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SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

BOBBY KITCHION, AUSTIN RUSNAK, and  
CANDANCE REAM, individually; SQUIRREL  
CHOPS LLC, a Washington limited liability  
company,

Plaintiffs,

v.

CITY OF SEATTLE, WASHINGTON, a  
municipal corporation,

Defendant.

NO.

COMPLAINT FOR DECLARATORY  
RELIEF AND MONETARY DAMAGES

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## I. INTRODUCTION

1. Like many cities across the country, Defendant City of Seattle (the “City”) is facing a housing crisis. This crisis is rooted in failed systems, including soaring housing costs, stagnating wages, dramatic cuts to federal social welfare programs, and a lack of affordable health care—many of which are outside of the City’s control—that have combined to push thousands of Seattleites out of their homes.

2. Unfortunately, the City has not been able to keep up. Shelters are forced to place people on mats and in chairs when they run out of beds and still do not have enough room to meet the growing need. As a result, thousands of Seattle residents have no choice but to use their vehicles, tents, tarps, or sleeping bags on City streets for shelter.

3. As the number of people forced to live outside has increased, Seattleites have urged the City to do more to address the crisis. Some of the City’s approaches are laudable, such as creating more affordable housing and establishing permitted tiny house villages. But the City has also embarked on a multi-million-dollar “Encampment Abatement Program” (the “Program”) that violates homeless people’s rights and does nothing to solve the housing crisis.

4. The City’s Program consists of prohibiting camping on virtually all public property; training and using hundreds of police officers to force homeless people to leave public property under threat of arrest; destroying homeless people’s belongings in a practice commonly known as “sweeps,” “cleanups,” or “encampment removals”; fencing off public property to prevent homeless access; and arresting on criminal trespass charges those who venture onto such property after it has been fenced off.

5. The core of the City’s Program continues to be the sweeps, through which the City attempts to eliminate all signs of human life—and in the process deprives people, including Plaintiffs, of their only shelter and life-sustaining personal possessions.

6. Plaintiff Bobby Kitcheon and his wife have been repeatedly threatened with arrest for criminal trespass for simply trying to survive *somewhere*. Mr. Kitcheon, a UCLA graduate and construction worker who fell on hard times, is struggling to save money to obtain housing

1 but can never scrape together enough because he must constantly spend his savings to replace his  
2 belongings that the City has destroyed. On countless occasions, the City has destroyed all of his  
3 and his wife's earthly possessions, often when they stepped away to use the bathroom or run an  
4 errand. The City has thrown away Mr. Kitcheon's blood pressure medication; work clothing and  
5 tools; his wedding ring and only photographs of the day; irreplaceable family heirlooms, like his  
6 father's World War II boots and mother's jewelry; and survival necessities like tents, sleeping  
7 bags, food, and cooking utensils. As a result of the City's actions, Mr. Kitcheon has not only  
8 been forced to deplete his savings but has lost months of work.

9         7. Just days before Christmas, Plaintiff Austin Rusnak stepped away from his home  
10 to run errands and returned to find everything he owned gone. The City had conducted a sweep  
11 and destroyed all of Mr. Rusnak's earthly possessions, including his dog's ashes, his late wife's  
12 artwork, Christmas presents for his children, clothing, and his only forms of shelter. The City's  
13 actions left Mr. Rusnak contemplating suicide. To the extent Mr. Rusnak has been present for a  
14 sweep, it has always been his understanding that if he did not move his home and belongings  
15 quickly enough, the City would arrest him for criminal trespass.

16         8. Plaintiff Candance Ream has also repeatedly been a victim of the City's practices.  
17 On multiple occasions, Ms. Ream has been away from her home for mere hours to work or see a  
18 doctor and returned to find the City discarding her belongings. The City has destroyed Ms.  
19 Ream's critical medicine and equipment (including a sugar checker and insulin to treat her  
20 diabetes), her clothing, tents, toiletries, cleaning supplies, food, and cooking utensils. The City's  
21 actions have forced Ms. Ream to lose precious hours of work and put her at risk of a diabetic  
22 coma and—depending on when she is able to obtain a refill—death.

23         9. Plaintiff Squirrel Chops LLC operates a coffee shop and hair salon in the Central  
24 District. Squirrel Chops objects to the City's wasteful use of taxpayer dollars on an unlawful  
25 Program that does nothing to alleviate the housing crisis and makes it harder for homeless  
26 people, including the individual Plaintiffs, to maintain employment and find stable housing.

27         10. Mr. Kitcheon, Mr. Rusnak, and Ms. Ream are not the only ones paying for the

1 City's Program. Seattle taxpayers are also footing the bill—to the tune of more than \$10 million  
2 a year just to administer the sweeps portion of the Program alone. For the millions of dollars  
3 Seattle has spent on sweeps and criminalizing homeless people since 2017, it could have housed  
4 nearly the *entire county's* chronically homeless population.

