

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 18-0155-DOC (JDEx)
Case No. SA CV 18-0220-DOC (JDEx)

Date: March 25, 2018

Title: ORANGE COUNTY CATHOLIC WORKER ET AL. V. ORANGE COUNTY
ET AL.
DAVID RAMIREZ ET AL V. THE COUNTY OF ORANGE

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Deborah Lewman
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER RE: IMPLEMENTATION
OF THE STIPULATION [18-0155,
92] AND APPLICATION FOR
TEMPORARY RESTRAINING
ORDER [18-0220, 35]**

On March 17, 2018, the Court held a status conference to discuss, among other topics, the status of and plan for those persons who were removed from the Riverbed and housed in motels or shelters for thirty days. *See* Minutes of Status/Settlement Conference (Dkt. 114). Specifically, the Court wanted to discuss whether, “[a]t the conclusion of the 30 day period, appropriate resources . . . will be provided” by the County, as agreed to in the Stipulation Between the Parties (Dkt. 92). At that status conference, the County agreed to extend motel vouchers on a case-by-case basis, where appropriate, and to work with Plaintiffs and the Court in ensuring appropriate placements would be made. The County had initially planned to exit from motels as many as about 200 people per day, but to avoid a logistical crisis, the County agreed not to exit from motels more than 100 people on any given day, and to provide Plaintiffs’ counsel 48-hours notice of all exits

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and information about the planned placement for each individual. These steps have helped to smooth the transition process and to thus far avoid a situation where the County lacked the capacity to ensure that individuals exiting motels receive appropriate placements.

Each evening during the past week, the Court and/or Special Master has held status conferences with the County and Plaintiffs to discuss both the placement of specific individuals following their motel exits, as well as the remaining available bed spaces at all county resources, which have included (1) the County-contracted shelters: Bridges at Kraemer in Anaheim, the Courtyard in Santa Ana, and WISEPlace in Santa Ana; (2) mental health placements, (3) recuperative care placements, (4) sober living placements, and (5) residential substance use treatment placements.

On March 22, 2018, the Court issued a minute order setting an April 3, 2018 status conference, but expressing concern about the placement process, stating that “[b]ased on information received during status conferences, the Court is growing increasingly concerned about whether the County has a sufficient number of beds for the hundreds of individuals exiting from motels over the next week. The County had thirty days to create a plan for transitioning those individuals to appropriate placements, and the Court expects the County to live up to its stipulation, and to address this issue before the April 3rd status conference if needed.” Order Setting Status Conference (Dkt. 136).

At the March 24, 2018 status conference with the Special Master, Plaintiffs, and County, the County informed the Court that, of the 184 persons remaining to be exited from motels over the next few days, 134 individuals have been assessed to be placed in a shelter. While the County seems to have sufficient beds for its planned mental health, recuperative care, and drug treatment placements, it does not seem to have any sober living beds available, and it reports having only 135 shelter spaces available at the Courtyard, WISEPlace, and Bridges at Kraemer combined.

While at first glance these 135 shelter spaces seem to be just enough for the 134 persons who will be transitioned from motels to shelters, the Court is gravely concerned that these shelter spaces are being created by cramming an unreasonable number of persons into the three existing facilities.

For example, the County has roughly doubled the capacity of the Bridges at Kraemer in half the intended building space. While the Bridges at Kraemer in Anaheim is an excellent facility, it was only meant to serve 100 people prior to construction of

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additional facility space.¹ Construction is currently underway to roughly double the space and add office and meeting spaces, at which time Bridges will be able to serve 200 people.² Despite the expected 100-person capacity, the County pledged—at the preliminary injunction hearing on February 13, 2018—to add 32 beds inside of Bridges and 60 beds in the Bridges parking lot, so that the County could provide placements for the several hundred homeless people that the County wanted to transition from the Riverbed. Ultimately, however, the County added 13 beds in Bridges’ parking lot, rather than the planned 60 beds, by erecting two military-style tents, each with cubicles for 6 or 7 people: one tent for women and one tent for men. In addition, the County added 80 beds inside of Bridges, rather than the 32 beds planned, resulting in 180 beds, including bunk beds and cots, in an area of the building that was originally only intended to house 100 individuals. The County asserts the total capacity at Bridges is now 193 people, even though half the building remains closed for construction.

