyone who would accept. Two people accepted transportation to a warming center.*

*There were approximately 15 protestors and 15 campers on scene that night. Approximately half of the campers complied, woke up and left the area on their own. After an hour, there were still 7-10 people refusing to comply with the ordinance and remained in their sleeping bags.*

*Officers began enforcement after allowing people to comply for almost one hour. Initially, only one group of 10 officers responded. However, they were met with immediate resistance. The protestors sat in the path of the officers and attempted to block the officers from contact with the campers. Additional officers were brought in as a safety measure, which allowed continued enforcement. A police line had to be established due to the actions of the protestors, which included yelling at officers, trying to interfere with the contacts and physically trying to block access to the campers.*

**Were the Sacramento police department officers wearing "riot gear" when they approached the protestors on the night of January 1?**

*No. The initial group of five officers was in standard police uniform for the first hour while asking for compliance. After trying to work with the group for an hour, additional officers were brought in wearing personal protective gear—standard law enforcement equipment. It is designed to protect officers from injuries in the event an object is thrown at them while their attention is diverted elsewhere. During the early morning arrests on January 2, protective gear was worn by the officers based on the following:*

- In the days leading up to the arrests, officers had been met with verbal resistance and the protestors told campers not to cooperate or speak to the officers.*

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- When police started handing out flyers on December 30, approximately 40 protesters became very hostile and confrontational with officers.
- Based on the interactions with the group in the days leading up to the arrests, it was unknown to police what level of resistance they would face when they enforced the ordinance.
- There has been a large amount of property and belongings stored on site. The Sacramento Police Department does not know what that property contains or if there were items that could be used against officers.
- This is an emotionally charged situation and the protesters have become increasingly more vocal and hostile. Additionally, new protesters had arrived that the police have not had prior contact with in the past month during the protest. Their intentions were unknown.

### **Does the Sacramento police department “steal” the property of the protestors?**

No. Personal items were confiscated in accordance with City Code 12.52.040 and 12.52.030 related to camping and the storage of personal property on public property. The Police Department posted notice that personal property items were being stored in violation of the City Code at least 24 hours before confiscation. Any personal belongings taken by the Police Department are stored for a minimum of 90 days. Protestors have been provided information on how and where to recover any personal belongings, free of charge.

### **Why did the city remove the port-a-pottie that the protestors set up on the first night of the occupation?**

The protestors installed a port-a-pottie on the breezeway between Historic and New City Hall without a permit. The protestors have been provided all forms necessary to apply for a permit for the port-a-pottie and have yet to submit that to the City.

### **At the January 5 council meeting, a speaker said that there were over 1,200 citations by county park rangers and only two connections to DHA. Is this true and are these park rangers responsive to the city council?**

The data referenced was compiled by the Sacramento Regional Coalition to End Homelessness (SRCEH), and is about citations given by the Sacramento County Park Rangers in 2014, not citations by the Sacramento Police Department. Sacramento County Park Rangers report to the Board of Supervisors, even when they are enforcing ordinances within the City of Sacramento.

The City of Sacramento Police Department works closely with Sacramento Steps Forward to offer services to people experiencing homelessness before any enforcement actions are taken. Unfortunately, the SRCEH report, which is the source for the information cited at the City Council, was incomplete and inaccurate. SRCEH showed both citations and service linkages for the Sacramento County Park Rangers and compared it only to the number citations by the Sacramento City Police Department without the comparable number of service linkages. The report cites 831 citations by the Sacramento Police Department over more than a 10 year period. The City does not know where this figure came from, but does know that, over a two and a half month period in 2015, provided service referrals to 132 people, which would average out to **633 service referrals a year**.

Questions or concerns about how the Sacramento County Park Rangers interface with persons experiencing homelessness should be directed to the Sacramento County Board of Supervisors (916.874.5465).

