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## California's Response to Homeless Youth: An Overview of Ordinances, Law Enforcement, and Services in Key California Jurisdictions

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## Executive Summary

This report surveys recent developments in the policies and procedures of ten key California cities and counties directed at the problem of juvenile homelessness. The survey reveals trends in three broad areas.

First, while jurisdictions continue to rely on quality of life ordinances prohibiting activities such as blocking sidewalks and sleeping in public parks to respond to the collateral effects of homelessness – and while in some cases those efforts are expanding – recent judicial decisions have limited the ability of local jurisdictions to enforce ordinances against the homeless.

Second, with state policy and funding support, local governments are moving toward an approach that integrates law enforcement with social services and rehabilitative programs designed to help the homeless become self-sufficient. This multi-pronged approach better serves the homeless population, particularly homeless youth, because this approach includes a rehabilitative component designed to help individuals become self-sufficient, in contrast to prior approaches that focused only on law enforcement and punishment. This approach is being implemented unevenly throughout the state, however, and troubling patterns of enforcement still exist. Unconstitutional and unsupportive ordinances and law enforcement policies continue to be obstacles hindering homeless youths in their struggle to become self-sufficient.

Third, jurisdictions are experimenting with ways to integrate social services designed to reach the homeless by bringing together all of the relevant social services in one central location. By making all the assorted services available to the homeless accessible in one convenient location, jurisdictions can do a better job of meeting the comprehensive needs of homeless individuals and ensuring that certain areas of key assistance do not get overlooked.

**California Response to Homeless Youth:  
An Overview of Ordinances, Law Enforcement, and Services in Key California  
Jurisdictions**

**I. Introduction**

This paper discusses local governments' responses to juvenile homelessness in ten California cities and counties. The Findings section analyzes the major patterns that emerged from the research, while the Survey section presents a more detailed jurisdiction-by-jurisdiction summary of local government responses. The Survey section includes subsections covering local ordinances, law enforcement, judicial responses, local government response to judicial responses, and an overview of curfew laws.

The original goal of this study was to focus exclusively on juvenile homelessness. With further research, it became apparent that juvenile homeless programs and policies are intertwined with adult and family homeless programs and policies. It also became clear that ordinances and law enforcement responses to both juvenile and adult homelessness are similar, if not the same. Therefore, a discussion of juvenile homelessness would be incomplete without discussion of adult homelessness. Therefore, the paper addresses ordinances, law enforcement practices, and city and county policies and programs that affect juveniles, even if they are targeted at the general homeless population. Where an ordinance, practice or program is specifically directed at or especially affects juveniles, it is noted.

**II. Methodology**

This report includes information on local government responses to juvenile homelessness in the following California jurisdictions: San Francisco City & County, Los Angeles City & County, San Diego City & County, Fresno City & County, Alameda County, Santa Clara County,

San Joaquin County, Berkeley, Oakland, Sacramento, and Stockton. Information was gathered by surveying appropriate city and county municipal codes, and through telephone and e-mail interviews with local government officials, district attorney office staff, newspaper reporters and homeless advocates. Additional recent information was obtained from relevant government committee proceedings and surveying relevant newspaper and media reports. While this paper includes background information regarding enacted code, enforcement policies, and major judicial responses to the homeless problem occurring over the last several years that continue to affect homeless youth, the primary focus is to provide an overview of developments and responses that have occurred from 2005 through 2007.<sup>1</sup>

### **III. Findings**

In addressing the problem of juvenile homelessness, or homelessness generally, California cities and counties must balance several, often conflicting needs: the needs of the homeless population for social services and support, the interests of residents in maintaining the quality of life, and the need to manage resources wisely, among others. A survey of recent developments suggests three trends.

First, while jurisdictions continue to rely on quality of life ordinances to respond to the collateral effects of homelessness – and while in some cases those efforts are expanding – recent judicial decisions have limited the ability of local jurisdictions to enforce ordinances against the homeless. Second, local governments are moving toward an approach that integrates law enforcement with social services and rehabilitative programs geared toward helping the homeless become self-sufficient. This multi-pronged approach better serves the homeless population, particularly homeless youth. However, this movement is being implemented unevenly throughout the state, and troubling patterns of enforcement still exist. Unconstitutional and

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<sup>1</sup> Research for this report was completed by April 2007. The websites cited were updated through March 2008.

unsupportive ordinances and law enforcement policies continue to be obstacles hindering homeless youths in their struggle to become self-sufficient. Third, jurisdictions are experimenting with ways to integrate social services designed to reach the homeless, by bringing all of the social services relevant to the homeless together in a single forum.

#### **A. Law Enforcement and the Homeless**

##### **1. "Quality Of Life" Ordinances and Curfews**

One of the ways in which local governments respond to homelessness is by code enforcement. While no jurisdiction studied had ordinances directed specifically at juvenile or adult homelessness, every jurisdiction has quality of life ordinances that can be invoked by law enforcement to respond to homelessness. In the early 1990s, cities throughout the U.S. began to seek solutions to "quality of life" problems. "Quality of life" issues have been defined to include neighborhood blight, homelessness, run-away youth and criminal justice system concerns.<sup>2</sup> Examples of quality of life laws include those prohibiting blocking of sidewalks, loitering, sleeping in public, and unauthorized use of shopping carts. Advocates of "quality of life" laws argue that the laws protect public health and safety, promote economic activity in commercial districts, and help maintain the aesthetic quality of cities.<sup>3</sup> Opponents of quality of life laws argue that the laws violate fundamental rights of individuals, are too broad, and focus only on the symptoms and punishment of homelessness while failing to address the economic and social causes of the problem.<sup>4</sup> While quality of life ordinances' details vary, each jurisdiction studied has examples of such laws, including ordinances prohibiting sleeping in public, blocking of sidewalks, loitering, and unauthorized use of shopping carts. With regard to juvenile

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<sup>2</sup> Elaine Forbes. Legislative Analyst Report - San Francisco's 'Quality of Life' Laws and Seattle's 'Civility' Laws (File No. 011704), [http://www.sfgov.org/site/bdsupvrs\\_page.asp?id=5100](http://www.sfgov.org/site/bdsupvrs_page.asp?id=5100) (last visited February 27, 2008).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

homelessness, in addition to quality of life ordinances, state and local laws regulating truancy and curfew ordinances have particular salience for homeless youth. Each of the California cities studied, except Berkeley, has a curfew law preventing people under 18 from being in public places during nighttime hours (the exact times vary city to city).

Most of the studied jurisdictions' ordinances have not changed radically in the past five years.<sup>5</sup> The city of Berkeley, however, has recently enacted a new, wide range of stricter ordinances focusing on offenses related to homelessness. On June 13, 2007, the Berkeley City Council passed the Public Commons for Everyone Initiative (PCEI), proposed to the City Council by Berkeley Mayor Tom Bates.<sup>6</sup> The law provides for prosecution of individuals who "urinate or defecate in public, illegally possess a shopping cart, sit or lie on the sidewalk, smoke too close to the entrances of businesses, yell, or otherwise engage in rowdy behavior in public areas."<sup>7</sup> The goal of the PCEI is to "address problematic street behavior through enhanced and coordinated services and a law enforcement effort that offers diversions to services."<sup>8</sup> Additional goals of the new ordinance include: 1) restricting smoking in public areas in commercial zones; 2) installing better directional signage to public restrooms; 3) developing prohibitions and increased fines for public urination and defecation; 4) providing for strict enforcement of all existing laws affecting the quality of life in public spaces and parks; 5) reduction of warning provisions associated with prohibiting lying on the sidewalk (and thus facilitating the issuance of citations); 6) keeping the sidewalks and adjacent business entrances free from obstructions; 7) preventing

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<sup>5</sup> San Francisco, CA Police Code, § 22 (2007); Stockton Municipal Code, SEC. 5-131.30. - SEC. 5-131.35; Sacramento County Code § 9.82.

<sup>6</sup> Press Release, Mayor's Office, City of Berkeley, "Mayor Introduces Broad Proposal to Address Street Behavior Problems," <http://www.ci.berkeley.ca.us/mayor/PR/pressrelease2007-0312.htm> (last visited February 27, 2008); City Council District 5, "The Public Commons for Everyone Initiative," <http://www.cityofberkeley.info/council5/PCEI.html> (last visited February 27, 2008).

<sup>7</sup> Christopher Heredia. "Berkeley Street Behavior Draws Unruly Remarks," *San Francisco Chronicle*, June 14, 2007, available at <http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/06/14/BAG15QEUDL1.DTL> (March 2, 2008).

<sup>8</sup> Office of the Mayor, "Public Commons for Everyone Initiative," March 13, 2007, <http://www.ci.berkeley.ca.us/mayor/docs/PCEI.pdf> (last visited February 27, 2008).

behavior such as yelling at people as they walk along the corridor, and/or selling or consuming illegal drugs.<sup>9</sup> Critics say that this measure will be a method to discriminate against and harass homeless people, but advocates of the new ordinance argue that the new rules will enhance the quality of life for everyone.<sup>10</sup> Finding a balanced approach that represents a compromise between groups promoting law enforcement strategies and groups advocating supportive services remains a challenge. As Berkeley's Mayor Bates commented, "To say that we've come together may be too easy. We're still grappling with it... Right now it is not something everyone is happy with, but it is moving in the right direction."<sup>11</sup>

While the PCEI criminalizes a wide range of conduct often associated with the homeless, and while critics of the new ordinance say that this measure will be a means of discriminating against and harassing homeless people,<sup>12</sup> the ordinance also exemplifies the trend toward an integrated approach to homelessness. The express goal of the PCEI is to "address problematic street behavior through enhanced and coordinated services and a law enforcement effort that offers diversions to services."<sup>13</sup> PCEI includes plans to improve consistency throughout Berkeley's commercial areas by providing clear enforcement procedures for the Berkeley Police Department (BPD) and the city's social service programs when interacting with homeless individuals.<sup>14</sup> The Berkeley City Council has requested that the City Manager develop a comprehensive and coordinated program which will include a diversion-to-services program for

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<sup>9</sup> *Id.*; Office of the City Manager, "Public Commons for Everyone Initiative," May 8, 2007, <http://www.ci.berkeley.ca.us/citycouncil/2007citycouncil/packet/050807/2007-05-08%20Item%2044a%20Public%20Commons%20for%20Everyone%20Initiative%20-%20CM.pdf> (last visited March 13, 2008).

<sup>10</sup> Judith Scherr, "Commission Deems Public Commons Initiative Too Vague for Comment," BERKELEY DAILY PLANET, April 13, 2007, available at <http://www.berkeleydailyplanet.com/issue/2007-04-13/article/26794> (last visited March 3, 2008).

<sup>11</sup> Nevius, C. W., "Something's Got to Give: Homeless Advocates and the City's Leaders Need to Stop Yelling at Each Other and Work Toward a Solution," *San Francisco Chronicle*, October 11, 2007, at A16.

<sup>12</sup> See *supra* note 10.

<sup>13</sup> See *supra* note 8.

<sup>14</sup> *Id.*

homeless individuals to be integrated with BPD's law enforcement efforts. The Council has recommended that the BPD be trained in appropriate protocol to use in the diversion program and to strengthen ties to regional programs, such as the Alameda Detoxification and Sobering Program, to address the needs of homeless individuals that have chronic substance abuse problems.<sup>15</sup>

## **2. Constitutional Limits on Code Enforcement Against the Homeless**

A pattern has emerged in California cities in which: 1) local governments struggle to develop and enforce laws which focus on addressing the problems associated with homelessness; 2) homeless advocates file lawsuits claiming the laws violate various constitutional rights of homeless individuals; and then 3) the courts strike the laws down as unconstitutional or limit the ways in which local governments may enforce the laws. Four cases that illustrate this pattern will be discussed below: *Jones v. City of Los Angeles* (court declares city ordinances criminalizing homeless status unconstitutional), *Robinson v. California* (landmark Supreme Court case strikes down California statute which criminalized the status of narcotic addiction); *Nuñez v. San Diego* (San Diego's juvenile curfew laws declared unconstitutional), and *Kincaid v. City of Fresno* (City of Fresno's procedure of destroying homeless property declared unconstitutional).

### **a. Constitutional Prohibitions Against Cruel and Unusual Punishment and Criminalization of Status Crimes: *Jones v. City of Los Angeles* and *Robinson v. California***

A recent decision by the federal Ninth Circuit Court of Appeals limits the ability of local governments to use quality of life ordinances to respond to homelessness. In *Jones v. City of Los Angeles*, six homeless individuals alleged that enforcement of ordinances prohibiting sitting, lying, or sleeping on any street or sidewalk, violated the Eighth Amendment prohibition against

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<sup>15</sup> *Id.*

cruel and unusual punishment when applied to homeless persons on nights when homeless shelters are full.<sup>16</sup> The plaintiffs explained that because the number of homeless people in the city exceeds the number of shelter beds, homeless persons cannot avoid breaking the law each night.<sup>17</sup> The court held that enforcing this ordinance against homeless individuals for an involuntary act or condition constituted a violation of the Eighth Amendment prohibition against cruel and unusual punishment. The *Jones* court noted that homelessness is a status, and under the U. S. Supreme Court's interpretation of the Eighth Amendment in *Robinson v. California*, *conduct* of a defendant may be criminalized, but a defendant's *status* may not be criminalized.<sup>18</sup>

"Status crimes" have been described as crimes of being as opposed to crimes of action.<sup>19</sup> Examples of crimes of status include being addicted to narcotics or being homeless.<sup>20</sup> In *Robinson v. California*, the defendant was arrested for being addicted to narcotics after a police officer noticed needle marks on his arm. The Supreme Court held that California's law making it a crime to be a narcotics addict was unconstitutional because it violated the Constitution's Eighth Amendment prohibition of cruel and unusual punishment. The defendant could be convicted just for the "status" or "chronic condition" of being "addicted to the use of narcotics."<sup>21</sup> The Court pointed out that the law made the status of narcotic addiction a criminal offense, and the offender could be prosecuted "at any time before he reforms," and California had applied the law in such a way such that "a person can be continuously guilty of this offense, whether or not he has ever used or possessed any narcotics within the State."<sup>22</sup> While *Jones v. City of Los*

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<sup>16</sup> *Jones v. City of L.A.*, 444 F.3d 1118 (9th Cir. 2006).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Robinson v. California*, 370 U.S. 660, 665 (U.S. 1962)

<sup>20</sup> *Id.*; The National Coalition for the Homeless and The National Law Center on Homelessness & Poverty, *A Dream Denied: The Criminalization of Homelessness in U.S. Cities* (January 2006), <http://www.nationalhomeless.org/publications/crimreport/report.pdf> (last visited February 27, 2008).