5 11. The City's Program may “abate encampments,” but it does so only temporarily  
6 because homeless people will continue to exist as long as Seattle's housing crisis does. And like  
7 all people, they must still carry out activities necessary for survival, like sleeping and sheltering  
8 themselves from the elements. Without sufficient shelter space in Seattle, homeless people have  
9 no choice but to live outside on public property—only now without life sustaining medication or  
10 a blanket to keep them warm. Without access to meaningful housing alternatives, they are  
11 trapped in a surreal game of whack-a-mole, unable to rest anywhere without finding themselves  
12 under the City's mallet.

13 12. Addressing the housing crisis requires the City to make tough decisions. But the  
14 constitution does not disappear during a crisis. Article I, section 7 of the Washington State  
15 Constitution mandates that the government shall not disturb our “private affairs” or invade our  
16 homes “without authority of law.” When the City tosses a tent and all its contents into the  
17 garbage, it disturbs a homeless person's private affairs and invades their only source of privacy  
18 and refuge from the rest of the world—their home. And it does so without first obtaining a  
19 warrant.

20 13. Article I, section 14 of the Washington State Constitution prohibits “cruel  
21 punishment,” meaning the government may not punish us for acts or conditions that are  
22 necessary for survival and cannot be avoided due to conditions beyond our control. But the City  
23 has criminalized living on virtually every parcel of City-owned land despite a severe lack of  
24 shelter availability in Seattle.

25 14. Accordingly, Plaintiffs seek from the Court a declaration that the City's policies  
26 and practices violate article I, sections 7 and 14 of the Washington State Constitution, as further  
27 described below. The individual Homeless Plaintiffs identified in Section III(A) below also seek

1 compensatory and punitive damages for the City’s seizure and destruction of their personal  
2 property.

3 **II. JURISDICTION & VENUE**

4 15. This court has subject matter jurisdiction pursuant to article IV, section 6 of the  
5 Washington State Constitution, and RCW 2.08.010 and 7.24.010. This Court has jurisdiction  
6 over the City’s person pursuant to RCW 4.28.080(2).

7 16. Venue in this county is proper pursuant to RCW 4.12.020(3), 4.12.025(1), and  
8 4.96.010(1) and (2).

9 **III. PARTIES**

10 **A. Individual Plaintiffs**

11 17. Plaintiffs Bobby Kitcheon, Austin Rusnak, and Candance Ream are, and were at  
12 all relevant times, homeless residents of the City of Seattle.

13 18. Plaintiffs Kitcheon, Rusnak, and Ream are referred to collectively as the  
14 “Homeless Plaintiffs.”

15 **B. Taxpayer Plaintiff**

16 19. Plaintiff Squirrel Chops LLC operates a women-owned coffee house and hair  
17 salon located in Seattle’s Central District. It is co-owned by Shirley Henderson, a longtime  
18 resident of Seattle. Squirrel Chops pays taxes to the City of Seattle and the State of Washington.  
19 Plaintiff Squirrel Chops is interested in ensuring that homeless people are not punished for  
20 engaging in life sustaining activities; that the homes and belongings of homeless Seattleites are  
21 afforded the same privacy protections as all other Seattle residents; and that if the City insists on  
22 conducting sweeps, it does so in a manner consistent with the requirements of the state  
23 constitution.

24 20. Through counsel, Plaintiff Squirrel Chops presented the claims alleged herein to  
25 the Attorney General’s Office on August 27, 2019. The Attorney General declined to take action  
26 on September 4, 2019.

1 **C. Defendant**

2 21. Defendant City of Seattle is a political subdivision and municipal corporation  
3 organized under the laws of the State of Washington. The City is a legal entity with the capacity  
4 to sue and be sued. The City is sued (1) in its own right and (2) on the basis of the acts or  
5 omissions of its officials, agents, and employees who were following the City's policies.

6 **IV. FACTUAL ALLEGATIONS**

7 **A. The City Has Repeatedly Destroyed Plaintiffs' Homes and All of Their Belongings**  
8 **Bobby Kitcheon**

9 22. Mr. Kitcheon is 61 years old and has lived in Seattle for approximately seven  
10 years. He works in construction at Trades Labor Corporation. He studied art and science at the  
11 University of California, Los Angeles.

12 23. Mr. Kitcheon lives with his wife. To the extent that there are available shelter  
13 spaces in Seattle, the Kitcheons have often been unable to access them because most do not  
14 accept couples and the Kitcheons do not want to be separated. They also did not want to be  
15 separated from their dog, who was not allowed in many shelters. During the relevant time  
16 periods, Mr. Kitcheon was without an indoor home and was forced to make his home outside.

