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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

**DEBRA BLAKE, GLORIA JOHNSON,
JOHN LOGAN**, individuals, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

CITY OF GRANTS PASS,

Defendant.

Case No. 1:18-cv-01823-CL

**AMICUS BRIEF OF THE NATIONAL
LAW CENTER ON HOMELESSNESS &
POVERTY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

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I. INTRODUCTION

The National Law Center on Homelessness & Poverty (the “National Law Center”) respectfully submits this brief as *amicus curiae* in support of Plaintiffs’ Motion for Summary Judgment. The National Law Center has spent years analyzing how government policies and practices around the country, including ordinances like the ones that Plaintiffs are challenging here, impact homeless persons and their rights. Accordingly, the National Law Center is uniquely positioned to provide the Court with data and information relevant to several key issues before the Court in deciding Plaintiffs’ pending motion.

II. INTEREST OF *AMICUS CURIAE*¹

Founded more than thirty years ago, the National Law Center—a nonprofit organization based in Washington, D.C.—is the only national legal organization with the mission to prevent and end homelessness. In connection with this objective, the National Law Center gathers information about state and local laws from across the country that impact homeless people and identifies best practices to address the root causes of homelessness and to safeguard the rights of homeless persons in the face of government action. In the course of this work, the National Law Center has published numerous reports analyzing issues related to homelessness in the United States.² For example, in 2019, the National Law Center published *Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities* (“*Housing Not Handcuffs*”).³ In

¹ *Amicus* states as follows: (1) neither party’s counsel authored the brief in whole or in part; (2) neither party nor their counsel contributed money that was intended to fund preparing or submitting the brief; and (3) no person other than *amicus*, their members or their counsel contributed money that was intended to fund preparing or submitting the brief.

² The reports that the National Law Center has produced in recent years are available at <https://nlchp.org/publications/>.

³ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities* (2019), <http://nlchp.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf> [hereinafter *Housing Not Handcuffs*].

Housing Not Handcuffs, the National Law Center examines the substantial data that it obtained through its analysis of 187 city codes from across the country that effectively make it a crime for homeless persons to engage in necessary, life-sustaining activities—such as sleeping or sitting—in public places, due to a lack of alternatives, when those activities would otherwise be lawful if conducted in one’s home.

Finally, because of the National Law Center’s expertise, federal, state, and local policymakers have asked the National Law Center for advice in drafting laws and ordinances to help alleviate issues relating to homelessness. Notably, the Law Center’s Founder and Executive Director, Maria Foscarinis, served as the architect for the 1987 McKinney-Vento Homeless Assistance Act, the first major federal legislation to address homelessness.

III. PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT SHOULD BE GRANTED

The relief sought by Plaintiffs in this case is a simple, but effective way to help alleviate the suffering associated with unsheltered homelessness in Grants Pass—a goal that has become all the more important in light of the ongoing COVID-19 pandemic.⁴ Contrary to the protestations of the League of Oregon Cities (the “Cities”), enjoining the enforcement of ordinances and criminal trespass laws against homeless individuals who are simply engaged in *life-sustaining* activities will not leave Grants Pass with a “Hobson’s Choice.” Amicus Brief of League of Oregon Cities in Support of Defendant City of Grants Pass, Dkt. 87 (“Cities Br.”), at 5. It will not “set precedent for a hopelessly unworkable framework,” nor will it cause “significant damage to [Oregon’s] cities.” *Id.* at 3. Instead, the empirical evidence is clear:

⁴ See, e.g., National Law Center on Homelessness & Poverty, *Coronavirus*, <https://nlchp.org/coronavirus/> (last visited Mar. 26, 2020) (“People living on the streets, in shelters, or in their cars are more vulnerable to an outbreak of highly communicable diseases like COVID-19.”).

punishing homelessness, as Grants Pass has done here, undermines public safety, jeopardizes public health, and wastes limited public resources.