<sup>21</sup> *See supra* note 19.

<sup>22</sup> *Id.*

*Angeles* specifically involved Los Angeles and struck down the city's ordinance on the grounds that it unconstitutionally criminalized the status of being homeless, the Ninth Circuit's holding applies to the entire state; thus it is now illegal throughout California for police to ticket the homeless for sleeping in public areas when city shelters are full.

Local jurisdictions are responding differently to the decision in *Jones v. City of Los Angeles*. For example, prior to *Jones*, San Diego police regularly ticketed individuals, including youth, for sleeping on public property. In 2004, San Diego Assistant Police Chief Cheryl Meyers stated that the tickets are a way of "managing the homeless problem."<sup>23</sup> The tickets carried fines of \$135, which homeless people could not afford to pay.<sup>24</sup> As a result, the homeless would often sink into further debt and encounter more trouble with law enforcement.

As a result of *Jones v. City of Los Angeles*, San Diego Mayor Jerry Sanders announced that police officers will no longer cite homeless people for sleeping on San Diego's public sidewalks and doorways at night.<sup>25</sup> San Diego adopted a policy that the homeless can sleep on the sidewalk and in public areas from 9:00 p.m. to 6:00 a.m. without being ticketed. However, police may issue citations when an individual refuses services and refuses to move from one spot.<sup>26</sup> Other cities have not yet changed their policies, but given the scope of the *Jones v. City of Los Angeles* decision, they will likely be required to alter their policies.

Los Angeles, by contrast, has taken a more conservative approach to implementing the *Jones v. City of Los Angeles* ruling. While the Los Angeles Police Department (LAPD) no longer arrests homeless people for sleeping in public when homeless shelters are full, recent

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<sup>23</sup> National Coalition for the Homeless, "Illegal to Be Homeless – 2004 Report," <http://www.nationalhomeless.org/publications/crimreport2004/allcities.html> (last visited February 27, 2008).

<sup>24</sup> *Id.*

<sup>25</sup> Jeanette Steele. "City Allows Sleeping in Public," *San Diego Tribune*, February 22, 2007, available at [http://www.signonsandiego.com/uniontrib/20070222/news\\_1m22settle.html](http://www.signonsandiego.com/uniontrib/20070222/news_1m22settle.html) (last visited February 27, 2008).

<sup>26</sup> *Id.*

evidence suggests that selective enforcement of laws such as those prohibiting blocking of sidewalks and camping on public property remain an important part of Los Angeles's strategy for responding to the homeless presence. Thus, on April 20, 2007, U.S. District Judge Dean Pregerson extended a 2003 injunction limiting arbitrary searches by the LAPD, noting that police "admitted to an unconstitutional policy" that violated the rights of the homeless by subjecting them to arbitrary and unconstitutional searches prohibited under the terms of the 2003 injunction.<sup>27</sup>

The National Coalition for the Homeless named Los Angeles as the 18th "Meanest City" in the U.S., largely due to its enforcement policies, including downtown sweeps where LAPD strictly enforces quality of life statutes such as prohibitions against public urination and sleeping on public sidewalks as they search for parole violators.<sup>28</sup> The ACLU argues that the City of Los Angeles should treat homelessness as a social problem and focus on providing more services and supportive housing to homeless individuals, rather than emphasizing police crackdowns and treating them as criminals.<sup>29</sup> Studies such as "Costs of Serving Homeless Individuals in Nine Cities" indicate that jailing homeless individuals is often at least twice as expensive as providing services and supportive housing to them.<sup>30</sup>

#### **b. Constitutional Limits on Juvenile Curfew Laws: *Nuñez v. San Diego***

The ability of jurisdictions to respond to juvenile homelessness through curfew laws has been similarly limited by the courts. Prior to 1997, San Diego had one of the most restrictive curfew ordinances in the nation, prohibiting youth from being present in public unaccompanied

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<sup>27</sup> ACLU of Southern California, "Judge Rules Skid Row Policies Still Violate Rights," <http://www.aclu-sc.org/News/OpenForum/102460/102469/> (last visited February 27, 2008).

<sup>28</sup> National Coalition for the Homeless, "Narratives of the Meanest Cities," <http://www.nationalhomeless.org/publications/crimreport/meanestcities.html> (last visited March 1, 2008).

<sup>29</sup> ACLU of Southern California, "Victory in Homeless Rights Case," April 14, 2006, <http://www.aclu-sc.org/News/Releases/2006/101775/> (last visited March 10, 2008).

<sup>30</sup> The Lewin Group, "Costs of Serving Homeless Individuals in Nine Cities – Chart Book" (November 19, 2004) available at [http://documents.csh.org/documents/ke/csh\\_lewin2004.PDF](http://documents.csh.org/documents/ke/csh_lewin2004.PDF) (last visited February 28, 2008).

by parents for any reason during nighttime hours from 10 p.m. to 6 a.m., including for arguably legitimate activities such as volunteering in homeless shelters or studying with friends.<sup>31</sup> However, in *Nuñez v. San Diego*, the Ninth Circuit struck down San Diego's curfew ordinance on the grounds that it was unconstitutionally vague, not narrowly tailored to meet stated objectives, and unfairly restricted juveniles' right to freedom of movement and speech.<sup>32</sup> San Diego complied with *Nuñez* by changing its curfew laws to match the general model used by other California jurisdictions, which allows youth to travel to and from school-related activities, for employment, and during nighttime hours for an emergency.<sup>33</sup>

Curfew laws are one example of why the law enforcement-only model is inadequate and can actually be harmful in dealing with homeless youth. In "The Impact of Juvenile Curfew Laws in California," Daniel Macallair and Mike Males report that "counties with strict youth curfews witnessed no overall decrease in youth crime when compared to counties without strict curfews," and further, that "[f]our large counties displayed a racial bias in curfew enforcement."<sup>34</sup> The study reports that in Ventura County the arrest rates of Latino and African-American youths were 8.4 and 7.4 times higher, respectively, than that of white youths. In Los Angeles County, Latino and African-American youth were arrested for curfew violations at two to three times the rate of white youth. In Santa Clara and Fresno counties, Latino youth are five times more likely and African-American youth three times more likely to be arrested for curfew violations than white youth.<sup>35</sup>

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<sup>31</sup> *Nunez v. San Diego*, 114 F.3d 935 (1997).

<sup>32</sup> *Id.*

<sup>33</sup> S.D.M.C. §58.0101; 58.0102.

<sup>34</sup> Daniel Macallair and Mike Males, "The Impact of Juvenile Curfew Laws in California," <http://www.cjcg.org/pubs/curfew/curfewexec.html> (last visited February 28, 2008).

<sup>35</sup> *Id.*

“The Impact of Juvenile Curfew Laws in California” concludes that curfew laws and emphasizing law-enforcement strategies over support are not effective methods for deterring youth. The authors recommend strategies that provide support for youth before they become involved in crime, which show more promise in lowering the crime rate among youth than law-enforcement based strategies.<sup>36</sup>

**c. Constitutional Limits on Destruction of Homeless Property: *Kincaid v. City of Fresno***

Prior to 2006, Fresno had a policy of confiscating and destroying the belongings of homeless people during police sweeps of temporary shelters.<sup>37</sup> However, in *Kincaid v. City of Fresno*, the United States District Court held that the city violated the constitutional rights of the homeless when it destroyed their property, and the court issued a preliminary injunction to stop the city’s actions.<sup>38</sup> As a result of the injunction, Fresno has instituted an advance notification policy for pending clean up sweeps.<sup>39</sup> Fresno now stores any personal belongings for up to 90 days.<sup>40</sup>

**B. Integrating Social Services with Law Enforcement**

As demonstrated in San Diego, Santa Monica, Berkeley, and San Francisco, a trend emerging in some cities is a movement away from police crackdowns on the homeless and law

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<sup>36</sup> *Id.*

<sup>37</sup> Mike Rhodes, “Fresno Homeless Attacked and Insulted by City Workers,” *San Francisco Bay Area Independent Media Center*, June 22, 2006, available at <http://www.indybay.org/newsitems/2006/06/22/18281976.php> (last visited February 28, 2008).

<sup>38</sup> *Kincaid v. City of Fresno*, 2006 U.S. Dist. LEXIS 93464 (D. Cal. 2006)

<sup>39</sup> ABC30.com, “Fresno Makes Changes to Cleaning up Homeless Areas,” April 5, 2007 <http://abclocal.go.com/kfsn/story?section=local&id=5187714> (last visited February 28, 2008); Amanda Perez, “City of Fresno Helping Homeless Clean up,” ABC30.com, February 17, 2007, <http://abclocal.go.com/kfsn/story?section=local&id=5043644> (last visited February 28, 2008); Michael Risher, “Court Steps Up to Protect Property of Homeless,” *Daily Journal Corporation*, Jan. 2, 2007, available at [http://www.aclunc.org/news/opinions/court\\_steps\\_up\\_to\\_protect\\_property\\_of\\_homeless.shtml?ht=homeless%20sacramento%20homeless%20sacramento](http://www.aclunc.org/news/opinions/court_steps_up_to_protect_property_of_homeless.shtml?ht=homeless%20sacramento%20homeless%20sacramento) (last visited February 28, 2008).

<sup>40</sup> ABC30.com, “Fresno Makes Changes to Cleaning up Homeless Areas,” April 5, 2007, <http://abclocal.go.com/kfsn/story?section=local&id=5187714> (last visited February 28, 2008).

enforcement-only models toward more compassionate and effective policies that integrate social services and rehabilitative programs with law enforcement responses.

Studies have indicated that an integrated response by local government to homeless issues that combine social services with law enforcement is not only more effective in reducing the crime rate among homeless individuals, it can also make good economic sense.<sup>41</sup> “Costs of Serving Homeless Individuals in Nine Cities” reports that incarcerating a person in jail often costs twice as much as providing supportive housing for those individuals.<sup>42</sup> The study indicates that the cost per day per person to house individuals in San Francisco is \$42 for supportive housing, \$94 for jail, \$85 for prison, \$28 for shelter, \$1,278 for a mental hospital, and \$2,030 for a hospital (based on 2004 data).<sup>43</sup> Respective figures for Los Angeles include \$30 for supportive housing, \$64 for jail, \$85 for prison, \$37 for shelter, \$607 for a mental hospital, and \$1,474 for a hospital.<sup>44</sup> In addition to incarceration being more expensive than supportive housing, studies such as “The Impact of Juvenile Curfew Laws in California,” noted above, reports that counties that emphasize law-enforcement only responses (e.g. enforcing strict youth curfews) experienced no overall decrease in youth crime when compared to counties without strict curfews.<sup>45</sup>

### **1. San Diego – Integrated Enforcement/Rehabilitation Response Model**

San Diego is a prime example of a jurisdiction where authorities are moving away from a law enforcement-only model and toward a two-pronged enforcement/rehabilitation response to the homeless problem.<sup>46</sup> An integral part of the two-pronged response is the city’s Homeless

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<sup>41</sup> See *supra* notes 23 and 30.

<sup>42</sup> See *supra* note 30.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> See *supra* note 34.

<sup>46</sup> City of San Diego, “Federal Government Lauds Local Efforts to End Chronic Homelessness,” <http://www.sandiego.gov/cpci/press/040914.shtml> (last visited February 29, 2008).

Outreach Teams (HOT).<sup>47</sup> Composed of police officers, county psychiatric clinicians, and county mental health eligibility technicians, the outreach teams seek out and engage the homeless, and place them in housing linked with appropriate services.<sup>48</sup> San Diego City and the San Diego Police Department (SDPD) have also recently received wide praise for their Serial Inebriate Program (SIP). Offered to chronically homeless and substance dependent people who have been arrested, SIP seeks to reduce the number of chronic, homeless alcoholics cycling in and out of jail and Detoxification Centers through appropriate intervention and treatment.<sup>49</sup> With the involvement of the San Diego Police and Sheriff's Departments, San Diego County Superior Courts, City and County of San Diego, San Diego County Department of Health and Human Services and Mental Health Systems, Inc., "[SIP] demonstrates collaborative efforts of private and government agencies to help proactively end chronic homelessness in the region."<sup>50</sup>

## **2. San Diego – Homeless Court – Rehabilitative Sentencing**

Homeless Courts are an integral part of an enforcement/rehabilitation response to homelessness. The Homeless Court follows a philosophy that is rehabilitative rather than punitive.<sup>51</sup> The goal is to not take homeless individuals into custody; instead, linking them with appropriate services and treatment programs while addressing their legal problems. The goal of the Homeless Court is to help homeless people in San Diego and elsewhere access the judicial system to resolve minor infractions such as sleeping in public and the outstanding warrants which often preclude them from accessing benefits, rehabilitative treatment, housing, and

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<sup>47</sup> City of San Diego Homeless Outreach Team, <http://www.sandiego.gov/homeless-services/hot.shtml> (last visited February 28, 2008).

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*; see *supra* note 46.

<sup>50</sup> See *supra* note 46.