17 24. The City has destroyed Mr. Kitcheon's belongings in numerous sweeps, often  
18 when Mr. Kitcheon is at work or running errands with his wife.

19 25. Nearly every time the Kitcheons have been present for a sweep, the City has  
20 threatened the Kitcheons that they will be arrested or go to jail if they do not move, usually for  
21 criminal trespass.

22 26. In June of 2019, the Kitcheons lived at the intersection of Rainier Avenue South  
23 and South Charles Street. On June 11, 2019, the Kitcheons left their home in the morning to  
24 inquire about government benefits. When the Kitcheons returned to their home after  
25 approximately two hours, they realized that all of their belongings were gone. They saw other  
26 residents in the area packing, who told them that the City had conducted a sweep and thrown  
27 away everything the Kitcheons owned.

1           27.     The City destroyed all of the Kitcheons' belongings, including clothing and shoes;  
2 tools, Dickies coveralls, and boots that Mr. Kitcheon needs for his job at the Trades Labor  
3 Corporation; family heirlooms he had been safeguarding for years, such as his father's World  
4 War II boots and his mother's wedding ring; Mr. Kitcheon's own wedding ring; irreplaceable  
5 photos of Mr. Kitcheon's parents and children, as well as all of the photos of the Kitcheons'  
6 wedding; cooking utensils, stoves, heaters, and generators; and Mr. Kitcheon's blood pressure  
7 medication.

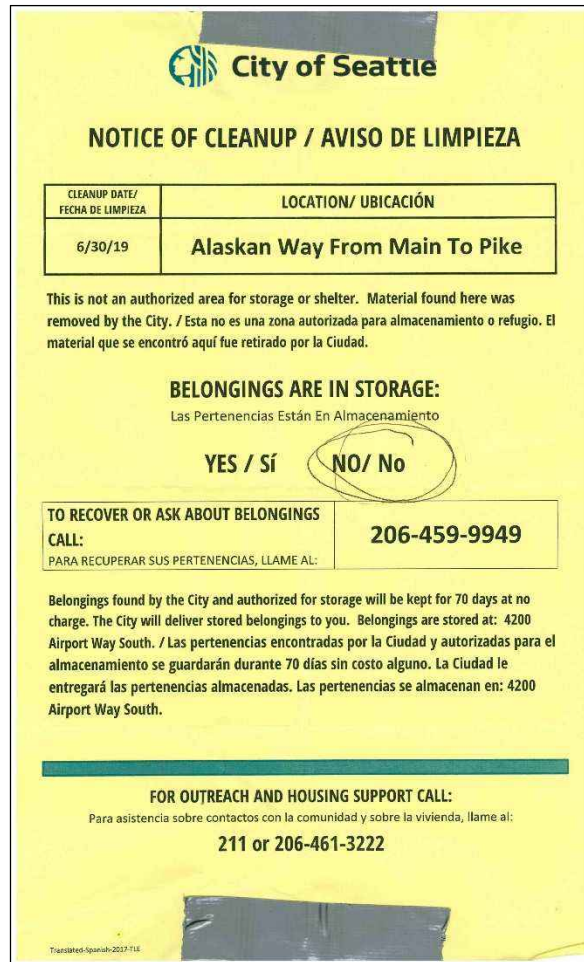
8           28.     The City did not leave any posting or contact information for recovering  
9 belongings. However, the Kitcheons had been subject to many sweeps in the past and knew the  
10 number to call to inquire about seized belongings. The Kitcheons called the City and described  
11 the belongings they had lost in the June 11 sweep. The City confirmed that it had not saved or  
12 stored any of the Kitcheons' belongings. Mr. Kitcheon's irreplaceable possessions were gone.

13           29.     Just weeks later, the Kitcheons were swept again. Mr. Kitcheon and his wife had  
14 moved to Alaskan Way and Marion Street. On a date between June 19 and 23, 2019, the  
15 Kitcheons briefly left home to eat breakfast in the morning. They returned to find the City  
16 throwing away all of their possessions. Mr. Kitcheon pleaded with the City not to destroy their  
17 property, but the City refused, telling the Kitcheons that they should have been with their  
18 belongings. The City destroyed Mr. Kitcheon's blankets, bed rolls, a tent, dog food, jeans, food,  
19 and shoes. Neither Mr. Kitcheon nor his wife gave the City permission to enter their tent or to  
20 seize or destroy their belongings.

