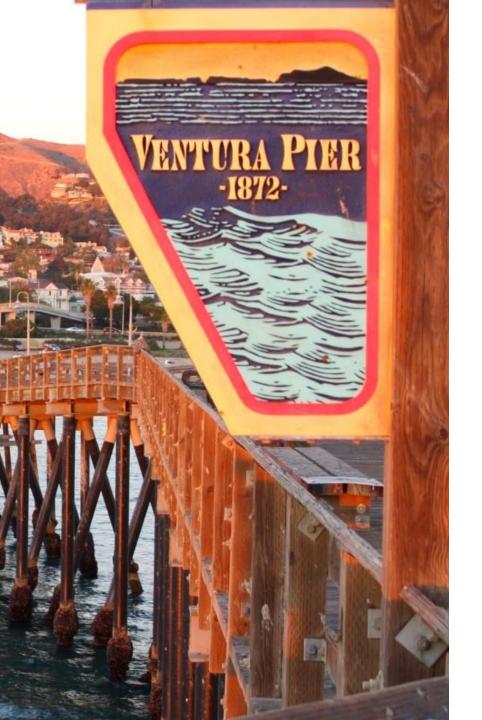
Exploring Challenges and Opportunities Together



Exploring Challenges and Opportunities Together

Anthony Zepeda

Attorney
Office of County Counsel



HOMELESS IN VENTURA COUNTY

LEGAL ISSUES AND CASE STUDIES



OUTLINE OF PRESENTATION

- 1. Martin v. City of Boise
- 2. Kincaid v. City of Fresno
- 3. Orange County Catholic Worker v. Orange County
- 4. Other options

THE MARTIN CASE

Homeless persons challenged Boise's camping ordinance under the Eighth Amendment.

Homeless persons were unable to find shelter accommodations some nights, and had no option but to sleep on public property



THE MARTIN CASE

"So long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise that they had a choice in the matter."



THE MARTIN CASE

Implication:

Homeless persons must have an option for a place to sleep.

Can municipalities simply provide a "free zone" for camping?

Can we simply not enforce the law in some public spaces to enforce in other public spaces?





THE FRESNO CASE

The city conducted "raids" in areas where homeless people lived to clear the area.

The city seized and immediately destroyed clothes, medication, family photos, etc.



THE FRESNO CASE - DEFENSES

- Public Health and Sanitation
- Homelessness is a choice
- No pattern or practice of eliminating shelters
- Only people who refuse to clean-up experience a loss
- Notice was given (but could not be proven!)



THE FRESNO CASE - RULING

"[T]he [government] practice of announce, strike, seize [and] destroy immediately is against the law"

The government's actions constituted an unreasonable search and seizure in violation of the Fourth Amendment

"[t]he destruction of property by State officials poses as much of a threat, if not more, to people's right to be 'secure in their effects' as does the physical taking of them."



THE FRESNO CASE - RULING

The government's actions constituted a violation of due process under the 14th Amendment.

"[A] homeless person's personal property is generally all he owns; therefore, while it may look like 'junk' to some people, its value should not be discounted."

A person must have notice and an opportunity to be heard at a meaningful time and in a meaningful manner.



THE FRESNO CASE - OUTCOME

\$2.35 million settlement, including housing allowances and cash compensation to plaintiffs.

The city *should have* posted written notice at least three days before clearing any personal property

Items of "apparent value" must be be stored for at least 90 days.



LESSONS

So far, there are two important lessons





Homelessness can't be criminalized if people do not have a place to go.



LESSON 2 - FRESNO

If you are going to clear out an area, you must be able to clearly prove that persons received notice.

Property must be stored for 90 days and persons must have the right to be heard regarding the taking of the property.

ORANGE COUNTY CASE

The County removed homeless persons from the Santa Ana riverbed and "pushed" them into surrounding cities without a plan for housing and shelter.

Orange County Flood Control District Chief Engineer: "Our concerns over the build-up of various types of debris and waste in the area have intensified, as has the need to inspect flood control facilities in the area and perform necessary maintenance and repairs"

"The work cannot be delayed any further without potentially jeopardizing the flood control, water conservation and water quality mission."



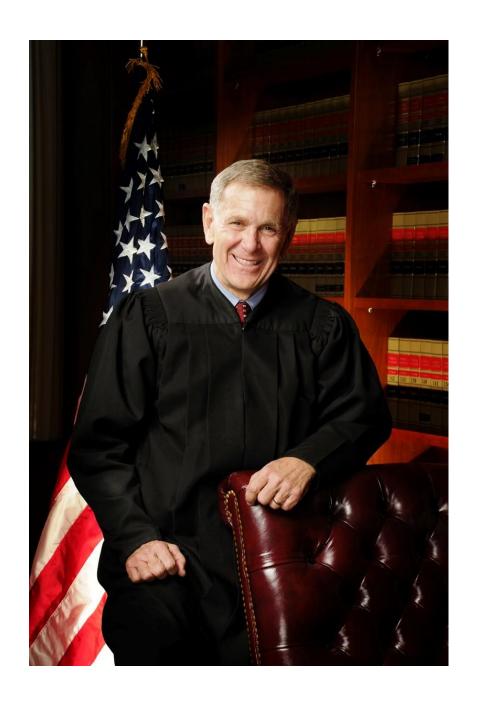
ORANGE COUNTY CASE

Orange County Catholic Worker
Isaiah House supervisor: "They
can't displace people from public
land without giving them a place to
go."









JUDGE DAVID O. CARTER

Marine Corps. Veteran, Vietnam War

Bronze Star, two Purple Hearts

"Rather than just sitting passively and calling balls and strikes, which is how most judges see their role, he'll roll up his sleeves and say, 'How can we solve this?'"

Homlessness cases in the Central District are usually assigned to him.

