



COUNTY OF HUMBOLDT
CIVIL GRAND JURY
825 FIFTH STREET
EUREKA, CA 95501
PHONE: (707) 476-2475
JOSEPH KRAVITZ, FOREPERSON
FY 2018-2019

RECEIPT OF HUMBOLDT COUNTY CIVIL GRAND JURY REPORT

Date: 7-8-2019

Office/Department/Addressee:

Humboldt County BOS

RECEIVED

JUL 08 2019

Clerk
Board of Supervisors

Report Title:

LES Miserables

Received 7/8/19 CAO

Received By

(Printed Name): Ryan Sharp

Received By

(Signature): [Signature]

Thank You,
HCCGJ



GRAND JURY
COUNTY OF HUMBOLDT

825 FIFTH STREET
EUREKA, CALIFORNIA 95501-1153 PHONE (707) 476-2475

July 8, 2019

Humboldt County Board of Supervisors
825 5th St.
Eureka CA, 95501

Re: Enclosed Report: **Les Miserables**

Dear Supervisors,

On behalf of the 2018-2019 Grand Jury, I am providing to you the following report:

Les Miserables

This report is being provided to you in advance of its general release pursuant to Penal Code section 933.05, subdivision (f), which provides:

A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**

It is very important that you comply with this confidentiality requirement.

The Penal Code also prescribes the obligations of a governing board or elected county official with regard to responding to the grand jury's findings and recommendations. Specifically, if the report contains one or more recommendations directed to you as an elected county official, or to the governing board of which you are a member, you must respond to those recommendations and to the supporting findings, as directed in the report.

The time within which to respond is prescribed by subdivision (c) of Penal Code section 933, which states in relevant part:

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. **All such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.**

The Penal Code also prescribes the content of your responses. Subdivisions (a) through (c) of Penal Code section 933.05 state:

- (a) For purposes of subdivision (b) of Section 933, as to **each grand jury finding**, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed **and shall include an explanation of the reasons therefor.**
- (b) For purposes of subdivision (b) of Section 933, as to **each grand jury recommendation**, the responding person or entity shall report one of the following:
 - (1) The recommendation has been implemented, **with a summary regarding the implemented action.**
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, **with a time frame for implementation.**
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, **and a time frame for the matter to be prepared for discussion** by the officer

or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, **with an explanation therefor.**
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the department head and the board of supervisors shall respond if requested by the grand jury, but the response to the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Please be aware that your responses will be a matter of public record and widely read by both community members and local media. Therefore, it is important that your responses be as clear and specific as possible. A response that is vague, does not provide a clear explanation of any action that has or will be taken, or that does not include a specific time frame for implementation, is neither helpful nor legally sufficient. Furthermore, if a response does not comply with the applicable provisions of the California Penal Code, you may be directed by the presiding judge to provide an amended response.

Please send your response addressed to the Honorable Joyce Hinrichs, Presiding Judge, Humboldt County Superior Court, 825 5th Street, Eureka, CA 95501 with a copy to the Civil Grand Jury, within the time period provided in subdivision (c) of Penal Code section 933 (see above).

The 2018-2019 Humboldt County Civil Grand Jury reports, and the responses to them, will be posted on the Grand Jury's website. We would appreciate receiving an electronic copy, as well as a signed hard copy, of your response. You may email a copy to <grandjury@co.humboldt.ca.us>.

Thank you for your cooperation in providing a meaningful and timely response.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Kravitz", with a long horizontal flourish extending to the right.

Joseph Kravitz, Foreperson
Humboldt County Civil Grand Jury

Les Misérables: The Criminalization of the Homeless in the City of Eureka

SUMMARY

Imagine a world where it is illegal to sit down. Could you survive if there were no place you were allowed to fall asleep, to store your belongings, or to stand still? For most of us, these scenarios seem unrealistic to the point of being ludicrous. But, for homeless people across America, these circumstances are an ordinary part of daily life. (In "No Safe Place: The Criminalization of the Homeless in U.S Cities," the National Law Center on Homelessness & Poverty).

Homelessness is identified in multiple governmental reports as a major problem facing our society. Locally, the situation has been raised to the level of a "crisis" that seems intractable. Despite a variety of approaches by the City of Eureka, the County of Humboldt, and a raft of nonprofit organizations, the homeless crisis has been ongoing for at least 30 years with precious few successes.

Eureka, in particular, has taken a kind of carrot and stick approach but with an emphasis on the stick. According to the most recent Point in Time (PIT) count, breaking up and dispersing homeless encampments and repeatedly citing and arresting homeless individuals have not made a positive impact in reducing the number of homeless.

The 2018-2019 Humboldt County Civil Grand Jury (Grand Jury) investigated the effectiveness and impact of the law enforcement tools the City of Eureka put in place to deal with homelessness.