21           30.     Only about a week later, the City came to destroy everything the Kitcheons  
22 owned, again. Mr. Kitcheon and his wife were living in the same area near Alaskan Way and  
23 Marion Street. On the morning of June 30, 2019, the Kitcheons crossed the street to briefly use  
24 the bathroom and returned to find the City throwing all of their belongings into a garbage truck.  
25 When the Kitcheons asked the City why they would do such a thing, the City responded that the  
26 Kitcheons "weren't there." The City destroyed virtually all of the Kitcheons' belongings,  
27 including jeans, pants, a brand-new tent that the Kitcheons had managed to obtain after the prior

1 sweep, bed rolls, dog food, blankets, and sleeping bags. Neither Mr. Kitcheon nor his wife gave  
2 the City permission to enter their tent or to seize or destroy their belongings.

3 31. After the sweep, the City left a posting in the area stating it was “not an  
4 authorized area for storage or shelter” and that “[m]aterial found here was removed by the City.”  
5 The posting also stated belongings were not in storage. A true and accurate copy of the posting  
6 is attached as Exhibit A and incorporated herein:



32. Just weeks later, the City returned two days in a row to take the Kitcheons’  
belongings. On July 20, 2019, Mr. Kitcheon went briefly to the store and his wife stepped out to  
use a bathroom. When they returned, the City was throwing the few belongings the Kitcheons  
had managed to replace since the last sweep into a dump truck. The next day, the City returned  
to do the same thing. Mr. Kitcheon lost all of his remaining possessions, including some



1 clothing and a tent, as a result. These sweeps occurred just weeks after the City had already  
2 destroyed nearly everything Mr. Kitcheon owned.

3 33. The Kitcheons moved again to a new area in hopes of avoiding another sweep.  
4 But on September 8, 2019, the Kitcheons were swept, yet again. Mr. Kitcheon and his wife were  
5 living in Pioneer Square and they momentarily stepped away from their belongings to use a  
6 nearby bathroom in the morning. The Kitcheons returned to find their property discarded by the  
7 City in a sweep once more.

8 34. After the sweep, the City left a posting in the area stating it was “not an  
9 authorized area for storage or shelter” and that “[m]aterial found here was removed by the City.”  
10 The posting also stated belongings were not in storage. A true and accurate copy of this posting  
11 is attached as Exhibit B.

12 35. The City destroyed nearly everything the Kitcheons had managed to replace since  
13 the last sweep, including Mr. Kitcheon’s tent, clothes, food, cooking supplies, and his wife’s  
14 shoes.

15 36. Determined to work, Mr. Kitcheon eventually secured the heavy-duty boots he  
16 needed through a friendly donation. On September 14, 2019, he went to the Trades Labor  
17 Corporation to see if he could work, and upon returning home saw that all of his belongings,  
18 including his brand-new steel-toed boots, clothing, and blankets were discarded by the City in a  
19 sweep once more. The City returned the next day, and the day after that. At this point, Mr.  
20 Kitcheon and his wife were sleeping on the ground with just blankets to shelter themselves from  
21 the cold and rain. The City destroyed those.

22 37. On September 14, 15, and 16th, Mr. Kitcheon and his wife had asked neighbors to  
23 watch over their belongings while they momentarily stepped away. Their neighbors tried to  
24 safeguard the Kitcheons’ possessions during each sweep, but the City refused to allow friends to  
25 save each other’s belongings.

26 38. After each of the three sweeps, the City left a posting in the area stating it was  
27 “not an authorized area for storage or shelter” and that “[m]aterial found here was removed by

1 the City.” The posting also stated belongings were not in storage. True and accurate copies of  
2 the postings are attached as Exhibit C.

3 39. The City never offered the Kitcheons an alternative place to go in conjunction  
4 with any of the aforementioned sweeps. The Kitcheons have been told numerous times in the  
5 past that they were on a waiting list for temporary shelter, such as a spot in a tiny house village,  
6 but there has never been any follow through. Mr. Kitcheon has since been told that all of the tiny  
7 house village spots that might accept couples are full.

8 40. Mr. Kitcheon did not abandon his property prior to any of the aforementioned  
9 sweeps. Rather, he maintained his home and the belongings within it in a manner that made  
10 clear to the City that a person resided there and intended to return. Nonetheless, the City seized  
11 and destroyed his belongings without notice that his property would be destroyed and without  
12 any opportunity to reclaim it. At no time did the City obtain or present a warrant prior to a  
13 sweep. At no time did the City offer to store any items.