ORANGE COUNTY CASE – LEGAL ISSUES

Unreasonable search and seizure in violation of the Fourth Amendment

Cruel and unusual punishment in violation of the Eighth Amendment

Right to be in public space in violation of the First Amendment

Due Process in violation of the 14th Amendment







- Extensive hearings
- Board of Supervisors ordered to personally appear
- Police chiefs ordered to personally appear
- A commitment of significant "wrap around" resources including housing, treatment, and detailed plans for rehabilitation







Three takeaways



LESSON 1 - MARTIN

Homelessness can't be criminalized if people do not have a place to go.



LESSON 3 – ORANGE COUNTY

If you take action, be prepared to be sued and potentially ordered to implement a "wrap around" program.



LESSON 2 - FRESNO

If you are going to clear out an area, you must be able to clearly prove that persons received notice.

Property must be stored for 90 days and persons must have the right to be heard regarding the taking of their property.

You must have clear procedures and execute them precisely.

CONSIDERATIONS

Consider your homeless population, consider their needs:

- What is the makeup of your homeless population?
 - Unable to pay for entrance into housing or afford housing despite employment
 - Veterans / specialized services
 - Mental Disordered / specialized services
 - Physically disabled / medical issues
 - Drug addiction / opioid crisis
 - Alcohol addiction / sober living
 - Sexual Harassment / re-traumatizing victims



YOLO COUNTY'S PROGRAM

Yolo County's pilot program was singled out by the Homelessness Taskforce Report because it aimed to address one specific homeless encampment in West Sacramento and ultimately placed 38 people in permanent homes by implementing several common practices including . . .

- Moving the 65-person encampment into a motel for 4 months;
- Providing coordinated support including: physical and mental health care, lunch, haircuts, and other services;
- Working to get each participant a housing voucher;
- At the end of the fourth-month effort, 53 of the 65 participants remained engaged in the program, 42 of those 53 participants remained engaged with a case manager one year after exiting the program and one year later, 32 people were still permanently housed; and
- The overall cost of the project was \$152,238 —
 \$6,000 less than expected. It was funded primarily by the City of West Sacramento and Yolo County

YUBA COUNTY'S PROGRAM

In 2016, Yuba County collaborated with local nonprofits, faith-based organizations and the private sector to launch a temporary shelter community for its local homeless population. Faced with the problem of several encampments along surrounding rivers, the county created a 20-unit tiny village of Tuff Sheds to relocate some of the homeless population.



The Tuff Sheds are 12 by 8 foot shelters with beds, windows and insulation. They do not have electricity or running water, but there are lavatories on-site as well as a nearby homelessness center that offers meals and showers. After a plan was fully formulated, the village was developed in about two months and officially opened in July 2016.

Exploring Challenges and Opportunities Together

Tara Carruth

Program Manager
Ventura County Continuum of Care

HOMELESS IN WATERSHEDS

Exploring Challenges and Opportunities Together



VENTURA COUNTY CONTINUUM OF CARE

The CoC is a regional planning body of representative stakeholders designed to promote a shared commitment to the goal of ending homelessness with a focus on:

- Quickly rehousing homeless persons while minimizing the trauma and dislocation caused to individuals, families and communities;
- Promoting access to, and effective utilization of, mainstream resources/programs;
- Optimizing stability and self-sufficiency for individuals and families while homeless and once housed;
- Evaluating system performance

VENTURA COUNTY COC SNAPSHOT

- Population: approx. 850,000
- Poverty rate: 9.8%
- 2018 Homeless Count: 1299 (58% unsheltered)
- Administers over 7 million dollars in State and Federal funding
- Increasing # of at-risk households: 2-1-1 reports highest # of calls for housing assistance
- In 2018, the CoC provider network assisted 889 or 41% of persons requesting housing assistance.
- Fair Market Rent: I bedroom, \$1,362/mo
- Average Rent: I bedroom, >\$1,800/mo

VENTURA COUNTY COC STRATEGIC PRIORITIES

01

Develop a comprehensive crisisresponse system 02

Increase affordable housing opportunities 03

Create and provide wraparound services 04

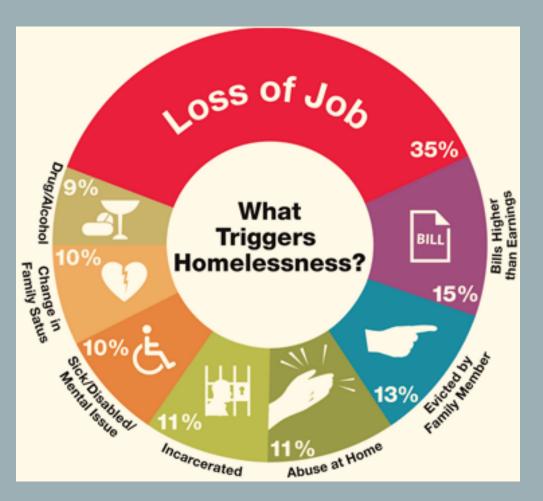
Create opportunities to obtain sustainable income 05