<sup>51</sup> Steven R. Binder, "The Homeless Court Program: Taking the Court to the Streets," American Bar Association (2002), available at [http://www.abanet.org/homeless/HCP\\_Manual.pdf](http://www.abanet.org/homeless/HCP_Manual.pdf) (last visited February 28, 2008).

employment.<sup>52</sup> The San Diego Homeless Court model includes a step-by-step process in which the homeless individual signs up for a court date, meets with the public defender, and creates a “life plan” for rehabilitation.<sup>53</sup> The public defender negotiates with the district attorney to create a recommended sentence which emphasizes rehabilitation rather than punishment.<sup>54</sup> The process often results in the court sentencing the defendant to rehabilitation activities rather than incarceration, in return for the defendant taking responsibility for his or her past actions.<sup>55</sup> Cities across California have modeled their homeless courts on San Diego’s example.<sup>56</sup> Jurisdictions with Homeless Courts include San Diego, Los Angeles, Santa Clara, Ventura, Alameda County, Kern County, and Orange County.<sup>57</sup>

### **3. Movement Toward Enforcement/Rehabilitation Model in Other Jurisdictions**

Many other jurisdictions throughout the state are starting to implement the law enforcement and rehabilitation response, rather than relying solely on enforcement. The Santa Monica Police Department’s Homeless Liaison Program (HLP) is a specialized police unit that directly responds to the community’s concerns regarding homeless-related issues. With the creation of the program, the Police Department moved away from a purely law enforcement model toward a system that involved working with social services agencies to provide services to the homeless.<sup>58</sup>

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<sup>52</sup> *Id.*

<sup>53</sup> Veterans Village of San Diego, “Homeless Court,” <http://www.vvvd.net/court.htm>, (last visited February 29, 2008).

<sup>54</sup> *Id.*

<sup>55</sup> *See supra* note 51.

<sup>56</sup> *Id.*; ABC7 News, “Homeless Court Works to Help Such People,” (December 8, 2004) <http://www.courtinfo.ca.gov/programs/collab/documents/ABCHomelessCourtStory.pdf> (last visited March 2, 2008).

<sup>57</sup> California Homeless Courts (November 13, 2003) <http://www.courtinfo.ca.gov/programs/collab/documents/homelesscourts.pdf> (last visited February 29, 2008).

<sup>58</sup> City of Santa Monica, Homeless Liaison Program, <http://santamoniacpd.org/Units/HLPTeam.htm> (last visited February 29, 2008).

The San Francisco Police Department runs "Operation Outreach." The program involves approximately 32 officers who contact the homeless, help determine the homeless persons' needs, and work collaboratively with various city agencies to connect the homeless persons to city services.<sup>59</sup>

The Pasadena Police Department has tried to take a kinder and gentler approach by partnering with the Los Angeles Department of Health to form the Homeless Outreach Psychiatric Evaluation (HOPE) team. Instead of focusing on arresting homeless youth, HOPE teams composed of mental health and law enforcement officials work together to provide assistance and education to persons in need of mental health assessment and services, focusing on areas such as providing training to help youth gain independent living skills and become self-sufficient.<sup>60</sup>

Some local government agencies such as the Santa Clara Office of Affordable Housing recognize that it makes economic sense to provide supportive housing and services to the homeless because such housing results in health care and crisis cost savings that are greater than the cost of the supportive housing.<sup>61</sup> The Santa Clara Office of Affordable Housing cites data from Minnesota which shows that the completion of one supportive housing development resulted in a health care savings of over \$4,000 annually per individual resident, and a reduction of crisis costs of \$6,300 per family.<sup>62</sup>

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<sup>59</sup> San Francisco Police, Operation Outreach, [http://www.sfgov.org/site/police\\_index.asp?id=36646](http://www.sfgov.org/site/police_index.asp?id=36646) (last visited February 29, 2008).

<sup>60</sup> Pasadena Police Department, "HOPE Team," [http://www.ci.pasadena.ca.us/police/Div\\_FieldOps/hopeTeam.asp](http://www.ci.pasadena.ca.us/police/Div_FieldOps/hopeTeam.asp) (last visited February 29, 2008); National Coalition for the Homeless, "A Dream Denied: The Criminalization of Homelessness in U.S. Cities - Constructive Alternatives to Criminalization," <http://www.nationalhomeless.org/publications/crimreport/alternatives.html> (last visited February 29, 2008).

<sup>61</sup> Santa Clara County, "Keys to Housing: A 10 Year Plan to End Chronic Homelessness in Santa Clara County," p. 33, available at

[http://www.sccgov.org/SCC/docs%2FAffordable%20Housing%20Office%20of%20\(DEP\)%2Fattachments%2FSanta%20Clara%20County%20CA%2010%20YR%20PLAN%202005.pdf](http://www.sccgov.org/SCC/docs%2FAffordable%20Housing%20Office%20of%20(DEP)%2Fattachments%2FSanta%20Clara%20County%20CA%2010%20YR%20PLAN%202005.pdf) (last visited March 10, 2008).

<sup>62</sup> *Id.*

## **C. Integrated Services & Programs Response: Project Connect, Project Youth Connect**

One challenge of providing comprehensive services to the homeless is the vast number of agencies or locations that the individual may have to visit to meet all of his or her needs. Project Homeless Connect and Youth Connect are events designed to be “one-stop shops” that address most needs a homeless individual may have in one central location.<sup>63</sup>

### **1. Project Homeless Connect**

Three years ago, Mayor Newsom started Project Homeless Connect, which is a one-stop bi-monthly event for homeless San Franciscans. Services offered at the event include medical, dental, mental health, substance abuse, housing, food, clothing, and disability services.<sup>64</sup>

The San Francisco Department of Human Services provides numerous ongoing services that homeless juveniles can access, including the Emergency Shelter System and the Homeless Outreach Team (similar to the San Diego teams).<sup>65</sup> The Homeless Outreach Team consists of 20 caseworkers from the Human Services Agency, the Department of Public Health, and Community Awareness and Treatment Services (a nonprofit agency).<sup>66</sup> The goal of the Homeless Outreach Team is to conduct outreach to chronic homeless individuals and engage them in services that would get them off the streets and into stabilized situations, such as transitional housing, medical and mental health services, and substance abuse rehabilitation

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<sup>63</sup> Project Homeless Connect, [http://www.sfconnect.org/AboutUs/index.php/homeless\\_connect/phc\\_our\\_mission.html](http://www.sfconnect.org/AboutUs/index.php/homeless_connect/phc_our_mission.html) (last visited February 29, 2008); City of Berkeley Mayor’s Office, “Youth Connect 2006,” <http://www.ci.berkeley.ca.us/Mayor//issues/youth/youthconnect06.htm> (last visited March 2, 2008); The United States Interagency Council on Homelessness E-newsletter (April 10, 2006), [http://www.ich.gov/newsletter/archive/04-10-06\\_e-newsletter.htm](http://www.ich.gov/newsletter/archive/04-10-06_e-newsletter.htm) (last visited March 2, 2008).

<sup>64</sup> *Id.*

<sup>65</sup> City and County of San Francisco Human Services Agency, Directory of Programs, <http://www.sfgov.org/site/frame.asp?u=http://www.sfhsa.org/> (last visited February 29, 2008).

<sup>66</sup> San Francisco Homeless Outreach Team, City & County of San Francisco, Human Services Agency, <http://www.sfhsa.org/2673607F0BAD49CDA3038F41A06EE595.htm> (last visited February 29, 2008).

services.<sup>67</sup> The San Francisco Department of Public Health provides a variety of services to homeless persons through its Homeless Programs; projects administered include Homeless Death Prevention and Winter Shelter. Homeless Programs also collaborates with the Tom Waddell Health Center, which offers multidisciplinary services to respond to a wide range of medical, psychological and social needs of the homeless.<sup>68</sup>

## **2. Berkeley Youth Connect**

Berkeley operates a periodic Youth Connect event based on the model of San Francisco's Project Homeless Connect. The goal is to offer a temporary centralized time and location to help homeless youth connect to diverse programs such as shelter, education, and HIV screening.<sup>69</sup>

## **3. Los Angeles - Project Homeless Connect**

Los Angeles County and the Los Angeles Homeless Services Authority (LAHSA) participated in National Project Homeless Connect Week, December 4-8, 2006, by organizing an event located at key locations in Los Angeles, Pasadena, Hollywood, Long Beach, and Pomona. The event provided a central location and time for homeless individuals to connect to a comprehensive array of services, "includ[ing] flu and pneumonia vaccination shots, health screenings, HIV/AIDS testing, Department of Social Services benefits application information,

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<sup>67</sup> *Id.*

<sup>68</sup> San Francisco Department of Public Health, Homeless Services, <http://www.sfdph.org/dph/comupg/oservices/homeless/default.asp> (last visited March 2, 2008).

<sup>69</sup> The United States Interagency Council on Homelessness E-newsletter (April 10, 2006), [http://www.ich.gov/newsletter/archive/04-10-06\\_e-newsletter.htm](http://www.ich.gov/newsletter/archive/04-10-06_e-newsletter.htm) (last visited March 2, 2008); City of Berkeley Mayor's Office, Youth Connect 2006, <http://www.ci.berkeley.ca.us/Mayor/issues/youth/youthconnect06.htm> (last visited March 2, 2008).

The needs of homeless youth are particularly acute: the Annie E. Casey Foundation reports that 25 percent of former foster youths nationwide are homeless within 2.5 to 4 years after leaving foster care.

U.S. House of Representatives, Ways & Means Committee Hearings Archives, "Miriam Aroni Krinsky, Children's Law Center of Los Angeles, Monterey Park, California," *available at* <http://waysandmeans.house.gov/hearings.asp?formmode=view&id=2292> (last visited March 10, 2008).

In Alameda County, "one in three homeless individuals under age 30 experienced a child welfare system placement prior to age 18." EveryOneHome, "The Need," <http://www.everyonehome.org/theneed> (last visited March 2, 2008)

children and family services information, mental health services, legal and advocacy information, hygiene kits, lunch, and dental education.”<sup>70</sup>

The City of San Jose also participated in the 2006 National Homeless Connect Week., providing homeless clients easy access to centralized services including housing assistance, employment, and medical dental, and benefits assistance information.<sup>71</sup>

The principle advantage of the Youth Connect and Homeless Connect model is the potential to provide comprehensive services in a central location for homeless individuals to access. The disadvantage of the model is that the Connect events usually only last one day or a few days each year, so the ease of services access is only available for a very limited time period. A more permanent Youth Connect program could be an excellent model to deliver comprehensive services to homeless youth.

#### **IV. Conclusion**

The survey revealed only a limited number of California city and county programs focusing specifically on homeless youth. Project Youth Connect in Berkeley and several youth shelters and transitional programs in various cities and counties are the exception. For the most part, homeless youth face challenges similar to those faced by the homeless population at large, and programs developed to address those problems also benefit homeless youth.

*Jones v. City of Los Angeles* and *Kincaid v. City of Fresno* have limited cities’ reliance on the enforcement of quality of life ordinances as a response to homelessness, and some cities have responded by revising their ordinances or their approach. The enforcement of “quality of life” ordinances as a punitive measure against homeless individuals does little to stop the cycle of homelessness, leading cities to integrate law enforcement with social services and rehabilitative

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<sup>70</sup> The United States Interagency Council on Homelessness E-newsletter, December 14, 2006, [http://www.ich.gov/newsletter/archive/12-14-06\\_e-newsletter.htm](http://www.ich.gov/newsletter/archive/12-14-06_e-newsletter.htm) (last visited March 2, 2008).

<sup>71</sup> *Id.*

programs, in order to provide a better chance of helping homeless individuals become self-sufficient.

Finally, as jurisdictions throughout California struggle to face the array of challenges that homelessness and homeless youth present, officials are beginning to realize that the needs of the homeless are varied and many, and these needs are often best addressed by providing a central location where homeless individuals can access a multitude of available services to meet their needs comprehensively.

## APPENDIX

### Survey of California Responses to Homelessness

#### 1. San Francisco

Characterized by some as the “homeless capital” of the United States,<sup>72</sup> San Francisco has had chronic problems with homelessness. Under current Mayor Gavin Newsom, the city has attempted to provide more and different solutions to homelessness, to varying degrees of effectiveness. In 2007, the city’s official “Homeless Count,” conducted on January 31, 2007, counted 2,771 individuals living on the streets of San Francisco, a 30 percent decrease from 2002.<sup>73</sup> The Homeless Count began in San Francisco in 2000, and is conducted every two years as required by the Department of Housing and Urban Development in order to continue receiving McKinney-Vento Homeless Grants.<sup>74</sup>

#### San Francisco - Code

San Francisco laws pertaining to homelessness are contained in the Municipal Code, which applies to both the city and county of San Francisco.<sup>75</sup> The San Francisco Municipal Code contains sixteen specific codes, and of those, the Police Code and the Administrative Code contain provisions relating to general and juvenile homelessness.<sup>76</sup> The Administrative Code governs San Francisco’s General Assistance program.

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<sup>72</sup> “The San Francisco Plan to Abolish Chronic Homelessness,” at p. 7, available at <http://www.ich.gov/slocal/plans/sanfrancisco.pdf> (last visited March 3, 2008).

<sup>73</sup> Press Release, Office of the Mayor of San Francisco, “Mayor Newsom Announces Results of City’s 2007 Homeless Count – Street Homelessness Down 38% Since 2002” (February 1, 2008) available at [http://sfgov.org/site/mayor\\_page.asp?id=58094](http://sfgov.org/site/mayor_page.asp?id=58094) (last visited March 3, 2008).

<sup>74</sup> *Id.*

<sup>75</sup> The boundaries of the city and county of San Francisco are the same.

<sup>76</sup> San Francisco Municipal Code Index, [http://www.municode.com/Resources/ClientCode\\_List.asp?cn=San%20Francisco&sid=5&cid=4201](http://www.municode.com/Resources/ClientCode_List.asp?cn=San%20Francisco&sid=5&cid=4201) (last visited March 5, 2008).