Beyond providing few positive results, the Grand Jury's investigation found the use of law enforcement as a primary tool in dealing with homelessness is counterproductive. Evacuating encampments simply dispersed problems from a contained location to a wider area of the city. Our investigation uncovered ample evidence that criminalizing the human activities of the unhoused is far more costly than providing transitional and permanent housing, and support services.

Most importantly, creating more debt through fines, and criminal records through arrests erects steeper barriers for the homeless in finding work and qualifying for housing in an ever tightentening rental market.

Throughout our investigation we discovered every agency and organization involved with homelessness is sincerely invested in the goal of ending the crisis. However, lack of communication and coordination among these organizations, agencies, and individuals is hindering reaching that goal. While homelessness can seem to be an insurmountable social illness, the Grand Jury was able to recommend a number of steps that could begin to move the City of Eureka in a more positive direction.

BACKGROUND

The Humboldt County Civil Grand Jury (Grand Jury) of 2018-2019 received a complaint alleging ongoing unfair treatment of homeless people within our cities and county. The complaint alleged that the homeless were being targeted through the enforcement of specific ordinances, primarily in the City of Eureka. And yet, evidence from multiple sources indicates that such enforcement does nothing to improve the situation, and may, in fact, be counterproductive.

The National Law Center on Homelessness & Poverty (NLCHP), “Housing Not Handcuffs” states:

Across the country, cities are criminalizing homelessness, making it illegal for people to sit, sleep, and even eat in public places—despite the absence of housing or even shelter, and other basic resources.

These laws and policies violate constitutional rights, create arrest records and fines & fees that stand in the way of homeless people getting jobs or housing, and don't work. The evidence is clear that homelessness is reduced in communities that focus on housing, and not those that focus on handcuffs.

Homelessness is a serious problem across the nation and not exclusive to our community. However, each jurisdiction may address it in specific and unique ways. After review, the Grand Jury decided there was sufficient evidence to investigate the effectiveness of the City of Eureka's attempt to solve the problem.

The Grand Jury decided it was important to address the complaint for a variety of reasons. First, it is ethically important to determine if any group is being singled out and treated unlawfully or inhumanely within our community. Second, significant court decisions regarding criminalization have resulted in financial cost to cities and counties. Also from NLCHP in their document “No Safe Place”:

Criminalization is the most expensive and least effective way of addressing homelessness. A growing body of research comparing the cost of homelessness (including the cost of criminalization) with the cost of providing housing to homeless people shows that housing is the most affordable option. With state and local budgets stretched to their limit, rational, cost-effective policies are needed – not ineffective measures that waste precious taxpayer dollars.

A third factor is financial. Is the money spent daily on law enforcement actions, mental health care, court costs, and public services without achieving sustainable solutions justified? Finally, citations and arrests create yet more barriers for the homeless to overcome in finding work and affordable housing.

METHODOLOGY

The Humboldt County Civil Grand Jury (Grand Jury) took the following actions to investigate the effect of creating and enforcing certain ordinances on the homeless problem:

- Researched the recent U.S. 9th Circuit Court of Appeals decision in *Martin v Boise* regarding anti-camping ordinances
- Reviewed local and nationwide articles and reports
- Reviewed Eureka city ordinances and enforcement policies and procedures
- Conducted data analysis and mapping of Eureka Municipal Code Citations and Arrests provided by the Eureka Police Department
- Interviewed local government officials, current Eureka City Council members, law enforcement officials, a property manager, advocates for the homeless population, and homeless individuals
- Researched how other cities and counties have dealt with similar issues

DISCUSSION

Introduction

Multiple approaches have been taken to address the problem both locally and in communities throughout the country. Some approaches have been more successful than others, but according to the many articles we reviewed, no communities were able to enforce their way out of the epidemic of homelessness. The consensus of local law enforcement officials interviewed is citations and arrests, while providing tools to manage the homeless population, do nothing to reduce the numbers.

Beginning in 2012, the Eureka City Council (ECC) enacted and amended several ordinances identifying certain behaviors and activities that can largely be applied to this group. The ordinances have had support from the business community, law enforcement, and the City Manager's office. The latest ordinance addressing trespassing on private property was approved on December 4, 2018. All the ordinances were approved unanimously by the ECC.

In 2015, the U.S. Department of Justice warned that local laws against camping in public spaces criminalizing homelessness could violate the Constitution's protections against cruel and unusual punishment. This was affirmed when a three-judge panel of the U.S. 9th Circuit Court of Appeals decided in September 2018 that an ordinance banning sleeping outdoors is unconstitutional if the people have no other options. This ruling has rippled all the way down to our local law enforcement and County legal offices.

