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21 UNITED STATES DISTRICT COURT
 22 FOR THE CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

23 **ORANGE COUNTY CATHOLIC**
 24 **WORKER**, an unincorporated
 25 association; Lisa Bell, Shawn Carroll,
 26 Melissa Fields, Larry Ford, Cameron
 27 Ralston, Kathy Schuler, Gloria
 28 Shoemake, as individuals;

Plaintiffs,

v.

ORANGE COUNTY, the City of
 Anaheim, the City of Costa Mesa, and
 the City of Orange,

Defendants.

Case No.:
 Civil Rights Complaint
 42 U.S.C. § 1983:First, Fourth, Fifth,
 Eighth and Fourteenth Amendments;
 Cal. Const. Article I, Sections 7 and 13;
 Cal. Civ. Code § 52.1.

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1 **JURISDICTION AND VENUE**

2 1. This is an action for injunctive and declaratory relief and damages
3 pursuant to 42 U.S.C. § 1983 based upon the violations of Plaintiffs’ rights under
4 the First, Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States
5 Constitution. Jurisdiction exists pursuant to 28 U.S.C. § 1331 and 1343 based on
6 42 U.S.C. §1983 and questions of federal constitutional law. Jurisdiction also
7 exists under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202. The
8 Court has jurisdiction over Plaintiffs’ supplemental state law claims for declaratory
9 and injunctive relief pursuant to 28 U.S.C. § 1367(a).

10 2. Venue is proper in the Southern Division of the Central District in that
11 the events and conduct complained of herein all occurred in Orange County.

12 **PRELIMINARY STATEMENT**

13 3. Over the past year, Orange County, Anaheim, Orange, and Costa
14 Mesa, have taken actions to force unhoused people into the area of the Santa Ana
15 Riverbed between the Santa Ana Freeway and Ball Road. Now, the County is
16 taking steps to push those people back into the surrounding cities without a plan
17 for housing or shelter. The failure, if not the outright refusal, of Orange County
18 and its cities to adopt positive measures to address the housing crisis and the
19 willingness to criminalize the mere act of existing in public spaces takes a toll on
20 the County’s most vulnerable people. At every opportunity the County and its
21 cities have invested in enforcement instead of housing, blaming other entities for
22 the problem, and leaving unhoused people nowhere to turn, nowhere to live, and
23 nowhere to sleep.

24 4. The consequences of the county and municipal governments’
25 abdication of responsibility are significant. Deaths of homeless people in Orange
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1 County reached an all-time annual high of 210 in 2017.¹ These deaths come after
2 a decade of indifference by government officials. In 2008, Orange County
3 recognized the desperate need to address these issues and formed the Orange
4 County Ten-Year Plan to End Homelessness Working Group “to serve and protect
5 the homeless . . .”² With no serious effort to implement an actual plan, the
6 homeless population in the County continued to grow. In the 2017 Point-in-Time
7 Count, the County estimated that there were 4,792 homeless people, 2,584 of
8 whom were unsheltered and could find no shelter space. This number included
9 357 veterans.² More than half of the 2017 sheltered population was in emergency
10 shelters with the remainder in “transitional shelter.” By the county’s own
11 estimates, the homeless population has increased between 5 and 7 percent annually
12 over the last five years. On information and belief, Plaintiffs allege that the current
13 homeless population exceeds 5,000 individuals.

14 5. In 2017, with an increasing homeless population and no investment in
15 solutions, the County renamed the Commission to End Homelessness and ended all
16 reference to ending homelessness by 2020. As a part of that change, critical
17 stakeholders, including homeless people and service providers, were removed from
18 the Commission.

19 6. This re-focus away from ending homelessness came at a time when
20 affordable housing in Orange County was increasingly rapidly disappearing.
21 According to the homeless assessment completed in October 2016 by Susan Price,
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25 ¹ [https://www.ocregister.com/2017/12/19/210-homeless-people-who-died-in-
orange-county-the-past-year-will-be-remembered-at-an-interfaith-service-here-are-
their-names/](https://www.ocregister.com/2017/12/19/210-homeless-people-who-died-in-orange-county-the-past-year-will-be-remembered-at-an-interfaith-service-here-are-their-names/)

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28 ² [http://ochmis.org/wp-content/uploads/2012/10/PIT-Final-Report-2017-
07.24.17.pdf](http://ochmis.org/wp-content/uploads/2012/10/PIT-Final-Report-2017-07.24.17.pdf)

1 the Orange County Care Coordinator, 64% of jobs available in Orange County in
2 2016 did not pay enough for a person to afford a one-bedroom apartment, rents
3 increased dramatically in 2016, and the Orange County affordable housing stock
4 declined in the face of gentrification in formerly low-income neighborhoods across
5 Orange County. The report issued by the federal Housing and Urban Development
6 (“HUD”) department on June 1, 2017, found that the vacancy rate in Anaheim,
7 Santa Ana, and Irvine declined from 2010 to 2017 from 5.9 % to 3.6%, and
8 average rents rose 3% in May 2017.³ With almost 90,000 people on the housing
9 authority waiting lists hoping for access to affordable housing⁴, the housing
10 resources remain woefully insufficient.

11 7. These conclusions were recently reinforced in a 2017 report issued by
12 United Way, prepared in coordination with the University of California Irvine and
13 the Association of California Cities. The report, “Homelessness in Orange
14 County: The Costs to Our Community,” found that 75 percent of the homeless
15 individuals surveyed lived in Orange County for at least six years, with most more
16 than 10 years.⁵ Cutting against the usual stereotypes that homeless individuals are
17 substance abusers or mentally ill, the United Way report found that the single
18 greatest factor leading to homelessness in Orange County, by far, is “the gap
19 between the availability of affordable housing and work that pays a wage sufficient
20 to enable the economically marginal to access that housing.”⁶

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23 ³ U.S. Dept. of Housing and Urban Development, Office of Policy Development and
24 Research, *Comprehensive Housing Market Analysis Anaheim-Santa Ana- Irvine,*
25 *California*, <https://www.huduser.gov/portal/publications/pdf/AnaheimCA-comp-17>.

26 ⁴ Susan Price, *An Assessment of Homeless Services in Orange County*,
27 <http://bos.ocgov.com/ceo/care/HOMELESS%20ASSESSMENT%20DCC%20REPO>
28 [RT_10.18.2016.pdf](http://bos.ocgov.com/ceo/care/HOMELESS%20ASSESSMENT%20DCC%20REPO), pg. 21

⁵ *Homelessness in Orange County: The Costs to Our Community*, available at
unitedwayoc.org/wp-content/uploads/2017/08/united-way, p. 31.

⁶ *Id.*, p. 34.

1 8. Both the Price Report for the County and the United Way report agree
2 that economic disparity is the primary cause of homelessness in the region. Despite
3 the fact that the vast majority of the unhoused population in the County is in this
4 situation through no fault of their own, the response of the government entities has
5 been to punish poverty. Nearly every City in the County criminalizes
6 homelessness through ordinances that make it unlawful to be present, sit or sleep in
7 a public place even if a person is without a home. To avoid harassment and
8 incarceration for violating these and similar laws criminalizing the basic
9 necessities of living, many people move to locations such as the Santa Ana
10 Riverbed, hoping that law enforcement will not interfere or harass them while they
11 try to survive.

12 9. In addition to the Riverbed encampment, another 200 people are
13 unsheltered at the Santa Ana Civic Center. The unhoused population at this
14 location was nearly 500 people until late 2016 when the joint city and County
15 authorities incrementally evicted each smaller encampment in the Civic Center.
16 This action followed Santa Ana and Orange County blaming each other for the
17 failure to address this crisis and calling for the County's first year round
18 emergency shelter⁷. In the meantime, more than half of the people who occupied
19 the Civic Center in 2016 moved to the Santa Ana Riverbed. While the County did
20 open the Courtyard, an emergency shelter in Santa Ana, it was inadequate to meet
21 the needs of the unhoused population and quickly filled to double the approved
22 capacity nightly, with people dropped off there by hospitals, various cities' police,
23 social workers, and others with nowhere else to bring homeless people.