Community outreach and education 06

Cross-system integration 07

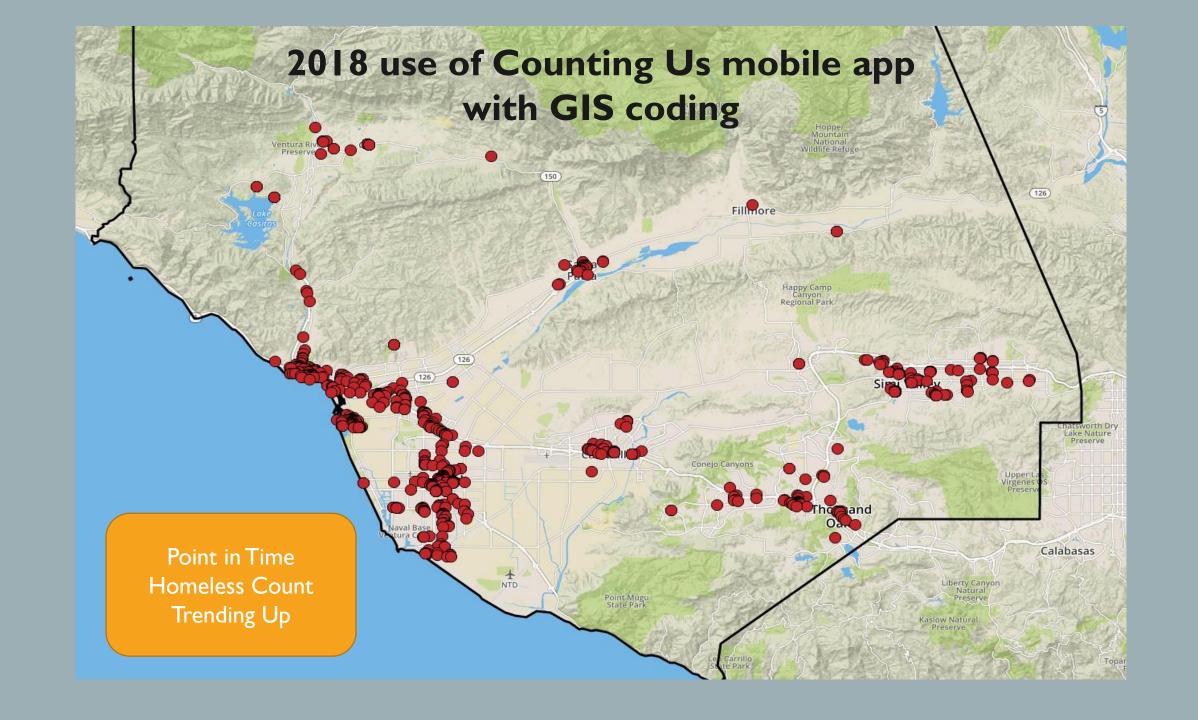
Capacity building

BUSTING MYTHS AND UNDERSTANDING CAUSES OF HOMELESSNESS



Common Misconceptions

- Homeless people prefer living on the streets
- Addiction and mental illness are the leading causes of homelessness
- Homeless people just need to get a job
- Ventura County (SoCal) has homeless people because the weather is nice



PATHWAYS TO HOME - JUST ONE CALL

Homeless Individuals & Families

Community Action of Ventura County

(805) 436-4000 621 Richmond Avenue Oxnard

The Kingdom Center

(805) 487-3400 1450 S. Rose Avenue Oxnard

The Samaritan Center

(805) 579-9166 280 Royal Avenue Simi Valley

Health Care Agency Homeless Services

(805) 652-6694 3147 Loma Vista Road Ventura

Lutheran Social Services

(805) 497-6207 80 E. Hillcrest Drive, #101 Thousand Oaks

St. Vincent de Paul

(805) 754-2089 2000 Cabot Place, Suite C Oxnard

Human Services Agency Homeless Services

(805) 385-1800 1400 Vanguard Drive Oxnard

Project Understanding

(805) 231-2299 2734 Johnson Drive, #201 Ventura

Turning Point Foundation

(805) 652-2151 ext.304 536 E. Thompson Blvd. Ventura

Human Services Agency RAIN Transitional

(805) 383-7505 Camarillo

The Salvation Army

(805) 648-4977 155 S. Oak Street Ventura

Ventura County Behavioral Health

(805) 981-6830 1911 Williams Drive Oxnard

Homeless Veterans The Salvation Army Supportive Services for Veteran Families (SSVF) (805) 962-6281 ext.117

Turning Point Foundation

Veterans Transitional Housing Program (805) 321-0545

Interface Children & Family Services

Youth Outreach Line (805) 469-5882 Clients may also contact 2-1-1

to reach the
Pathways to Home
program

Homeless Youth Human Services Agency Homeless Services (805) 385-1800

RECENT STATE HOUSING LEGISLATION

No Place Like Home

Homeless Emergency Aid Program

Housing for a Healthy California

Housing legislation was passed in 2017 with the intent of encouraging affordable housing development by:

- Funding new affordable housing projects (SB2 and SB3)
- Streamlining the approval process and reducing regulations
- Preserving affordable housing
- Requiring local jurisdictions to plan for housing
- Implementing penalties to local jurisdictions that deny housing
- Legislative package estimated to add 14,000 new homes per year.

OUTREACH TO HOMELESS ENCAMPMENTS

- Whole Person Care—taking healthcare services closer to where persons are living
- *Backpack Medicine—delivering health services in the field
- Law enforcement and Behavioral Health partnerships
- Developing recommendations for a more coordinated strategy to offer services and alternative placement

HOW CAN YOU HELP?

Join the efforts of the CoC

Participate in community dialogue on best practices and solutions

Advocate for funding

Tara Carruth

805.654.3838

Tara.Carruth@ventura.org

www.venturacoc.org

Exploring Challenges and Opportunities Together

James Boyd

Program Assistant

Healthcare for the Homeless

Exploring Challenges and Opportunities Together

Deanna Handel

Whole Person Care Manager
Ventura County Healthcare Agency

Exploring Challenges and Opportunities Together

Jason Meek

Executive Director

Turning Point Foundation

Exploring Challenges and Opportunities Together

Kat Selm

Stewardship Coordinator *The Nature Conservancy*



RESPONSE AND RESPONSIBILITY



THE NATURE CONSERVANCY IN VENTURA COUNTY

Multi-benefit Conservation Program

Habitat conservation

- Over 4,400 acres of river and coastal wetlands protected
- Zoning policy achievements (Conservation Subdivision)
- Restoration of over 700 ac., with another 396 ac. planned
- Wildlife corridors