EPD interviewees have stated that enforcement is to control aggressive behavior and to protect the public. However, while that may be true to some extent, most of the citations were related to activities of daily living, particularly sleeping (camping).

In addition to the passing and implementation of these ordinances, the Grand Jury examined the evolution of the PalCo Marsh (the Marsh) homeless community and its subsequent evacuation in 2016, as part of the enforcement strategy.

Encampments and Dispersal

According to an article in the North Coast Journal:

[two homeless people]...have moved seven times in the last three months: down the abandoned Northwestern Pacific railroad line to unincorporated territory, across the tracks and then back north into Eureka city limits, towing their dogs, bikes, and tent with them. They are two of the estimated 730 people living homeless in Eureka, and they have just been handed another eviction notice.

North Coast Journal, July 23, 2015, "Three Heads for Every Bed: Eureka tells marsh homeless to move on, but where?"

The history of the homeless population in Eureka is rooted in forced rootlessness. The area west of the Bayshore Mall known as the PalCo Marsh was established, according to testimony by then interim Eureka Police Chief Murl Harpham in a lawsuit by a homeless advocate, after a long-time encampment on the South Jetty was dispersed in 1997. For many years thereafter, the PalCo Marsh encampment was given tacit approval by the City and the Eureka Police Department (EPD).

The community at the Marsh continued to expand over the next 20 years. As the population grew, the EPD, the ECC, other entities, and citizens became increasingly concerned over the conditions. Still, even as late as 2015, the homeless were being given mixed messages. "Prelude to a Sweep" in the *North Coast Journal* summarizes these confusing messages to the homeless during this period:

...former marsh residents would state in sworn declarations that they had been told by Eureka police officers to relocate there from other areas of town.

"Officer [redacted] told me to move my camp to the PalCo Marsh," said [a former marsh resident], who testified [to having] lived in the marsh for two years prior to it being cleared in May of 2016. "Officer [redacted] told me that I would be safe here and that the police wouldn't bother me here."

[She] and other plaintiffs would describe the marsh as "home," a place where they found a sense of community.

She was not the only one who described the sense of community that formed by being clustered together. From that same *Journal* article:

"We are closer here at the marsh than any other neighborhood," said [a former marsh resident], who lived in the marsh for a year. "We feed each other, give each other blankets, give each other a roof and take care of our neighbors' dogs. We are not hurting anybody out here."

With a growing concentration of the homeless came an escalation of problems. The degradation of the environment from trash and human waste, increased numbers of reported crimes, a lawsuit settled by the City from an accident attributed to abandoned kilns suffered by a homeless

advocate, and ultimately the City's desire to extend the Hikshari' Trail through the area converged to precipitate a decision to once again disband the homeless community. This decision was made despite the warnings from Focus Strategies, a consulting company hired by the City and County to study the problem of homelessness. The consultants quoted the United States Interagency Council on Homelessness:

The forced dispersal of people from encampment settings is not an appropriate solution or strategy, accomplishes nothing toward the goal of linking people to permanent housing opportunities, and can make it more difficult to provide such lasting solutions to people who have been sleeping and living in the encampment.

After months of discussion by the City Council, law enforcement, and the community, false starts and more confusing signals from various agencies, the evacuation of PalCo Marsh was executed on May 2, 2016, scattering several hundred people to find new places to exist, rest, sleep, and hide.

The EPD and the City provided some options for post-dispersal living. For example, several local parking lots were designated rotating temporary sleeping areas. But these, too, were soon discontinued and the homeless threatened with arrest, according to an article in the Lost Coast Outpost, November 3, 2016. According to several interviewees some reasons for discontinuing the rotating areas were due to thefts, criminal behavior, and safety issues.

The evacuation of PalCo Marsh helped clean up the environmental and social problems that surrounded the encampment. However, many of those problems were simply moved to areas of Old Town and downtown Eureka. From a Times-Standard article entitled "Palco Marsh: One Year Later": "While the eviction cleaned up some issues in the area behind Bayshore Mall, ... officers these days are reporting more incidents around First, Second, and Commercial streets near St. Vincent de Paul."

According to data provided by the EPD, citations and arrests did not diminish between the period before the evacuation and the period after. Instead, the citations and arrests have increased and spread out along the Eureka waterfront and to other areas of the City.