24 10. The need to respond to the increasing numbers of unsheltered
25 individuals in Orange County is hardly new and neither is the approach of
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28 ⁷ <https://www.ocregister.com/2016/09/08/santa-ana-declares-homeless-camp-at-civic-center-a-public-health-crisis-wants-more-security/>

1 criminalizing - rather than housing - people who are homeless. More than a decade
2 ago, the Orange County Grand Jury issued a report on “The Homeless Crisis in
3 Orange County.” The report noted then that “[h]omelessness is on the rise, often
4 misunderstood, and is inextricably linked to poverty.” From 1990 to 2005 the
5 homeless population increased at a far greater rate than the overall increase in
6 population in the County. The Grand Jury report concluded that addressing the
7 problem “does not appear to be a priority with the Board of Supervisors.” The
8 Grand Jury listed a series of measures to address the crisis then being considered
9 by various municipal entities in the County, including plans to add housing for
10 homeless individuals at the former El Toro Marine Air Station; shelters in San
11 Clemente, Buena Park, Westminster, La Habra and Cypress, and a very
12 “humanistic” outreach approach by the Santa Ana Police Department and Orange
13 County Sheriff’s Department. A dozen years later, few, if any, of these intentions
14 have been realized.

15 11. The 2005 Grand Jury Report also reviewed the history of
16 recommendations in similar reports, going back to 1988. The 2005 Report
17 concluded that few of the earlier recommendations had been implemented. The
18 Grand Jury report demonstrates that, over the past 25 years, the primary response
19 of the County and the Cities has been to invest in approaches that address the
20 visible presence of homeless people as a blight, without significantly reducing the
21 number of residents on the street each night. These approaches include
22 criminalizing homelessness by arresting homeless individuals for loitering, making
23 it illegal to sleep in public places at night, seizing and destroying homeless
24 people’s property, and engaging in a pattern of warrantless stops and
25 interrogations. The identical practices have been repeatedly challenged and
26 enjoined by judges of the Central District in Los Angeles and the Ninth Circuit,
27 uniformly rejecting these practices criminalizing homelessness as a violation of the
28 First, Fourth, Eighth and Fourteenth Amendments. There is no credible reason

1 why Orange County and local cities' officials would not be aware of the judicial
2 rulings on these issues because they have been highly publicized throughout the
3 region, if not the nation, and discussed at public meetings of these entities.

4 12. The County and Cities' approach is even more indefensible when
5 viewed against the directives issued by the United States Interagency Council on
6 Homelessness ("USICH"), composed of nineteen federal cabinet and agency heads
7 to organize federal efforts to end homelessness. The most recent USICH report,
8 "Ending Homelessness for People Living in Encampments," is directly on point
9 and counter to the approach taken by the County to the Plaintiffs and other
10 homeless individuals forced to live along the river in large part because of the
11 government's failures over decades.

12 13. Specifically, the USICH underscored that "forced dispersal" of
13 homeless encampments is inappropriate and undermines the goal of providing
14 services to homeless individuals. While the USICH underscored the importance of
15 "intensive and persistent outreach and engagement," the County has instead opted
16 to disperse the encampment by telling homeless people that they are no longer
17 permitted to camp in the riverbed and will be cited or arrested for trespass if they
18 remain, forcing them to move out into the streets of nearby cities including
19 Anaheim, Orange, and Costa Mesa. Similarly, the Cities have dispersed
20 encampments, telling people that they are not welcome in the city, their mere
21 presence is a crime, and they will be ticketed or arrested if they remain. Until now,
22 the Cities have coupled their threats with a direction to relocate to the area along
23 the river.

24 **FACTS**

25 14. In February 2017, an action was filed in the U.S. District Court
26 concerning the County's earlier enforcement actions against approximately 1,000
27 individuals living in the Riverbed. *See Schuler v. County of Orange*, No. 8:17-cv-
28 00259 DOC KES, (C.D. Ca. 2017) [Dkt. #1]. On March 7, 2017, the parties

1 stipulated to, and the Court granted, a preliminary injunction to prevent the County
2 from violating individuals' constitutional rights in a designated area of the
3 Riverbed just north of the Santa Ana Freeway and south of Ball Road ("the
4 Injunction Area."). [Dkt. #30] The area designated in the preliminary injunction
5 and in the settlement subsequently reached by the parties is the same area at issue
6 in this action.

7 15. After the settlement in *Schuler*, the County contracted with City Net
8 to provide services to people in the Injunction Area. In July 2017, City Net
9 surveyed 422 people of those then living there. Of those interviewed, 81.2% were
10 interested in having City Net become their case managers and seek housing and
11 services for them. When asked where they lived previously, 25% reported they
12 were from Anaheim, approximately 11% were from Santa Ana, and 9.7% were
13 from Orange. Since this survey was done, the population in the Santa Ana
14 Riverbed has increased, as people have been moved from other areas into the
15 Injunction Area at the direction of the County.

16 16. In the year since the injunction issued, the County failed to take steps
17 to provide a safe environment for the unsheltered population in the Riverbed or to
18 find alternative locations. The public discussions of the Board of Supervisors
19 underscore that the County's preferred approach was criminalization.

20 17. In June 2017, the County began to discuss providing basic necessities
21 in the Injunction Area of drinking water, mobile showers, and even night access to
22 the one public restroom in the area. Ultimately, the County determined not to
23 provide most of these facilities and did not provide nighttime access to the
24 restroom. In addition, although the County agreed to provide plastic bags to assist
25 with trash pick-up in the Injunction Area, this was done in an inconsistent and
26 insufficient manner.

27 18. In August 2017, Orange County Public Works made public a plan to
28 change the topography of the Riverbed in order to make it "less desirable for

1 occupation.” The Public Works presentation showed how the use of rocks in the
2 Santa Ana Riverbed effectively made the area impossible for a person to lie down
3 and sleep. Again, the County chose to invest in harassment instead of solutions.⁸
4 The County made clear that the primary reason for the Riverbed project was to use
5 rocks and large boulders to exclude the flat land from use by homeless persons.

6 19. In September 2017, Supervisor Nelson drafted a plan to use County
7 land in Irvine as a temporary shelter. The Board of Supervisors rejected that plan
8 and instead voted to develop that land into a massive new project containing luxury
9 condominiums and upscale retail shops.⁹

10 20. While the County rejected measures to address homelessness, the
11 Cities were taking similar actions. In August 2017, Anaheim City Council
12 considered community requests to install restrooms near the Santa Ana Riverbed
13 and offers of organizers to provide and maintain those restrooms. Anaheim
14 rejected the proposal and stated that the County should take responsibility for the
15 needs of the people sleeping on County property.¹⁰

16 21. In September 2017, the Anaheim City Council passed “Operation
17 Home Safe,” put forward as a comprehensive program to address homelessness
18 along the Santa Ana Riverbed. A main goal of the program was to identify
19 locations for at least 500 shelter beds or other housing options. Additionally, the
20 City of Anaheim committed to expediting the availability of 100 more beds at the
21 Bridges shelter. To date, neither of those things has happened. The only part of the
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24 ⁸ <https://voiceofoc.org/2017/08/county-used-rock-riprap-sand-to-make-santa-ana-riverbank-less-desirable-for-occupation/>

25 ⁹ <https://www.ocregister.com/2017/11/06/orange-county-to-finalize-plan-for-great-park-condo-retail-development-as-irvine-threatens-lawsuit/>

26 <https://www.youtube.com/watch?v=lx3CSQnIJsM>

27 ¹⁰ <http://www.scpr.org/news/2017/08/29/75117/anaheim-to-consider-portable-toilets-for-homeless/>
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1 plan that was implemented over the last four months involved significantly
2 increased police enforcement.¹¹

3 22. In September 2017, Orange Council Member Alvarez announced that
4 the City would be reviewing its loitering, vagrancy, and panhandling laws to
5 strengthen them to provide the police with more tools to combat homelessness.¹²

6 23. There is no question that the Defendants, along with other Cities, have
7 coordinated enforcement actions against unhoused individuals living in the
8 Riverbed. On September 5, 2017, Anaheim Police Chief Quezada met with
9 command staff from the Fountain Valley, Orange and Santa Ana Police
10 Departments, along with the Orange County Sheriff's Department. Representatives
11 from these law enforcement groups met again a few days later to discuss
12 coordination of deployment schedules for enforcement in the Riverbed. As part of
13 this plan, the Anaheim Police Department implemented bike patrols on the
14 Riverbed and assigned additional officers to patrol in the Injunction Area. On
15 information and belief, the Orange County Sheriff's Department is the lead agency
16 for this coordinated enforcement action.
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18 24. On October 26, 2017, the County Flood Control District announced
19 that restricted hours for bike trail access in Fountain Valley and complete closure
20 of public access to the west side of the Riverbed in Fountain Valley. More than
21 100 unhoused residents of Fountain Valley were living along the West bank of the
22 Riverbed at the time as the area was next to a public storage facility and an area
23 where they would not be impeding traffic. It was a location where they thought
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27 ¹¹ <https://www.ocregister.com/2017/09/13/after-anaheim-declares-a-state-of-emergency-homeless-along-river-bed-ponder-whats-next/>

28 ¹² <https://www.ocregister.com/2017/09/13/after-anaheim-declares-a-state-of-emergency-homeless-along-river-bed-ponder-whats-next/>

1 they would avoid harassment by law enforcement. The majority of this community
2 came to the Riverbed after being forced out of nearby cities including Costa Mesa,
3 and then slowly moved north in the Riverbed as the County closed parts of the
4 Riverbed for a series of maintenance projects.¹³

5 25. The Orange County Sheriff and Public Works employees began
6 clearing the Fountain Valley area on November 3, 2017 by announcing to people
7 that they would not be allowed to remain, and threatening people with citation.
8 The County employees told people that the Injunction Area would not be impacted
9 by the change in hours or closure.