The Municipal Code forbids obstruction of the “free passage of any person or persons on any street, sidewalk, passageway or other public place.”<sup>77</sup> A first offense is an infraction punishable by a fine of between \$50 and \$500.<sup>78</sup> Commission of the same offense within 24 hours is a misdemeanor punishable by a fine of \$500 or six months imprisonment in the County Jail.<sup>79</sup> If the same offense is committed again within 120 days of the first offense, the resulting third misdemeanor is punishable by six months in the County Jail, a fine of \$500 or both.<sup>80</sup> San Francisco’s vagrancy and curfew statutes allow police to write many tickets for “camping” in downtown city parks.<sup>81</sup> Police can also write vagrancy tickets for anyone sitting or lying on the street or sidewalk. Additionally, the Administrative Code also allows the city to provide transportation out of the city if the homeless person can prove he could be better cared for elsewhere.<sup>82</sup>

### **San Francisco – Enforcement**

From 1993 to 2006, the San Francisco Police Department wrote more than 150,000 citations for quality of life crimes such as sleeping and sitting in public.<sup>83</sup> In such cases, if a person fails to pay or fails to appear in court, arrest warrants are issued. This can create a homelessness cycle because a person with an active arrest warrant cannot access city services, which often means the individual will remain on the streets and may get cited again.<sup>84</sup> In 2006, a new shopping area opened up on Market Street. Homeless people and advocates complained

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<sup>77</sup> San Francisco, CA Police Code, § 22 (2007).

<sup>78</sup> *Id.*

<sup>79</sup> San Francisco Police Code § 23.

<sup>80</sup> San Francisco Police Code § 24.

<sup>81</sup> Kevin Fagan, “Shame of the City: The Best Intentions: The Kindness San Francisco Extends to the Homeless – Welfare Checks and Daily Handouts – Has Combined with Political Gridlock to Allow the System to Persist,” SAN FRANCISCO CHRONICLE, December 3, 2003, *available at* <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2003/12/03/MNG7M3ER411.DTL> (last visited March 4, 2008).

<sup>82</sup> San Francisco Administrative Code, § 20.57.4.

<sup>83</sup> Street Sheet January 2006 archive, citing the San Francisco Municipal Court, December 2001, <http://cohsf.org/streetsheet/2006/01/> (Last visited March 2, 2008).

<sup>84</sup> *Id.*

that as a result, the homeless were harassed and shooed away from the area by San Francisco Police. However, the police and the San Francisco Director of Human Services denied that there was a concentrated effort to remove homeless people from this area.<sup>85</sup>

### **San Francisco – Services**

In 2004, the Board of Supervisors introduced a 10-Year Plan to End Homelessness, which called for 3,000 units of new housing to accommodate the chronically homeless.<sup>86</sup> The Local Homeless Coordinating Board works to provide a unified homeless strategy for the city by uniting the Mayor's Office, Board of Supervisors, City Departments, nonprofit agencies, homeless persons and the community.<sup>87</sup>

### **San Francisco – Care Not Cash General Assistance Program**

In November 2002, as a result of a city ballot initiative, San Francisco adopted a "Care Not Cash" General Assistance program, which replaced cash grants to indigents with access to services, thereby bringing San Francisco in line with the rest of the California counties.<sup>88</sup>

The "Care Not Cash" program was challenged procedurally twice after it was passed. In *Pettye v. City and County of San Francisco*, the California Court of Appeals held that a county's general assistance program could be determined by the initiative process.<sup>89</sup> Later, in *McMahan v. City and County of San Francisco*, the California Court of Appeals ruled that the funding mandate of the Care Not Cash Initiative was invalid, but that replacement of indigent cash grants with

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<sup>85</sup> Steve Rubenstein, "Homeless Feel Unwelcome: Police Deny Rousting Panhandlers Near New Westfield Mall," SAN FRANCISCO CHRONICLE, September 29, 2006, available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/09/29/BAGUULF0IR1.DTL> (last visited March 4, 2008).

<sup>86</sup> Press Release, Office of the Mayor of San Francisco, "Mayor's Homeless Ten-year Plan Council Unveils Plan to End Chronic Homelessness in San Francisco," June 20, 2004, available at [http://www.sfgov.org/site/mayor\\_page.asp?id=25978](http://www.sfgov.org/site/mayor_page.asp?id=25978) (last visited March 4, 2008). The Plan itself is available at <http://www.ich.gov/slocal/plans/sanfrancisco.pdf> (last visited March 4, 2008).

<sup>87</sup> Local Homeless Coordinating Board, City and County of San Francisco, [http://www.sfgov.org/site/lhcb\\_index.asp](http://www.sfgov.org/site/lhcb_index.asp) (last visited March 2, 2008).

<sup>88</sup> San Francisco Human Services Agency, "Care Not Cash – Overview and Progress Report," February 9, 2005, <http://www.ci.sf.ca.us/site/uploadedfiles/dhs/ProgressReportTenYearPlanCouncilFebruary2005.pdf> (last visited March 4, 2008).

<sup>89</sup> *Pettye v. City and County of San Francisco*, 118 Cal.App. 4th 233 (2004).

services was severable from the funding mandate and therefore valid.<sup>90</sup> This meant that the city could still provide services to the homeless, but the Board of Supervisors was no longer required to budget a certain amount of money to fund the service programs.

### **San Francisco – Community Court**

Mayor Newsom recently proposed a Community Court, modeled on the Homeless Courts in New York and San Diego.<sup>91</sup> The Community Court would serve the Tenderloin area and would be run by the San Francisco Superior Court, but held in a location outside the courthouse.

<sup>92</sup> The Court would hear “quality of life” infraction cases such as prostitution and public drunkenness.<sup>93</sup> Individuals found guilty would be sentenced to community service and would receive access to social services and assistance in clearing citations from their records.<sup>94</sup>

Additionally, the Mayor’s office operates “Back on Track,” a program focused on helping drug offenders assimilate into the community after their release from incarceration or rehabilitation.<sup>95</sup>

The city also operates “Changing the Odds,” a program which provides internships and employment opportunities for at-risk youth.<sup>96</sup>

### **San Francisco – Assistance & Services for Juveniles**

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<sup>90</sup> *McMahan v. City and County of San Francisco*, 127 Cal.App.4th 1368 (2005)

<sup>91</sup> Heather Knight, “S.F. Plan to Tackle Nuisance Crimes: Newsom wants to create a court for quality-of-life cases like panhandling and prostitution,” *SAN FRANCISCO CHRONICLE*, March 17, 2007, available at <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2007/03/17/MNGGEON77R1.DTL&type=printable> (last visited March 4, 2008).

<sup>92</sup> *Id.*

<sup>93</sup> Cecilia Vega, “Mayor’s campaign challenge to community court critics,” *SAN FRANCISCO CHRONICLE*, May 4, 2007, available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/05/04/BAGLMPL5HB1.DTL&feed=rss.bayarea> (last visited March 4, 2008).

<sup>94</sup> *Id.*

<sup>95</sup> San Francisco District Attorney, “Reentry Programs, Back on Track,” <http://www.sfdistrictattorney.org/page.asp?id=49> (last visited March 4, 2008).

<sup>96</sup> San Francisco District Attorney, “Reentry Programs, Changing the Odds,” <http://www.sfdistrictattorney.org/page.asp?id=50> (last visited March 4, 2008).

The San Francisco Administrative Code does not provide general assistance funds for minors under age 18 unless they are legally married, divorced, or living with guardians.<sup>97</sup> The juvenile homeless population is also particularly affected by the municipal code's curfew provision that prevents minors under 14 from being in public place between 12:00 a.m. and 5:00 a.m.<sup>98</sup> If no guardian is able to claim a minor who has been detained for curfew violations, the minor is sent to the Youth Guidance Center, San Francisco's Juvenile Probation Department.<sup>99</sup>

The city also provides services specifically for youth. The Mayor's Task Force on Transitional Youth recently released "Disconnected Youth in San Francisco," a report focusing on youth ages 16-24.<sup>100</sup> Key findings of the report include: up to 10 percent of youths transitioning to adulthood are disconnected from education, social, and employment support systems; funds need to be more efficiently distributed and aligned; many service agencies do not know of the existence of other agencies resulting in a discontinuity of care, and the data systems are inadequate to provide optimum services to homeless youth.<sup>101</sup> The report's key recommendations to the City of San Francisco include: make disconnected transitional age youth a priority; enhance service coordination; improve quality of service delivery; and increase system capacity.<sup>102</sup> The city currently runs homeless youth shelters, which cater to a wide variety of age groups.<sup>103</sup> However, most city-run shelters will call guardians, so they are avoided by runaways and those looking to avoid their guardians.<sup>104</sup>

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<sup>97</sup> San Francisco Administrative Code, § 20.56.

<sup>98</sup> San Francisco Police Code, § 539.

<sup>99</sup> *Id.*; Juvenile Probation Department, City and County of San Francisco, [http://www.sfgov.org/site/juvprobation\\_index.asp?id=450](http://www.sfgov.org/site/juvprobation_index.asp?id=450) (last visited March 5, 2008).

<sup>100</sup> Mayor's Task Force on Transitional Youth, San Francisco Department of Children, Youth and their Families, <http://www.dcyf.org/Content.aspx?id=1566&note=1572> (last visited March 5, 2008).

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Mayor's Office on Homelessness, [http://www.ci.sf.ca.us/site/mons\\_page.asp?id=8526#youth](http://www.ci.sf.ca.us/site/mons_page.asp?id=8526#youth) (last visited March 14, 2008).

<sup>104</sup> *Id.*

## **2. Alameda County / Berkeley / Oakland**

This section covers Alameda County and two of its cities, Oakland and Berkeley. Based on 2003 data, more than 6,000 adults and children are homeless on any given night in Alameda County (home to the cities of Oakland and Berkeley).<sup>105</sup> Alameda County's "Homeless Count" occurred in 2003 as a week-long survey to determine how many homeless people lived in Oakland and whether Alameda's current programs were meeting their needs.<sup>106</sup> Besides the homeless count, the survey determined that Alameda County has twice as many long-term (chronic) homeless people as comparable areas in the United States.<sup>107</sup>

### **Alameda County / Berkeley / Oakland – Municipal Code**

Alameda County laws pertaining to homelessness are housed in the Alameda County Code. The County Code also governs the General Assistance program.<sup>108</sup> The program only provides assistance to homeless youth when the individual does not have a source of basic care and does not qualify for assistance through a state or federal program.<sup>109</sup>

### **Oakland – Code**

The Oakland Municipal Code covers the ordinances that are used to "police" the homeless. In regard to general homelessness, Oakland's Municipal Code forbids anyone to "sit, lie or sleep in or upon any public highway, alley, sidewalk or crosswalk or other place open for

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<sup>105</sup> EveryOne Home: Ending Homelessness in Alameda County, <http://everyonehome.org/> (last visited March 5, 2008); Rick DelVecchio, "Homeless Count – Alameda County Census finds 6,000," SAN FRANCISCO CHRONICLE, November 7, 2003, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2003/11/07/BAGNE2SEOE1.DTL&hw=alameda+county+homeless+count&sn=005&sc=661> (last visited March 5, 2008).

<sup>106</sup> Charles Burress, "Alameda County homeless count," SAN FRANCISCO CHRONICLE, February 22, 2003, <http://sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2003/02/22/BA102048.DTL> (last visited March 5, 2008).

<sup>107</sup> Mark Chediak, "Study: City Draws Long-Term Homeless," DAILY CALIFORNIAN, November 7, 2003, <http://www.dailycal.org/sharticle.php?id=13447> (last visited March 5, 2008).

<sup>108</sup> Alameda County Code Title VII.

<sup>109</sup> Alameda County Code § 7.08.080.

pedestrian travel.”<sup>110</sup> Additionally, people are forbidden to interfere with the entrances to any public building, including a house of worship, hall, theater, moving picture or place of public assemblage.<sup>111</sup>

### **Oakland – Curfew**

Affecting the juvenile homeless, Oakland has a curfew which forbids minors under 18 from being in a public place between 10:00 p.m. and sunrise.<sup>112</sup> In Oakland, a curfew offense is a misdemeanor.<sup>113</sup> It is also forbidden to rent any “apartment house, hotel, motel, tourist court, rooming house or other place [...] where living rooms or sleeping quarters are rented” to someone under 18 without a guardian.<sup>114</sup>

### **Alameda County / Berkeley / Oakland – Services**

The county of Alameda and the cities of Oakland and Berkeley have numerous services to aid homeless people. First, the Superior Court of Alameda County holds Homeless/Caring court sessions that assist homeless individuals who have outstanding fines, infractions, and selected misdemeanors.<sup>115</sup> The Homeless Court is held bi-monthly at local homeless shelters and drop-in centers.<sup>116</sup>

### **Alameda County Homeless Plan**

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<sup>110</sup> Oakland Municipal Code § 9.08.160

<sup>111</sup> Oakland Municipal Code § 9.08.170

<sup>112</sup> Oakland Municipal Code § 9.12.020

<sup>113</sup> *Id.*

<sup>114</sup> Oakland Municipal Code § 9.08.120

<sup>115</sup> Press Release, Superior Court of California, County of Alameda, “Alameda County Creates Special Court Sessions for Homeless,” June 17, 2005, [http://www.courtinfo.ca.gov/programs/collab/documents/Homeless\\_Court\\_Press\\_Release.pdf](http://www.courtinfo.ca.gov/programs/collab/documents/Homeless_Court_Press_Release.pdf) (last visited March 5, 2008).

