



A ticket by any other name

Will city follow the county's path of changing technical citations on homelessness?

BY SCOTT THOMAS ANDERSON / scotta@newsreview.com

The city of Sacramento may have temporarily abandoned its controversial panhandling ordinance, but homeless advocates and people on the streets are waiting to see if the move leads to similar enforcement under different sections of the government code.

That's how Sacramento County responded to a court ruling linked to its own homelessness policies.

Last week, city leaders deleted their "aggressive or intrusive solicitation" code nearly one year after a federal judge granted an injunction against it, ruling that it was too broad and raising First Amendment issues. Critics of the ordinance argued that it criminalized non-aggressive types of panhandling, including taking few steps toward someone or asking quietly for help while in a highly visible place.

The Sacramento Regional Coalition to End Homelessness and the Sacramento Homeless Organizing Committee worked with the American Civil Liberties Union to file a lawsuit against the ordinance in federal court. In July 2018, U.S. District Judge Morris C. England Jr. moved to block it.

This month, city staff urged the City Council to pull the code off the books to "avoid further litigation and costs," a staff report stated. The council voted quietly on the consent calendar without a public hearing. After the vote, City Attorney Susana Alcala Wood issued a statement saying her office "has begun to work with the City Manager's Office to draft an ordinance that will serve to promote and preserve the interests of the community while protecting citizens' constitutional rights."

Homeless advocates are now wondering if that means new types of anti-panhandling actions becoming common under a slightly different legal definition.

It would not be unprecedented: In October 2018, the county changed its anti-camping ordinance after the U.S. Ninth Circuit Court of Appeals ruled against a similar code in Boise,

Idaho. At the time, Rob Leonard, deputy county executive for municipal services, told the Board of Supervisors that county park rangers would no longer be citing people for camping in the American River Parkway, but they'd be stepping up enforcement against littering, having shopping carts and starting illegal campfires.

An SN&R analysis of county data revealed that for 20 months prior to Leonard making that announcement, park rangers issued an average of 4.5 citations a month for shopping carts, 11.6 citations a month for littering and 3.1 citations a month for illegal campfires.

However, in the seven months since Leonard declared an end to camping enforcement, the rangers have issued an average of 83 citations a month for shopping carts, 90 citations a month for littering and 13.5 for illegal campfires.

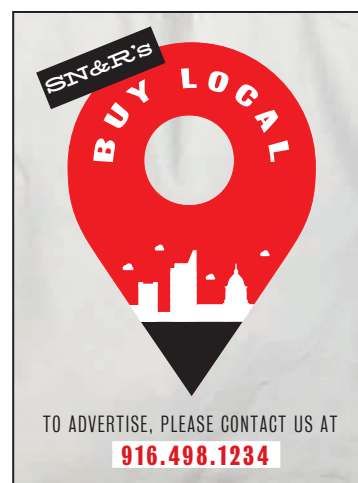
Moreover, while rangers may have stopped writing anti-camping tickets, they began writing a different citation called "tying ropes to trees." They've issued 537 of those tickets since September.

Ken Casparis, a public information officer for the county's parks department, told SN&R that the increase in citations for building structures by tying ropes and tarps to trees is part of an effort to increase flood protection in the parkway and protect wildlife habitats.

"While a lot of these citations are issued to people experiencing homelessness, they are also issued to individuals who are not—especially in the summer recreation season," he wrote in an email.

But Dan Aderholt, who volunteers with a coalition of 11 churches and a number of unhoused people known as the American River Homeless Crew, said that describing citations in the parkway as environmental protection glosses over the fact that organizations like his take part in large-scale cleaning effort.

"They keep saying the homeless are hurting the river," Aderholt said, "but we're out there cleaning it up." □



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