10 26. In fact, at that time, one of the Public Works employees told a local
11 activist to hurry and move the people residing in the Fountain Valley Riverbed to
12 the Injunction Area. He stated that the Fountain Valley bike trail was now closed
13 to the public at night, but that people could continue to reside in the Injunction
14 Area.

15 27. A large group of people from Fountain Valley relocated and
16 reconstituted their community near Katella Road by the bike trail.

17 28. The relocation of persons from Fountain Valley and other areas of the
18 Riverbed systematically closed by Defendants increased the number present in the
19 Injunction Area significantly. There are an estimated 800 to 1,200 people living in
20 the Riverbed now.

21 29. At about the same time, the County contracted with private security to
22 prevent homeless people from entering the Santa Ana Riverbed during the newly-
23 restricted hours outside the Injunction Area.¹⁴ At about the same time, the City of
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27 ¹³ <https://voiceofoc.org/wp-content/uploads/2017/10/County-Announces-Active-Enforcement-of-Public-Hours-Along-Santa-Ana-River-Trail-FINAL.pdf>

28 ¹⁴ <https://www.ocregister.com/2017/11/14/orange-county-to-hire-private-guards-to-help-enforce-riverbed-curfew-that-displaced-homeless/>

1 Orange hired private security to patrol its parks in the evenings to prevent
2 homeless individuals from sleeping at those locations. By January 2018, Anaheim
3 also hired private security to police the homeless.¹⁵

4 30. On January 8, 2018, two months after Public Works relocated
5 approximately 100 homeless individuals from the Fountain Valley area to the
6 Injunction Area, the agency announced that it would clear the Injunction Area as
7 well.¹⁶ The County decided on this plan long before January; however, less than
8 two weeks' notice was given for people to relocate.

9 31. The "Work Notice" posted by the Orange County Public Works
10 Department on January 8th during the years first rain, stated that the bike trail
11 would be closed to public access beginning January 22, 2018 at 6:00 a.m. It
12 warned that unauthorized persons remaining in the "Work Area" would be "subject
13 to citation and prosecution for trespass."

14 32. The Work Area, as explained by the Notice, encompasses the entire
15 "Injunction Area" agreed to in *Schuler*. Area #1 includes the West Bank of the
16 Santa Ana River Channel, between the Santa Ana Freeway (the 5 Freeway) and
17 Katella Avenue. Area #2 includes the East Bank of the Santa Ana River Channel,
18 between Katella Avenue and Ball Road/Taft Avenue.

19 33. County memoranda make clear that after the work in the Riverbed is
20 complete, homeless people will not be allowed to return, even if they could find a
21 flat piece of ground. The new hours for the bike path, as set by the Director of the
22 Flood Control District, will be 7:00 AM to 6:00 PM in the winter and 7:00 AM to
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27 ¹⁵ [https://www.ocregister.com/2018/01/23/anaheim-adds-security-as-officials-
brace-for-homeless-exodus/](https://www.ocregister.com/2018/01/23/anaheim-adds-security-as-officials-brace-for-homeless-exodus/)

28 ¹⁶ [https://www.ocregister.com/2018/01/04/orange-county-plans-to-clear-entire-
riverbed-homeless-encampment-within-weeks-officials-say/](https://www.ocregister.com/2018/01/04/orange-county-plans-to-clear-entire-riverbed-homeless-encampment-within-weeks-officials-say/)

1 9:00 PM in the summer. There has been no public comment or hearing on this
2 change.

3 34. After the County announced in January that it would close the
4 Injunction Area, several surrounding cities took steps to prevent homeless
5 individuals from coming into their communities. The City of Orange quickly
6 distributed flyers and visited local housing and business facilities to request that
7 they notify law enforcement if they see homeless individuals in the City. The City
8 of Anaheim similarly announced that people currently in the Santa Ana Riverbed
9 cannot move into their city.¹⁷

10 35. As of January 19, 2018, City Net has 171 people in the Riverbed who
11 are actively seeking services from City Net but who are not yet placed in any
12 housing or shelter.¹⁸

13 14 15 **THE LACK OF ADEQUATE SHELTER**

16 36. The available shelter spaces in the County are woefully inadequate
17 both in number and accessibility to meet the needs of the unsheltered population.
18 By the County's own estimates, more than 2,500 people lacked any shelter in the
19 2017 Point-in-Time Count. The first year-round emergency shelter is at nearly
20 double its original intended capacity, making it extremely crowded and creating
21 barriers for disabled individuals. On a typical night, over 400 people sleep in very
22 close quarters in the repurposed bus terminal without walls. The first year-round

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25 ¹⁷ [https://www.ocregister.com/2018/01/21/orange-county-is-ready-to-clear-out-the-](https://www.ocregister.com/2018/01/21/orange-county-is-ready-to-clear-out-the-santa-ana-riverbed-homeless-encampment-but-where-and-exactly-when-will-they-go/)
26 [santa-ana-riverbed-homeless-encampment-but-where-and-exactly-when-will-they-](https://www.ocregister.com/2018/01/21/orange-county-is-ready-to-clear-out-the-santa-ana-riverbed-homeless-encampment-but-where-and-exactly-when-will-they-go/)
27 [go/](https://www.ocregister.com/2018/01/21/orange-county-is-ready-to-clear-out-the-santa-ana-riverbed-homeless-encampment-but-where-and-exactly-when-will-they-go/) (“In Anaheim, officials bracing for an influx of homeless people have reiterated
28 that their city – like 32 others in Orange County – . . . has an anti-camping ordinance that forbids pitching tents on sidewalks or in public parks.”)

¹⁸ <http://www.ocgov.com/civicax/filebank/blobdload.aspx?BlobID=71640> pg. 5

1 transitional shelter was scheduled to start operating by September 2016 with plans
2 for 200 beds by the end of 2017.¹⁹ Under immense pressure with the growing
3 homeless population, the County opened the first 100 beds months earlier in open
4 warehouse in May 2017. To date, the second hundred beds have not been realized.

5 37. The two emergency shelters are similarly inadequate and only operate
6 during winter months. This season, the Santa Ana Armory is open from October
7 30, 2017 until April 15, 2018 and the Fullerton Armory Shelter is only open from
8 December 1, 2017 until April 15, 2018. There is not enough room in these two
9 temporary shelters for the nearly 1000 people that live at the Riverbed. In little
10 more than two months, the Armories will not be available at all.

11 38. The Fullerton Armory has only 237 total spots, while the Santa Ana
12 Armory has only 200 spots. On information and belief, these two shelters were at
13 about half capacity prior to the beginning of the Riverbed clearance. Sleeping
14 facilities are limited to thin mats on the floor which are inaccessible for people
15 with wheelchairs or other mobility challenges because of the very close quarters in
16 most shelters that make it difficult, if not impossible, for people with mobility
17 challenges to sleep in this space, especially if the shelter rules prevent their
18 partners from helping them. Both of the emergency winter shelters prohibit couples
19 from staying together, do not allow support animals, and limit possessions to small
20 bags of belongings without a storage option for other property. Additionally, the
21 Armories only accept people who are able to come and go at the required hours.
22 For people who work, have to attend court or meet with service providers, the
23 restricted hours impose an additional hurdle to staying at the emergency shelters.

24 39. In 2017, the County opened the Bridges shelter in Anaheim. In order
25 to get into Bridges, a person must be referred by a non-profit partner social
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28 ¹⁹ <https://www.ocregister.com/2016/09/15/mercy-house-to-operate-year-round-anaheim-homeless-shelter/>

1 services agency and the individual must be staying within the northern cities of
2 Orange County, which include Anaheim and Orange, but not Costa Mesa. The
3 admission process for Bridges is daunting: a person must call a number to start the
4 intake process. That telephone number is usually busy and it can take hours, if not
5 days, to get through to the shelter. The first step is to provide information for a
6 background check that must be completed before admission. The homeless
7 individual must wait to receive a call back if they are approved and meet at a
8 pickup location at a specific time. The admission process is often so discouraging
9 that people give up after a few days of calling. If a person gains admission, they
10 can only stay at the Bridges shelter for a limited amount of time. If they are unable
11 to find regular housing at the end of six months, they are usually required to leave.