Before the Marsh evacuation there were 633 incidents of Illegal Camping (Map 1) based on Eureka Municipal Code (EMC) 93.02; after there were 1,363 (Map 2) as the following maps indicate:

Map 1: Prior to Evacuation 2014-2015, Citations and Arrests, Illegal Camping (EMC 93.02) 633 Incidents*



*Detailed location information not available for all incidents

Map 2: After Evacuation 2017-2018, Citations and Arrests, Illegal Camping (EMC 93.02), 1,363 Incidents*



*Detailed location information not available for all incidents

The Ordinances

The Humboldt County Civil Grand Jury (Grand Jury) identified ten ordinances amended or passed since 2012. While not overtly targeting any specific group, they have been used, in the words of several officers we spoke with and quoted in the press, to “manage” the homeless population. These ordinances from the Eureka Municipal Code (EMC) include:

- EMC 93.02 - Camping only in specifically designated areas (Illegal Camping)
- EMC 93.03 - House trailers; auto and trailer camps
- EMC 130.01 - Drinking alcoholic beverages in public
- EMC 130.06 - Aggressive and intrusive solicitation (Panhandling)
- EMC 130.10 - Public nudity
- EMC 130.12 - Sitting or lying on sidewalks in commercial districts
- EMC 130.13 - Obstruction of movement in public ways
- EMC 130.14 - Storage of personal property

- EMC 130.30 - Abandoned shopping carts
- EMC 131.30 - Trespass on private property

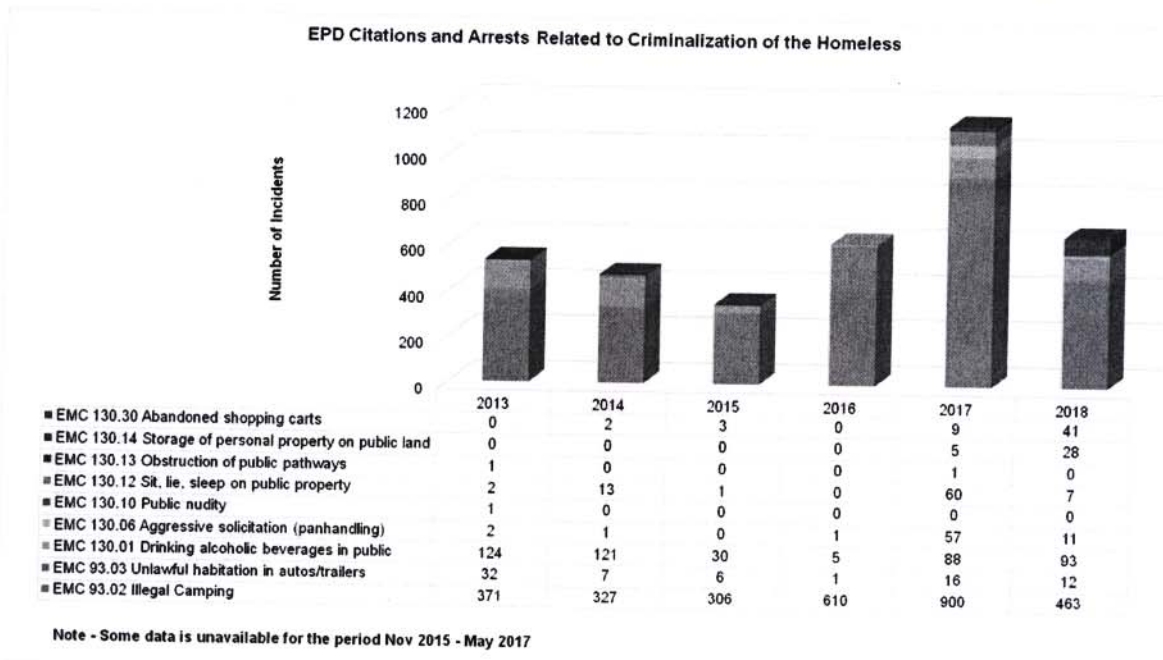
For complete text and date of passage see EMC Ordinances.

EPD interviewees stated that enforcement is to control aggressive behavior and to protect the public. While that may be true to some extent, most of the citations were related to activities of daily living, particularly sleeping (camping). Based on the data supplied by the EPD, not every ordinance has been applied consistently over the years. Indeed, some, such as EMC 130.10 (Public Nudity) have seen few citations or “arrests, while others such as EMC 93.02 (Illegal Camping) have accumulated over 2,500 citations or arrests during the 2013-2018 period. Still others, such as EMC 131.30 (Trespass on private property) have only recently been implemented, thus little data were available at the time the Grand Jury acquired the information. According to a law enforcement officer we interviewed, they often preferred to use State of California Penal Code 602 (Trespass) “because it has more teeth.” Penal Code 602 indicates a potential punishment of “...imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment, for a second or subsequent offense.”

Additionally, because of issues with the data systems used by EPD over the years, the data provided are incomplete, particularly for the period spanning November 2015 - May 2017 which included the period surrounding the evacuation of the PalCo Marsh and its aftermath.

Despite the inconsistencies, some general conclusions can be drawn from the available data especially when compared with numbers derived from surveys of the homeless population generally referred to as the Point in Time (PIT) count held every other year.