Non-structural flood protection

Floodplain Easement Program

Land Management

- Promote agriculture as valued land use
- Leasing over 680 acres

Climate Change Adaptation

- Coastal Resilience Ventura
- Natural Infrastructure





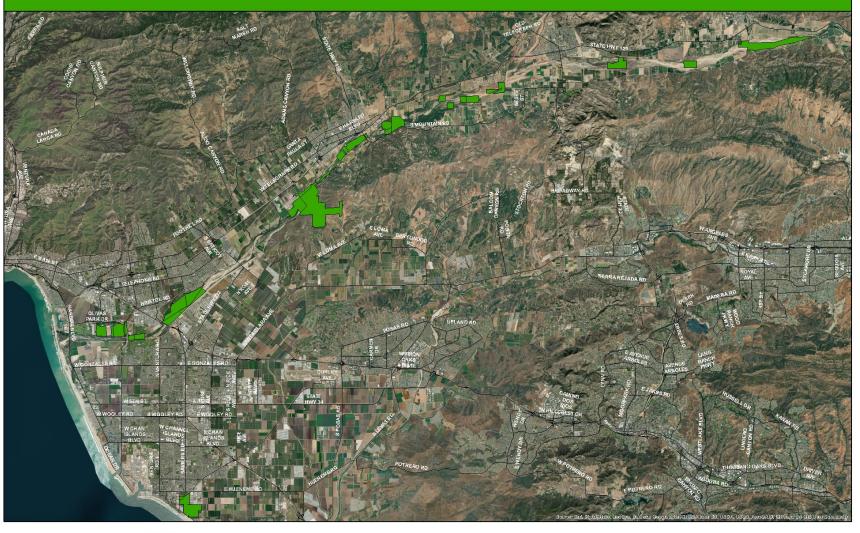
Groundwater Sustainability

- Participation in the implementation of the SGMA and technical advisory for GSP's
- Stakeholder in Cal Lutheran water market pilot

Public access

- Currently lead public hikes and cleanups
- Plan to open over 700 acres to the public

TNC Property Interests in Ventura County







Map created by Kat Selm Stewardship Coordinator for Santa Clara River and Coast Project 08/15/18









FIRE HAZARD

THREATENED AND ENDANGERED SPECIES

















AND OF COURSE, THE **TRASH**....

ADDITIONAL CHALLENGES AND CONCERNS

Public access and agriculture

Health and safety

Unsafe working conditions

Costly enforcement

Costly trash removal

Difficulty quantifying the population

Language barriers

Mental illness and drug addiction

A COMPLEX STORY...

- Folks who have full time jobs
- Folks who are active community members
- People who ask us for work
- Folks fleeing violence
- People ineligible for housing/shelter (sobriety, pets, etc)



WHAT WE CAN DO

WHERE WE NEED HELP

- Cooperative efforts among landowners, public and private
- Provide vocal support and political will, where possible, for housing first solutions
- Introduce clean camp initiatives
- Connect those that are unaware with services
- Explore reconnection initiatives (e.g. Miracle messages)
- Identify and focus on most sensitive areas for abatement
- Ask for CIT (crisis intervention) trained officer when appropriate

- Advice and help from social services, NGOs
- Best practices on approaching, reaching out to, evicting, homeless individuals
- Surveying encampments in hard to reach and densely vegetated areas
- Controlling trash in the Santa Clara—Trash TMDL, catchment devices, dedicated volunteers
- Collaboration, partnerships, funding



Exploring Challenges and Opportunities Together

Karl Novak

Deputy Director
Ventura County Public Works Agency

Exploring Challenges and Opportunities Together

LB Nye

Senior Environmental Scientist

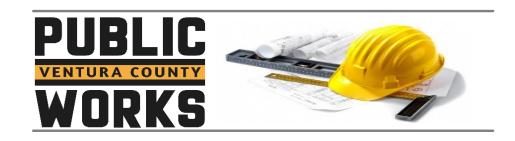
Los Angeles Regional Water Quality

Control Board

Exploring Challenges and Opportunities Together

Ewelina Mutkowska

Stormwater Program Manager County of Ventura















Zero Trash Challenge in Ventura River Estuary

Homelessness in Ventura County Watersheds:
Exploring Challenges and Opportunities
Together Workshop

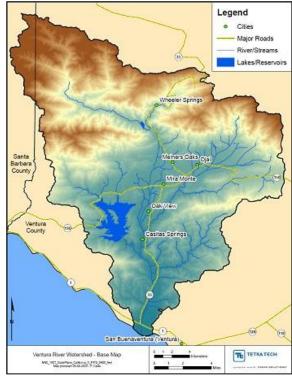






Ventura River Estuary









Ventura River Estuary Trash TMDL

Effective March 2008

Numeric Target: Zero Trash

Point Source (PS) Compliance:

100% trash reduction* by Mar 2016

* Installation of full capture systems or other measures to achieve %reduction from baseline (Sept. 2010)

Non Point Source (NPS) Compliance:

Implement MFAC/BMP program.







Trash Monitoring



\$12.5 per piece of trash







Homelessness in Ventura River Estuary

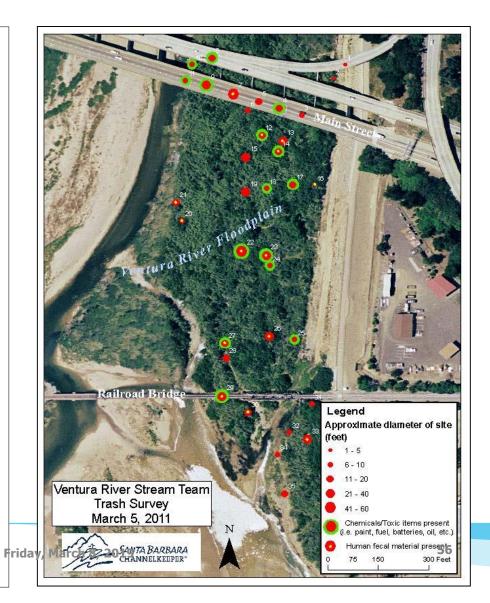
Ventura River Stream Team Trash Surveys

March 5, 2011











Ventura Land Trust(formerly Ventura Hillsides Conservancy)