A. Unsheltered Homelessness is a National Crisis, not a Grants Pass Crisis.

Unsheltered homelessness is not a problem that is unique to Grants Pass or even to the State of Oregon. Instead, it is an ever-growing crisis nationwide.⁵ According to the United States Department of Housing and Urban Development (“HUD”), there were an estimated 533,000 homeless individuals in the United States in 2018, more than a third of whom were “unsheltered homeless,” *i.e.*, individuals “whose primary nighttime location [wa]s a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for people (for example, the streets, vehicles, or parks).”⁶

1. The Homeless Population is Undercounted Nationwide.

As stark a figure as 533,000 homeless individuals is, this number underestimates the true scope of homelessness nationwide. HUD’s figures are obtained using what is known as a “point-in-time” or “PIT” count, which, as its name suggests, is arrived at by counting the number of people who are homeless on a particular night.⁷ A 2001 administrative study found, however, that the true size of a homeless population may be anywhere between 2.5 to 10 times larger than what can be estimated by a PIT count.⁸ As the Ninth Circuit recognized in its seminal *Martin v. City of Boise* decision, there are many reasons for this massive undercount:

It is widely recognized that a one-night point in time count will undercount the homeless population, as many homeless individuals may have access to temporary housing on a given night, and as weather conditions may affect the number of available volunteers and

⁵ See *Housing Not Handcuffs*, *supra* note 3, at 11 (“The results of our research show that the criminalization of homelessness is prevalent across the country and has increased in every measured category since 2006, when the Law Center began tracking these policies nationwide.”).

⁶ *Id.* at 28 n. 15 (internal quotation marks omitted).

⁷ *Id.* at 28.

⁸ *Id.*

the number of homeless people staying at shelters or accessing services on the night of the count.

920 F.3d 584, 604 (9th Cir.), *cert. denied sub nom. City of Boise, Idaho v. Martin*, 140 S. Ct. 674, (2019).

And, the National Law Center’s research confirms that there are multiple reasons why the point-in-time count severely undercounts the true homeless population. *First*, although HUD issues guidelines for counting homeless individuals, the guidelines not only change from year to year, but also the organizations conducting the counts have discretion when implementing the guidelines in their localities, which inevitably leads to inconsistencies in counts.⁹ *Second*, the method that is most often employed to count homeless individuals—count the number of people who are *visibly* homeless—often misses unsheltered homeless individuals because the volunteers who conduct the counts generally receive limited training (sometimes only an hour long) and are encouraged to stay away from areas that are deemed too dangerous to visit at night, including large parks, abandoned buildings, and alleys, *i.e.*, the very places where unsheltered homeless individuals are most likely to be.¹⁰ *Finally*, PIT counts often adopt narrow definitions of homelessness that exclude individuals who are incarcerated, who are in hospitals, or who are staying with friends or family.¹¹ The impact of too narrow a definition of “homeless” is significant. For example, a 2017 count of homeless individuals in Houston, Texas that included individuals in county jails resulted in a 57% increase in the homeless count over a count that did not include those incarcerated individuals.¹²

⁹ National Law Center on Homeless & Poverty, *Don’t Count on It: How the HUD Point-in-Time Count Underestimates the Homelessness Crisis in America* 6 (2017), <https://nlchp.org/wp-content/uploads/2018/10/HUD-PIT-report2017.pdf>.

¹⁰ *Id.* at 11.

¹¹ *Id.* at 6.

¹² *Housing Not Handcuffs*, *supra* note 3, at 28.

