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## **Affluent Beach City Sued for Treating Disabled Homeless People as Criminals**

LOS ANGELES, Calif. — The ACLU of Southern California and the law firm of Irell & Manella LLP along with Erwin Chemerinsky, dean of the University of California, Irvine School of Law, have jointly sued Laguna Beach over the affluent beach city's unconstitutional and inhumane policy of harassing, intimidating, citing and arresting disabled homeless people. The lawsuit – on behalf of certain homeless residents -- was filed today in federal district court in Orange County.

According to its official Web site, Laguna Beach features a “resort environment” that includes “picturesque beaches” and “blufftop walkways.” But the city works hard to keep chronically homeless people who suffer from physical and mental disabilities out of these areas. In a long and deliberately coordinated campaign, officers of the Laguna Beach Police Department wake and subject the homeless people to harassment, threats and intimidation; conduct unjustified stops of them that result in middle-of-the-night interrogations, demands for identification and warrant checks; and confiscate their property, among other punitive steps. The police have gone so far as to cite, fine and arrest homeless residents for nothing more than sleeping, an involuntary act.

“In Laguna Beach, there are more art galleries than city shelter beds for homeless people,” said Mark Rosenbaum, legal director of the ACLU/SC. “Yet city leaders are criminalizing a group of people who struggle on a daily basis to cope with their mental illnesses or other disabilities, whether aware of them or not, and who are seeking no more than the comfort and values of this season within their community. This year, the role of Scrooge goes to these Laguna city leaders.”

“When we were first asked to help the homeless with respect to the city's anti-sleeping ordinance, we thought the issue would be resolved quickly because the right answer is obvious,” added Andra Barmash Greene, the managing partner of Irell & Manella LLP's Newport Beach office. “In observing the city's task force meetings during 2007 and upon reviewing the task force's recommendations -- which the City Council wholly adopted -- and following an initial discussion with city officials, we thought the city was headed in the right direction.”

“Unfortunately, that turned out not to be the case. To date, the city has not rescinded the citations it issued against its homeless residents for sleeping, a basic human necessity, and it has not repealed its unconstitutional ordinance. Our clients were left with no alternative but to seek assistance from the courts,” she said.

Erwin Chemerinsky, founding dean of the Donald Bren School of Law at UC Irvine and a co-counsel in the lawsuit, noted that “the conduct of city leaders in their treatment of mentally and physically disabled homeless people violates the clear mandate of the Constitution.”

The lawsuit was filed after discussions over the last year between city officials and attorneys representing the homeless failed to yield necessary revisions to Laguna Beach’s policy toward homeless persons. Earlier this year, the Laguna Beach City Council adopted recommendations from the city’s own homeless task force -- whose members included the current and former city mayors – supporting better mental-health care and transitional housing services for homeless people. Unfortunately, the City Council has not acted on these recommendations, and decided instead to continue the criminalization of the homeless in Laguna Beach.

The city task force’s report concluded that there are an estimated 45 to 55 homeless people living in Laguna Beach. More recent estimates put the figure as high as 70, but that is still less than .2 percent of the city’s overall population – a relatively small number that the city should easily be able to address with appropriate services. Nearly all the homeless people in Laguna Beach meet the definition of “chronically homeless” who have mental or physical disabilities, the task force noted.

One plaintiff in the lawsuit suffers from epilepsy and often sleeps under a tree in a park. He has been awakened repeatedly by police shining flashlights in his face, and subsequently has been interrogated, checked for warrants and had his possessions searched without his consent. Intimidating wakeup calls such as this, despite the police’s familiarity with Mr. Ruiz’s and other homeless residents’ disabilities and chronic homeless status, have exacerbated his disability and that of other homeless residents of Laguna Beach.

“The policy of city leaders of Laguna Beach toward the homeless stands out in its mean-spiritedness and short-sightedness,” said Hector Villagra, director of the Orange County office of the ACLU/SC. “It disregards homeless people’s basic needs, and it is costly and ineffective. The city’s task force noted studies showing that providing housing with services costs less than having homeless people on the streets.”

The lawsuit does not seek to make sleeping in public places legal generally, but to enjoin the city from harassing and intimidating the homeless, particularly for the involuntary and necessary act of sleeping. The long-term solution is for the city to provide more shelter support and services that can help chronically homeless people get off the streets and into supportive environments where their disabilities can be treated. Currently there are no beds regularly available to the city’s homeless residents, while the lone nonprofit rehabilitative center south of downtown Laguna Beach has limited sleeping space and strict rules that make it difficult for chronically homeless residents to qualify for one of its beds. In spite of this, the city recently withheld approval of permits for the relocation of a private resource center that tries to assist the homeless, and rejected the notion of a homeless outreach court within the city limits that would have enabled homeless residents to deal practically with infractions issued against them by the Laguna Beach Police Department.

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