- Non-profit local land trust, 600 members
- ► Purchase and clean up of **Willoughby property** upper estuary/river, 9 acres, ~20 illegal camps







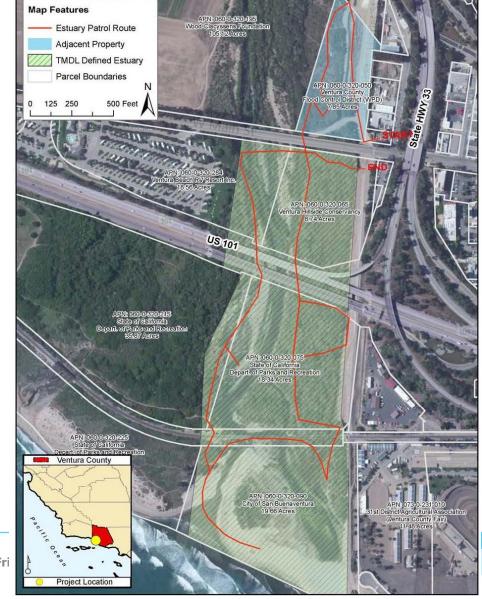
Revised Monitoring

- Weekly Patrols,
- Monthly Volunteer Cleanups,
- **Quarterly Visual** Assessments along the patrol routes:

Category 1 "Optimal"

Category 2 "Suboptimal"

Category 3 "Poor"





Success through:

- Consistent patrols
- Invasive giant reed (*Arundo donax*) removal
- Outreach to religious groups and other service providers

Annual cost of VHC contract: \$65,000

- > 12 cleanups annually, volunteer labor
- Community involvement increases local focus on homeless issue

Synergistic effects of other funding sources for restoration/education/outreach in

estuary







day, March

VRE Habitat Restoration



The bobcat (*lynx rufus*) is a North American mammal of the cat family. The bobcat is an adaptable predator that inhabits wooded areas, as well as semidesert, urban edge, forest edges, and swampland environments. It is about twice as large as the domestic cat. Seen here in our Willoughby Preserve.

Questions?

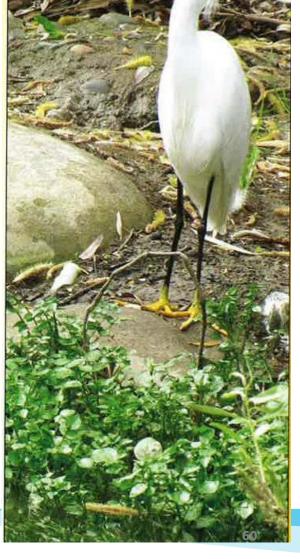
Ewelina Mutkowska, VC PWA

Ewelina.Mutkowska@ventura.org

805 645-1382



The great blue heron (Ardea herodias) is a large wading bird in the heron family Ardeidae, common near the shores of open water and in wetlands over most of North America and Central America. The great blue heron can adapt to almost any wetland habitat in its range. They may be found in numbers in fresh and saltwater marshes, mangrove swamps, flooded meadows, lake edges, or shorelines. Spotted in our Willoughby Preserve.