12 40. In 2016, the County opened the Courtyard – a converted bus terminal
13 that was initially approved for 200-250 people and now houses about 400 people
14 per night. This shelter is typically at or near double capacity and the only way to
15 get in is to show up and request entry. Because it is not near any other shelter, this
16 means that a person who shows up and is told that the Courtyard is full will likely
17 have no choice but to sleep outside because it is too late to find transportation and
18 get to any other shelter before it closes for the night.

19 41. In addition to the public shelters, there are a few private facilities in
20 the County. The Salvation Army runs the Hospitality House in Santa Ana with 25
21 beds for transitional housing and 25 beds for emergency shelter, all for men. A
22 requirement of staying in the Hospitality House is attendance at a meeting before
23 dinner during which a religious service with prayer is held. Clients must arrive
24 between 3:30 and 5:00 p.m. On almost all nights, the Hospitality House is at
25 capacity. To enter this shelter, a man must arrive by 3:30 in the afternoon to put his
26 name into a lottery. If he is not selected, he can wait until 5:00 to see if another
27 man misses curfew. There are almost always more applicants than beds. In January
28 2018, there were only between 2 and 12 beds available for the lottery each night.

1 42. Significantly, to stay at the Hospitality House you must be able-
2 bodied and employable. Service animals will only be admitted with federal
3 paperwork at the Hospitality House. No support animals are permitted.

4 43. Another shelter, Colette's House, is open only to women and children.
5 In this six-month transitional program, women are required to have a job and work
6 32 hours per week. No animals are allowed. Colette's House is usually at
7 capacity.

8 44. A further complication is that the plans the County has made for
9 storage make it difficult for people to accept shelter. Rather than transporting
10 property to storage near the shelters, the County is storing property near the
11 Riverbed. In order to accept shelter, the persons going to the Armory must leave
12 any excess property behind. The Fullerton Armory is two bus rides away and takes
13 more than an hour to reach without a car. Thus, it will be difficult for persons in
14 the Fullerton Armory to access their property at the Riverbed. Most of the shelters
15 in the County are a considerable distance from the Riverbed planned storage.
16

17 **PARTIES**

18 **PLAINTIFFS:**

19 **Orange County Catholic Worker**

20 45. Plaintiff Orange County Catholic Worker operates a community at
21 Isaiah House in Santa Ana. In furtherance of its mission, Isaiah House of the
22 Orange County Catholic Worker has served poor people with dignity since
23 1987, providing meals for the homeless, shelter, bags of food and clothing,
24 showers, and emergency assistance. Jordan Hoiberg is a member of the Orange
25 County Catholic Worker. Since joining the Catholic Worker, Mr. Hoiberg has
26 gone to encampments almost every day. He engages with each person he meets
27 and helps them connect with available resources. On some days he delivers food
28 and on others he brings books or tents.

1 46. Through his work in the Santa Ana Riverbed over the last year, he has
2 observed that an estimated 800 to 1200 people are currently in the area that will be
3 displaced by the planned action to close the Injunction Area. While providing
4 service in the riverbed, Mr. Hoiberg observed that the trash has not been removed
5 by the County on a regular and frequent basis. Homeless people regularly ask Mr.
6 Hoiberg if he can help them to get trash bags so they might clean. On some
7 occasions, Mr. Hoiberg has organized volunteers and purchased bags to help clean
8 the area.

9 47. Over the past year, Mr. Hoiberg has attended a number of local city
10 and county meetings where he observed decisions made to approve funds for
11 increases in law enforcement in the Riverbed. He has been present for council
12 meetings of the named Defendant governments where the agenda included
13 discussions of the homelessness crisis and the need for housing.

14 48. Carrying out the mission of the Catholic Worker, each time the
15 County decides to relocate the homeless population, Mr. Hoiberg organizes
16 volunteers and resources to help people move their belongings. In recent months,
17 he has been present and observed County employees direct people in other areas of
18 the Riverbed to move into the Injunction Area. With other volunteers, he has then
19 assisted these individuals to move their property to the Injunction Area. As each
20 adverse action is taken by the government, the Catholic Worker has had to shift
21 priorities to respond to these measures and provide additional resources for
22 homeless individuals targeted.

23 49. In 2017, he observed actions taken by the cities and county to exclude
24 homeless people from their jurisdictions, including removal of benches that
25 homeless individuals could lawfully sit on, restricting hours of parking to prevent
26 homeless individuals living in their vehicles in the area, increasing police and
27 private security presence, and other tactics to encourage people to leave the county.
28 Mr. Hoiberg is familiar with the area and available social services and does not

1 know of any place homeless individuals can relocate without violating laws against
2 camping on public places, placing property on public places, loitering and similar
3 ordinances. Part of Mr. Hoiberg's job with the Catholic Worker is to help at
4 Isaiah House. In that role, he has assisted women who came to Isaiah House from
5 the Bridges shelter and the Courtyard shelter. Based on his experience, he is aware
6 that there is a time limit for those in the transitional shelter at Bridges and that once
7 that time limit is reached, if the individual had not found other housing, she must
8 leave Bridges.

9
10 **Lisa Bell**

11 50. Plaintiff LISA BELL is homeless and physically disabled. In August
12 2007, she sustained severe nerve damage in her arms and hand, which developed
13 into a medical condition known as Complex Regional Pain Syndrome. She lost her
14 job and her sole source of income became Social Security Disability Insurance
15 (SSDI). With limited income, Ms. Bell could not afford her rent. She spent her
16 savings to cover her living expenses, still hoping that she would be well enough to
17 return to work soon.

18 51. Ms. Bell ultimately ran out of money, lost her home, and began living
19 in her vehicle in the City of Anaheim. While living in her vehicle, she had
20 approximately 30 interactions with Anaheim Police Officers who eventually forced
21 her out of the City of Anaheim. She was consistently told that she could not reside
22 in her vehicle and that she "better not be seen in Anaheim again." One day, her
23 vehicle was towed for allegedly having been parked on a public street for 72 hours.
24 In fact, her vehicle had been parked in one location for only four hours, but Ms.
25 Bell did not have the money to pay the towing and impound fee, nor the resources
26 to challenge the seizure of her vehicle.

27 52. Having no alternative, Ms. Bell now resides in a tent in the
28 Riverbed. When the cold-weather Armory in Fullerton opened, Ms. Bell attempted

1 to stay there, but the setting and the overwhelming crowd exacerbated her
2 agoraphobia and caused her to have a severe panic attack. Because of her
3 disabilities, she is unable to return.

4 53. Since returning to the Riverbed, Ms. Bell has been actively working
5 with City Net to secure affordable housing. She has completed the City Net
6 assessment and provided the necessary paperwork to confirm she has been
7 homeless for more than one year. Ms. Bell is doing everything she can to secure
8 affordable housing. Meanwhile, she fears that she will be cited and arrested for
9 violating local ordinances barring sleeping in public spaces even though she has no
10 viable alternative space to sleep.

11
12 **Shawn Carroll**

13 54. Plaintiff SHAWN CARROLL is homeless and suffers from a serious
14 medical condition that requires him to wear a life-saving medical alert device at all
15 times. He worked in the automotive industry until 2006. At that time, he had to
16 care full-time for his aging and mentally disabled parents. In 2015, after his parents
17 passed and their home was sold, Mr. Carroll began living in his vehicle. His
18 efforts to secure a trucking license and regain employment were unsuccessful.

19 55. While living in his vehicle, Mr. Carroll was repeatedly questioned
20 and told to move along by law enforcement officers in Anaheim and Garden
21 Grove. Mr. Carroll would often go days at a time without sleeping because he
22 could not find a place to park without harassment by the police. In April 2016,
23 after his vehicle was impounded, and unable to afford to recover the car, Mr.
24 Carroll began sleeping on the streets. He arrived at the Riverbed, where he thought
25 law enforcement was less likely to harass him, with only the clothes he was
26 wearing and a backpack with a few belongings.