2. Communities of Color Are Overrepresented in the Homeless Population.

Although people of color constitute only a third of the general U.S. population, they make up more than 60% of the nation’s homeless population.¹³ For example, while Black people only make up 13% of the general population, per HUD’s most recent point-in-time count, they constitute 40% of the homeless population.¹⁴ Furthermore, “[r]acist housing policies contribute to disproportionate rates of homelessness among people of color, even when controlling for poverty.”¹⁵

B. Punishing Homelessness Serves no Legitimate Public Policy Goal.

As the Cities note, “Oregon’s cities are obligated to provide safe and livable communities for all residents.” Cities Br. at 3. But laws that punish people because they are unhoused and have no other place to go—like the ones that Plaintiffs are challenging here—undermine cities’ ability to fulfill this obligation. Indeed, such laws—ironically known as “quality of life laws”—do nothing more than worsen the quality of life for all (whether homeless or not).¹⁶ See *Pottinger v. City of Miami*, 359 F. Supp. 3d 1177, 1180–81 (S.D. Fla. 2019) (“[B]oth sides agree that arresting the homeless is never a solution because, apart from the constitutional impediments, it is expensive, not rehabilitative, inhumane, and not the way to deal with the ‘chronic’ homeless, who suffer from mental illnesses and substance abuse addiction.”). In particular, they undermine public safety, jeopardize public health, and waste limited public resources.

¹³ *Id.* at 11.

¹⁴ *Id.*

¹⁵ *Id.* at 32.

¹⁶ See Joshua Howard et al., *At What Cost: The Minimum Cost of Criminalizing Homelessness in Seattle and Spokane*, HOMELESS RIGHTS ADVOCACY PROJECT 10 (2015), <https://digitalcommons.law.seattleu.edu/hrap/10>.

1. Punishing Homelessness Undermines Public Safety.

Quality of life laws, which include both criminal and civil penalties, undermine public safety in a number of ways. *First*, they erode the little trust that remains between homeless individuals and law enforcement officials. This erosion of trust not only increases the risk of confrontations between law enforcement and homeless individuals, but it also makes it less likely that homeless individuals—who are often witnesses to actual street crime—will cooperate with law enforcement.¹⁷

Second, quality of life laws contribute to a cycle of recidivism as individuals leaving jails and prisons are ten times more likely than the general population to experience homelessness. In so doing, they also perpetuate the racial inequality of the criminal justice system.¹⁸ Indeed, employers often refuse to hire individuals with criminal convictions. Likewise, landlords often refuse to rent to individuals with criminal histories.¹⁹ For example, a nationwide study found that 79% of “returning prisoners were denied housing or [were] deemed ineligible for it at some point upon [their] re-entry.”²⁰ And incarceration can even result in the suspension of social security benefits, leaving those ex-offenders who are able to find willing landlords unable to pay rent.²¹

Even civil penalties contribute to the harmful cycle of incarceration and recidivism. Civil citations requiring appearance in court can lead to warrants for failure to appear when homeless

¹⁷ *Housing Not Handcuffs*, *supra* note 3, at 65.

¹⁸ *Id.* at 55, 63.

¹⁹ *Id.* at 15.

²⁰ *Id.* at 31, 64; Although HUD limits the extent to which an individual’s criminal history can be a factor in denying a housing application, discriminatory practices continue. Helen R. Kanovsky, *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, U.S.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (2016),

https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF.

²¹ *Housing Not Handcuffs*, *supra* note 3, at 64.

people, who lack a physical address, do not receive notice of relevant hearings and wind up incarcerated as a result.²² Similarly, civil penalties such as trespass bans or other geographic restrictions can result in arrests for violations of those bans, even when homeless people have no option but to re-enter forbidden areas in order to access needed food, shelter, or services.²³ Moreover, unpaid civil tickets can mar a person's credit history and thus be a direct bar to housing access in competitive rental markets where credit history is a factor in tenant selection.²⁴ In this way, civil penalties can prevent homeless people from accessing the very housing that they need to move from outdoor public spaces to indoor private ones.²⁵

Finally, by preventing homeless individuals from engaging in life-sustaining activities, quality of life laws inculcate and perpetuate the notion that the lives of homeless individuals are less important than the lives of the general population. This dehumanization, in turn, makes homeless individuals more vulnerable to violence. According to the National Coalition for the Homeless, each year approximately 13,000 unhoused individuals die as a result of violence.²⁶ For example, between 2013 and 2017, Denver saw a 42% increase in the number of reported crimes against homeless individuals.²⁷

2. Criminalizing Homelessness Jeopardizes Public Health.

There is no doubt that homelessness is a serious public health concern. Indeed, homeless individuals have higher rates of chronic physical and mental health conditions, increased rates of

²² *Id.* at 52.