In the past week, hundreds of individuals from the Riverbed who were placed in 30-day motel stays have been exited from their motels into placements, including at Bridges. Plaintiffs’ counsel have received complaints that Bridges has become so crowded that some residents have no place to sit while they eat. As a result, the County began to ensure that meals would be served in multiple shifts. According to Plaintiffs’ counsel, because of the overcrowded conditions, individuals are leaving Bridges and returning to the streets.

On March 24, 2018, the Special Master, court staff, Plaintiffs, and the County visited Bridges to observe current conditions. The indoor area includes (1) a men’s dorm that is doubling as a day room and cafeteria; (2) a women’s dorm; (3) a property storage area; and (4) a staff area. The women’s dorm is completely full (as is the women’s tent in the parking lot). As a result, about a dozen women have been placed in beds located inside the men’s dorm, in an area separated from the men only by a dining table. If women placed in the men’s dorm wish to change clothing with privacy, women must exit the men’s dorm and go the women’s dorm or to a shared women’s bathroom. While there are no more beds available for women, eight cots were set up in the men’s dorm to create additional spaces for women, but the cots have no privacy or separation from the men’s beds.

Next, while the Courtyard in Santa Ana is also an excellent resource that provides low-barrier shelter and connects homeless individuals with services, the County recently

¹ Bridges at Kraemer Place, Mercy House, <https://mercyhouse.net/portfolios/bridges-at-kraemer-place/> (last accessed March 24, 2018) (“The shelter will initially have 100 beds due to ongoing construction to the facility.”).

² *Id.* (“When construction is completed, [Bridges] will serve 200 men and women, and will have office and meeting space to offer additional services.”).

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declared that it was increasing the Courtyard’s capacity to 450 persons in order to provide enough shelter beds for the homeless individuals exiting motels. While the parties have disputed what the Courtyard’s capacity was originally intended to be, the Courtyard’s own website indicates that it “sleeps up to 400 people.”³ In any case, even if the Courtyard was built for a capacity of 450, the Court is concerned that such a crowded facility is not an “appropriate resource” for some of the individuals exiting motels. For example, as Plaintiffs have pointed out, many individuals who have significant mental disabilities and have suffered past trauma destabilize when placed in one room together with so many hundreds of other people. *See, e.g.*, Declaration of Ramirez (18-0220, Dkt, 39) ¶ 10 (“[O]vercrowded, loud noises, and dirty conditions at the Courtyard immediately began to trigger our mental health symptoms.”); Declaration of Ingram (18-0220, Dkt. 38) ¶ 12; Joint Status Report (18-0155, Dkt. 127) at 2–3.

Moreover, numerous women have reported feeling unsafe at the Courtyard, claiming they have been sexually harassed there and/or know that men who have previously assaulted them are residing there. *See, e.g.*, Ramirez First Amended Complaint (“FAC”) (18-0220, Dkt. 70) ¶¶ 18–20 (“Ives is a victim of domestic violence. As a result of years of violence at the hands of her former partner, who was later convicted of felony assault, Ives suffers from post-traumatic stress and severe anxiety. . . . Ives has attempted to stay at the Courtyard two times in the last year. On both occasions, Ives was sexually harassed by . . . residents, retraumatizing her and causing her to fear for her safety.”). Tragically, 37.5% of the homeless surveyed at the Riverbed are victims of domestic violence, and many women report having been subject to sexual harassment, sexual assault, and rape on the streets since becoming homeless. *See id.* ¶ 38. These women simply seek a safe place to shelter, as is evidenced by the fact that WISEPlace, which is a women-only shelter, filled to capacity within a week of opening emergency shelter beds, including with women who voluntarily left the Civic Center Plaza encampment to come to WISEPlace, and thereafter had to turn away women seeking services and shelter. For the foregoing reasons, the Courtyard, with its already crowded conditions, may not be an appropriate placement for many women and persons exiting motels who, as a result of previous trauma and/or mental disabilities, are unable to cope with being in a room with over 400 other men and women.

In sum, although the parties are working hard and doing their best to appropriately place everyone exiting from motels, this County remains desperately in need of additional emergency shelter resources, and the Court remains concerned about the County’s ability to meet its promise to provide “appropriate resources” to individuals at

³ “Orange County Courtyard Shelter,” <http://www.midnightmission.org/program-services/thecourtyard/> (last accessed March 24, 2018).

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the end of their 30-day motel stays. The Court is interested in discussing with the County the seeming lack of appropriate resources and hearing if there are further actions the County envisions taking to avert an emergency situation.

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk: djl