**At the January 26 Council meeting, a speaker who is a teacher suggested that the students in her classroom, 8-year-olds, are “criminals in the eyes of the law.” Is the City arresting or citing children for camping?**

*No. The City has never and never would, cite an 8-year-old child for illegal camping. In fact, it is almost unheard of that a homeless child would be camping outside. During the 2015 point in time count, only 24 children under the age of 18 were found in unsheltered situations throughout the County (which includes sleeping in vehicles).*

**At the February 9 Council meeting, a couple of speakers shared the experience that some of the protestors had when trying to retrieve items confiscated by the police. The speaker indicated that protestors were denied access to their belongings if they didn't have a receipt, and that items were returned broken, with parts missing and moldy. How does the City store property confiscated and what is the process for the protestors retrieving the items?**

*Under City Code 12.52.040, the Sacramento City Police Department had been allowing owners up to 24 hours to remove the personal belongings Police repeatedly returned to the site asking for the owner to step forward to claim the property and remove it voluntarily. Most of the property confiscated at City Hall is deemed “abandoned,” in that nobody on site will claim it when the police ask who the owner(s) is(are). When the owner is not found or does not claim his or her property, the police department will remove and store the property. Abandoned items do not require a receipt to be retrieved. All property is stored in plastic bags both for the integrity of the items and to ensure there is no cross-contamination of items. When someone comes to collect their abandoned property, all they have to do is describe the items that have been confiscated by the Police Department. The only situation in which a person would have to produce a receipt is if items were taken from someone being detained or arrested, or being transported to the hospital. The protestors who were “denied access to their belongings” were denied access because individuals have been trying to claim property on behalf of the group, which is not allowed due to the fact that ownership of any item cannot be proven. City Hall grounds are posted with permanent signs that storage of property is not allowed. Police make attempts to identify who the owner of the property is to have it removed and if no owner comes forward, that property is removed as abandoned.*

## CITY INVESTMENTS AND SERVICES

**At the January 12 council meeting, a speaker claimed that the city only spends 19 percent of all funding spent on homelessness for services and the rest (81 percent) for administrative costs. Is this true?**

*No. The City spent upwards of \$4 million annually, or 29 percent of all expenditures on programs that work to prevent and end homelessness. The City's Cost of Homelessness Report (which can be read in full here) indicates that in fiscal year 2014/15, the City spent more than \$13.6 million on addressing homelessness. Of this includes:*

- 29 percent was for programs and activities directly related to preventing and ending homelessness*
- 19 percent was for services for people while they are homeless (primarily EMS transports)*
- 50 percent was for community impacts caused by homeless encampments*

*Since this report, the City has committed an additional \$500,000 for housing and employment, and \$600,000 for additional shelter beds for women and children.*

**Some have suggested that the city should invest in housing opportunities for people experiencing homelessness. Why is the city not doing this?**

*The City is investing in long-term housing solutions for people experiencing homelessness. However, the challenges of addressing homelessness require coordination throughout the region; the City cannot address these issues alone. For example, mental health, public health and other community social services are critical pieces of the solution. The City continues to work collaboratively with the State, County, and community organizations to address the issue.*

*In 2014, the City Council approved the allocation of general funds to help address some of these concerns, which include:*

- The hiring of a Homeless Services Coordinator for the City responsible for coordinating efforts internal to the City and with external partners to help address the immediate and long term issues related to homelessness.*
- Investing \$500,000 annually to support the creation of a coordinated assessment, intake and referral system that targets the most vulnerable people in the homeless population. Locally, this effort (called “Common Cents”) is managed and operated by Sacramento Steps Forward.*
- Investing an additional one-time \$500,000 to add Housing First rent subsidies and employment opportunities for people exiting homelessness coordinated through Sacramento Steps Forward.*
- Providing a forgivable loan of \$600,000 to Saint John’s Program For Real Change to help expand their capacity to serve an additional 90 homeless women and children.*
- Providing \$100,000 annually to expand winter shelter options for vulnerable populations.*
- Dedicating a small team of police officers (the “Impact Team”) to outreach and connect homeless people with essential services and providing all patrol officers with resources and provider information at their fingertips in patrol cars. These officers proactively work to try to help divert people experiencing homelessness from the criminal justice system and to provide relief to impacted communities.*

**At the January 12 council meeting, a speaker suggested that the city should divert funding currently used to pick up trash left at homeless encampments and invest that money into services and housing. Why doesn’t the city do this?**

*The City is responsible for responding to calls for service from all residents. Every time that the City gets a call about a homeless encampment, the first response is to offer services. Once a camp has been abandoned, the City is responsible for cleaning up the trash left behind. From November 2014 through December 2015, the City collected and disposed of 3,680 cubic yards of trash (almost 1,000 tons) left at abandoned homeless encampments, which include hypodermic needles and human feces. Abandoning this service would have significant negative impacts on the environment and livability of communities throughout Sacramento.*