14 41. The City’s repeated seizure and destruction of Mr. Kitcheon’s property has had a  
15 significant impact on his health and well-being. Mr. Kitcheon used to wake up early most  
16 mornings to try to go to work. However, Mr. Kitcheon has been unable to work for months  
17 because he has been forced to spend most of his time replacing items the City destroyed that he  
18 and his wife need to survive. He is also fearful of leaving the few belongings he does have  
19 unattended in order to go to work because of the City’s frequent sweeps. Moreover, the City  
20 destroyed the tools Mr. Kitcheon needs for his job, including his steel-toed boots (twice) and  
21 heavy-duty clothing, trapping Mr. Kitcheon in a vicious loop: he cannot work because he does  
22 not have the proper clothing and tools, and he cannot purchase the proper clothing and tools  
23 because he cannot work.

24 42. Mr. Kitcheon has been trying for years to save enough money to obtain stable  
25 housing, but every time a sweep occurs, he must use his savings to replace the belongings he and  
26 his wife need to survive instead. As a result of the sweeps, Mr. Kitcheon is no longer able to  
27 work enough hours to replenish the money he is forced to spend to provide for his family. His

1 savings of thousands of dollars are now depleted as a result of the City's actions. Mr. Kitcheon  
2 feels stressed, anxious, and depressed as a result of the sweeps. Every sweep also forces the  
3 Kitcheons to reexamine where to get the items they need to simply survive and where they will  
4 sleep that night, putting a lot of strain on their relationship. Mr. Kitcheon has lost countless  
5 hours of sleep. Mr. Kitcheon and his wife feel like they have to be on constant alert and wake up  
6 every time someone walks by their home for fear that it is the City about to threaten them with  
7 arrest and destroy their property.

8 **Austin Rusnak**

9 43. Mr. Rusnak is 46 years old and has lived in Seattle on and off since 1994. Mr.  
10 Rusnak has worked a variety of jobs, including for seafood companies UNISEA, Trident, and  
11 Ocean Beauty, as well as a car wash, a sausage company, and in general labor positions.

12 44. During the relevant time periods, Mr. Rusnak was without an indoor home and  
13 was forced to make his home outside. Mr. Rusnak has attempted to access emergency shelters  
14 numerous times in Seattle but has almost always found them full. Other shelters that Mr. Rusnak  
15 has tried to access have had bedbugs and diseases, rendering them not a viable option.

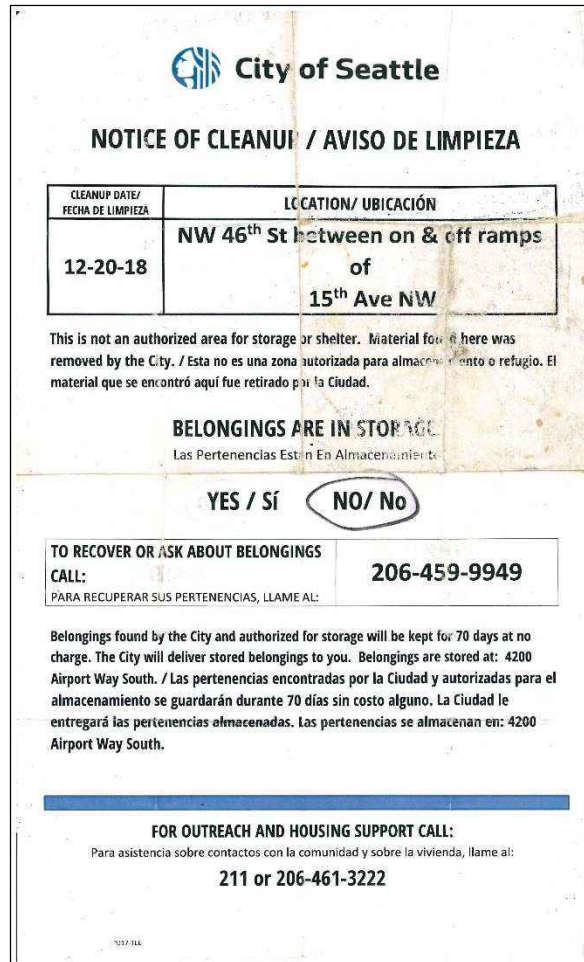
16 45. In the fall of 2018, Mr. Rusnak made his home outside under the Ballard Bridge.  
17 He had lived there before and was familiar with the area, and it was dry and close to services that  
18 Mr. Rusnak accessed. Mr. Rusnak kept the area clean, regularly gathering and removing any  
19 garbage that had accumulated, washing down the area, and keeping his belongings out of the  
20 way of pedestrian traffic. Only one other person lived nearby.

21 46. Mr. Rusnak regularly left his home during the day to get food, run errands, and  
22 attend appointments. Defendant City of Seattle was aware that Mr. Rusnak lived in the area.

23 47. Just five days before Christmas, on December 20, 2018, at around 7:00 or 8:00  
24 pm, Mr. Rusnak returned home from running errands to find all of his belongings gone.