²³ *See id.*

²⁴ *See id.*

²⁵ *See id.*

²⁶ Annie Leomporra & Megan Hustings, *Vulnerable to Hate: A Survey of Bias-Motivated Violence Against People Experiencing Homelessness in 2016-2017*, NAT'L COAL. FOR THE HOMELESS 9 (2018), <https://nationalhomeless.org/wp-content/uploads/2018/12/hate-crimes-2016-171.pdf>.

²⁷ *Housing Not Handcuffs*, *supra* note 3, at 66.

morbidity and mortality, and related diseases and co-occurring disorders.²⁸ And with the lack of access to the most basic of human needs, including running water, toilets, and trash disposal, infectious diseases—like COVID-19—can spread quickly.²⁹ For example, homeless individuals contract tuberculosis at a rate that is *forty* times higher than that of the general population.³⁰ Indeed, according to the American Medical Association (“AMA”), while only 20% of the general population visits an emergency room annually, nearly two-thirds of homeless individuals do.³¹ Quality of life laws only serve to exacerbate these public health problems.³²

In particular, bans on lying down, sitting, and sleeping lead to chronic sleep deprivation, which, in turn, is linked to immune suppression, hypertension, diabetes, obesity, and

²⁸ *Id.* at 68.

²⁹ *See, e.g.*, Catherine Kim, *During the Covid-19 pandemic, nowhere is safe for homeless people*, VOX (Mar. 18, 2020, 1:10PM), <https://www.vox.com/2020/3/18/21183812/covid-19-coronavirus-homeless>. (“The homeless population’s lack of stable shelter, access to proper hygiene, and basic food supplies makes them a particularly vulnerable group during the COVID-19 pandemic, which requires people to stockpile groceries and practice social distancing in order to slow down the spread of the virus.”)

³⁰ *Housing Not Handcuffs*, *supra* note 3, at 68.

³¹ Sara Berg, *Homeless people need more help, not stays in jail: AMA*, AMERICAN MEDICAL ASSOCIATION (Jun. 12, 2019), <https://www.ama-assn.org/delivering-care/population-care/homeless-people-need-more-help-not-stays-jail-ama>.

³² The AMA has, in fact, adopted the following policy:

- Support laws protecting the civil and human rights of individuals experiencing homelessness.
- Oppose laws and policies that criminalize individuals experiencing homelessness for carrying out life-sustaining activities conducted in public spaces that would otherwise be considered noncriminal activity (i.e.,] eating, sitting or sleeping) when there is no alternative private space available.
- Recognize that stable affordable housing is essential to the health of individuals, families and communities.
- Support policies that preserve and expand affordable housing across all neighborhoods

Id.

cardiovascular disease.³³ Likewise, uprooting homeless individuals—without providing them with basic sanitation and waste disposal needs—does nothing more than shift a public health crisis from one location to another, thereby potentially endangering the health of the public in both locations. This concern is particularly acute during the current COVID-19 pandemic. As the U.S. Centers for Disease Control and Prevention (the “CDC”) explained in its *Interim Guidance for Responding to Coronavirus Disease 2019 (COVID-19) among People Experiencing Unsheltered Homelessness*:

Unless individual housing units are available, do not clear encampments during community spread of COVID-19. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.³⁴

3. Punishing Homelessness Wastes Limited Public Resources.

Enforcing quality of life laws is a staggeringly expensive endeavor nationwide that diverts already scarce resources from efforts that provide services to homeless individuals and that reduce unsheltered homelessness. The City of Los Angeles, for example, spends \$50 million annually policing criminal and civil quality of life laws.³⁵ By contrast, the City of Los Angeles spends only \$13 million on providing housing and services to the country’s largest unsheltered population.³⁶ Likewise, a Seattle University study found that the cost to the City of

³³ *Housing Not Handcuffs*, *supra* note 3 at 69.