27 56. In December 2016, Mr. Carroll's medical providers discovered that he
28 was at risk of sudden cardiac arrest. Now, he must use a wearable defibrillator at

1 all times. The device digitally sends data to his medical providers who can
2 administer a treatment shock if an abnormal heart rhythm is detected. This device
3 must remain powered at all times. For months, Mr. Carroll would walk to the UCI
4 Medical Center lobby to charge the battery packs and wireless hotspot that power
5 his defibrillator. Then, a Huntington Beach church group donated a small
6 generator to Mr. Carroll.

7 57. Mr. Carroll has tried going to the Orange County Courtyard Shelter in
8 Santa Ana, but it is always at capacity and people are often sleeping outside
9 waiting to get in. Mr. Carroll's income is limited to General Relief in the amount
10 of \$355. He has no viable alternative but to sleep in the Riverbed.

11 58. Mr. Carroll has routinely been stopped by law enforcement for
12 unavoidable or lawful behavior. On July 7, 2017, Mr. Carroll was exiting the
13 Riverbed, when the Orange Police Department cited him for allegedly riding his
14 bicycle in the opposite direction of traffic, even though Mr. Carroll was riding on
15 the sidewalk at the time he was cited. During the stop, the Orange police officer
16 explained that he was informed by his superiors to have "zero tolerance for the
17 homeless."

18 59. On at least four occasions, Orange County Sheriff's Deputies have
19 stopped Mr. Carroll in the Riverbed and asked for his identification, social security
20 number, and what plans he had to leave the Riverbed. The Orange County
21 Sherriff's Deputies have repeatedly told Mr. Carroll that camping is prohibited in
22 the Riverbed and he is fearful that he will be cited and convicted for violating such
23 laws in the future because he has no alternative place to go.

24 60. If he stays in the Riverbed, he will be faces a citation by the County of
25 Orange for trespass. If he leaves and goes back to Anaheim or Orange, he will be
26 cited for camping. While trying to ensure he does not miss any medical
27 appointments and reduce stress to manage a life threatening medical condition, Mr.
28

1 Carroll is left with nowhere to sleep that does not put him at risk of citation and
2 arrest.

3
4 **Melissa Fields**

5 61. Plaintiff Melissa Fields has been homeless since January, 2017. She
6 is employed in Costa Mesa. She works between 25 and 30 hours a week at a
7 minimum wage job and does not make enough to afford an apartment in Orange
8 County.

9 62. Before Ms. Fields moved to the Santa Ana Riverbed bike trail, she
10 attempted to sleep on the streets of Costa Mesa, in order to be close to her
11 workplace. She slept in a sleeping bag on the ground with no tent or structure and
12 with a backpack full of clothing. Ms. Fields does not have a car and uses the bike
13 path to get to and from her job.

14 63. In the months before she moved to the Riverbed, Ms. Fields was
15 stopped and cited by the Costa Mesa police multiple times for being unhoused.
16 Some, but not all, of these tickets were dismissed when she went to court. In
17 February and March 2017, Ms. Fields received at least two tickets for camping in a
18 public area or parking lot and one ticket for camping in a park. She was informed
19 that if she continued to sleep outside in Costa Mesa, she would continue to receive
20 citations.

21 64. After receiving those tickets, Ms. Fields moved to the Fountain Valley
22 section of the Riverbed to avoid arrest in Costa Mesa. She did so because she
23 feared that she would be ticketed in the middle of the night or arrested if she stayed
24 in public places in Costa Mesa. If arrested, she feared losing her job, She remained
25 in the Fountain Valley section of the Riverbed until the first week of November
26 when the County forced people out of the area. Ms. Fields then moved to the
27 Anaheim/Orange section of the Riverbed to maintain the support of the community
28 she had gotten to know. As a woman alone and unhoused, she feels unsafe without

1 a nearby community of people she knows. She commutes daily from Anaheim to
2 her workplace in Costa Mesa.

3 65. Ms. Fields is currently working with a Community Outreach Worker
4 to try and find housing. She also engaged with County Health Care Workers
5 during her time in the Fountain Valley Riverbed. To date, social service agencies
6 have not found suitable housing for her. Because of her work schedule, she is
7 unable to meet the curfew at the emergency shelters.

8 66. After receiving those tickets, Ms. Fields moved to the Fountain Valley
9 section of the Riverbed to avoid arrest in Costa Mesa. She did so because she
10 feared that she would be ticketed in the middle of the night or arrested if she stayed
11 in public places in Costa Mesa. If arrested, she feared losing her job, She remained
12 in the Fountain Valley section of the Riverbed until the first week of November
13 when the County forced people out of the area. She commutes daily from
14 Anaheim to her workplace in Costa Mesa.

15 67. If forced to relocate again, Ms. Fields would return to the area of
16 Costa Mesa she used to sleep in to be closer to her work. However, she is informed
17 and believes that if she does that, the Costa Mesa police officers will continue to
18 cite her and threaten her with arrest until she leaves the city.

19
20 **Larry Ford**

21 68. Plaintiff LARRY FORD is an Army Veteran. He served honorably
22 and joined the reserves upon his discharge. Mr. Ford suffers from service-related
23 disabilities that limit his ability to be in loud and crowded spaces. He receives
24 treatment at the Long Beach VA Hospital.

25 69. About four years ago, Mr. Ford was laid off from his construction job
26 when the company needed to reduce the staff. Around the same time, he incurred
27 an injury that required surgery. At first he received unemployment but during the
28

1 long wait for surgery at the VA hospital he was unable to find additional
2 employment. Soon he could no longer pay rent and he became homeless.

3 70. At first, he stayed in his car but eventually his car was towed and he
4 was left with no alternative to sleeping outside. Because the car held his work tools
5 and all his personal belongings he tried to get it back. However, it was sold before
6 he could get the funds to reclaim it. He tried to stay in the seasonal shelter at the
7 Armory. He could not tolerate the crowded environment because of his disabilities
8 and left before the morning. While living outside with nowhere else to go, Mr.
9 Ford has had to move many times when different Riverbed maintenance projects
10 were announced. He moved a little north each time finally ending up just above
11 Katella with others from the former Fountain Valley area. Each time, he lost more
12 of his meager possessions and the stress of moving exacerbated his medical
13 conditions.

14 71. If forced to relocate outside the Riverbed, Mr. Ford would have
15 nowhere to go other than the nearby city sidewalks. Mr. Ford has observed
16 homeless individuals cited for violations of the law when they are in public places
17 outside of the Riverbed. He is fearful that he, too, will be cited for violations of
18 ordinances based on unavoidable life necessities resulting from his homelessness.

19
20 **Cameron Ralston**

21 72. Plaintiff CAMERON RALSTON has been sleeping outside for the
22 past year. He is currently staying in the Injunction Area. Approximately three
23 years ago, Mr. Ralston was hit by a car and became physically disabled. He
24 continued to experience trauma that led to his current and ongoing struggles with
25 mental health. Because of these conditions, Mr. Ralston requires an emotional
26 support animal. He is unable to work and his only income is General Relief and
27 CalFresh. Over the past year, Mr. Ralston has tried to stay in Orange but was
28

1 repeatedly stopped and detained by the Orange Police Department based on his
2 status as a homeless individual.

3 73. On January 24, 2018, as the City of Orange increased its enforcement
4 in preparation for the County closure of the Riverbed, Mr. Ralston moved to the
5 city sidewalks of Orange, near the Riverbed. Mr. Ralston was again cited for
6 blocking the sidewalk. At the time, his belongings were packed and stacked off to
7 the side on a strip of grass so as not to block the walkway, leaving a clearance of
8 more than three feet. After he received the ticket for blocking the sidewalk, Mr.
9 Ralston left his neatly packed property briefly. When he returned, he observed a
10 notice of abandoned property from the Orange Police Department stating if it was
11 not moved within 24 hours it would be seized. Mr. Ralston fears that he will
12 continue to be stopped, detained, searched, and cited in Orange or any of the other
13 surrounding cities simply for being homeless if he is forced to leave the Riverbed.
14

15 **Kathy Schuler**

16 74. Plaintiff KATHY SCHULER is homeless and currently sleeping in a
17 makeshift shelter in the Riverbed. Ms. Schuler and her deceased partner became
18 homeless in the months before his death in 2015. Because her partner was the sole
19 wage earner throughout their life, Ms. Schuler had limited work experience and
20 could not secure gainful employment when her partner became ill. When the two
21 could no longer afford to live in their Anaheim rental, they became homeless and
22 began staying at various shelters. During that time, they began to care for their
23 then four-year-old grandson who also lived with them at shelters.