**At the January 12 council meeting, a speaker said that of the 36,700 calls for service related to homelessness in 2015, 19,000 were initiated by the Sacramento police department? Why would the Sacramento police department initiate so many calls for service related to the homeless population?**

*The Sacramento Police Department strives to be responsive to all complaints by whatever means they are brought in. The 19,000 Sacramento Police Department initiated calls for service related to homelessness are*

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primarily responding to constituent complaints regarding homeless encampments and the associated debris via the City's 311 call center or via the Mayor/Council offices about homeless encampments. Because many complaints regarding homeless encampments do not come through the 911 system, they show up as "officer initiated" in the data system.

The Sacramento City Police Department does not target or search for homeless encampments; rather, they respond to concerns from citizens or businesses. Police regularly attend community meetings, and outreach to neighborhood groups to provide information on prevention and services.

**At the January 20 council meeting, a speaker shared that the "most effective and cost efficient way to help address the issue of homelessness is to provide housing", and that while both businesses want it and homeless people want it, "Sacramento City Council has done nothing to bring forward." The speaker suggests that the council should focus on rapid rehousing programs, which is a best practice of HUD. Why doesn't the city invest in proven solutions like rapid rehousing?**

The City fully agrees with the speaker's recommendation that providing housing is the most efficient and effective way to end homelessness. The City also agrees that "Housing First" models such as rapid re-housing are the best ways to quickly move people straight from homelessness into permanent housing. This is why the City is investing in housing solutions, including rapid-rehousing. In the FY2015/16 budget, the City approved \$500,000 to create a local rapid re-housing program to be administered by Sacramento Steps Forward. The City's money, combined with funding from Sacramento County and Sutter Health has created a robust new rapid re-housing program that aims to house and provide supportive services to more than 300 households. Sacramento Steps Forward will be partnering with Volunteers of America to implement this program which should be operational in February.

**Why has the city locked public bathrooms in city hall and in parks?**

A: The decision was made to lock the bathrooms in an effort to maintain their cleanliness and to ensure the safety of the public. The public bathrooms at City Hall and in City Parks are intended to be available for any member of the public; however, some of the bathrooms have begun to be used for inappropriate activities. Toilets have been backed up with hypodermic needles, janitors have found used "foils" with drug residue in toilets, and soiled underwear has been left on and around the toilets. Overall, the bathrooms have become filthy. Janitorial staff and other members of the public have entered the bathrooms and encountered people engaging in lewd and/or illegal activities and have been accosted. City janitorial staff has had to clean these bathrooms three times a day, and still cannot maintain them to a standard that allows the public to safely use them. Bathrooms at City Hall can still be accessed by anyone by signing in with the security guards.

**At the January 26 Council meeting, a speaker indicated that the City is taking funding away from Wind Youth Services and, therefore, denying services to homeless youth in the City. Is this true?**

No. This City does not and did not have a contract with Wind Youth Services. The City has a contract with Sacramento Steps Forward that pays for (in addition to other things), three City-wide homeless outreach navigators. Sacramento Steps Forward subcontracted for one of these positions with Wind to provide outreach to homeless youth. The City has been working with Sacramento Steps Forward to consolidate all the outreach navigators under one organization for efficiency and better collaboration. Sacramento Steps Forward will deliver the same level of services through a navigator employed by Sacramento Steps Forward. The level of funding and services for youth experiencing homelessness in the City remains unchanged.

**At the January 26 Council meeting, a speaker asked that the City “engage in creative thinking and open up the City for legal camping and Housing First policies.” Is legal camping a “Housing First” policy and why is the City not investing in “Housing First” programs?**

*Legal camping is not “Housing First.” According to the National Alliance to End Homelessness, “Housing First” is “an approach that emphasizes stable, permanent housing as a primary strategy for ending homelessness. Housing First is an approach to ending homelessness that centers on providing people experiencing homelessness with housing as quickly as possible – and then providing services as needed.” Housing First programs are rooted in ending people’s homelessness quickly by providing low barrier, affordable housing. Camping, whether legal or illegal, is not housing at all. The City is heavily invested in evidence based Housing First programs through Sacramento Steps Forward.*

**Many people at Council have shared the tremendous success the State of Utah has had in reducing homelessness 91 percent by following a “Housing First” model. Why doesn’t the City adopt the same practices as Utah?**