Figure 1: EPD Citations and Arrests Related to Criminalization of the Homeless



By far, the greatest number of citations/arrests for every year for which we have data is for Illegal Camping (EMC 93.02, Figure 1). Now, with the *Martin v Boise* decision the EPD is no longer applying this ordinance. However, according to a statement issued by EPD, “The City Attorney’s Office is working with staff to review and expeditiously bring an amended camping ordinance(s) before the City Council.” The statement includes other, more positive measures being undertaken by EPD, but it is clear that enforcement remains a priority.

The efforts of the Mobile Intervention Services Team (MIST), a collaboration between EPD and Humboldt County Department of Health and Human Service (DHHS) serves as a model approach. But with only a single MIST officer, the effectiveness of MIST, in the face of an overwhelming problem, is limited. In a recent town hall focusing on the homeless crisis, one EPD officer stated, “Addressing the underlying issue was essential to helping the homeless stay off the street, [the officer] said, and doing things that way is much cheaper than having them cycle in and out of jail.” (The Eureka Times-Standard, May 18, 2019)

The Homeless Population

For the last ten years, the Humboldt Housing and Homeless Coalition (HHHC) participated in the U. S. Department of Housing and Urban Development (HUD) sponsored program called the Point in Time (PIT) Count. Starting in 2009, every other year, a group of volunteers has gone into the community to conduct a survey of the homeless in Humboldt County. Organizers admit the survey is not meant to provide a complete analysis of the homeless population. A press release from the HHHC published in the *North Coast Journal*, July 24, 2015, states: “The count is not scientific, but provides a picture of the homeless population at a specific point in time.”

Additionally, these PIT counts are widely considered to be low and exclude people living in motels, jails, or with friends or relatives. Before 2019, the PIT count inconsistently included people living in cars.

Numbers from survey to survey are difficult to compare, as the PIT can be affected by shifts in methodology, the number of volunteers, weather, and the ease or difficulty of locating the homeless. Still, the PIT is required by HUD as the numbers are used by agencies administering programs and by nonprofit organizations applying for funding. For that reason, some attention might be paid to compare totals for PIT before and after the PalCo Marsh evacuation in the Greater Eureka Area. The total unsheltered homeless for 2015 was 513 while the total for 2019 was 653. If these figures hold any credence, apparently the ongoing criminalization of this population is not contributing to reducing their number.

The Financial Cost of Criminalization

Based on numerous studies the cost of citing, arresting, and pushing the homeless from one location to another far exceeds the cost of finding or building suitable, sustainable housing with adequate support services. These costs include:

- Defending against lawsuits
- Settling lawsuits
- An enormous amount of police resources
- Court costs
- Jail costs
- Providing medical services through emergency room visits

The Humboldt County Civil Grand Jury (Grand Jury) did not find a comprehensive accounting of the cost to the public in pursuing the current citation and arrest strategy. Still, in the case of one individual, the City spent \$13,400 to prosecute the illegal camping ordinance. Since the defendant was found guilty of nine violations, if he was sentenced to multiple months in the Humboldt County Correctional Facility, this would have added substantially more cost to taxpayers.

A retired Deputy District Attorney, commented on this case in the *Times-Standard*:

It boggles all rational thought that the taxpayers of the state of California, Humboldt County, and the city of Eureka have spent \$13,000 to prosecute a homeless person. This shows a paucity of creativity, discretion, and compassion in how to handle our homeless problem. Having 40 years' experience on both sides of the table in the arena of criminal law, I would have recommended a more humane and cost-saving solution.

I would personally like to know how the \$13,000 (and more!) was spent. I do know for a fact, based on my past training and experience, that money was expended to pay the judge, the bailiff, the court reporter, the jury, the defense attorney, and the prosecutor, as well as for the use of the courtroom, to pursue this fool's errand.

