

Homeless people can find compassion at the beach

When the ACLU sued three Southern California beach cities over their treatment of homeless people, the municipalities protested. But they've also made changes.



A homeless man named Shaggy cuddles his dog, 2Toes, on a park bench in Santa Monica. The city has informally ended its practice of issuing citations and bench warrants to the homeless. (Luis Sinco / Los Angeles Times / March 16, 2010)

By Catherine Saillant

Los Angeles Times, March 17, 2010

When a civil rights group sued three of Southern California's wealthiest coastal cities last year, alleging police harassment of the homeless, the howls of indignation were swift and loud.

Santa Monica city officials pointed to a long record of helping the destitute along its world-famous shoreline, including extensive social programs and a new and innovative homeless community court.

Santa Barbara has a year-round homeless shelter and allows those down on their luck to sleep in city-designated parking lots, a program being replicated by other municipalities.

And in artsy Laguna Beach, two life-size statues along South Coast Highway memorialize the late Eiler Larsen, a bearded, wild-haired and sometimes homeless man who called out greetings to townspeople and tourists for 33 years.

Laguna Beach City Manager Ken Frank, in comments that echoed across the three cities, accused the American Civil Liberties Union of penalizing "cities that are a little more liberal in their political leanings and generally have more of a social conscience."

Since the filings, Laguna Beach and Santa Barbara have quietly worked out agreements to provide more housing and support services for people on the streets. They've also agreed to stop what ACLU chief counsel Mark Rosenbaum claimed was a policy of citing homeless people for sleeping on sidewalks and beaches and to stop giving frequent orders to people to move on.

Santa Monica is still fighting the lawsuit. But it, too, has informally ended its practice of issuing citations and bench warrants to the homeless and is negotiating to provide more permanent housing, Rosenbaum said.

Overall, he said, the cities have stopped treating homelessness as a problem for the courts and have begun tackling it with more housing and more services.

"Since these talks began, we've had no reports of any arrests or bench warrants being issued in the three cities," Rosenbaum said. "That is a credit to the city officials."

Officials in all three cities said that they violated no civil rights and that the lawsuit filings did not spur action. Expanded social programs and additional beds were already in the pipeline when the ACLU filed separate suits against the cities beginning last spring, officials in all three cities said.

"They were not right legally," Santa Barbara City Atty. Steve Wiley said of the ACLU's case. "But it was easy to reach agreement because we were planning on doing most of these things anyway. It's just the right thing to do."

Santa Barbara's construction of a new low-cost housing project started two weeks ago and two more are in the planning stages, adding a total of 150 beds, Wiley said. The one-room units will probably rent for \$300 to \$400 a month, he said.

Santa Barbara is also working with nonprofits and social service workers to seek out homeless people in encampments and determine whether they can be served by social programs, he said.

Laguna Beach agreed to rescind an anti-camping ordinance and set up a program allowing homeless people to sleep overnight in a portable shelter purchased by the city, said John Pietig, assistant city manager. It hired a nonprofit to run the 50-bed shelter and provide services at a cost of \$250,000 to the city, he said.

Before the city got the shelter open, however, word spread that the no-camping law was gone, and homeless men began to fill the city's picturesque parks and beaches, Pietig said. The city launched nightly police patrols to keep drunken fights, vandalism and public urination under control, he said.

In November, Laguna Beach established curfews and banned a wide range of activities in city beaches and parks, including camping, lodging, storing personal belongings, lingering around restrooms, drinking alcohol and smoking. Officials said they believe the revised anti-camping law will pass constitutional muster. The city also began busing the homeless to sleep in the portable units set up in a gravel parking lot on the edge of town.

City leaders hope the new law and the shelter for local homeless people will minimize complaints from residents and run-ins with police.

Santa Monica disputes the ACLU's contention that city restrictions on sleeping in public places are a violation of civil rights. Still, Santa Monica leaders have met with the ACLU to discuss other approaches, such as expanding services for the homeless, Rosenbaum said.

Once referred to as the "People's Republic of Santa Monica," the city of 90,000 has moderated its politics in recent years. Yet it remains a place where the less fortunate have opportunities to find help.

One of them is the city's homeless community court, much like the more familiar drug courts, aimed at diverting people arrested on minor offenses out of the justice system and into supportive services.

The city has also adopted a plan to end homelessness, and one of its latest efforts is tallying the homeless population every six months. Those identified as most at risk of dying on the streets are put on a priority list for housing and other services, said Julie Rusk, a social services manager.

On a recent night, the outreach team found an 81-year-old woman who had been on the streets for at least 15 years, Rusk said. She's now living in a skilled nursing facility.

The ACLU's Rosenbaum said he won't argue that Santa Monica and the other cities have made genuine attempts to help vagrants. But that doesn't mean it's OK to let police harass those who remain on the streets, he said.

The ACLU has filed similar lawsuits in recent years. In 2007, Los Angeles settled its case by agreeing to find shelter for some of the estimated 48,000 homeless people spread across the county. Since July 2007, housing for 237 formerly homeless people has been built and 1,011 more units are in the pipeline, said Kim Thompson of the Los Angeles Homeless Services Authority.

The ACLU has also sued Fresno and San Diego, alleging that they destroyed possessions of homeless people during sweeps of encampments. In Fresno, city officials were accused of

confiscating blankets, bicycles, medications, legal documents and, in one case, a woman's wheelchair.

Fresno agreed in 2008 to halt the practice and paid \$2.3 million in the class-action settlement. The San Diego case is ongoing.

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