24 75. Initially, Ms. Schuler and her family tried the Fullerton Armory. They
25 were referred by the Fullerton Armory to the Santa Ana Armory. The Armory is
26 only open a few months a year. Ms. Schuler stayed there until it closed and she
27 was referred to a shelter in Anaheim Hills, an area she could not travel to by bike
28 because of the distance and terrain. Following her partner's death in July 2015,

1 she finally relocated to the Riverbed with her grandson. Her grandson lived with
2 her in the Riverbed until he was placed in a foster home.

3 76. In the Riverbed, Ms. Schuler regularly cleans the area where she stays
4 and helps others to do the same. However, her efforts have been stymied by the
5 failure of the County often to provide trash bags despite the existing injunction.

6 77. Since moving to the Riverbed, she has been subjected to citations and
7 threats of arrest by the City of Orange and the County. On August 20, 2015, the
8 Orange Police Department cited Ms. Schuler in the Riverbed for allegedly
9 violating Orange County Ordinance, Section 2-5-95, unlawful camping upon land
10 owned by the County. Ms. Schuler was in the Riverbed at the time.

11 78. Despite the threats of citation and arrest by Orange County Sheriff's
12 Deputies and the Orange Police Department, Ms. Schuler has no alternative but to
13 live in the Riverbed. Her adult children and granddaughter have since fallen into a
14 similar plight and they are also living in the Riverbed. The Schulers have been on
15 a subsidized housing waitlist for approximately four months. Until they can secure
16 affordable housing, Ms. Schuler fears that she will be arrested and convicted for
17 behavior that violates the Orange County and City of Orange ordinances.

18
19 **Gloria Shoemake**

20 79. Plaintiff GLORIA SHOEMAKE has been homeless in Orange
21 County since October 2014. She has lived in different parts of the Riverbed during
22 that time. She has multiple disabilities that affect her ability to focus and complete
23 tasks. To help with this disability, she has emotional support animals. Despite
24 engaging with County outreach workers for approximately a year, Ms. Shoemake
25 has not been placed in housing.

26 80. Ms. Shoemake tries hard to keep her belongings cleaned and
27 organized. However, many times she finds there are no trash bags available. She
28

1 has noticed that when trash is picked up and bags are distributed the area gets
2 much cleaner but often the County fails to pick up all the trash.

3 81. If the maintenance project proceeds, she has no choice but to move
4 out into the City of Orange. She has close ties to Mary's Kitchen, a service
5 provider in Orange. However, she is informed and believes based on conversations
6 with the Orange City law enforcement that if she tries to sleep outside in Orange or
7 brings her belongings to Orange she will be ticketed or arrested to force her to
8 leave the city.

9 82. Ms. Shoemake experiences increasing harm as the stress and fear of
10 where to sleep without risk of being detained or arrested exacerbate her medical
11 conditions.

12
13 **DEFENDANTS:**

14 83. Defendant ORANGE COUNTY is a government entity with the
15 capacity to sue and be sued. The departments of the COUNTY include the Public
16 Works, the Orange County Sheriff, and other departments. Employees of the
17 COUNTY have engaged in the acts complained of herein pursuant to the policies,
18 practices and customs of the COUNTY.

19 84. Defendant ANAHEIM is a government entity with the capacity to sue
20 and be sued. The departments of ANAHEIM include the Anaheim Police
21 Department. Employees of ANAHEIM have engaged in the acts complained of
22 herein pursuant to the policies, practices and customs of ANAHEIM.

23 85. Defendant CITY OF ORANGE is a government entity with the
24 capacity to sue and be sued. The departments of the CITY OF ORANGE include
25 the Orange Police Department. Employees of the ORANGE have engaged in the
26 acts complained of herein pursuant to the policies, practices and customs of the
27 CITY OF ORANGE.

28

1 86. Defendant COSTA MESA is a government entity with the capacity to
2 sue and be sued. The departments of the CITY OF COSTA MESA include the
3 Costa Mesa Police Department. Employees of COSTA MESA have engaged in
4 the acts complained of herein pursuant to the policies, practices and customs of the
5 CITY OF COSTA MESA.

6 87. The Defendants, its employees and agents, participated personally in
7 the unlawful conduct challenged herein and, to the extent that they did not
8 personally participate, authorized, acquiesced, set in motion, or otherwise failed to
9 take necessary steps to prevent the acts that resulted in the unlawful conduct and
10 the harm suffered by Plaintiffs. Each acted in concert with each other. The
11 Defendants developed and implemented a coordinated plan to increase
12 enforcement actions against the homeless community in the Riverbed and
13 surrounding cities. The challenged acts caused the violation of Plaintiffs' rights.

14 88. The identities and capacities of defendants DOES 1 through 10 are
15 presently unknown to plaintiffs, and on this basis, Plaintiffs sue these defendants
16 by fictitious names. Plaintiffs will amend the Complaint to substitute the true
17 names and capacities of the DOE defendants when ascertained. Plaintiffs are
18 informed, believe, and thereon allege that DOES 1 through 10 are, and were at all
19 times relevant herein, employees and/or agents of the Defendant COUNTY and
20 Defendant CITIES and are responsible for the acts and omissions complained of
21 herein. Defendants DOES 1 through 10 are sued in both their official and
22 individual capacities.

23
24 **FACTS RELATING TO COUNTY OF ORANGE**

25 89. County of Orange Ordinance 2-5-95 makes it "unlawful for any
26 person to camp, occupy camp facilities, use camp paraphernalia, or store personal
27 property upon any lands or easements owned or managed by the County of
28 Orange."

1 90. “Camp” is defined as “to pitch or occupy camp facilities; to use camp
2 paraphernalia”. Ordinance 2-5-2.

3 91. “Camp facilities include but are not limited to, tents, huts or
4 temporary shelters”. Ordinance 2-5-2.

5 92. “Camp paraphernalia [i]ncludes, but is not limited to, tarpaulins, cots,
6 beds, sleeping bags, hammocks, or non-County designated cooking facilities and
7 similar equipment.”

8 93. The Orange Police Department has been issuing tickets over the past
9 two years under this County ordinance to persons living in the Riverbed.

10 94. The Orange County Sheriffs have also threatened people with citation
11 under this ordinance as well as under trespassing laws.

12 95. The “Work notice” posted by the County indicates that persons
13 remaining in the “Work Area”— the Injunction Area—will be subject to citation
14 and prosecution for trespass under California Penal Code Sections 603 and 555.

15 96. It further indicates that people who deposit personal property in the
16 Work Area may be subject to citation and prosecution for nuisance under Penal
17 Code Sections 370 and 372.

18
19 **FACTS RELATING TO ANAHEIM**

20 97. Anaheim Municipal Code §11.10 makes it “unlawful and a public
21 nuisance for any person to Camp in any Public Area.” § 11.10.030. The ordinance
22 was enacted in 2013 in response to the rising homelessness community in the city.

23 98. Anaheim Municipal Code 11.10 makes it a crime to camp, defined as
24 “residing in or using any Public Area for living accommodation or lodging
25 purposes with one’s Personal Property or while storing one’s Personal Property”
26 and/or “constructing, maintaining, occupying, inhabiting or using Camping
27 Facilities” and/or “constructing, using, or maintaining Camping Paraphernalia.”
28

1 The only exception is “sleeping outside in a park . . . during the time the park is
2 open to the public.” § 11.10.020.

3 99. Camping Facilities are defined as “Tents, huts, or other temporary
4 physical shelters.” § 11.10.020.

5 100. Camping paraphernalia is defined as “tarpaulins, cots, beds, sleeping
6 bags, bedrolls, bedding, luggage, hammocks, cooking equipment, and/or other
7 similar articles of equipment or items that are accessory to Camping Facilities.” §
8 11.10.020.

9 101. Public places include “any public streets, alleys, public parking lots,
10 public parks, public rights-of-way, parkways, public sidewalks, recreational areas
11 or other publicly-owned or controlled property.” In other words, it is prohibited to
12 be in *any* public place with luggage, bedrolls, or other “camping paraphernalia”
13 that one is “maintaining”.

14 102. Anaheim acknowledges that there are more than 900 people currently
15 living on the streets within its jurisdiction.

16 103. Of the people living on County property in the Santa Ana Riverbed,
17 25% of them are from Anaheim, according to one member of the Board of
18 Supervisors²⁰ and City Net.²¹

19 104. Plaintiff Lisa Bell used to live in Anaheim. She was repeatedly
20 stopped by police officers who told her she would have to leave Anaheim and that
21 she could not sleep on vehicle there at least 30 times in the six months immediately
22 preceding October 2017. She was threatened on multiple occasions with citation
23 under the anti-camping ordinance.

