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## City Ordered to Stop Seizing Homeless People's Property

LOS ANGELES, April 14, 2016 — The City of Los Angeles has been ordered to stop the seizure and destruction of homeless people's property. The preliminary injunction from a U.S. District Judge stems from a lawsuit, *Mitchell v. City of Los Angeles*, that was filed in mid-March by Legal Aid Foundation of Los Angeles, The Law Office of Carol A. Sobel, and Schonbrun Seplow Harris & Hoffman LLP on behalf of homeless individuals, the Los Angeles Community Action Network (LA CAN), and the Los Angeles Catholic Worker, also known as the Hippie Kitchen.

“The Court’s ruling is clear — the United States Constitution protects homeless individuals’ property, and the city violates the constitution when it seizes and immediately destroys belongings that are not an immediate threat to public health and safety,” said Shayla Myers, an attorney with the Legal Aid Foundation of Los Angeles. “The city cannot keep putting homeless people’s lives in jeopardy by throwing away their tents, blankets, medications and other items they need to survive. It is sad that our clients needed a Court to yet again issue an injunction to that effect, but the city’s actions have made it clear they did, and the Court agreed.”

The Los Angeles Police Department and other city agencies have a longstanding practice of seizing and destroying homeless people’s property, despite the fact that it violates their constitutional rights. Even items critical for survival like medication, wheelchairs, tents and tarps, have been subject to this draconian seizure policy. Plaintiffs put forth evidence showing the Bureau of Sanitation clearly slicing apart a tent and then documenting that it was thrown away because it was ripped. The court also noted that, “some of the individual Defendants appeared to take away property from a person lying on the sidewalk, visibly suffering physical pain.”

The court also addressed the storage of property the city seizes and does not immediately destroy. The preliminary injunction orders the city to stop failing to provide notice where the property is being stored, storing property in a facility that does not operate during normal business hours, and storing property without cataloguing and segregating property by owner. The court also ordered the city to make critical property like tents, blankets, and medication available within 24 hours of the seizure or immediately when a person is released from custody, whichever is later.

“The City’s current procedures also do not appear to afford the homeless a meaningful way to recover confiscated property,” wrote U.S. District Judge James Otero in the order. “Although a preliminary

injunction will place additional burdens on the City to keep Los Angeles safe, Plaintiffs risk greater harm if the preliminary injunction is not granted,” Judge Otero added. “To put it bluntly, Plaintiffs may not survive without some of the essential property that has been confiscated.”

The order comes on the heels of the City Council passing and Mayor Eric Garcetti signing an updated version of Los Angeles Municipal Code 56.11 that gives LAPD and other agencies the power to confiscate and destroy the property of homeless people.

“It is critical to acknowledge that the agencies called out in this injunction are the very same ones that the city just granted more authority to confiscate and destroy homeless people’s homeless property with the passing of 56.11,” said Pete White, executive director of LA CAN, a plaintiff in the lawsuit. “This lawsuit won’t end homelessness. But neither will repeatedly and illegally seizing and often destroying the property of homeless folks. Actually, this practice only makes it harder to get off the streets. This lawsuit should signal to the City Council and Mayor Garcetti once and for all that we are not going to criminalize our way out of this crisis. Housing is the only thing that ends homelessness. The city should redirect all the resources saved from the ceasing of illegal property seizures to this cause — to building homes for the homeless.”