25 48. The City provided no notice to Mr. Rusnak prior to seizing and destroying his  
26  
27

1 belongings. Instead, only after the City destroyed Mr. Rusnak's home and belongings did the  
2 City place a posting in the area where his home once was, stating that the area was not  
3 authorized for storage or shelter and that material there was removed by the City. The posting  
4 also stated that no belongings were stored. A true and accurate copy of the posting is attached as  
5 Exhibit D and incorporated herein:



21 49. The City did not provide an offer of or referral to a shelter the day it invaded Mr.  
22 Rusnak's home and destroyed virtually everything he owned. Mr. Rusnak was unable to access  
23 any form of shelter that night. Without a place to sleep, he spent much of the night walking  
24 around Seattle and attempting to stay warm in the cold weather.<sup>1</sup>

25 \_\_\_\_\_  
26 <sup>1</sup> The temperature fell as low as 38 degrees the following day, according to historical weather data.  
27 Weather.com, <https://weather.com/monthly/1/ced0de18c1d771856e6012f3abf0a952cfe22952e72e516e6e098d54ca737114>

1           50.     The next day Mr. Rusnak and an outreach worker called the phone number on the  
2 City's posting, and the City confirmed that none of Mr. Rusnak's belongings had been saved or  
3 stored.

4           51.     The property that the City destroyed included Mr. Rusnak's laptop, cell phone,  
5 and portable speaker; gift cards that he intended to give to his two children as Christmas  
6 presents; his dog Pepper's ashes; a gold necklace his recently deceased wife gave him; two tents,  
7 camping gear and tools; all of his clothing, sleeping bags, blankets, and toiletries; and his late  
8 wife's artwork.

9           52.     Mr. Rusnak did not abandon his property. Rather, he maintained his home and  
10 the belongings within it in a manner that made clear to the City that a person resided there and  
11 intended to return. Nonetheless, the City seized and destroyed his belongings without notice that  
12 his property would be destroyed and without an opportunity to reclaim it. The City neither  
13 obtained a warrant nor presented a warrant prior to the seizure and destruction of Mr. Rusnak's  
14 belongings. At no time did the City offer to store any items.

15           53.     The City's seizure and destruction of Mr. Rusnak's property has had a significant  
16 impact on his health and well-being. The City seized and destroyed Mr. Rusnak's tent, clothing,  
17 sleeping bag, and blankets in December, one of the coldest months of the year. And the loss of  
18 such irreplaceable mementos as his late wife's jewelry and artwork and his dog's remains left  
19 Mr. Rusnak feeling empty, depleted, and suicidal.

20           54.     Mr. Rusnak has been present during a number of other sweeps conducted by the  
21 City. It has always been his understanding that if he did not move his home immediately, he  
22 would be subject to arrest for trespass.

23           **Candance Ream**

24           55.     Ms. Ream is 53 years old and grew up in Snohomish County, Washington. Ms.  
25 Ream has held a number of professional jobs over the years. She was a hairstylist for  
26 approximately a decade before she studied to become a Certified Nursing Assistant (CNA). Ms.  
27 Ream was a CNA for about 15 years, but it became impossible to work and keep her license due

1 to an abusive partner. Ms. Ream still suffers from post-traumatic stress disorder (PTSD) as a  
2 result of the years of abuse she endured.

3 56. Ms. Ream later remarried and moved to Louisiana for a few years to be closer to  
4 her now husband's family. She returned to Seattle in October of 2017 to attend her brother's  
5 funeral. Ms. Ream has lived in Seattle since. She currently earns an income by selling  
6 newspapers for Real Change, Seattle's award-winning street newspaper, and was recently  
7 nominated for a "Vendor of the Year" award.

8 57. Ms. Ream lives with her husband, who she has been with for 12 years. To the  
9 extent that there have been available shelter spaces in Seattle, Ms. Ream has generally not been  
10 able to stay there. For example, shelters that allow couples to stay together have generally been  
11 full, and Ms. Ream and her husband do not want to be separated. Ms. Ream and her husband  
12 also are both managing mental health conditions, including bi-polar disorder (Ms. Ream's  
13 husband) and PTSD (Ms. Ream) that make many shelters inaccessible as well. During the  
14 relevant time periods, Ms. Ream was without an indoor home and was forced to make her home  
15 outside. Ms. Ream and her husband take great care to keep their home as clean and organized as  
16 possible.

17 58. The City has swept Ms. Ream's residence at least 15 times. Nearly every time  
18 Ms. Ream has been present during one of these sweeps in the past year, the City has told her or  
19 her husband that they had no more than 30 minutes to pack up their home and all of their  
20 belongings and move somewhere else. The City has destroyed Ms. Ream's property in many of  
21 these sweeps.