24
25
26 ²⁰ [http://beta.latimes.com/local/lanow/la-me-ln-anaheim-homeless-emergency-
27 20170913-story.html](http://beta.latimes.com/local/lanow/la-me-ln-anaheim-homeless-emergency-20170913-story.html)

28 ²¹ [http://citynet.org/wp-content/uploads/2017/06/FCC-Data-Summary-
FINAL_8.23.17.pdf](http://citynet.org/wp-content/uploads/2017/06/FCC-Data-Summary-FINAL_8.23.17.pdf)

1 105. Anaheim also has a separate provision criminalizing camping in
2 parks. Anaheim Municipal Code §13.08.020.080. It further makes it a crime to
3 “remain, stay, or loiter in any public park between 10:30 PM and 5:00 AM.”
4 Anaheim Municipal Code §13.08.020.190. Violations of these two provisions may
5 be charged as an infraction or as a misdemeanor. Anaheim Municipal Code
6 §13.08.020.220.

7 106. Anaheim also has an anti-loitering ordinance, §7.28.010. On
8 information and belief, the City of Anaheim disproportionately uses the loitering
9 ordinance against persons who appear to be homeless by detaining and
10 interrogating them without reasonable suspicion or probable cause based solely on
11 their presence and perceived homelessness.

12 107. Anaheim’s loitering ordinance reads in full: “Any person who loiters,
13 stands or sits in or upon any public highway, alley, sidewalk or crosswalk so as to
14 in any manner hinder or obstruct the free passage therein or thereon of persons or
15 vehicles passing along the same, or so as in any manner to annoy or molest persons
16 passing along the same, is guilty of a misdemeanor.” §7.28.010.

17 108. The Anaheim loitering ordinance is unconstitutionally overbroad and
18 vague in violation of a long-line of Ninth Circuit and Supreme Court precedents.

19
20 **FACTS RELATING TO THE CITY OF ORANGE**

21 109. Orange Municipal Code §12.66.030 prohibits “encampments and
22 camping on public streets and public property.” In particular, it provides that “no
23 person shall: A. . . maintain, erect, or permit the erection of any hut, shanty, tent,
24 tarpaulin, or any other type of temporary structure under his control upon any
25 public street or public property. B. Use public street or public property for the
26 purpose of camping”

1 110. Public streets are defined as “streets, roads, highways, alleys,
2 sidewalks, parkways, bridges . . . and all other facilities and areas necessary for the
3 construction, improvement, and maintenance of streets and roads.” §12.66.020.

4 111. Public property is defined as “the exterior of any building or structure,
5 parking lot, plaza, or square, owned or controlled by the city of Orange.”
6 §12.66.020.

7 112. Camping is defined of “the use of public streets or public property for
8 living accommodation or habitation purposes such as sleeping activities, or making
9 preparations to sleep, including the laying down of bedding for purposes of
10 sleeping or using or storing personal belongings such as non-designated City
11 cooking equipment, camping stoves, portable barbecues, sleeping bags, cots, beds,
12 hammocks, extra clothing, or personal items when it reasonably appears, in light of
13 all the circumstances, that the participants, in conducting these activities, are, in
14 fact, using the public street or public property for living accommodation or
15 habitation purposes.”

16 113. In other words, using “personal items” or “extra clothing” on the
17 public streets can be a crime in Orange if it “reasonably appears” that the person
18 using those items or using that clothing is living on the street.

19 114. Camping is also prohibited in parks under § 12.48.045. The same
20 definition as above is laid out again in § 12.48.015.

21 115. The City of Orange has a history of giving Citations using the County
22 anti-camping ordinance after pushing residents into areas of the Santa Ana
23 Riverbed.

24 116. Plaintiff Kathy Schuler was cited for violating the Orange County
25 ordinance against camping. At the time, she was in the portion of the Riverbed
26 that abuts Orange and that has concurrent jurisdiction with the Orange police. It
27 was the Orange Police Department who cited Ms. Schuler.
28

1 117. After the Work Notice was issued in the Orange County Riverbed, the
2 Orange Police Department issued a notice of their own. The “Neighborhood
3 Advisory” stated that “All occupants currently living in the Riverbed will be
4 vacating the area.” It then states that “the City of Orange Police Department asks
5 if you see a suspicious person or activity to please call 714-744-7444 for non-
6 emergency matters.”

7 118. On January 24, 2018, officers in the City of Orange ticketed Cameron
8 Ralston for blocking the sidewalk while he was stopped at a sidewalk near the
9 Riverbed. At the time, Mr. Ralston’s property was neatly packed and placed to the
10 side of the sidewalk leaving a clearance of three feet.

11 119. Over the past year, Mr. Ralston has been regularly threatened with
12 arrest and asked when he will leave the city by Orange Police Department. Mr.
13 Ralston has not been ticketed for camping but has been threatened with citation
14 under the City of Orange camping ordinance.

15 120. Mr. Ralston also left his property briefly to secure food after receiving
16 the obstruction ticket. When he returned, a notice had been posted near his
17 property indicating that the City of Orange considered it to be abandoned and he
18 had 24 hours to move it. City of Orange police officers had that same day seen
19 him with the property and seen that it was his. They did not have an objectively
20 reasonable belief that the property was abandoned.

21 121. Plaintiff Shawn Carroll was also cited by Orange Police Department
22 officers when leaving the Riverbed, ostensibly for a bicycle offense. On
23 information and belief, Plaintiffs allege that the City of Orange has instituted a
24 specific plan to stop homeless individuals as they leave the Riverbed and cite them
25 for any purported violation of even a minor violation of the law under a policy of
26 “zero tolerance for the homeless” aimed at forcing homeless individuals to leave
27 the City.

28

1 **FACTS RELATING TO COSTA MESA**

2 122. Costa Mesa Municipal Code §11-304 makes it illegal for any person
3 to “camp, occupy camp facilities or use camp paraphernalia” in “(1) Any street or
4 alley; (2) Any public parking lot or public area, improved or unimproved; (3) Any
5 park.”

6 123. The Municipal Code further defines “camp” as “to pitch or occupy
7 camp facilities; to use camp paraphernalia.” §11-302.

8 124. Camp Paraphernalia “includes, but is not limited to, tarpaulins, cots,
9 beds, sleeping bags, hammocks or non-city designated cooking facilities and
10 similar equipment.” §11-302.

11 125. Thus, under the Costa Mesa Municipal Code, any homeless person
12 using a sleeping bag to stay warm is “camping” and is breaking the law.

13 126. None of the homeless shelters listed by Behavioral and Health
14 Services in the memorandum accompanying the notice of closure are located in
15 Costa Mesa. On information and belief, there are no homeless shelters available to
16 the general public in Costa Mesa.

17 127. Plaintiff Melissa Fields was repeatedly cited for camping while
18 attempting to sleep on the sidewalk in Costa Mesa. Ms. Fields was not using a
19 tent, but was using a sleeping bag to stay warm. She had a backpack and a bicycle
20 with her as well.

21 **FIRST CAUSE OF ACTION**

22 **Violation of Eighth and Fourteenth Amendments (42 U.S.C. §1983)**
23 **Art. 7, §17 California Constitution (Cruel and Unusual Punishment)**
24 **(Against All Defendants)**

25 128. Plaintiffs reallege and incorporate the allegations set forth in the
26 preceding paragraphs as though fully set forth hereat.

27 129. The acts and omissions of Defendants, and each of them, as described
28 herein, violate the constitutional rights of Plaintiffs to be free from actual or

1 threatened cruel and unusual punishment. By virtue of their status as homeless and
2 disabled, and the absence and insufficiency of shelter or housing in the region,
3 including the cities of Anaheim, Orange, and Costa Mesa, the Plaintiffs have no
4 way to comply with the laws Defendants have sought and continue to seek to
5 enforce against them.

6 130. Orange County has told persons present in the Riverbed that they will
7 be cited for trespassing if they remain on County-controlled land in the area.

8 131. The Anaheim Police Department has a policy and practice of citing
9 individuals who sleep in public places or exhibit other behaviors which Anaheim
10 considers “camping” under Anaheim Municipal Code 11.10, the Anaheim anti-
11 camping ordinance.

12 132. The Orange Police Department has a policy and practice of citing
13 individuals who sleep in public places or exhibit other behaviors which Orange
14 considers “camping” under Orange Municipal Code §12.66.030 and under County
15 of Orange Ordinance §2-5-95. The Orange Police Department also has informed
16 its officers that they should have “zero tolerance” for the homeless.

17 133. The Costa Mesa Police Department has a policy and practice of citing
18 individuals who sleep in public places or exhibit other behaviors which Costa
19 Mesa considers “camping” under Costa Mesa Municipal Code §11-302 to §11-304.

