

California Homeless Union Statewide Organizing Council



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Office of the General Counsel

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April 1, 2020

Xavier Becerra,
Attorney General's Office
California Department of Justice
P.O. Box 944255 CA 94244-2550

Sunia Y. Angell, MD, MPH
Director, California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899-7377

Sacramento County Department of Health Services
7001 East Parkway
Sacramento 95823

Darryl Steinberg, Mayor, City of Sacramento and
Co-Chair, California Commission on Homelessness and Supportive Housing
Sacramento City Hall
915 I Street
Sacramento, CA 95814

Via Electronic Transmission and Regular Mail

Complaint against Mayor Darrel Steinberg and the City of Sacramento for continuing violations of California Executive Order N-33-20 (Shelter-in-Place) and disregard of Center for Disease Control guidelines against clearing of homeless encampments during the coronavirus pandemic.

Dear Sirs/Madams:

I write on behalf of the Sacramento Homeless Union, Local Union President Crystal Sanchez and the California Homeless Union/Statewide Organizing Council.

On Monday, March 30, 2020, this office emailed a letter to Darrell Steinberg, Mayor of the City of Sacramento and Co-Chair of the State Commission on Homelessness and Supportive Housing. The letter advised that Sacramento police continue to conduct sweeps of homeless persons from location to location and the physical dismantling of homeless encampments in direct violation of Governor Newsom's Executive Order N-33-20, issued March 19, 2020 which requires, *inter alia*, that "all individuals living in the State of California to stay home or at their place of residence."

Executive Order N-33-20 requires everyone to shelter-in-place, and applies not only to those who have homes, but also to those whose "place of residence" may be a homeless encampment or other public space. That these locations are, for legal purposes considered residences is evidenced, amongst other things, by California Voting Rights laws which permit a homeless person to register to vote by merely describing streets, parks or other location where they live, or, in most cases, forced to live for lack of affordable housing. (See, Voter Registration Form at California Secretary of State website.) Thus, by breaking up existing encampments, i.e. *homeless persons' residences*, under any pretext and sweeping the homeless from place to place, the City of Sacramento is violating California State Executive Order No. N-33-20.

Thus, by continuing to conduct sweeps of any scale, the City is directly endangering the lives of thousands of Sacramento residents, housed and unhoused alike.

Our letter of March 30, 2020 also advised Mr. Steinberg that the ongoing sweeps disregard explicit instructions from the federal Centers for Disease Control, attached hereto as Attachment "C", which recite: "Unless individual housing units are available, do not clear encampments during community spread of COVID-19." As the CDC explains, "Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread."

Accordingly, our March 30, 2020 letter to Mayor Steinberg warned that "by continuing to conduct sweeps of any scale, the City is directly endangering the lives of thousands of Sacramento residents, housed and unhoused alike." Our letter advised that unless an order immediately suspending police sweeps and the clearing of homeless encampments was made by close of business March 31, 2020, our Union would file complaints with the appropriate regulatory and law enforcement authorities. Unfortunately, Mayor Steinberg neither responded to our letter nor took the actions demanded in our letter.

Please regard this letter and the documents attached hereto as constituting our formal complaint against the Mayor Steinberg and the City of Sacramento for continuing violations of Executive Order N-33-20 (Shelter-in-Place) and CDC guidelines against the clearing of

homeless encampments. These actions –as reported, witnessed and suffered daily by members and volunteer supporters of the Sacramento Homeless Union and - are continuing despite public pronouncements to the contrary by Mayor Steinberg. Our Union has mobilized over 100 medical students, doctors, restaurants, citizen volunteers and our own members to provide handwashing stations, hygiene materials, food and clothing to the homeless in the camps and on the streets. By violating the EC-33-20 and ignoring CDC guidelines by continuing police sweeps and the clearing of encampments, Mayor Steinberg and the City of Sacramento are directly interfering with our efforts to bring life-saving relief to those most at risk to themselves and others.

Accordingly, as of this morning, we have formally lodged this complaint using the online procedures provided at the website of the Attorney General’s office as well as via electronic transmission and regular mail to the departments of health of the State and Sacramento County.

Very truly yours,

Anthony D. Prince,

Anthony D. Prince,

General Counsel,

California Homeless Union/Statewide Organizing Counsel

Attorney for Sacramento Homeless Union

Attachment: Executive Department State of California Executive Order N-33-20

Cc:

Governor Gavin Newsom

Sacramento City Council

Sacramento County Board of Supervisors

Sacramento Bee