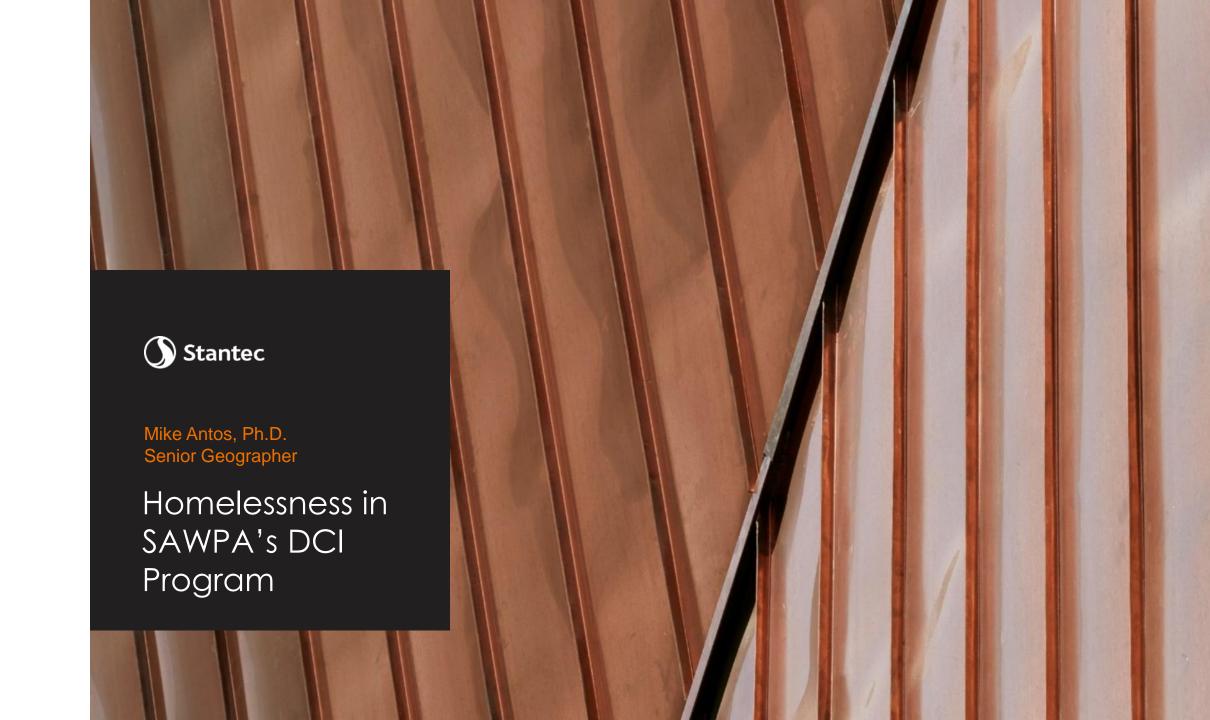


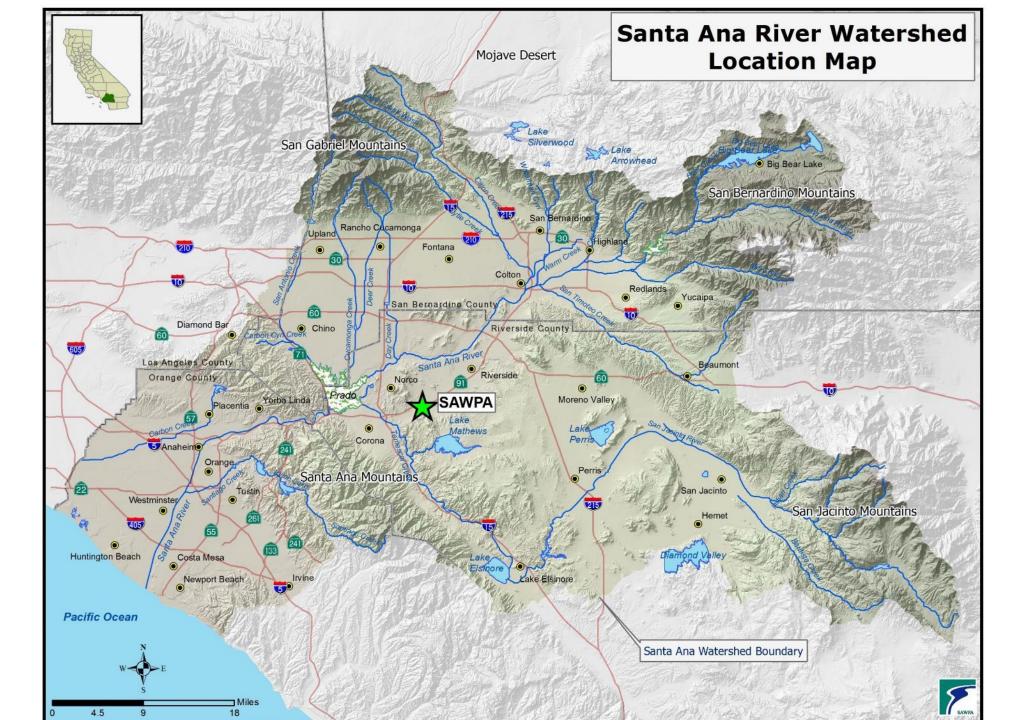


Exploring Challenges and Opportunities Together

Mike Antos

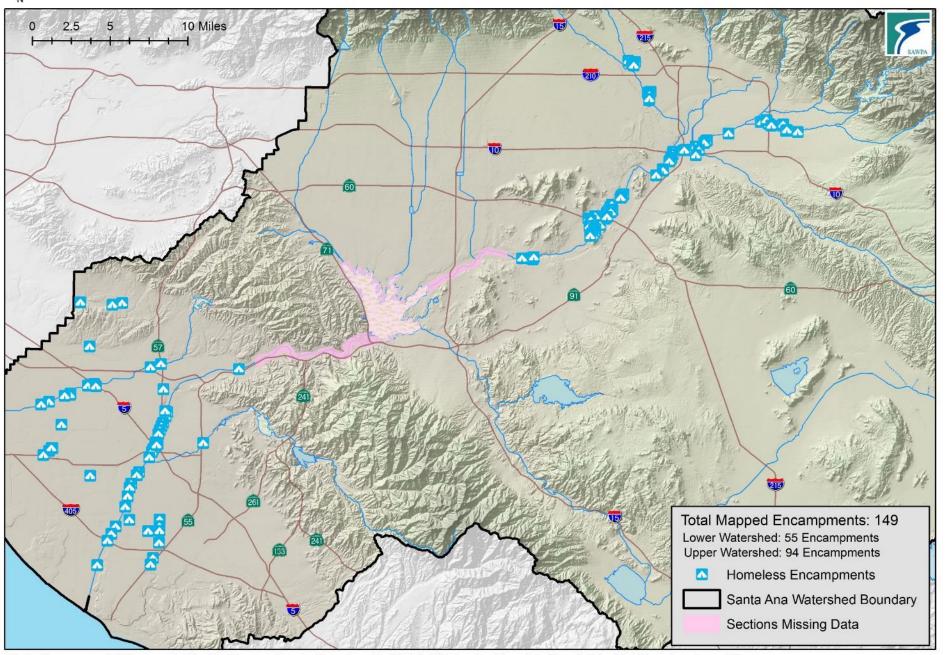
Senior Project Manager Stantec







Homeless Encampments Along the Santa Ana River and Tributaries



Note: Encampment data provided by the Orange County Department of Public Works, the Riverside County Sheriff's Department, and the San Bernardino County Sheriff's Department. Data for the Santa Ana River tributaries is incomplete or absent.

Outcomes of SAWPA's watershed coordination

- Memorandum of Understanding between SAWPA and the Housing Authority of the City of Riverside.
- Increased participation by water-oriented organizations in Point-in-Time Counts.
- Engagement by Santa Ana Regional Board
- Water organizations joining regional homelessness task forces
- Explicit goals for more humanitarian approach in the One Water One Watershed Plan Update 2018.
- NGO leadership convening and establishing programs.