<sup>116</sup> *Id.*

In July 2005, Alameda County released a final draft of its Countywide Homeless and Special Needs Housing Plan, which has a strong youth focus.<sup>117</sup> The plan was developed by a group of government officials from Alameda County, the City of Oakland, the City of Berkeley and the US Department of Housing and Urban Development. The goal of the plan is to end chronic homelessness within ten years and to significantly reduce housing crises for vulnerable populations in Alameda County (people with AIDS or mental illness) in the next fifteen years.<sup>118</sup> The plan has five goals including 1) prevent homelessness by making social services available; 2) increase housing options for the plan's target populations (people with AIDS or mental illness); 3) deliver "flexible services to support stability and independence"; 4) measure success and report outcomes; 5) develop long-term leadership and "build political will."<sup>119</sup> While the plan focuses most directly on those with mental illness and AIDS, a section of the plan is designed to help ensure that no youth become homeless upon leaving foster care or a state institutional setting.<sup>120</sup> The two strategies for accomplishing this goal are to "increase the availability of age-appropriate services for youth exiting state or local care including basic life skills development, job training, services coordination, legal representation and advocacy mental health and substance abuse treatment and access to medical care," and implementing or strengthening independent living plans.<sup>121</sup> These plans will begin at least one year before emancipation in order to fully prepare the youth to re-enter the community.<sup>122</sup> The county plan also discusses the mental health needs

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<sup>117</sup> Oakland and Alameda County, *Alameda Countywide Homeless and Special Needs Housing Plan*, July 15, 2005, available at <http://www.endhomelessness.org/content/article/detail/632> (last visited March 5, 2008).

<sup>118</sup> *Id.* at i.

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> *Id.* at 11.

<sup>122</sup> *Id.*

of transitional and emancipated youth. In February 2007, Alameda County officially renamed the plan the “EveryOne Home Plan.”<sup>123</sup>

### **Berkeley Action Plan Implementation**

In May 2006, the City of Berkeley developed a set of “action steps” to put a plan in place to address the issues of homeless youth in Berkeley.<sup>124</sup> These action steps cover a wide variety of services and policies, and contain a section dedicated to homeless youth. In order to implement Alameda County’s goals for foster youth, the City of Berkeley plans to create a Youth Project Connect to expand the city’s mental health services to transition-age homeless youth; work with the Fred Finch Youth Center<sup>125</sup> to develop housing Homeless Youth Transitional Project; and seek funding to help the YEAH<sup>126</sup> shelter stay open year-round.<sup>127</sup>

### **Berkeley Youth Connect**

Berkeley also runs a periodic Youth Connect program. The goal of Berkeley Youth Connect is to offer a centralized time and location to help homeless youth connect to diverse programs such as shelter, education, and HIV screening.<sup>128</sup>

### **Berkeley – Storage of Unattended Property**

The Berkeley Homeless Commission also governs the “Storage of Unattended Property” procedures that the city maintains for homeless people’s belongings.<sup>129</sup> In 2004, Berkeley

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<sup>123</sup> EveryOneHome, <http://www.everyonehome.org/abouteveryonehome> (last visited March 3, 2008).

<sup>124</sup> Alameda County Homeless and Special Needs Housing Plan, City of Berkeley Action Steps, at Attachment 2, pg. 1, available at <http://www.cityofberkeley.info/citycouncil/2006citycouncil/packet/051606/2006-05-16%20Item%2044a%20Alameda%20County%20Homeless%20Special%20Needs%20-%20CM.pdf> (last visited March 5, 2008).

<sup>125</sup> *Id.* The Fred Finch Youth Center provides social services, mental health services, and residential services to children, youth, young adults and their families. More information on the center can be found at their website, <http://fredfinch.wordpress.com/>.

<sup>126</sup> *Id.* YEAH is the Youth Emergency Assistance Hostel that operates in Berkeley. More information on YEAH can be found at their website, <http://www.yeah-berkeley.org/>.

<sup>127</sup> *Id.*

<sup>128</sup> The United States Interagency Council on Homelessness E-newsletter, April 10, 2006, [http://www.ich.gov/newsletter/archive/04-10-06\\_e-newsletter.htm](http://www.ich.gov/newsletter/archive/04-10-06_e-newsletter.htm) (last visited March 5, 2008).

bought a refrigerated container to store unattended possessions.<sup>130</sup> The program was reevaluated in January 2006, and the Berkeley Homeless Commission adopted a resolution that reduced the storage period of homeless people's possessions from 90 to 30 days; thus homeless individuals now have to pick up their possessions within 30 days or face the loss of their possessions.<sup>131</sup>

### **Oakland – Services**

While the city of Oakland has not formally reacted to the Alameda Countywide Homeless and Special Needs Housing Plan, it does have a variety of programs to serve the general homeless population. The city of Oakland maintains a Hunger and Homelessness Programs Unit, which offers the following programs: Emergency Housing Program, Winter Relief Program, Emergency Winter Shelter, Homeless Mobile Outreach, Housing Opportunities for Persons with AIDS.<sup>132</sup> The City of Oakland also administers a version of San Francisco's Project Homeless Connect.<sup>133</sup>

### **3. Los Angeles**

The 2005 Los Angeles Homeless Count estimated that there are over 48,000 homeless individuals in the City of Los Angeles, the largest homeless population of any city in California.<sup>134</sup> The Homeless Count is conducted every two years by the Los Angeles Homeless

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<sup>129</sup> Meeting Minutes, Berkeley Homeless Commission, January 11, 2006, <http://www.ci.berkeley.ca.us/commissions/homeless/2006homeless/minutes/011106M25.htm> (last visited March 6, 2008).

<sup>130</sup> Patrick Hoge, "Carts stay cool as city takes heat on storage policy," , SAN FRANCISCO CHRONICLE, November 16, 2004, *available at* <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2004/11/16/BAGKF9S21N1.DTL> (last visited March 12, 2008).

<sup>131</sup> *See supra* note 129.

<sup>132</sup> Oakland Department of Human Services, Community Housing Services, <http://www.oaklandhumanservices.org/services/adultsfamilies/communityhousing.htm> (last visited March 6, 2008).

<sup>133</sup> *Id.*

<sup>134</sup> Los Angeles Homeless Services Authority, "2005 Greater Los Angeles Homeless Count," *available at* <http://www.lahsa.org/docs/homelesscount/LAHSAR%20Report%20-%20Final%20Version6-4.pdf> (last visited March 5, 2008).

Services Authority (LAHSA), as required for continued receipt of federal funding supporting homeless services and agencies.<sup>135</sup>

### **Los Angeles – Code & Jones v. City of Los Angeles**

Laws related to homelessness are found in both the Los Angeles city and county codes. The Los Angeles Municipal Code (L.A.M.C.) contains laws prohibiting loitering, panhandling, begging, trespassing, public intoxication, removing shopping carts, and curfew provisions.<sup>136</sup> Los Angeles County Ordinances related to homelessness include prohibitions on loitering, camping in beach areas, and nudity.<sup>137</sup>

In 2005, the National Coalition for the Homeless named Los Angeles as the 18th “Meanest City” in the U.S. largely due to its law enforcement policies, which included downtown sweeps whereby the Los Angeles Police Department (LAPD) strictly enforced quality of life statutes such as public urination and sleeping on public sidewalks as they searched for parole violators.<sup>138</sup> At the time, Los Angeles had a city ordinance that criminalized sitting, lying, or sleeping on public streets and sidewalks.<sup>139</sup> LAPD policy included citing and arresting homeless individuals, including homeless youths, for violating this ordinance. But in *Jones v. City of Los Angeles*, the Ninth Circuit court declared that an ordinance prohibiting sleeping in public at all times violates the Eighth Amendment rights of homeless individuals by criminalizing the status of being homeless, which is an involuntary act or condition.<sup>140</sup> As a result, the LAPD instituted a policy of not arresting individuals sleeping on the streets between

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<sup>135</sup> *Id.*

<sup>136</sup> L.A.M.C. § 41.22-27; § 41.45-59; § 45.03.

<sup>137</sup> Los Angeles County Ordinance §§ 17.12.250, 17.12.350-360.

<sup>138</sup> National Coalition for the Homeless, “Narratives of the Meanest Cities,”

<http://www.nationalhomeless.org/publications/crimreport/meanestcities.html> (last visited March 1, 2008).

<sup>139</sup> Los Angeles Municipal Code (L.A.M.C.) § 41.18(d). “No person shall sit, lie or sleep in or upon any street, sidewalk or other public way.”

<sup>140</sup> *Jones v. City of Los Angeles*, 444 F.3d 1118 (9th Cir. 2006).

9:00 p.m. and 6:00 a.m.; the policy will remain in effect until the city builds 1,250 units of low income housing with supportive services, as part of its settlement in *Jones v. City of Los Angeles*.<sup>141</sup>

In a separate lawsuit, on April 20, 2007, U.S. District Judge Dean Pregerson extended a 2003 injunction limiting arbitrary searches by the LAPD, noting that police “admitted to an unconstitutional policy” that continues to violate the rights of the homeless by subjecting them to arbitrary and unconstitutional searches that are forbidden under the terms of an injunction against the LAPD issued in 2003.<sup>142</sup>

#### **Los Angeles – Curfew**

Under Los Angeles Municipal Code § 45.03, it is unlawful for any minor under the age of eighteen to be present and unsupervised in virtually any public area between the hours of 10:00 p.m. and sunrise on any day. Exceptions include transportation to and from official school functions, employment, or emergencies.<sup>143</sup> The Los Angeles County Code has a similar ordinance prohibiting minors from being in a public place between the hours of 10:00 p.m. and sunrise of the immediately following day, unless certain exemptions apply.<sup>144</sup> Homeless youth report that LAPD’s policy is to arrest them for panhandling, and LAPD issues youth citations for riding public buses without a ticket.<sup>145</sup>

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<sup>141</sup> ACLU of Southern California, “Jones Settlement: A ‘Good First Start,’” December 2007, <http://aclu-sc.org/News/OpenForum/102707/102710/> (last visited March 3, 2008).

<sup>142</sup> ACLU of Southern California, “Judge Rules Skid Row Policies Still Violate Rights,” <http://www.aclu-sc.org/News/OpenForum/102460/102469/> (last visited February 27, 2008).

<sup>143</sup> L.A.M.C. § 45.03.

<sup>144</sup> Los Angeles County Ordinance §13.56.010-20

<sup>145</sup> Joe Piasecki, “Throwaway Kids,” *Pasadena Weekly*, July 13, 2006, available at <http://www.pasadenaweekly.com/article.php?id=3624&IssueNum=28> (last visited March 5, 2008).

A disproportionate number of homeless youth in Los Angeles are products of the foster care system; a consequence of aging out of the system when they turn 18 years old.<sup>146</sup> The problem is so severe that advocates such as the Youth Law Center are currently considering whether to file a lawsuit against the state for not extending job training, transitional housing, and educational support to foster children in the period after they leave juvenile hall.<sup>147</sup>

### **Los Angeles – Services & Programs**

While there are significant problem areas regarding law enforcement and homelessness in Los Angeles, the city does provide extensive programs and services. The Los Angeles Homeless Services Authority (LAHSA), a joint City-County Authority, contracts with community agencies to provide services to homeless individuals, including homeless youth.<sup>148</sup> LAHSA's stated purpose is: "to support, create and sustain solutions to homelessness in Los Angeles County by providing leadership, advocacy, planning, and management of program funding."<sup>149</sup> In 1994, HUD designated Los Angeles as a Comprehensive Homeless Initiative Region, and provided a grant of \$20 million over three years to "demonstrate methods of undertaking comprehensive strategies for assisting homeless individuals and families."<sup>150</sup> LAHSA embraces the HUD Continuum of Care model, which focuses on providing a comprehensive array of services including Outreach, Access Center/Drop-in Center, Safe Haven, Supportive Services, Overnight

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<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> Homebase, "A Home of Their Own: Creating Partnerships to House Emancipated, Foster, and Homeless Youth," [http://www.homebaseccc.org/PDFs/More\\_PDFs/layoutevent.pdf](http://www.homebaseccc.org/PDFs/More_PDFs/layoutevent.pdf) (last visited March 22, 2008).

<sup>149</sup> Los Angeles Homeless Services Authority, "About LAHSA," <http://www.lahsa.org/about.asp> (last visited March 6, 2008).

<sup>150</sup> Los Angeles Homeless Services Authority, "LAHSA Celebrates 10<sup>th</sup> Anniversary," <http://www.lahsa.org/archive/spotlight/2004/01-04spotlight.htm> (last visited March 6, 2008).

Shelter (Year-Round Shelter and Winter Shelter), Emergency Shelter, Transitional Housing, Permanent Housing & Permanent Supportive Housing, and Prevention).<sup>151</sup>

### **Los Angeles - Project Homeless Connect**

LAHSA and Los Angeles County participated in National Project Homeless Connect Week, December 4-9, 2006, by organizing an eight site event located at key locations in Los Angeles, Pasadena, Hollywood, Long Beach, and Pomona.<sup>152</sup> Project Homeless Connect has offered a relatively successful model in connecting homeless populations to needed services. The event was organized to provide a central location and time for homeless individuals to be connected to a comprehensive array of services “includ[ing] flu and pneumonia vaccination shots, health screenings, HIV/AIDS testing, Department of Social Services benefits application information, children and family services information, mental health services, legal and advocacy information, hygiene kits, lunch, and dental education.”<sup>153</sup> Over the course of one week, LAHSA volunteers served more than 4,300 homeless clients at the eight sites.<sup>154</sup>

### **Los Angeles – Homeless Youth Services and Programs**

LAHSA currently supports and funds several agencies specifically focused on addressing the needs of homeless youth, including Covenant House, 1736 Family Crisis Center, Night Light, and Community Outreach Assistance for Children's Health (C.O.A.C.H).<sup>155</sup> Covenant House and 1736 Family Crisis Center have received wide praise for their success in assisting homeless

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<sup>151</sup> Los Angeles Homeless Services Authority, “Continuum of Care,” <http://www.lahsa.org/coc.asp> (last visited March 5, 2008).