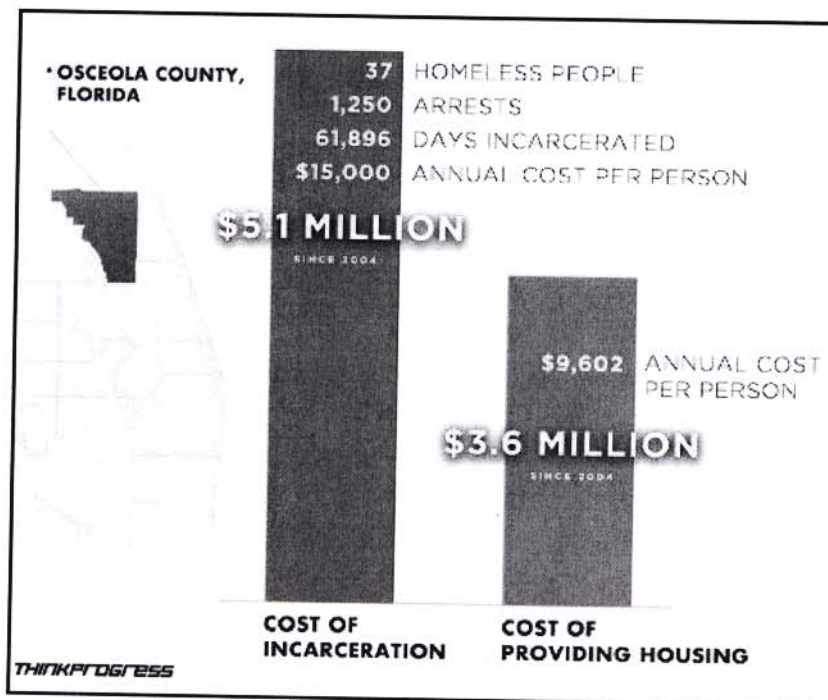
The Grand Jury is aware of two active lawsuits against the City of Eureka, stemming from evacuating the PalCo Marsh and dealing with panhandling. Given the record of lawsuits challenging similar ordinances and actions in other jurisdictions, Eureka is not likely to prevail. “Homeless Are Fighting Back Against Panhandling Bans” from the *New York Times* summarizes multiple lawsuits fighting panhandling ordinances, including one in Arcata.

The following are a few examples of the cost of criminalization versus providing housing from the National Law Center on Homelessness & Poverty study “No Safe Place”:

- In its 2013 Comprehensive Report on Homelessness, the Utah Housing and Community Development Division reported that the annual cost of emergency room visits and jail stays for an average homeless person was \$16,670, while providing an apartment and a social worker cost only \$11,000.
- A 2013 analysis by the University of New Mexico Institute for Social Research of the Heading Home Initiative in Albuquerque, New Mexico showed that, by providing housing, the city reduced spending on homelessness-related jail costs by 64%.
- A 2014 economic-impact analysis by Creative Housing Solutions evaluating the cost of homelessness in Central Florida found that providing chronically homeless people with permanent housing and case managers would save taxpayers \$149 million in reduced law enforcement and medical care costs over the next decade.

A graph (Figure 2) from a study by House the Homeless provides a powerful message:

Figure 2: The Cost of Incarceration vs. The Cost of Providing Housing



It is clear the cost of “managing” the homeless without actually housing them has been known for many years. In a *New Yorker* article by Malcolm Gladwell from February 2006 called “Million Dollar Murray” an officer is quoted as saying, “It cost us one million dollars not to do something about Murray.” The article continues:

The cost of services comes to about ten thousand dollars per homeless client per year. An efficiency apartment in Denver averages \$376 a month, or just over forty-five hundred a year, which means that you can house and care for a chronically homeless person for at most fifteen thousand dollars, or about a third of what he or she would cost on the street.

And finally, a study by the Rand Corporation for Los Angeles County Department of Health Services regarding their homeless issues found that “Overall, the cost reductions more than covered the year's worth of supportive housing costs, as we observed a net cost savings of 20 percent.” Specifically, the study reported:

- Clients' use of public services, especially medical and mental health services, dropped substantially, including emergency room visits and inpatient care. Costs, correspondingly, also decreased.
- Across all the services examined, the associated costs for public services consumed in the year after receipt of supportive housing declined by close to 60 percent.
- Participants' self-reported mental health functioning improved after receiving housing, though self-reported physical health was largely unchanged.

The Psychological Cost of Criminalization

The Eureka Police Department (EPD) conducted a survey over a period of four months, August 27, 2018-January 1, 2019. EPD staff collected responses to 16 questions from 190 individuals. In contrast to the PIT (Point In Time) count, which is designated to cover the entire county, the EPD survey took place within the Eureka City limits. The goal was not so much to count the population, but to learn more about the people with whom they interact on a daily basis.

The EPD survey was used to quantify several important factors that the Humboldt County Civil Grand Jury (Grand Jury) learned from conducting multiple interviews with homeless individuals. Drawn from the 190 respondents to the EPD survey, these factors include:

- Nearly half (44%) of respondents had been homeless for 3 to 10 years
- Over half (57%) have been diagnosed with or received treatment for mental illness
- Most (71%) indicated that drugs and/or alcohol had been a problem in their lives

This does not paint a portrait of a population that would respond well to citations, arrests, and constantly being moved from place to place. From our interviews with the homeless and people who work with the homeless, law enforcement efforts only create more exhaustion, mental anguish, and the need for drugs to mask those states.

Given the pain that criminalizing the homeless imposes on that population, the question arises: Why do we do it? It appears, from what one study by two political scientists attempted to quantify, our society is able to live with opposing impulses. They explain their methodology and

results in an article in the *Washington Post*, "Americans want to help the homeless — as long as they don't get too close. This explains why."