22 59. In the summer of 2018, Ms. Ream lived by a Salvation Army facility near 4th  
23 Avenue South and South Royal Brougham Way. One day, she returned home from selling  
24 newspapers for Real Change to find her husband trying to pack up all of their belongings to the  
25 best of his ability. Ms. Ream learned that the City had told her husband, who was home at the  
26 time, that he had 30 minutes to pack up their home and all their property before the items would  
27 be destroyed. It was impossible for Ms. Ream and her husband to gather everything in time. As

1 a result, the City destroyed Ms. Ream’s tents, blankets, pillows, a sleeping bag, clothing and  
2 shoes. Neither Ms. Ream nor her husband gave the City permission to enter their tents or to  
3 seize or destroy their belongings.

4 60. In the spring of 2019, Ms. Ream and her husband made their home near  
5 CenturyLink Field, by the Royal Brougham bus stop. In the first half of April 2019, as she does  
6 nearly every Wednesday, Ms. Ream went to Real Change to pick up newspapers to sell. She was  
7 away from home for less than two hours. When Ms. Ream returned to her home, she again  
8 found her husband scrambling to pack up their home and all of their belongings. Similar to the  
9 last sweep, Ms. Ream learned that the City told her husband that he had 30 minutes to pack up  
10 their home and all of their property before the City would destroy them. It was impossible for  
11 Ms. Ream and her husband to gather all of their possessions in time. Ms. Ream was forced to  
12 watch the City drag one of her tents with everything inside it and throw it in the garbage.  
13 Neither Ms. Ream nor her husband gave the City permission to enter their tents or to seize or  
14 destroy their belongings.

15 61. The City told Ms. Ream and her husband they would be arrested for trespass if  
16 they returned to the location where their home had been.

17 62. The City gave no warning to Ms. Ream or her husband that a sweep would occur  
18 that day. A police officer did visit Ms. Ream and her husband the prior evening, but the officer  
19 told them a sweep would likely occur in a week or two—not the very next day. The officer took  
20 their birthdates and legal names, which Ms. Ream believes was to check for warrants.

21 63. The City destroyed nearly everything Ms. Ream owned, including her pain  
22 medication, insulin and sugar checker, clothing, shoes, blankets, a suitcase, the tent she stored  
23 belongings in, and a sleeping bag. Having watched the City throw away nearly all of her  
24 belongings, Ms. Ream knows that none of her property was stored.

25 64. More recently, Ms. Ream and her husband lived on Alaskan Way near the Bread  
26 of Life Mission. One morning toward the end of June 2019, Ms. Ream went to the doctor with  
27 her husband to attend to her knee injury. Ms. Ream and her husband were away from their home

1 for mere hours.

2 65. When Ms. Ream and her husband returned from the doctor, they found their home  
3 and all of their belongings gone. Ms. Ream suspected that the City had conducted a sweep and  
4 destroyed her belongings, as it had done numerous times in the past, so she looked up the phone  
5 number the City maintains for questions about belongings taken in a sweep. When she called,  
6 the City confirmed that a sweep had occurred and asked Ms. Ream to describe her property. Of  
7 everything Ms. Ream described, the City claimed it had stored only one item of hers: a purple  
8 backpack.

9 66. Ms. Ream was told she could retrieve her backpack at the City's storage facility;  
10 however, her knee injury prevented her from doing so. Counsel for Ms. Ream later contacted the  
11 City on multiple occasions to request to have Ms. Ream's property returned to her, but learned  
12 that to the extent any property had been stored, the City had since discarded it per their policy of  
13 storing seized property for only 70 days.

14 67. The City destroyed all of Ms. Ream's possessions, including her air mattress and  
15 pump; pillows, blankets, sleeping bags, tarps, and a tent; cell phone; portable chargers; all of Ms.  
16 Ream's clothing and shoes; chairs; rolling baskets and a shopping cart; make-up, hair spray,  
17 perfume, and other toiletries; cleaning supplies including a broom, dust pan, bleach, and bottle;  
18 stove, propane, silverware, food, pots and pans, and utensils; her sugar checker and insulin; and  
19 her purple backpack.

20 68. The City did not offer Ms. Ream an alternative shelter either prior to or during  
21 any of the aforementioned sweeps.

22 69. Ms. Ream did not abandon her property prior to any of the aforementioned  
23 sweeps. Rather, she maintained her home and the belongings within it in a manner that made  
24 clear to the City that a person resided there and intended to return. Nonetheless, the City seized  
25 and destroyed her belongings without notice that her property would be destroyed and without an  
26 opportunity to reclaim it. The City neither obtained nor presented a warrant prior to the seizure  
27 and destruction of Ms. Ream's belongings.