<sup>152</sup> The United States Interagency Council on Homelessness E-newsletter, December 14, 2006, [http://www.ich.gov/newsletter/archive/12-14-06\\_e-newsletter.htm](http://www.ich.gov/newsletter/archive/12-14-06_e-newsletter.htm) (last visited March 2, 2008).

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> LAHSA Supportive Services Programs, <http://www.lahsa.org/archive/programs/supportiveservices.htm> (last visited March 6, 2008).

and runaway youth.<sup>156</sup> The LAPD and the Los Angeles District Attorney's office refer troubled youth ages 10 to 18 to the 1736 Family Crisis Center, which runs a shelter for homeless youth as well as a Youth Advocacy Program geared toward helping youth avoid homelessness and jail.<sup>157</sup> Covenant House staff actively search Los Angeles streets for homeless youth, and offer them shelter and rehabilitative services.<sup>158</sup> More than half of the youth Covenant House serves are foster children that have aged out of the system and become homeless.<sup>159</sup> Night Light provides services to homeless and runaway youth in West Los Angeles, while COACH focuses on providing homeless and low-income youth access to medical care via a mobile "medical clinic on wheels."<sup>160</sup>

#### **Los Angeles – Homeless Court**

The City Attorney's Office, the L.A. Superior Court, and the Public Defender's Office opened the Los Angeles Homeless Court in 2000, based on the San Diego Homeless Court Model.<sup>161</sup> The court allows homeless individuals enrolled in rehabilitative programs to resolve warrants related to low-level misdemeanors. The city attorney works with caseworkers to resolve minor infractions through the Homeless Court.<sup>162</sup>

#### **4. Santa Monica and Pasadena**

##### **Integrated Enforcement/Rehabilitation Response Model**

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<sup>156</sup> John Spano. "Homeless youth finds hope at Covenant House," *Los Angeles Times*, <http://www.latimes.com/extras/familyfund/holidayCampaign/20061126.html> (last visited March 6, 2008).

<sup>157</sup> 1736 Family Crisis Center, <http://www.1736familycrisiscenter.org/help.htm#b> (last visited March 6, 2008).

<sup>158</sup> See *supra* note 156.

<sup>159</sup> *Id.*

<sup>160</sup> Cedars-Sinai, "Community Outreach Assistance for Children's Health - COACH for Kids and Their Families," <http://www.csmc.edu/3591.html> (last visited March 8, 2008).

<sup>161</sup> California Homeless Courts, November 13, 2003, <http://www.courtinfo.ca.gov/programs/collab/documents/homelesscourts.pdf> (last visited February 29, 2008).

<sup>162</sup> Los Angeles Department of Public Social Services, "Homeless Court," [http://www.ladpss.org/dpss/grow/homeless\\_court.cfm](http://www.ladpss.org/dpss/grow/homeless_court.cfm) (last visited March 7, 2008).

Santa Monica and Pasadena are two communities in the Los Angeles area which have taken a more service-oriented approach to dealing with the homeless.<sup>163</sup> Santa Monica faces a long-standing homeless problem. Although Santa Monica only has a population of 84,000, it has over 2,000 homeless within its city limits, which is a much higher per capita rate than in Los Angeles County.<sup>164</sup> Santa Monica is near the beach and has a relatively low crime rate, two characteristics which attract the homeless. The city has taken several positive steps in addressing the needs of the homeless without the police crackdowns that have plagued many other communities in Los Angeles County.<sup>165</sup> The Santa Monica Police Department facilitates a Homeless Liaison Program (HLP), a specialized police unit that directly responds to the community's concerns regarding homeless-related issues. With the creation of the program, the Police Department moved away from a law-enforcement model and moved toward working with social services agencies to provide services to the homeless.<sup>166</sup> In 2007, Santa Monica opened a Homeless Community Court with the goal of resolving minor crimes such as sleeping in public. Instead of jail time, homeless people would be given rehabilitative services to help them move towards self-sufficiency.<sup>167</sup>

Like Santa Monica, the Pasadena Police Department has tried to take a kinder and gentler approach by partnering with the Los Angeles Department of Health to form the Homeless Outreach Psychiatric Evaluation (HOPE) Team.<sup>168</sup> Instead of focusing on arresting homeless

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<sup>163</sup> Telephone Interview with Stacy Rowe, City of Santa Monica Human Services Administrator (March 27, 2007).

<sup>164</sup> Martha Burt and Laudon Aron, "Ending Homelessness in Santa Monica: Current Efforts and Next Steps," Urban Institute, available at <http://www.smgov.net/hsd/pdfs/Homeless%20Evaluation.pdf> (last visited March 7, 2008).

<sup>165</sup> See *supra* note 163.

<sup>166</sup> City of Santa Monica, Homeless Liaison Program, <http://santamonicapd.org/Units/HLPTeam.htm> (last visited February 29, 2008).

<sup>167</sup> City of Santa Monica, "New Homeless Community Court to Begin," <http://www.smgov.net/hsd/articles/Homeless%20Community%20Court%20Info%2002-02-07.htm> (last visited March 7, 2008).

<sup>168</sup> Pasadena Police Department, "Field Operations Division - HOPE Team," [http://www.ci.pasadena.ca.us/police/Div\\_FieldOps/HopeTeam.asp](http://www.ci.pasadena.ca.us/police/Div_FieldOps/HopeTeam.asp) (last visited March 12, 2008).

youth, HOPE Teams composed of mental health and law enforcement officials work together to provide assistance to persons in need of mental health assessment and services.<sup>169</sup>

## 5. San Diego

The San Diego region has more than 7,000 urban homeless men, women and children according to the Regional Task Force on the Homeless (RTFH), based on 2004 data.<sup>170</sup> In 2006 the RTFH initiated a series of homeless counts and surveys in the region to help San Diego provide appropriate services to the homeless.

### San Diego – Code

The San Diego Municipal Code provisions related to homelessness prohibits obstruction of sidewalks, loitering, public urination, public nudity, camping, and trespassing.<sup>171</sup>

### San Diego – Response to Judicial Decisions

Prior to *Jones v. City of Los Angeles*, San Diego police regularly ticketed individuals, including youth, for sleeping on public property. In 2004, San Diego Assistant Police Chief Cheryl Meyers stated that the tickets are a way of “managing the homeless problem.”<sup>172</sup> The tickets carried fines of \$135, which homeless people could not afford to pay, so they would often sink further in debt and encounter more trouble with law enforcement.<sup>173</sup> As a result of *Jones v. City of Los Angeles*, city police will no longer cite homeless people for sleeping on San Diego's public sidewalks and doorways at night.<sup>174</sup> However, police still plan to issue citations when there are continued complaints about someone who refuses services and won't move from one

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<sup>169</sup> *Id.*

<sup>170</sup> City of San Diego, “Federal Government Lauds Local Efforts to End Chronic Homelessness,” <http://www.sandiego.gov/cpci/press/040914.shtml> (last visited February 29, 2008).

<sup>171</sup> S.D.M.C. §52.20-25; 56.55; 56.53; 58.01; 63.20; 52.80

<sup>172</sup> National Coalition for the Homeless, “Illegal to Be Homeless – 2004 Report,” <http://www.nationalhomeless.org/publications/crimreport2004/allcities.html> (last visited February 27, 2008).

<sup>173</sup> *Id.*

<sup>174</sup> Jeanette Steele. “City Allows Sleeping in Public,” *San Diego Tribune*, February 22, 2007, available at [http://www.signonsandiego.com/uniontrib/20070222/news\\_1m22settle.html](http://www.signonsandiego.com/uniontrib/20070222/news_1m22settle.html) (last visited February 27, 2008).

spot.<sup>175</sup> Attorneys for the homeless plaintiffs contend that the problem is that there are not enough shelter beds to meet the needs of the homeless population, and the permanent solution to the problem is more shelter beds.<sup>176</sup>

Prior to 1997, San Diego had one of the strictest curfew laws and for youths in the nation, which often led to citations and arrests of homeless youth.<sup>177</sup> In 1999, *Nunez v. San Diego*, the Ninth Circuit struck down San Diego's curfew ordinance because it was unconstitutionally vague, it unfairly blocked teens from exercising their right to free speech, and burdened parents as well as minors by usurping their rights as guardians.<sup>178</sup> San Diego complied with *Nunez* by changing its curfew laws: while youth are still prohibited from being in public unaccompanied by an adult between 10:00 p.m. and 6:00 a.m., several exceptions now exist that allow youth to travel to and from employment, school-related activities, and in cases of emergency during nighttime hours.<sup>179</sup>

### **San Diego – Integrated Enforcement/Rehabilitation Response Model**

The City of San Diego and the San Diego Police Department (SDPD) have also responded to court sanctions by beginning to change their policies, and currently appear to be taking a gentler approach toward the homeless. The SDPD currently assign police officers to the city's Homeless Outreach Team (HOT).<sup>180</sup> Each HOT Team is composed of police officers, County psychiatric clinicians and County Mental Health eligibility technicians. The Teams seek out and engage chronically homeless persons and, for those who are willing, place them in

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<sup>175</sup> *Id.*

<sup>176</sup> *Id.*

<sup>177</sup> American Civil Liberties Union, "San Diego Curfew Law Struck Down By Appeals Court," [http://www.aclusandiego.org/news\\_item.php?article\\_id=000230](http://www.aclusandiego.org/news_item.php?article_id=000230) (last visited March 7, 2008).

<sup>178</sup> *Nunez v. San Diego*, 114 F.3d 935 (1997).

<sup>179</sup> San Diego Municipal Code (S.D.M.C.) §58.0101; 58.0102.

<sup>180</sup> City of San Diego Homeless Outreach Team, <http://www.sandiego.gov/homeless-services/hot.shtml> (last visited February 28, 2008).

housing linked with appropriate services.<sup>181</sup> San Diego and SDPD have recently received wide praise for their Serial Inebriate Program (SIP). The SIP program is offered to chronically homeless and substance dependent people who have been arrested.<sup>182</sup> The SIP started in 2000 as a collaborative effort involving the San Diego Police and Sheriff's Departments, San Diego County Superior Courts, City and County of San Diego, San Diego County Health and Human Services and Mental Health Systems, Inc.<sup>183</sup> The goal of the program is to reduce the number of chronic, homeless alcoholics going in and out of jail and Detoxification Centers through appropriate intervention and treatment.<sup>184</sup> SDPD Chief William Lansdowne, whose department oversees SIP, says the program demonstrates collaborative efforts of private and government agencies to help proactively end chronic homelessness in the region.<sup>185</sup>

### **San Diego – Homeless Court**

San Diego created the nation's first Homeless Court, which is a special monthly Superior Court session held at local shelters for homeless defendants to resolve outstanding misdemeanor criminal cases.<sup>186</sup> The court was a finalist in Harvard University's Innovations in Government Award, which is often called the "Oscars of government award programs."<sup>187</sup> The goal is to help homeless people in San Diego access the judicial system to resolve minor infractions such as sleeping in public and outstanding warrants which often preclude them from accessing benefits, rehabilitative treatment, housing, and employment.<sup>188</sup> The San Diego Homeless Court model includes a step-by-step process in which the homeless individual signs up

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<sup>181</sup> *Id.*

<sup>182</sup> *Id.*

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

<sup>185</sup> City of San Diego, "Federal Government Lauds Local Efforts to End Chronic Homelessness," <http://www.sandiego.gov/cpci/press/040914.shtml> (last visited February 29, 2008).

<sup>186</sup> California Courts, "Homeless Courts - Of Current Interest,"

<http://www.courtinfo.ca.gov/programs/collab/homeless.htm> (last visited March 7, 2008).

<sup>187</sup> *Id.*

<sup>188</sup> *Id.*

for a court date, meets with the public defender, and creates a “life plan” for rehabilitation.<sup>189</sup> Next, the public defender negotiates with the district attorney to create a recommended sentence which emphasizes rehabilitation rather than punishment.<sup>190</sup> The defendant attends a hearing, bringing evidence of positive accomplishments and letters of support.<sup>191</sup> The process often results in the court sentencing the defendant to rehabilitation activities rather than incarceration, in return for the defendant taking responsibility for his or her past actions.<sup>192</sup> The goal is to take no one into custody; the program seeks to link homeless individuals with appropriate services and treatment programs as well as to address their legal problems.<sup>193</sup> The Homeless Court diverts homeless individuals to several alternative sentencing programs which include employment training, substance abuse rehabilitation, life skills training, and family counseling.<sup>194</sup> Cities across California and the nation have modeled their homeless courts on San Diego’s example.<sup>195</sup>

### **San Diego – Coordination of Services & Programs**

The City of San Diego’s Homeless Services “organizes and coordinates initiatives and strategies to assist the City’s homeless community in collaboration with other public and private organizations and programs.”<sup>196</sup> San Diego provides block grants to fund social services

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<sup>189</sup> Veterans Village of San Diego, “Homeless Court,” <http://www.vvvd.net/court.htm>, (last visited February 29, 2008).

<sup>190</sup> *Id.*

<sup>191</sup> *Id.*

<sup>192</sup> Nancy Kerry and Susan Pernell, *San Diego Homeless Court Program: A Process and Impact Evaluation*. San Diego Association of Governments (June 2001), available at <http://www.courtinfo.ca.gov/programs/collab/documents/2001SANDAGHomelessCourtEvaluation.pdf> (last visited March 7, 2008).

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> News, “Homeless Court Works to Help Such People,” (December 8, 2004) <http://www.courtinfo.ca.gov/programs/collab/documents/ABCHomelessCourtStory.pdf> (last visited March 2, 2008); Steven R. Binder, “The Homeless Court Program: Taking the Court to the Streets,” American Bar Association (2002), available at [http://www.abanet.org/homeless/HCP\\_Manual.pdf](http://www.abanet.org/homeless/HCP_Manual.pdf) (last visited February 28, 2008).