Using a survey, the political scientists asked respondents "...whether they supported two policies aimed at helping homeless people: aid to homeless people and subsidized housing. We also asked whether they supported two 'exclusionary' policies: banning panhandling and banning sleeping in public." They continue, "...we argue that disgust helps explain why so much of the public supports both policies that transfer resources to homeless people and exclusionary policies that cause them harm."

The authors used an analogy to explain how people can hold seemingly opposed concepts toward the homeless. "Consider how you might feel about a sick person: you might want to help them while also keeping a careful distance. Disgust might lead much of the public to support policies that exclude homeless people from public life, while leaving public approval for policies to transfer resources to them untouched."

Their study begins to explain how public perception of the homeless may hinder efforts to solve the problem. The article closes: "Policymakers who want to combat homelessness should bear in mind that much of the public supports their efforts — but only from a distance."

This attitude toward the homeless, which the authors call "disgust" provides evidence why solutions which look to build or create longer term housing solutions have a difficult time finding support in the general community despite the clear need and an impulse to help the homeless.

The Eureka Police Department (EPD) may seem to be the nexus of the approach to criminalizing the homeless. However, the EPD is only carrying out the direction of the Eureka City Council (ECC), whose members state their decisions on ordinances reflect community values. While doing so, the EPD is also working very hard to seek alternative approaches. Officers undertake Crisis Intervention Training which provides tools for dealing with mental illness and drug and alcohol problems, all of which are endemic to the homeless population.

Robust partnerships among jurisdictions and other entities would not only improve the lives and integration of the homeless, but also change the attitude of the community through outreach and education.

Where Do They Go?

The struggle to find temporary and permanent shelter alternatives for the homeless lies at the heart of any solution to address the crisis.

According to the most recent Housing Inventory Count for the Department of Housing and Urban Development, in Eureka two organizations provide approximately 135 adult-only year-round emergency shelter beds: 120 at the Eureka Rescue Mission (prior to its current remodel) and 15 for veterans at the North Coast Veterans Resource Center.

For a variety of reasons, some homeless will not stay at the Mission. According to the shelter's website, guests must be sober and a breathalyzer will be used. Despite this, the Mission often waives this rule if a guest is not disruptive. Many homeless and non-homeless people mistakenly believe attending a religious service is mandatory to stay at the Mission; it is not. Other limitations preventing people from using the Mission include pets, partners, and possessions. The Mission does not accept dogs and has limited storage space for guests' belongings. Further, the shelter is segregated by gender so opposite sex couples cannot stay together. Only a limited number of beds are available for women.

Even if individuals can get past these barriers and take advantage of the beds, they are often back on the street the next day. Longer term transitional housing where people can find a more stable environment is not currently available. One law enforcement interviewee suggested finding or constructing a warehouse type of structure that could serve as transitional housing, getting people out of the weather and providing a safe place to store their possessions. The building could also house satellite offices for the multitude of commonly used services that now are scattered throughout the City.

A City/County task force could be formed to find a suitable location. Apparently, such a working group did meet for a time in an attempt to form common strategies and practical solutions, but has recently been abandoned because, as we were told, "It ran out of gas." The Grand Jury believes plenty of creative fuel exists to restart that engine.

If some form of transitional housing could be established, getting the homeless into more permanent placement has its own barriers. California is struggling with a housing shortage. The City of Eureka is no exception. According to a local property manager, waiting lists for a single unit can number 50 or more applicants.

The roadblocks to permanent housing can seem insurmountable. Lack of, or poor credit ratings often disqualify the homeless. The accumulation of debt from fines for Eureka Municipal Code violations further complicates the financial problems of the homeless seeking housing. And criminal records for those violations automatically disqualify applicants.

So far, there is no good answer for the question, "where do they go?"

From the United States Interagency Council on Homelessness document, "Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness":

Criminalization policies are costly and consume substantial state and local resources. In today's economic climate, it is important for state, county, and entities to invest in programs that work rather than spend money on activities that are unlikely to achieve the desired result and which may, in some cases, open the jurisdiction to liability. In addition to the increase in public resources used to carry out these criminalization measures, individuals who are arrested or fined for "act of living" crimes in public spaces now have a criminal record, resulting in barriers to work and difficulty in receiving mainstream services and housing that often bar individuals with criminal histories. These policies are

a temporary solution and create greater barriers for these individuals to exit homelessness successfully, providing neither a permanent nor sustainable solution to homelessness.

