



Training Bulletin

SANTA BARBARA POLICE DEPARTMENT



LORI LUHNOW, Chief of Police

Vol. 2019 No. 017

Dec. 5th, 2019

Ryden Case Law: Illegal Camping Refresher

Enforcement on Sleeping and Camping in Public

OVERVIEW:

This Bulletin serves as a refresher to previously provided training materials on this subject matter.

BACKGROUND:

- On September 4th, 2018 the Ninth Circuit Court of Appeals issued a decision in *Martin v. City of Boise* holding that the Eighth Amendment prohibits criminal enforcement of homeless individuals for sleeping outside when they have no access to alternative shelter.
- In 2009 the City entered into a settlement agreement the ACLU of Southern California regarding the City's enforcement concerning violations of the Santa Barbara Municipal Code for camping and sleeping in public places. The agreement requires that if Officers identify individuals being both chronically homeless and having a disability established under the ADA, then the Officer must not cite the individual but instead offer housing services (see below on PATH). If the individual consistently refuses assistance then he or she is subject to cite or arrest for camping in public.

ENFORCEMENT: Allowed and Suspended

- **You may cite for Camping in Public 15.16.070 MC.** Camping anywhere in the City is illegal (but you must follow the guidelines under the Ryden settlement if you identify the person as chronically homeless and having a recognized disability).
- Enforcement for **sleeping in public is suspended** under 647(e).
- **You may cite for illegal lodging on private property 647(e) PC** (However, if you identify the person as chronically homeless and having a recognized disability, please offer assistance for housing services).
- Enforcement for **sleeping in public is suspended (15.16.085 MC) throughout the City.**

DIRECTION: Public vs. Private Property

Public:

When responding to a citizen complaint of a person camping, or when contacting them proactively to address a camping issue, make the following factual determinations:

- Is the location public or private?
- The type of gear or the amount of items the person has accumulated with them will determine whether or not the elements of camping in public are met (see a & b below)
 - a. Tents, cooking stove and cooking utensils, tarps, make shift structures, or

b. They have accumulated more stuff than a person can reasonably carry.

If the person is on public property determine whether that individual is camping in public. If they meet the criteria under the Ryden settlement follow the guidelines **before** citing for **15.16.070 MC illegal camping**.

If you offer services and the person wants assistance, direct the individual to PATH and have them begin to clean up and move.

Private:

If the person is sleeping or camping on private property, offer services. If they refuse, use **647(e) PC Illegal lodging to cite**.

PATH

If the subject you are contacting does want housing, you will need to contact PATH and identify yourself as a law enforcement officer and provide them with the individuals name.

They will have 24 hours to report to PATH for that particular housing opportunity or the next available entry day. You can help that individual get to PATH if you have the time and it is the best option for you.

PATH Phone Number to Call: 805-884-8481

At this moment, PATH only takes entries on Monday - Thursday from 0830 to 1030 hours.

Subjects who want help CANNOT be cited or arrested at this point.

If you later encounter the same person who “accepts” the help, but does not act on it, then document the previous contacts in your report. If you have contacted a person a third time and they have demonstrated they are not going to go to PATH, **then** they can be cited.

Officers can instruct all individuals to take down and remove the camping materials regardless of issuing a warning, citation, or arrest.

ADDITIONAL RESOURCES FOR OFFICERS:

If officers are in need of assistance from someone in the Restorative Policing Unit, they can be contacted through the “Restorative” email group or their individual department email addresses.

Ofc. McBride- Tues.- Fri, 0700-1700 hours.

Vanda Epstein- Outreach Specialist