<sup>196</sup> City of San Diego, Homeless Services Overview, <http://www.sandiego.gov/homeless-services/overview.shtml> (last visited March 5, 2008).

addressing homeless needs, including the Winter Shelter Program, Neil Good Day Center, 150-bed Cortez Hill Family Center and the Seniors Transitional Housing Program.<sup>197</sup> San Diego City and County collaborate to “establish a continuum of care for episodic, transitional and chronic homeless individuals and families in the area.”<sup>198</sup> San Diego’s Homeless Administrator collaborates with the Regional Task Force on the Homeless and the San Diego Regional Continuum of Care Council to provide additional services to the homeless.

The Regional Task Force on the Homeless (RTFH) was created in 2001 by the City and County of San Diego and the United Way to coordinate efforts addressing homelessness in San Diego.<sup>199</sup> The RTFH uses statistical research, advocacy, and technical assistance, as well as initiates plans and policies to address homelessness on a region-wide basis.<sup>200</sup>

### **San Diego – Services and Programs for Homeless Youth**

Agencies and shelters focusing on homeless youth in the San Diego area include the Cortez Family Center, San Diego Youth Community Services, Casa Neustra, Toussaint Academy of Arts and Sciences, and Turning Point.<sup>201</sup> The Cortez Family Center provides temporary shelter for up to 100 homeless children and their parents.<sup>202</sup> San Diego Youth Community Services (SDYCS) provides a significant, comprehensive array of services to help homeless and runaway youth, including emergency shelters, long term homes, and substance rehabilitation services.<sup>203</sup> SDYCS manages The Storefront (the only emergency shelter geared

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<sup>197</sup> *Id.*

<sup>198</sup> *Id.*

<sup>199</sup> Regional Task Force on the Homeless, [http://www.rtfhsd.org/index\\_whoare.html](http://www.rtfhsd.org/index_whoare.html) (last visited March 7, 2008).

<sup>200</sup> *Id.*

<sup>201</sup> Regional Taskforce on the Homeless, Regional Inventory, *available at* [http://www.rtfhsd.org/docs/regionwide\\_inventory.xls](http://www.rtfhsd.org/docs/regionwide_inventory.xls) (last visited March 7, 2008).

<sup>202</sup> City of San Diego, “Cortez Family Health Center,” <http://www.sandiego.gov/homeless-services/shelter.shtml> (last visited March 7, 2008).

<sup>203</sup> San Diego Youth Community Services, <http://www.sdyics.org/site/PageServer?pagename=programs> (last visited March 7, 2008).

toward “street youth” in the city) and Take Wing Transitional Living Community (which provides a home to 16-24 year old youth, including some who have aged out of foster care).<sup>204</sup>

However, San Diego faces a serious shortfall in services for homeless youth. The San Diego Board of Supervisors has declared the lack of homeless youth services a “high priority need and gap” in the region.<sup>205</sup>

## **6. Santa Clara County / San Jose**

Santa Clara County estimates that there were over 7,600 homeless people in the county and over 1,000 are under the age of 18, based on 2004 data.<sup>206</sup>

### **Santa Clara County / San Jose – Code**

The San Jose City Municipal Code (SJMC) related to homelessness include restrictions on obstructing sidewalks, loitering, abandoning property, sleeping in cars, and using churches as temporary shelters.<sup>207</sup> The Santa Clara County Code (SCCC) also prohibits obstruction of sidewalks and loitering.<sup>208</sup> The SJMC includes curfew laws which prohibit individuals under the age of 18 not accompanied by an adult in public between 10:30 p.m. and 5:00 a.m., with an exception for official school functions or employment.<sup>209</sup>

### **Santa Clara County Outreach Court**

In 2003, Santa Clara County opened the Santa Clara Outreach Court, avoiding the Homeless Court title to “dispel the demeaning quality of homelessness.”<sup>210</sup> Court sessions are

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<sup>204</sup> *Id.*

<sup>205</sup> San Diego County Comprehensive Strategy for Youth, Family, Community, <http://www.thechildrensinitiative.org/pdfs/sandiegofull.pdf> (last visited March 5, 2008).

<sup>206</sup> County of Santa Clara, Office of Affordable Housing, <http://www.homebaseccc.org/PDFs/TenYearPlanng/NAEH%20SCC%20Handout.pdf> (last visited March 7, 2008).

<sup>207</sup> San Jose Municipal Code (S.J.M.C.) § 10.08.010; 1.13.050; 13.24.010; 17.72.580; 20.80.1620

<sup>208</sup> Santa Clara County Code (S.C.C.C.) § 13-5; 13-6.

<sup>209</sup> S.J.M.C. § 10.28.010 – 10.28.130.

<sup>210</sup> California Homeless Courts (November 13, 2003), <http://www.courtinfo.ca.gov/programs/collab/documents/homelesscourts.pdf> (last visited February 29, 2008).

held by the judge, with the public defender and district attorney.<sup>211</sup> The court is primarily interested in clearing outstanding warrants, and improving the quality of life for the client.<sup>212</sup> The Outreach Court collaborates with 12 homeless shelters and 20 referral agencies to emphasize rehabilitation rather than incarceration.<sup>213</sup>

### **Santa Clara County / San Jose Homeless Youth Services**

Services in the county specifically geared toward homeless youth include Alum Rock Counseling Center (ARCC), Bill Wilson Center, Community Solutions, and Mexican American Community Service Agency (MACSA).<sup>214</sup> Community Solutions and The Bill Wilson Center services include counseling, emergency food, clothing, job training, and transitional housing. MASCA focuses on health, education, and social needs of Latino youth.

The Emergency Housing Consortium (EHC), located in San Jose provides services and shelter to homeless and runaway youth.<sup>215</sup> The EHC provides meals, transitional housing, emergency services, health services, and vocational training to homeless youth.<sup>216</sup>

### **Santa Clara County 10 Year Plan**

In 2005, the County of Santa Clara announced a ten year plan to end homelessness in the county's "Keys to Housing."<sup>217</sup> The plan calls for a shift from emergency shelters to a more

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<sup>211</sup> *Id.*

<sup>212</sup> California Homeless Courts, <http://www.courtinfo.ca.gov/programs/collab/documents/homelesscourts.pdf> (last visited January 10, 2008).

<sup>213</sup> Superior Court of California, Santa Clara County, "Juvenile Delinquency Resources and Referrals," <http://www.sccselfservice.org/juvdel/juvdelresources.htm> (last visited March 7, 2008).

<sup>214</sup> *Id.*

<sup>215</sup> San Jose Department of Housing, <http://www.sjhousing.org/homeless/service.html> (last visited March 7, 2008); EHC Lifebuilders, "Our Programs – What We Do," <http://www.ehclifebuilders.org/whatwedo/programs.php> (last visited March 9, 2008).

<sup>216</sup> EHC Lifebuilders, "Our Programs – What We Do," <http://www.ehclifebuilders.org/whatwedo/programs.php> (last visited March 9, 2008).

<sup>217</sup> Santa Clara County, "Keys to Housing: A 10 Year Plan to End Chronic Homelessness in Santa Clara County," available at [http://www.sccgov.org/SCC/docs%2FAffordable%20Housing%20Office%20of%20\(DEP\)%2Fattachments%2FSanta%20Clara%20County%20CA%2010%20YR%20PLAN%202005.pdf](http://www.sccgov.org/SCC/docs%2FAffordable%20Housing%20Office%20of%20(DEP)%2Fattachments%2FSanta%20Clara%20County%20CA%2010%20YR%20PLAN%202005.pdf) (last visited March 10, 2008).

permanent “housing first” strategy, and recognizes that people need permanent housing before they can begin to make significant changes in their lives.<sup>218</sup>

### **San Jose - Services**

San Jose’s continuum of homeless services includes homelessness prevention, counseling, and transitional housing. The San Jose Office of the Homeless Coordinator collaborates with a host of San Jose and Santa Clara County departments, service providers, and shelter operators to provide services to homeless youth.<sup>219</sup> In addition, San Jose has created an Affordable Housing Trust Fund which supports the building of shelters for homeless youth.<sup>220</sup>

The City of San Jose participated in the National Homeless Connect Week, December 4-9, 2006. San Jose provided clients access to services including housing assistance, employment, medical, dental, and benefits assistance information.<sup>221</sup>

### **7. Fresno**

According to survey data collected by the Fresno Madera Continuum of Care, there are approximately 4,412 homeless individuals in the city of Fresno, and 9,470 in Fresno and Madera counties, based on 2005 data.<sup>222</sup>

### **Fresno – Code**

Fresno is governed by the Fresno City Code and Fresno County Ordinance Code. In regards to the general homeless population, Fresno County prohibits camping in parks or

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<sup>218</sup> *Id.*

<sup>219</sup> San Jose Department of Housing, Homeless Services – Collaboration, <http://www.sjhousing.org/homeless/collab.html> (last visited March 10, 2008).

<sup>220</sup> San Jose Housing Trust Fund, “Notice of Funding Available,” *available at* [http://www.sjhousing.org/downloads/TrustFundNOFA\\_09.06.pdf](http://www.sjhousing.org/downloads/TrustFundNOFA_09.06.pdf) (last visited March 10, 2008).

<sup>221</sup> *See supra* note 152.

<sup>222</sup> Fresno Madera Continuum of Care, “2005 Homeless Street Survey and Gaps Analysis,” [http://www.thecontinuumofcare.org/files/FINAL\\_Street\\_Survey\\_Report\\_revised\\_3292005\\_200541-94913\\_.pdf](http://www.thecontinuumofcare.org/files/FINAL_Street_Survey_Report_revised_3292005_200541-94913_.pdf) (last visited March 22, 2008).

recreation areas without a permit.<sup>223</sup> The Fresno City and County codes also prohibit the unauthorized removal, possession, and use of shopping carts outside businesses' premises, as well as any subsequent abandonment of the shopping carts.<sup>224</sup>

### **Fresno – Enforcement & Judicial Response**

Prior to 2006, Fresno had a policy of confiscating and destroying the belongings of homeless people during police sweeps of temporary shelters.<sup>225</sup> However, in *Kincaid v. City of Fresno*, the United States District Court held that the city violated the constitutional rights of the homeless when they destroyed their property, and so the court issued a preliminary injunction to stop the City's action.<sup>226</sup> As a result of the injunction, Fresno has instituted an advance notification policy for pending clean up sweeps.<sup>227</sup> Fresno now stores any personal belongings for up to 90 days.<sup>228</sup>

### **Fresno - Curfew**

With respect to homeless youth, Fresno has a curfew for minors from 10:00 p.m. until 5:00 a.m., which prohibits minors from being present in any public place or private business

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<sup>223</sup> Fresno County Ordinance Code § 13.16.040

<sup>224</sup> Fresno County Ordinance Code § 10.30.

<sup>225</sup> Mike Rhodes, "Fresno Homeless Attacked and Insulted by City Workers," *San Francisco Bay Area Independent Media Center*, June 22, 2006, available at <http://www.indybay.org/newsitems/2006/06/22/18281976.php> (last visited February 28, 2008).

<sup>226</sup> *Kincaid v. City of Fresno*, 2006 U.S. Dist. LEXIS 93464 (D. Cal. 2006)

<sup>227</sup> ABC30.com, "Fresno Makes Changes to Cleaning up Homeless Areas," April 5, 2007, <http://abclocal.go.com/kfsn/story?section=local&id=5187714> (last visited February 28, 2008); Amanda Perez, "City of Fresno Helping Homeless Clean up," ABC30.com, February 17, 2007, <http://abclocal.go.com/kfsn/story?section=local&id=5043644> (last visited February 28, 2008); Michael Risher, "Court Steps Up to Protect Property of Homeless," *Daily Journal Corporation*, Jan. 2, 2007, available at [http://www.aclunc.org/news/opinions/court\\_steps\\_up\\_to\\_protect\\_property\\_of\\_homeless.shtml?ht=homeless%20sacramento%20homeless%20sacramento](http://www.aclunc.org/news/opinions/court_steps_up_to_protect_property_of_homeless.shtml?ht=homeless%20sacramento%20homeless%20sacramento) (last visited February 28, 2008).

<sup>228</sup> ABC30.com, "Fresno Makes Changes to Cleaning up Homeless Areas," April 5, 2007, <http://abclocal.go.com/kfsn/story?section=local&id=5187714> (last visited February 28, 2008).

unaccompanied by an adult.<sup>229</sup> Exceptions to the law include emergency situations or travel to and from school functions or employment.<sup>230</sup>

### **Fresno – Homeless Court**

Fresno County Superior Court instituted a Homeless Court in 2002.<sup>231</sup> The Fresno Homeless Court is unique in that it is a joint effort by Fresno’s Superior Court, district attorney, public defender, police department, as well as members of homeless treatment programs.<sup>232</sup> Fresno’s Homeless Court focuses on helping homeless individuals resolve minor legal problems which often otherwise pose a barrier to services, employment, housing, and benefits.<sup>233</sup> The court avoids incarceration and focuses on sentencing homeless defendants to community service, giving credit for completion of rehabilitation programs.<sup>234</sup>

### **Fresno – Youth Services & Programs**

The Fresno County Economic Opportunities Commission (EOC) has several programs in place to assist homeless youth.<sup>235</sup> The Sanctuary Youth Center provides emergency shelter, crisis intervention, and other services to runaway and homeless youth ages 11-17. Sanctuary programs include Sanctuary Outreach to the Streets, Safe Place Youth Shelter, and After School Youth Theatre. The Transitional Living Center is an independent living program for young homeless adults, ages 16-24. The EOC Youth Collaborative, also known as Youth Employment

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<sup>229</sup> Fresno County Ordinance Code §10.40.