FINDINGS

- F1. Citations and arrests of homeless have not resulted in reducing the overall number of unhoused people in the City of Eureka.
- F2. Citations and arrests complicate the problem by making it more difficult for people to find work and qualify for housing.
- F3. The financial cost of criminalizing the homeless far exceeds the cost of providing services that transition people into housing and a stable living situation.
- F4. The City of Eureka and Humboldt County governments are not effectively working together in coordination to solve the problem of homelessness.
- F5. Criminalizing behavior that is largely part of being human, increases the misery of those being targeted.
- F6. The pressure to enact and enforce selective laws creates a moral quagmire for all involved.
- F7. Dispersing homeless encampments creates roadblocks to providing services by making it more difficult to reach the people in need of them.
- F8. Continuing to cite and arrest homeless individuals participating in the activities of daily living will not improve the available housing inventory.
- F9. Data gathering about the homeless community is inadequate, inconsistent, and inaccurate.
- F10. The Mobile Intervention Services Team could be more effective with additional law enforcement team members.
- F11. We commend those committed to solving the issue of homelessness who are working hard, yet struggling to find viable solutions.

RECOMMENDATIONS

- R1. The Humboldt County Civil Grand Jury recommends representatives from the Eureka City Council, Eureka Police Department, homeless advocacy groups, and the homeless community form a committee to review the following ordinances (EMC 131.30, EMC 130.30, EMC 130.14, EMC 130.13, EMC 130.12, EMC 130.10, EMC 130.06, EMC 130.01, EMC 93.03, EMC 93.02) by October 1, 2019. (F1, F5, F6, F8)

- R2. The Humboldt County Civil Grand Jury recommends the committee in R1 evaluate the above ordinances and identify those for which the homeless have no options to avoid violating them. This action should be completed by December 16, 2019. (F2, F4, F5, F6)
- R3. The Humboldt County Civil Grand Jury recommends for those ordinances identified in R2, the committee provide recommendations to the Eureka City Council to amend the ordinances. This action is to be completed by January 30, 2020. (F2, F5, F8)
- R4. The Humboldt County Civil Grand Jury recommends Eureka City Council consider suspending enforcement of the ordinances identified in R2 until the review in R3 is completed. This action should be completed by March 16, 2020. (F1, F5, F6, F8)
- R5. The Humboldt County Civil Grand Jury recommends Humboldt County and the City of Eureka collaborate to provide storage sites for the homeless to use at strategic locations. This action should be completed by December 2, 2019. (F2, F5)
- R6. The Humboldt County Civil Grand Jury recommends Humboldt County and the City of Eureka collaborate to provide additional public restrooms/porta potties throughout the community and to extend the hours for existing facilities. This action should be completed September 30, 2019. (F5, F8)
- R7. The Humboldt County Civil Grand Jury recommends the City of Eureka work with Humboldt County for support to increase affordable housing development and rentals by December 2, 2019. (F3, F4, F8)
- R8. The Humboldt County Civil Grand Jury recommends the city of Eureka and Humboldt County collaborate to develop a plan to create and fund short term shelter and transitional housing solutions. This action should be completed by October 15, 2019. (F7)
- R9. The Humboldt County Civil Grand Jury recommends the City of Eureka and Humboldt County collaborate to conduct leadership group meetings at least monthly to address homelessness and other shared issues. This should be completed by October 1, 2019. (F4)
- R10. The Humboldt County Civil Grand Jury recommends the City of Eureka develop plans to enable homeless individuals the opportunities to reduce and waive fees from citations through volunteer community service. This action should be completed by January 15, 2020. (F2, F6)
- R11. The Humboldt County Civil Grand Jury recommends the Eureka City Council allocate funding for additional law enforcement members for the Mobile Intervention Service Team. This action is to be completed by January 30, 2020. (F10)
- R12. The Humboldt County Civil Grand Jury recommends the City of Eureka, Eureka Police Department, Humboldt County Board of Supervisors, and the Humboldt County Department of Health and Human Services develop a comprehensive process of gathering demographic data about the entire homeless population. This data gathering and analysis

could more accurately assist in the development of laws and policies and help educate the public about the homeless community. (F9)

REQUEST FOR RESPONSES

Pursuant to Penal Code §933.05, the Humboldt County Civil Grand Jury requests responses as follows:

From the following governing bodies:

- The Eureka City Council (F1, F2, F3, F4, F5, F6, F7, F8, F10) (R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11)
- The Eureka Police Department (F5, F6, F7, F8, F10) (R1, R2, R3, R9, R10, R11)
- Humboldt County Department of Health and Human Services (F3, F4, F5, F7, F9) (R1, R2, R3, R7, R8, R9, R11)
- Humboldt County Board of Supervisors (F4, F9) (R1, R2, R3, R7, R8, R9, R11)
- Humboldt County Sheriff (F4) (R9)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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DISCLAIMER

All linked resources were available at the time this report was submitted for approval. As the web is an ever-changing system, those resources may since have been moved or otherwise may no longer be available.