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ACLU/SC Applauds Laguna Beach City Council's Repeal of Anti-Sleeping Ordinance

Wednesday, March 4, 2009

LOS ANGELES, Calif. – The ACLU of Southern California today applauded the Laguna Beach City Council for repealing an anti-sleeping ordinance that criminalized individuals for being chronically homeless. The City Council action came three months after the ACLU/SC, the law firm of Irell & Manella LLP, and Erwin Chemerinsky, dean of the University of California, Irvine law school, sued the affluent city for its unconstitutional harassment and intimidation of disabled homeless residents.

The city had used the ordinance as a premise for its police officers to wake and subject homeless residents to harassment, threats and intimidation; conduct unjustified stops of them that resulted in middle-of-the-night interrogations and warrant checks; and to confiscate their property, among other punitive steps.

"We're pleased that the city recognizes it cannot treat its most vulnerable residents as if they were a law-enforcement problem that can be eliminated with citations and harassment," said Ramona Ripston, executive director of the ACLU/SC. "We hope the city's leaders will now seek a long-term solution to chronic homelessness by providing shelters and supportive services. This will not only take people off the street but, as has been shown time and time again in communities across the country, provide taxpayers with a more cost effective and humane way to treat homeless individuals who might otherwise end up in already overburdened public emergency medical facilities, or in the hands of law enforcement."

Andra Barmash Greene, the managing partner of Irell & Manella LLP's Newport Beach office and co-counsel in the case, added that she hopes the council's action "is the first step in addressing issues of homelessness in Laguna Beach. What the City Council has still not addressed is whether previously issued citations will be rescinded or expunged."

Hector Villagra, director of the ACLU/SC's Orange County office, noted that the ACLU/SC and its partners will monitor the city's new policy for dealing with homeless people to ensure that the Laguna Beach Police Department does not revert to the criminalization of the past.

"This is a step in the right direction, but whether it will resolve the lawsuit remains to be seen," Villagra said. "We challenged the mistreatment of the homeless, not the justification for it. If the city is going to continue to harass homeless residents under other provisions, then we are essentially in the same

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position as we were before the repeal.”

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The lawsuit was filed on Dec. 23 last year after yearlong discussions between city officials and attorneys representing the homeless failed to yield necessary revisions to Laguna Beach's policy toward homeless persons. The legal action sought to prevent the city from harassing and intimidating the homeless, particularly for the involuntary and necessary act of sleeping.

The long-term solution is for Laguna Beach to provide more shelter support and services that can help chronically homeless people get off the streets and into supportive environments where their disabilities can be treated. Currently there are no beds regularly available to the city's homeless residents, while the lone nonprofit rehabilitative center south of downtown Laguna Beach has limited sleeping space and strict rules that make it difficult for chronically homeless residents to qualify for one of its beds.

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