<sup>230</sup> *Id.*

<sup>231</sup> Superior Court of Fresno, Press Release (Oct. 26, 2005), *available at* [http://www.fresnosuperiorcourt.org/\\_pdfs/news\\_releases/press%20release%20homeless%20court%20oct05.pdf](http://www.fresnosuperiorcourt.org/_pdfs/news_releases/press%20release%20homeless%20court%20oct05.pdf) (last visited March 10, 2008).

<sup>232</sup> *Id.*

<sup>233</sup> *Id.*

<sup>234</sup> *Id.*

<sup>235</sup> Fresno County Economic Opportunities Commission, “Youth & Senior Services,” <http://www.fresnoeoc.org/programs.html> (last visited March 7, 2008).

Services, provides counseling, job preparation, work experience, education and training services. The program also offers job training and employment placement for people who are homeless.<sup>236</sup>

## 8. Sacramento

Studies indicate that there are over 2,200 chronically homeless individuals in Sacramento, and up to 1,500 homeless or runaway youth on Sacramento streets on any given night based on 2007 data.<sup>237</sup>

### Sacramento – Code

The city of Sacramento is governed by the Sacramento County Code and the Sacramento Municipal Code, both of which contain provisions that affect the adult and juvenile homeless population. The Sacramento County Code prohibits loitering<sup>238</sup> and the unauthorized use, possession, and abandonment of shopping carts.<sup>239</sup> The Sacramento Municipal Code also prohibits loitering on the grounds of any common carrier or in a place open to the public immediately adjacent to such grounds.<sup>240</sup> The Municipal Code prohibits urination and defecation “in a public place other than a restroom, or in a place open to public view, or upon the private property . . . and any unnecessary interference with pedestrians and vehicles.”<sup>241</sup> It is a misdemeanor to camp or store personal property on private property without consent of the owner, or any public property.<sup>242</sup> Homeless advocates report that Sacramento Police and the City Attorney’s office participated in massive crackdowns on the homeless from 2001 to 2003, aggressively prosecuting the homeless for illegal camping, loitering, drinking in public and

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<sup>236</sup> *Id.*

<sup>237</sup> Homeless Counts in Major Cities, <http://www.weingart.org/center/pdf/200512-city-county-homeless-counts.pdf> (last visited March 12, 2008); [http://www.windyouth.org/Pages/Articles/art\\_prostitution.htm](http://www.windyouth.org/Pages/Articles/art_prostitution.htm) (last visited May 26, 2007); Bob Ekstrom, “They can’t work at McDonalds, so their choice is to sell drugs or themselves,” WIND Youth Services, <http://www.windyouth.org/multimedia/edarticles.asp> (last visited March 12, 2008).

<sup>238</sup> Sacramento County Code § 9.82

<sup>239</sup> Sacramento County Code § 9.76

<sup>240</sup> Sacramento Municipal Code § 9.04.030

<sup>241</sup> Sacramento Municipal Code § 9.04.070; Sacramento Municipal Code §12.24.110

<sup>242</sup> Sacramento Municipal Code §§ 12.52.010 - 12.52.040

jaywalking.<sup>243</sup> With regard to the homeless sleeping on city property, police officers “have wide discretion in whether to make arrests, issue citations or give warnings.”<sup>244</sup>

### **Sacramento - Curfew**

The Sacramento Municipal Code includes curfew laws which particularly affect homeless youth: minors are prohibited from remaining in any public place or private establishment from 10:00 p.m. and 6:00 a.m., unless accompanied by an adult.<sup>245</sup> Exceptions include travel to and from official school activities, employment, or due to an emergency.<sup>246</sup>

The Sheriff’s Department, the District Attorney, and the Probation Department have acknowledged the severe homeless youth problem in Sacramento, and are attempting to divert homeless youth convicted of crimes such as prostitution away from incarceration and instead sending them to agencies such as WIND Youth Services, which focus on support, education, and rehabilitation of homeless youth.<sup>247</sup>

In 2000, the Sacramento Superior Court established a homeless court with the help of Loaves and Fishes, a non-profit organization serving the homeless.<sup>248</sup> The Homeless Court is held once a month in the Sacramento Superior Courthouse, and is supported by the Public Defender’s Office, the Superior Court, the District Attorney’s Office, and various homeless service providers. The Tommy Clinkenbeard Legal Clinic provides free legal services to

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<sup>243</sup> Cosmo Garvin, “Arrested Development,” *New Review*, April 3, 2003, available at <http://www.newsreview.com/sacramento/Content?oid=oid%3A14658> (last visited March 10, 2008).

<sup>244</sup> *Id.*

<sup>245</sup> Sacramento Municipal Code §§ 9.40.010-030.

<sup>246</sup> Sacramento County Code § 9.28

<sup>247</sup> Bob Ekstrom, “They can’t work at McDonalds, so their choice is to sell drugs or themselves,” WIND Youth Services, <http://www.windyouth.org/multimedia/edarticles.asp> (last visited March 12, 2008).

<sup>248</sup> Superior Court of California, County of Sacramento, Annual Report Fiscal Year 2004-2005, available at [http://www.saccourt.com/geninfo/Publications/Annual\\_Report/20042005AnnualReport.pdf](http://www.saccourt.com/geninfo/Publications/Annual_Report/20042005AnnualReport.pdf) (last visited March 12, 2008).

homeless individuals, and facilitates a program that enables homeless people to avoid incarceration by “paying” fines imposed by the court via community service.<sup>249</sup>

### **Sacramento – Services, Programs, & 10 Year Plan**

In addition to supporting the homeless court, the Sacramento City Council and the County Board of Supervisors adopted a Ten-Year Plan to End Chronic Homelessness in September 2006.<sup>250</sup> The plan is unique in that it emphasizes a “housing first” approach, with the goal of moving the homeless off the streets so they will be in a stable environment and better able to utilize services and rehabilitation programs.<sup>251</sup> Strategies include creating permanent supportive housing, preventing homelessness through diversion from the criminal justice system to treatment programs and targeting at-risk populations including youth.<sup>252</sup> The Homeless Policy Board (which replaced the now-defunct Sacramento County and Cities Board on Homelessness<sup>253</sup>) provides “strategic direction, oversight, and advocacy for the Plan and the Continuum [of Care] as a whole.”<sup>254</sup>

The focus of the Sacramento County Department of Human Assistance Homeless Program (HAH) is to “plan, monitor and coordinate housing and employment services for

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<sup>249</sup> Loaves and Fishes, “Programs,” <http://www.sacloaves.org/programs/> (last visited March 22, 2008). Community service hours are usually completed at Loaves & Fishes. “[O]ther options for working off one’s sentence or fine without incarceration are... the Alternative Sentencing Program (ASP) or the Sheriff’s Work Release (SWR) program.” *Id.*

<sup>250</sup> Community Services Planning Council, “Ten Year Plan to End Chronic Homelessness in Sacramento,” *available at* <http://www.communitycouncil.org/homelessplan/> (last visited March 12, 2008).

<sup>251</sup> Community Services Planning Council, “Executive Summary - Sacramento City and County Ten Year Plan to End Chronic Homelessness 2006-2016,” [http://www.communitycouncil.org/homelessplan/docs/Ten\\_Year\\_Plan\\_Execsum\\_12-15-06.pdf](http://www.communitycouncil.org/homelessplan/docs/Ten_Year_Plan_Execsum_12-15-06.pdf) (last visited March 12, 2008)

<sup>252</sup> Community Services Planning Council, “Sacramento City and County Ten Year Plan to End Chronic Homelessness 2006-2016,” *available at* [http://www.communitycouncil.org/homelessplan/docs/homeless\\_10yr.pdf](http://www.communitycouncil.org/homelessplan/docs/homeless_10yr.pdf) (last visited March 12, 2008).

<sup>253</sup> *Id.* at p.10.; Sacramento Homeless Board, <http://www.sacramentohomelessboard.org/aboutus.aspx> (last visited April 16, 2007 – link no longer valid as of March 14, 2008); “Sacramento County & Cities Board on Homelessness Program Fact Sheet,” Dec. 6, 2005, *available at* <http://www.dhaweb.saccounty.net/Homeless/SC&CBoH.htm> (last visited March 12, 2008).

<sup>254</sup> *See supra* note 252 at p.10.

homeless individuals and families in Sacramento County.<sup>255</sup> HAH also administers Sacramento's General Assistance (GA) Program. To receive GA benefits, an applicant must be at least 18 years old and reside in the county for a minimum of 15 days.<sup>256</sup> Separately, the Shelter Plus Care is a housing subsidy program that provides supportive housing for the homeless.<sup>257</sup> The Sacramento County Department of Health and Human Services (DHHS) also has a Healthcare for the Homeless Program, which provides outpatient primary and public health care services to the homeless population.<sup>258</sup>

## 9. San Joaquin County / Stockton

Estimates indicate that there are over 2,600 homeless individuals in the San Joaquin County area, based on 2007 data.<sup>259</sup> While San Joaquin County contains numerous small, rural cities, this paper focuses on the city of Stockton. The city of Stockton is governed by the Stockton municipal code and the San Joaquin county code.<sup>260</sup> The Stockton Municipal Code makes it unlawful to enter, remain or loiter in city parks between sunset and sunrise. Loitering is prohibited, as is aggressive solicitation in public places after dark.<sup>261</sup> Stockton also prohibits the removal or possession of shopping carts outside business premises,<sup>262</sup> and the abandonment of shopping carts on any public place or private property.<sup>263</sup>

### San Joaquin / Stockton - Code

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<sup>255</sup> Department of Human Assistance, *available at* <http://www.dhaweb.saccounty.net/homeless/> (last visited March 12, 2008).

<sup>256</sup> Sacramento County Department of Human Assistance, "General Assistance Program Fact Sheet," Nov. 14, 2005, *available at* <http://dhaweb.saccounty.net/Financial/documents/GA.pdf> (last visited March 13, 2008).

<sup>257</sup> *Id.*; "Shelter Plus Care," <http://www.dhaweb.saccounty.net/Homeless/shelterPlusCare.htm> (last visited March 13, 2008).

<sup>258</sup> Department of Health and Human Services, "Healthcare for the Homeless Program," <http://www.sacdhs.com/article.asp?ContentID=715> (last visited March 13, 2008).

<sup>259</sup> Greg Kane, "Why the plunge in homeless figures?" Recordnet.com, *available at* [http://www.recordnet.com/apps/pbcs.dll/article?AID=/20070403/A\\_NEWS/704030325/-1/A\\_NEWS07](http://www.recordnet.com/apps/pbcs.dll/article?AID=/20070403/A_NEWS/704030325/-1/A_NEWS07) (last visited March 13, 2008).

<sup>260</sup> Stockton Municipal Code § 5-131.30. - § 5-131.35.

<sup>261</sup> *Id.*

<sup>262</sup> Stockton Municipal Code § 5-915.

<sup>263</sup> Stockton Municipal Code § 5-916.

Stockton Municipal Code includes a curfew that prohibits anyone under age 18 from being present in public unaccompanied by an adult between 11 p.m. and 6 a.m.<sup>264</sup> Guardians responsible for minors who “knowingly allow or permit the minor to violate the [curfew]” are also liable.<sup>265</sup> Exceptions to the curfew laws include travel to or from official school activities, employment, or emergency situations.<sup>266</sup>

### **San Joaquin / Stockton – Homeless Court**

San Joaquin County has a Homeless Court that meets on the last Friday of every month. Established in 2006, the homeless court is collaboration between the offices of the San Joaquin County Public Defender, the Stockton City Attorney, and the San Joaquin County District Attorney.<sup>267</sup> The court is facilitated by the Superior Court of San Joaquin County.<sup>268</sup> The court primarily helps homeless individuals resolve minor infractions and misdemeanors.<sup>269</sup> Homeless court defendants often receive sentences requiring completion of community service and substance abuse/mental health treatment programs rather than jail sentences or fines.<sup>270</sup>

### **San Joaquin County - Services**

San Joaquin County is unique in that it bases much of its Homeless and Foster Youth Services within the County Office of Education. The San Joaquin County Office of Education provides a variety of education-related services to foster youth and homeless students through the Foster Youth/Homeless Youth Services (FY/HYS), with the philosophy that education is key

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<sup>264</sup> Stockton Municipal Code § 5-131.30. - § 5-131.35.

<sup>265</sup> Stockton Municipal Code § 5-131.2.

<sup>266</sup> Stockton Municipal Code § 5-131.1-2.

<sup>267</sup> Superior Court of California Press Release, “Superior Court of San Joaquin County Holds First Homeless Court Session,” January 31, 2006, available at [http://www.stocktoncourt.org/courts/news/news\\_2006-01-31a.htm](http://www.stocktoncourt.org/courts/news/news_2006-01-31a.htm) (last visited March 14, 2008).

<sup>268</sup> Telephone interview with Mary Aguirre, San Joaquin County Deputy District attorney, April 16, 2007.

<sup>269</sup> *Id.*

<sup>270</sup> *See supra* note 267.

to helping young adults avoid becoming homeless.<sup>271</sup> FY/HYS tracks the students' enrollment records, and provides guidance, training, and support. FY/HYS also assists the probation department, human services agency, group homes, and foster family agencies.<sup>272</sup>

San Joaquin County provides services to homeless youth in Stockton via its Homeless Youth Services Agency (HYS). HYS serves homeless and runaway youth ages 12-20, providing a range of services addressing mental health, education, and case management in an effort to help youth avoid becoming or remaining homeless.<sup>273</sup>

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<sup>271</sup> San Joaquin County Office of Education, Foster Youth Services, <http://www.sjcoe.org/fys/> (last visited March 13, 2008).

<sup>272</sup> *Id.*

<sup>273</sup> San Joaquin County, Children and Youth Services, [http://www.sjgov.org/MHS/Programs/children\\_youth.htm#homeless\\_youth\\_services](http://www.sjgov.org/MHS/Programs/children_youth.htm#homeless_youth_services) (last visited March 13, 2008).