³⁴ Centers for Disease Control and Prevention, *Interim Guidance for Responding to Coronavirus Disease 2019 (COVID-19) among People Experiencing Unsheltered Homelessness* (2019), <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html> (last visited Mar. 26, 2020).

³⁵ Gale Holland, *L.A. Spends \$100 Million a Year on Homelessness, City Report Finds*, LOS ANGELES TIMES, Apr. 16, 2015, <https://www.latimes.com/local/lanow/la-me-ln-homeless-cao-report-20150416-story.html>.

³⁶ *Housing Not Handcuffs*, *supra* note 3, at 71.

Seattle of enforcing just *one* of its six quality of life laws was \$2.3 million dollars over five years.³⁷ And in 2014, the City of Denver spent \$742,790 enforcing its quality of life laws.³⁸

Clearances of homeless encampments (often referred to as “sweeps” or “clean-ups”) are also expensive. Indeed, sweeps drain millions of dollars from governments across the country each year. Los Angeles, for example, spends over \$30 million per year on sweeps.³⁹ Sweeps are not only expensive, they are also wasteful of precious public resources. Because they cannot afford housing—or even access temporary emergency shelter in most instances—homeless people subject to an encampment sweep simply move to other public space that will inevitably lead to yet another sweep. The cycle repeats in a downward spiral, expending resources for no long-term gain, and, in fact, leaving many homeless persons worse off for having lost their personal property, connection to outreach workers or other social service providers, or protective social networks as a result of the sweep. Indeed, research shows that homeless people who are simply displaced from their encampments to other public space, rather than to housing, are often left in more dangerous environments and situations.⁴⁰

C. The Relief Sought by Plaintiffs Will Not Leave Grants Pass with a “Hobson’s Choice.”

Contrary to the Cities’ protestations, the relief that Plaintiffs are seeking will not force Grants Pass to “abandon any enforcement of camping and sleeping regulations.” Cities Br. at 4. Nor will granting relief to Plaintiffs limit Grants Pass’ ability to enforce laws that actually further

³⁷ Howard et al., *supra* note 16, at iii.

³⁸ Rachel A. Adcock et al., *Too High A Price: What Criminalizing Homelessness Costs Colorado*, UNIVERSITY OF DENVER STRUM COLLEGE OF LAW: HOMELESS ADVOCACY POLICY PROJECT 25 (Feb. 16, 2016), <https://www.law.du.edu/documents/homeless-advocacy-policy-project/2-16-16-Final-Report.pdf>.

³⁹ *Housing Not Handcuffs*, *supra* note 3, at 71.

⁴⁰ See Chris Herring et al., *Pervasive Poverty: How the Criminalization of Poverty Perpetuates Homelessness*, 67 Social Problems 131 (2019), <https://static1.squarespace.com/static/5b391e9cda02bc79baffebb9/t/5cc1c0569140b7fb43b1af44/1556201561950/Pervasive+Penalty+social+problems+%281%29+%281%29.pdf>.

public health and safety, such as laws restricting littering, public urination or defecation, obstruction of roadways, possession or distribution of illicit substances, harassment, or violence. Grants Pass would retain a large toolbox for regulating use of and conduct in public space. Instead, and in line with the seminal *Martin* decision, 920 F.3d at 615-16, Plaintiffs are simply seeking to stop the enforcement of quality of life laws against homeless individuals in Grants Pass who are engaged in innocent, universal, and unavoidable acts of survival in public space when they lack access to any indoor alternatives.