20 134. Plaintiffs further allege that it violates their substantive due process
21 rights to threaten them with citation and arrest for being present on County
22 property. The County has not provided any other County land on which Plaintiffs
23 can reside without trespassing. Instead, it intends to enforce County anti-camping
24 ordinances and expects Plaintiffs and others to move out into surrounding cities
25 such as Anaheim, Orange, and Costa Mesa, in which anti-camping ordinances
26 prevent them from lawfully residing without shelter and loitering laws prohibit
27 even their presence in these cities.

28

1 135. The citation and threats of citation for behavior such as “the use of
2 public streets or public property for living accommodation or habitation purposes”
3 when there is inadequate shelter available violates the Eighth and Fourteenth
4 Amendments of the United States Constitution and Article 7, §17 of the California
5 Constitution.

6 136. Each Defendant has a custom, policy, and/or practice of encouraging
7 its officers to issue tickets to homeless persons for the unavoidable behavior of
8 sleeping or having property in public based on their unhoused status.

9 137. There is an actual controversy between Plaintiffs and the County of
10 Orange concerning the threat of citation if Plaintiffs remain on County property
11 near the Santa Ana River, whether or not it is within the area marked on the notice.
12 Plaintiffs have been informed by the County that the bike trail will now close at
13 6:00 PM and that persons can be cited for remaining within the bike trail area after
14 that time. Plaintiffs desire a judicial determination of their rights and duties and a
15 declaration as to Defendant County of Orange’s constitutional obligations.

16
17 **SECOND CAUSE OF ACTION**
18 **Violation of First and Fourth Amendment; 42 U.S.C. 1983**
19 **(Against All Defendants)**

20 138. Plaintiffs reallege and incorporate the allegations set forth in the
21 preceding paragraphs as though fully set forth hereat.

22 139. Each of the Defendants has repeatedly and consistently stopped,
23 detained, interrogated and ordered individuals who appear to law enforcement to
24 be homeless to move along from public places where they have a right to be
25 pursuant to the First Amendment. The stops and subsequent detentions and
26 interrogations constitute an unlawful seizure as they were done without reasonable
27 suspicion or probable cause to believe that the individual had or was about to
28 commit a crime other than a purported violation of a law necessitated by their
status as homeless individuals plus the lack of available shelter.

1 140. Plaintiffs, as everyone else, have a First Amendment right to be
2 present in a public space, to “loiter” in a public space for no reason and to not be
3 excluded from that space by threat, intimidation or coercion because they are
4 homeless.

5 141. As a direct consequence of Defendants’ past and threatened future
6 actions, Plaintiffs have suffered and will continue to suffer a violation of their
7 constitutional rights. Plaintiffs have suffered damages in the form of pain and
8 suffering as a result of Defendants’ policies, practices and customs.

9
10 **THIRD CAUSE OF ACTION**
11 **Right To Due Process Of Law; 42 U.S.C. § 1983**
12 **Fourteenth Amendment**
13 **(Against All Defendants)**

14 142. Plaintiffs reallege and incorporate the allegations set forth in the
15 preceding paragraphs as though fully set forth hereat.

16 143. The ordinance by the County which prohibits camping is
17 unconstitutionally vague. It does not adequately define “camp facilities” or “camp
18 paraphernalia”. It explicitly states that officers are not limited to the list provided
19 in those provisions.

20 144. The laws listed above used by the City of Anaheim violate the
21 Fourteenth Amendment because they are so vague as to be impossible to comply
22 with. The unlawful orders to the homeless to move along or be subject to arrest for
23 camping or loitering were directed toward intimidating plaintiffs.

24 145. The anti-camping ordinances listed above are unconstitutionally
25 vague.

26 146. Anaheim Municipal Code §11.10 is extraordinarily vague in banning
27 the use or maintenance of “camp paraphernalia”. For example, it criminalizes the
28 having luggage in any public area. The simple possession of a suitcase would
appear to be a crime in Anaheim.

1 147. Similarly, under Orange Municipal Code §12.66.020, using “extra
2 clothing” is a crime if the person using that clothing appears to be living outside.
3 The statute does not provide guidance as to what “extra clothing” is or what it
4 means to reasonably appear to be living outside.

5 148. Costa Mesa lists various types of items and states that the use of such
6 items constitutes camping, but insists that its statute is “not limited to” the use of
7 such items. It is unclear whether the use of blankets or cardboard are included.

8 149. The loitering ordinances listed above are similarly unconstitutionally
9 vague.

10 150. The Anaheim loitering ordinance makes it a crime to “annoy or
11 molest” any person. But it is not clear what “annoy or molest” means. Such
12 provisions have been repeatedly found unconstitutional in the past.

13 151. The acts and omissions of Orange County, Anaheim, Orange, and
14 Costa Mesa, as described herein, violate the constitutional rights of Plaintiffs under
15 the Due Process Clause of the United States Constitution.

16 **FOURTH CAUSE OF ACTION**
17 **Violation of California Civil Code § 52.1**
18 **(Against All Defendants)**

19 152. Plaintiffs reallege and incorporate the allegations set forth in the
20 proceeding paragraphs as through fully set forth hereat.

21 153. The Defendants’ conduct, as described herein, interferes by threats,
22 intimidation, or coercion, or attempts to interfere by threats, intimidation, or
23 coercion, with the exercise and enjoyment of Plaintiffs’ rights as secured by the
24 First, Fourth, Eighth, and Fourteenth Amendments to the United States
25 Constitution or laws of the United States, and of the rights secured by the
26 Constitution or laws of the state of California.

27 154. Defendants have engaged in concerted and repeated conduct to cite
28 and arrest Plaintiffs under unconstitutional ordinances, on their face and as applied,

1 and threatened to cite and arrest them repeatedly. Defendants engaged in coercive
2 and intimidating tactics by conducting unwarranted stops and collecting
3 information on Plaintiffs to push them out of Defendants' respective jurisdictions.
4

5
6 **INJUNCTIVE RELIEF**

7 155. Plaintiffs reallege and incorporate the allegations set forth in the
8 preceding paragraphs as though fully set forth hereat.
9

10 **WHEREFORE**, Plaintiffs pray as follows:

11 1. For a temporary restraining order, preliminary and permanent
12 injunction, enjoining and restraining Defendant Orange County from limiting the
13 hours or otherwise closing the Santa Ana Riverbed bike path for any purpose,
14 including maintenance, until an alternative location is provided for the 800-1200
15 homeless people currently there.

16 2. For a temporary restraining order, preliminary and permanent
17 injunction, enjoining and restraining Defendant Orange County from citing
18 individuals for trespassing or nuisance in the Santa Ana Riverbed under Penal
19 Code Sections 602 & 555, for nuisance based on the presence of themselves and/or
20 their property under Penal Code Sections 370 and 372 and absent an actual
21 obstruction of the Riverbed or the trail, and from enforcing County of Orange
22 Ordinance §2-5-95.

23 3. For a temporary restraining order, preliminary and permanent
24 injunction, enjoining and restraining Defendants City of Anaheim, City of Costa
25 Mesa, and City of Orange from citing or arresting individuals for violations of
26 camping laws, including Anaheim Municipal Code 11.10, Orange Municipal Code
27 §12.66.030, Costa Mesa Municipal Code §11-304, and/or County of Orange
28 Ordinance §2-5-95.

1 4. For a temporary restraining order, preliminary and permanent
2 injunction, enjoining and restraining Defendant City of Anaheim from enforcing its
3 loitering ordinance, §7.28.010.

4 5. For a temporary restraining order, preliminary and permanent
5 injunction, enjoining and restraining Defendants City of Anaheim, City of Costa
6 Mesa, and City of Orange from stopping and detaining homeless individuals
7 without probable cause and from threatening homeless persons with tickets or
8 citations if they continue to be present in public space in that city.

9 6. For a declaratory judgment that Defendant's policies, practices and
10 conduct as alleged herein violate Plaintiffs' rights under the United States and
11 California constitutions and the laws of California;

12 7. For damages to the individual plaintiffs in an amount to be determined
13 according to proof based on their federal claims only;

14 8. For costs of suit and attorney fees as provided by law;

15 9. For such other relief as the Court deems just and proper.

16
17 Dated: January 29, 2018

Respectfully submitted,

18 LAW OFFICE OF CAROL A. SOBEL
19 ELDER LAW & DISABILITY RIGHTS CENTER
20 SCHONBRUN SEPLOW HARRIS & HOFFMAN

21 /s/ Catherine Sweetser

22 By: CATHERINE SWEETSER
23 Attorneys for Plaintiffs
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