*The City, in partnership with Sacramento Steps Forward and Sacramento County is following the same model as Utah. All investments made by the City are to “Housing First” programs, and SSF has created a coordinated entry system much like Utah to efficiently and quickly move people directly from homelessness into permanent housing. The State of Utah was an early adopter of the “Housing First” model and has made tremendous progress and should be applauded for their achievements. However, it is important to note that the 91 percent reduction that is often cited is in their chronic homeless population, not in their homeless population overall. In 2005, the State of Utah had 1,932 chronically homeless people and in 2015, only 178, which is incredible. However, the count of overall homelessness in that same time period (annualized) was 13,690 in 2005 and 14,516 in 2015, an increase of approximately six percent.*

**I’ve seen the City’s podcast on Winter Sanctuary. Why is the City “taking credit” for a program run by churches that they do not support?**

*The City is a key partner in the Winter Sanctuary Program. The Winter Sanctuary Program is administered by Sacramento Steps Forward with funding from the City of Sacramento and Sacramento County, as well as private donations. Sacramento Steps Forward contracts with Capital Christian Center to operate the program and to provide on-site staffing at the sanctuary locations. In addition to supporting the overall work of Sacramento Steps Forward, the City also provides \$100,000 for the motel voucher component of the Winter Sanctuary program, such that people who are too frail, elderly or sick to live in a congregate setting can still be provided shelter and services at motels during the winter months.*

## **PUBLIC PARTICIPATION AND COUNCIL MEETINGS**

**At the January 26 Council meeting, a speaker asked why those “actually experiencing homelessness or out there protesting their rights” were not being included in the homeless subcommittee and why they “could not participate in the decision making around the agenda instead of being told what we will be discussing.” Why are the protestors being excluded from the homeless subcommittee?**

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The protestors have been offered a one-on-one meeting with the subcommittee. Staff has not developed an agenda for this meeting nor a list of participants. The protestors have been asked to provide both a list of individuals they wanted to represent them at the subcommittee as well as proposed agenda items for that meeting.

**At the February 2 Council meeting, a speaker thanked the Council for agreeing to meet with the UC Davis medical students but suggested it would “also be beneficial to you and the rest of our community if you would also speak to some of the homeless people or some of the peaceful protestors out here and get their side of the story as well.” Why won’t the City meet individually with the homeless advocates and protestors?**

The City has met numerous times with the advocates and protestors. Councilmembers Schenirer and Harris hosted three two hour meetings open to any member of the protest group who wished to attend on March 6, March 13 and April 2, 2015. These meetings were arranged specifically to try to address the concerns of the group, including access to restrooms, camping, and how to best connect with services. Additionally, the City’s Homeless Services Coordinator has met twice with representatives from the protest group on February 9, 2015 and again on March 9, 2015. The Homeless Services Coordinator has also encouraged all of the advocates and protestors to engage in the many public meetings at Sacramento Steps Forward, even offering to help arrange transportation. To date, two advocates who speak at Council have attended some of the Sacramento Steps Forward meetings, but none of the protestors or persons “occupying” City Hall has engaged in these discussions. Finally, the Homeless Subcommittee has arranged its first meeting to be with a group representing the protestors and has asked that group to set the agenda.

**Is the City Council trying to “suppress” the voices of the protestors by moving public comments to the end of the agenda or imposing new rules on behavior in the Council chambers?**

No. The Council values the input of the public, but must ensure that the business of the Council – e.g. items on which the Council can and must take action – are prioritized. It is always the presiding officer’s purview to reorder items unless the members object, and it is done from time to time. Public comment was moved by Mayor Johnson from the end of the meeting to the beginning of the meeting January 2009. In 2010 the Council Rules of Procedure were updated to note that “Matters Not on the Agenda” will be held at the beginning of the meeting for not more than 30 minutes. Additional comments may be heard at the end of the meeting.” Public comment was moved back to the end of the agenda in 2015. This return to the original order of hearing public comment last was made because as the amount of public comment on items not on the agenda increased, it was becoming increasingly difficult for members of the public to participate in the public discourse on items on the agenda. In regards to the rules of decorum, those rules, which are printed on the back of the speaker slips, have been in place since 1970. Up until recently, the Council rarely had issues with members of the public following these rules. However, in recent weeks, the tone of the public in the chambers has changed, and the Council has had to start enforcing rules that they rarely had to in the past.