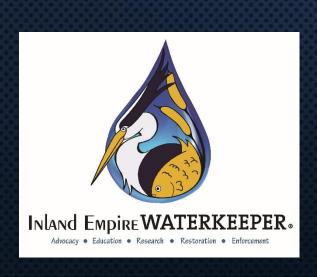
Exploring Challenges and Opportunities Together

Megan Brousseau

Associate Director

Inland Empire Waterkeeper

CLEAN CAMP COALITION

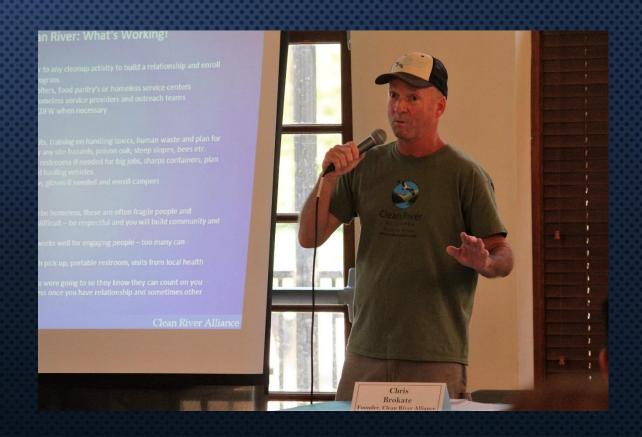






Clean Camp Coalition- Where we started...

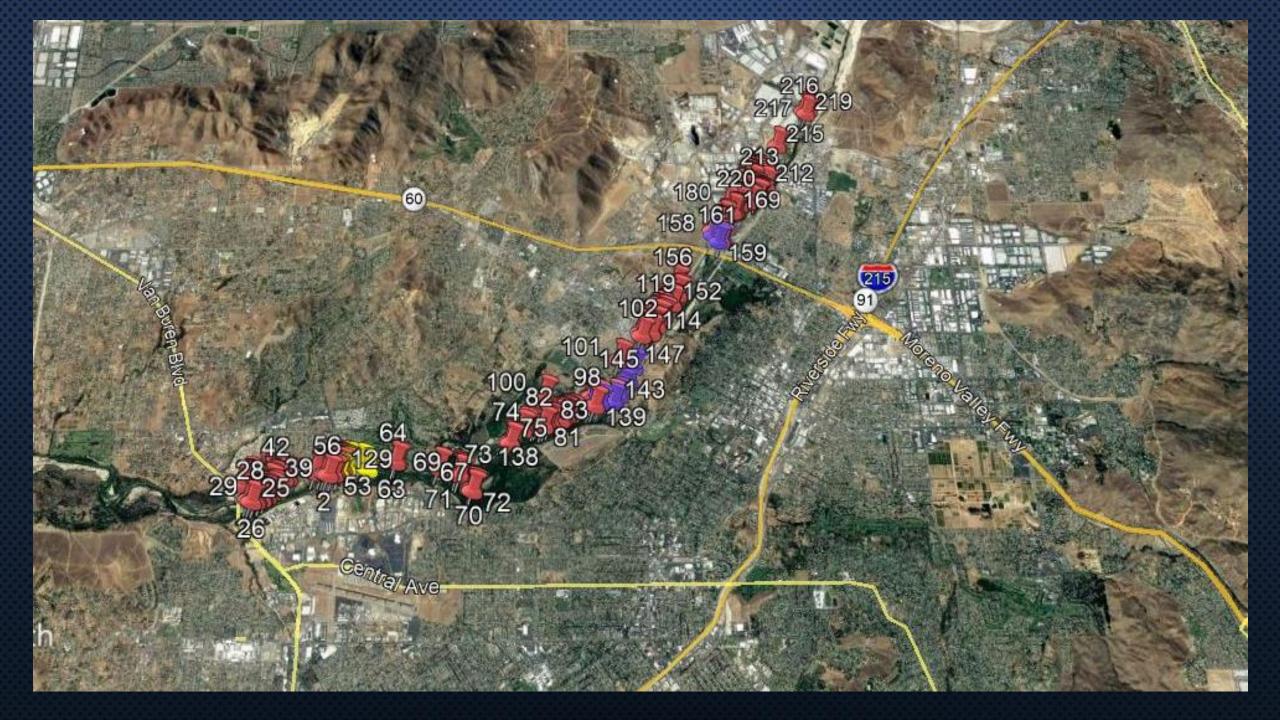
Chris Brokate shares his
Clean River Alliance project
at the 2017 Homelessness in
the Watershed Symposium.



Components of the CCC

- Mapping of Encampments
- Water Quality Testing
- Outreach to camps to inform about the program
- Trash Collection
- Trash Data Collection (RAPID)
- Connections to resource providers





Water Quality Study

Fecal contamination of water environments continues to be a significant public health issue. Advancements using molecular methods have improved pollution source identification, but are limited in their ability to differentiate among multiple human activities. Our study is going to evaluate the effectiveness of using gene-specific assays to identify fecal pollution sources within the Santa Ana River. We are also planning to develop advanced microbial community profiles at high risk locations to further support the specific identification of pollution resulting from diverse human and animal activities in the Santa Ana River including wastewater discharges, human encampments and recreation.



Where we have been- Challenges

- Funding: Rose Foundation Grant
- Agency, Land Managers, and Local government
- Partners: Rivers and Lands
 Conservancy



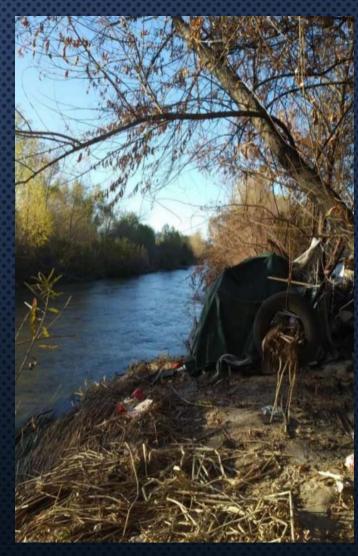
Why the Clean Camp Coalition?



Impacts of Homelessness on Water Quality

















Goals

- Improved Water Quality
- Increased Habitat Values
- Safer recreational opportunities within and along the Santa Ana River



What does the CCC look like on the ground?