Further, Plaintiffs are not seeking to have Grants Pass provide shelter to all of the involuntarily homeless individuals in Grants Pass. Third Amended Complaint at 18-19. As stated by the Ninth Circuit in *Martin*, “[p]eople with no place to live will sleep outside if they have no alternative.” 920 F.3d at 589. But, nothing in the *Martin* decision, nor in Plaintiffs’ request for relief would obligate Grants Pass to redirect public resources currently wasted on enforcing ineffective and harmful quality of life laws to investment in housing and services that have reduced unsheltered homelessness in other communities.

1. Law Enforcement Officers Do Not Need To Be – And Should Not Be – The First Responders.

Implicit in the Cities’ argument that the relief sought by Plaintiffs will “set precedent for a hopelessly unworkable framework,” Cities Br. at 3, is the assumption that law enforcement officers have to be the first points of contact with homeless individuals. *Id.* at 6-7 (“[I]t is impossible for a law enforcement officer on the street to reliably determine whether someone is involuntarily homeless”). But this is simply not the case.

Indeed, for more than thirty years, an organization called CAHOOTS (“Crisis Assistance Helping Out on the Streets”) has been providing free “immediate stabilization in case of urgent medical need or psychological crisis, assessment, information referral, advocacy [and] (in some

cases) transportation to the next step in treatment” to the people of Eugene, Oregon.⁴¹ CAHOOTS, which operates 24/7, is “designed to provide an alternative to law enforcement whenever possible.”⁴² As Lt. Ron Tinseth of the Eugene Police Department explained, the program “allows police officers to . . . deal with real crime” while also “offer[ing] a different service that is really needed.”⁴³ Each CAHOOTS team consists of an experienced crisis worker and either a nurse or an EMT.⁴⁴ These individuals are dispatched through local police departments.⁴⁵ In 2018, CAHOOTS responded to nearly 23,000 calls in Eugene and Springfield, Oregon.⁴⁶ According to Eugene’s CAHOOTS program manager, CAHOOTS handles “almost 20% of the entire public safety call volume.”⁴⁷ And, the program is cost-effective. As *The Wall Street Journal* explained in a November 2018 article:

Cahoots now has 39 employees and costs the city around \$800,000 a year plus its vehicles, a fraction of the police department’s \$58 million annual budget.⁴⁸

Cities and law enforcement departments across the country are taking notice of CAHOOTS.⁴⁹ For example, on January 15, 2020, the San Francisco Police Commission

⁴¹ CAHOOTS, <https://whitebirdclinic.org/cahoots/> (last visited Mar. 26, 2020); Mobile Crisis Services in Eugene and Springfield, *White Bird Clinic CAHOOTS*, https://whitebirdclinic.org/wp-content/uploads/2019/04/11x8.5_trifold_brochure_cahoots.pdf.

⁴² Mobile Crisis Services in Eugene and Springfield, *supra* note 39.

⁴³ Zusha Elinson, *When Mental-Health Experts, Not Police, Are the First Responders*, THE WALL STREET JOURNAL (Nov. 24, 2018), <https://www.wsj.com/articles/when-mental-health-experts-not-police-are-the-first-responders-1543071600>.

⁴⁴ Mobile Crisis Services in Eugene and Springfield, *supra* note 39.

⁴⁵ *Id.*

⁴⁶ Omar Villafranca, *An alternative to police: Mental health team responds to emergencies in Oregon*, CBS NEWS (Oct. 23, 2019, 6:48PM), <https://www.cbsnews.com/news/mental-health-team-responds-to-emergencies-oregon-alternative-to-police-2019-10-23/>.

⁴⁷ *Id.*

⁴⁸ Elinson, *supra* note 43.

