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Advocates for the Homeless File Lawsuit against City of Sacramento and County of Sacramento

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A coalition of advocates for the homeless today filed a lawsuit in federal court challenging the confiscation of personal property belonging to homeless people by the City of Sacramento and the County of Sacramento.

The lawsuit also attacks the practice of City and County law enforcement agencies of writing citations for illegal camping to homeless persons sleeping on public property during the night time.

“City and County governments in Sacramento have a long history of taking basic survival equipment from homeless people without proper notice,” said Mark Merin, the principal attorney for the group. “Tents, sleeping bags and blankets are tossed into County dumpsters by Sheriff’s work crews and homeless people are left to shiver in the night. Deputies then write them tickets for sleeping. It is our goal to get these practices stopped before the onset of winter.”

“People think that homeless people can just go to shelters,” Merin continued. “But there are not enough shelters available at any time of the year in Sacramento. People have to sleep and if they have no housing and no shelter is available, then they have to sleep out in the open. The solution to homelessness is housing. It is not in harassing homeless people until they go away.”

The lawsuit alleges that such practices violate basic constitutional rights and asks the Federal Court to enjoin the City and County from continuing such actions.

The lawsuit was filed on behalf of 11 individual plaintiffs and asks the Court to certify them as representatives of a class of all homeless people who have had their property taken by City and County work crews and/or who have been cited for camping while sleeping on public property at night or in the early morning. Loaves & Fishes, Sacramento Homeless Organizing Committee (SHOC), and Francis House, all nonprofit charities that assist homeless people, have joined the suit as plaintiffs.

Each of the 11 individual plaintiffs have been homeless for all or part of the last twelve months. Five of the plaintiffs continue to be homeless and are presently living outside. Four are residing in shelters or transitional housing and two have found permanent housing.

Merin listed the primary goals of the lawsuit as follows:

1. A requirement that City and County law enforcement agencies provide actual notice to homeless people of an intended clean-up of camping sites in a reasonable period of time before a sweep.
2. A requirement that property taken from homeless people be stored at a location reasonably proximate to the place from which it was taken and that homeless people have an opportunity to retrieve their property within a reasonable period of time.
3. Compensation to homeless persons whose property has been taken and destroyed by City and County work crews.
4. A prohibition against citing homeless people for unlawful camping when they are sleeping on City or County property during the night or early morning hours.
5. Convenient, accessible, secure storage space in which homeless persons may temporarily leave personal possessions.
6. Clean, maintained portable toilets and sinks located convenient to where homeless persons sleep.
7. Easily obtained free public transportation passes for homeless persons.
8. Garbage dumpsters in which homeless persons may deposit their refuse convenient to where they sleep.
9. Funding for additional shelters, services for the homeless and permanent housing.

The lawsuit charges that the practices of the City and County are an ongoing violation of rights secured to the homeless plaintiffs by the Eighth, Fourth and Fourteenth Amendments to the United States Constitution.

The case is *Lehr et al. v. City of Sacramento et al and County of Sacramento et al.* filed in the United States District Court for the Eastern District of California.

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