Outreach







- Place trash bag at the two sites pictured sites on
 Wednesdays from 6AM-10AM
- Do NOT drop off trash earlier than 6AM, and no later than 10AM on Wednesdays
- Keep trash bags OFF the bike path, and ON orange spray painted areas on the ground
- If trash is left anywhere other than these locations, we will be unable to continue with this program
- We are only able to take bags that are half full
- We are working to expand the program to accept bulky and hazardous waste, but for now please do NOT include such items, including human waste, in trash bags
- Please no loose sharp objects. Place sharps in a sealed container
- We will provide more trash bags on trash pickup days

Trash Collection







Get Involved!

MEGAN BROUSSEAU

INLAND EMPIRE WATERKEEPER

951.530.8823

MEGAN@IEWATERKEEPER.ORG





Interagency Information-Sharing for the Homelessness Epidemic

John Beck, Chris Delaney, Mike Jones



Agenda

- The Problem of Homelessness
- Location Challenges for Law Enforcement
- How ArcGIS can help
- User Example: San Bernardino Sheriff's Department HOPE Team
- Getting Started
- Questions

A National Problem

553,000 homeless in the US

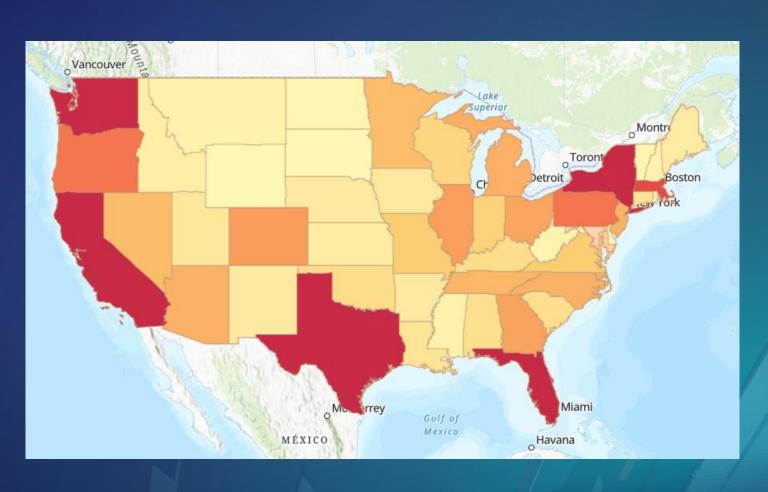
134,000 in California

4 states account for another 30% of the nation's homeless

- New York
- Florida
- Texas
- Washington

Demographics

- 20% are under the age of 18
- 10% are 18-24
- 39% are women
- 29% are unsheltered women



Police Response to Homelessness

- Causal Factors
 - Mental Illness
 - Substance Abuse
- Homeless are frequently victims of crime
- Homeless also commit crimes at higher rates
- Police are the first to respond to many homeless issues
- Police role is evolving
 - Partnerships
 - Technology and data are key



Technology and Data Challenges for Law Enforcement

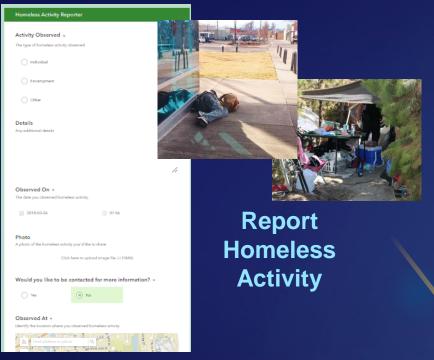


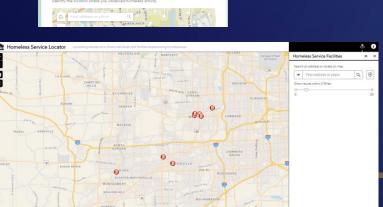
- Agency data silos
- Transient Populations
 - Out of date data
 - Hard to follow clients
- No insight to activities of other LE or service agencies
 - Duplication of services
 - Service exploitation
 - Not targeting those most in need
- Burdensome processes for aggregating data to:
 - Support funding requests
 - Guide task force strategies
 - Educate citizens

ArcGIS for the Homelessness Epidemic Solution

ArcGIS

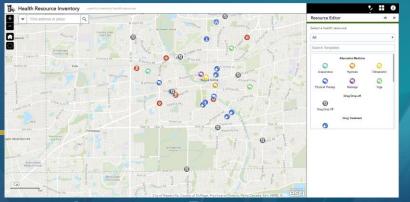
Leverages and integrates authoritative datasets on the problem and the response





Find Homeless Services





Inventory Resources

Demo Homeless Solutions

San Bernardino Sheriff's Department



Homeless Outreach & Proactive Enforcement (HOPE) Program

HOPE Program Mission & Challenges



About The HOPE Team

- The Problem
- Mission
- Challenges
- How GIS has helped

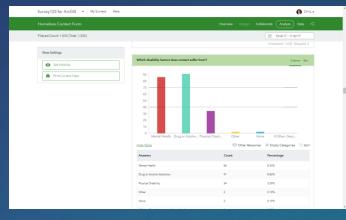
User Example: SBSD HOPE Team

Homeless Contact Reporting









Homeless Contact Analytics



Homeless Contact Collaboration Group

ArcGIS

Homeless Contact Query and Data
Download Dashboard

Demo HOPE Team Apps

Resources Interagency Information-Sharing for the Homelessness Epidemic

Resources

- Homeless Solutions
 - http://solutions.arcgis.com/localgovernment/health/homeless/
- Collector for ArcGIS
 - http://www.esri.com/products/collector-for-arcgis

- Survey123 for ArcGIS
 - https://survey123.arcgis.com/

Questions? Interagency Information-Sharing for the Homelessness Epidemic



John Beck
Global Law Enforcement Manager
jbeck@esri.com
@giscop



Chris Delaney
Law Enforcement
Technical Lead
cdelaney@esri.com
@cdelaneygis



Mike Jones
Deputy Sheriff, HOPE Team
San Bernardino County
Sheriff's Department
mjones@sbcsd.org

Homelessness in Ventura County Watersheds

Exploring Challenges and Opportunities Together