⁴⁹ See, e.g., LJ Dawson, *Denver looks to take cops out of mental health-related 911 rescues*, THE DENVER POST (Oct. 11, 2019) <https://www.denverpost.com/2019/10/11/denver-police-cahoots-mental-health/> (“Denver police and community service providers visited Eugene, Ore., in May to

unanimously adopted a resolution entitled “Resolution for Effective Response to Homelessness And Complaints Regarding Presence of Homeless People.” The resolution acknowledged the following:

WHEREAS, a report issued by the Budget and Legislative Analyst’s Office in May, 2016 found that police officers dispatched to incidents related to quality of life laws produced limited results given the increase in homelessness on the streets and recommended that the Board of Supervisors should consider implementing a new strategy to address these issues that shifts response to quality of life incidents from the Police Department to other City agencies, including the Department of Homelessness and Supportive Housing

WHEREAS alternative models exist such as Crisis Assistance Helping Out on the Streets or “CAHOOTS,” a mobile crisis intervention response and support team located in Eugene, Oregon, in which health workers, instead of police, act as first responders

The resolution went on to conclude:

RESOLVED, that the San Francisco Police Commission calls on the Board of Supervisors and the Mayor’s Office to convene a current or new stakeholder group that should include the departments of Homelessness and Supportive Housing, Public Health, the Police Department, other related departments, community organizations and those personally impacted by homelessness tasked with developing alternatives to a police response to homelessness.

RESOLVED, that this stakeholders group explore alternatives to a police response that exist in the United States and other Countries and weigh the feasibility of implementation of such programs locally.⁵⁰

Grants Pass could easily follow suit and develop a similar program.

shadow CAHOOTS teams. Denver police officials said they are considering the model as an option to push beyond their existing co-responder program that sends mental health professionals on about six 911 calls a day.”); Villafranca, *supra* note 46 (“City leaders from Oakland, Olympia, Washington and even New York City are all considering similar pilot programs.”).

⁵⁰ City and County of San Francisco – January 15, 2020 Meeting, SFGovTV (Jan. 15, 2020), https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=21&clip_id=34938&meta_id=785528; SAN FRANCISCO POLICE COMMISSION, RESOLUTION FOR EFFECTIVE RESPONSE TO HOMELESSNESS AND COMPLAINTS REGARDING PRESENCE OF HOMELESS PEOPLE (2020), <https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/PoliceCommission011520-ResolutiononHomelessnessResponseDraft07JAN20.pdf>.

2. Improved Law Enforcement Officer Training Can Save Money.

The National Law Center acknowledges that developing and implementing a program like CAHOOTS will take some time. But the relief that Plaintiffs seek should not be delayed until such a program is off the ground. Instead, there is a simple, but effective, near-term measure that Grants Pass can take. Specifically, Grants Pass should work with local homeless services experts and mental health professionals to develop training programs that cover techniques and tools for interacting with homeless individuals and for deescalating mental health crises. For example, “[i]n contrast to police officers who typically seek to project authority at all times, CAHOOTS employees dress in black sweatshirts . . . and speak in calm tones with inviting body language.”⁵¹ These trainings should be offered to law enforcement officers, firefighters, and 911 dispatchers. As one CAHOOTS employee, who used to be a firefighter explained, “I’ve learned ways to make myself smaller.”⁵² Seemingly small changes like that can make a big difference. As *The Wall Street Journal* noted:

Gary Marshall, a 64-year-old who previously lived on the streets of Eugene, said the police approach was “name, serial number and up against the van.” In contrast, when he was having one of his frequent panic attacks, Cahoots counselors would bring the him inside and talk him down, he said.⁵³

Such trainings have also been proven to be effective in Miami-Dade County, Florida. Specifically, “providing mental health de-escalation training to [its] police officers and 911 dispatchers enabled [the county] to divert more than 10,000 people to services or safely stabilizing situations without arrest.”⁵⁴ The number of people in jail, in turn, fell by nearly 49%,

⁵¹ Elinson, *supra* note 43.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Housing Not Handcuffs*, *supra* note 3, at 98

which allowed the county to close an entire jail facility, thereby saving nearly \$12 million a year.⁵⁵

CONCLUSION

For these reasons, Amicus respectfully requests that this Court grant Plaintiffs' motion for summary judgment.

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⁵⁵ *Id.*

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2020, I filed the foregoing document using the Court's CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

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