1           70.     At no time did the City offer to store any items (apart from the items seized and  
2 allegedly stored in June of 2019).

3           71.     In addition to the three sweeps summarized above, the City has conducted a  
4 number of other sweeps where Ms. Ream has lived in both 2018 and 2019. At those points,  
5 however, she often had nothing left to lose, as the City had recently destroyed all of her  
6 belongings and left her with fewer items to pack.

7           72.     The City has also threatened Ms. Ream with criminal trespass if she did not leave  
8 during a sweep or if she later returned to the area.

9           73.     The City's repeated destruction of Ms. Ream's property has had immediate and  
10 long-lasting adverse effects on her. Ms. Ream has had to go weeks without a sugar checker or  
11 insulin to manage her diabetes because she is allocated a limited amount of refills per year. It is  
12 very dangerous for Ms. Ream to be without a sugar checker or insulin—she is at risk of a  
13 diabetic coma and death. The loss of her tent and personal possessions deprived Ms. Ream of  
14 shelter, exposing her to the elements, depriving her of any privacy, and endangering her life.  
15 The loss of privacy left Ms. Ream feeling scared and vulnerable. The loss of her cooking  
16 supplies and food both left her without anything to eat and took away her ability to cook food in  
17 the future. And the loss of her clothing and hygiene items impacted her ability to bathe and  
18 change clothes.

19           74.     Every time a sweep occurs, Ms. Ream misses work as she must spend time she  
20 would otherwise use selling papers to look for another place to live and replace the belongings  
21 she needs to survive. It is difficult for Ms. Ream to obtain new items, particularly when she has  
22 a reduced income as a result of the sweeps. Moreover, Ms. Ream has lived in constant fear of  
23 losing her home and belongings in another sweep. As a result, either Ms. Ream or her husband  
24 must constantly stay with their belongings, making it difficult for them to leave the area to  
25 shower, use the restroom, get food, or run errands, and impossible for both of them to obtain  
26 employment at the same time. The seizure and destruction of their property also causes  
27 significant strain on Ms. Ream and her husband's relationship. Ms. Ream feels as though there

1 is nowhere in the City she is allowed to legally live.

2 **B. The Housing Crisis in Seattle**

3 75. “[T]o call homelessness voluntary, and thus unworthy of basic privacy  
4 protections, is to walk blindly among the realities around us. Worse, such an argument would  
5 strip those on the street of the protections given the rest of us directly because of their poverty.  
6 Our constitution means something better.”<sup>2</sup>

7 76. King County’s 2018 point-in-time (“PIT”) count report identified more than 8,488  
8 homeless people living in Seattle (including those staying in shelters on the night of the count),<sup>3</sup>  
9 and the 2019 PIT count identified more than 7,797 homeless Seattle residents.<sup>4</sup> While the  
10 overall figures suggest a reduction in homelessness, the 2019 report indicated that the number of  
11 Seattle residents living in emergency shelters, tents, or on the “street/outside” is increasing.

12 77. “It is ‘widely recognized that a one-night point in time count will undercount the  
13 homeless population . . . .’”<sup>5</sup> The 2019 PIT count report itself acknowledges that the count  
14 methodology is “conservative” and “considered a minimum estimate.” For example, the PIT  
15 count “does not calculate the number of unique persons who experience homelessness over a  
16 calendar year, which is much higher than those who are experiencing homelessness at any given  
17 time”; “significantly underrepresent[s] those whose homelessness does not last very long but  
18 who nevertheless need and access emergency shelter and services”; and notes that an undercount

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22 <sup>2</sup> *State v. Pippin*, 200 Wn. App. 826, 845, 403 P.3d 907 (2017).

23 <sup>3</sup> See *Seattle/King County Point-in-Time Count of Persons Experiencing Homelessness 2019*, ALL HOME KING  
24 COUNTY, at 16, <http://allhomekc.org/wp-content/uploads/2019/07/Updated-7.11-King-County-Report.pdf>  
[hereinafter “2019 PIT Count”] (4,448 unsheltered and 4,000 sheltered).

25 <sup>4</sup> See *id.* (3,558 unsheltered and 4,239 sheltered).

26 <sup>5</sup> *Martin v. City of Boise*, 920 F.3d 584, 604 (9th Cir. 2019) (citation omitted), *petition for cert. docketed*, No.  
19-247 (U.S. Aug. 26, 2019).

27 (continued...)

1 will persist, “especially of hard-to-reach subpopulations such as unsheltered families,  
2 undocumented individuals, and unaccompanied youth and young adults.”<sup>6</sup>

3 78. Numerous service providers and advocates who work closely with homeless  
4 people have also questioned the accuracy of the 2019 PIT count. For example, the Director of  
5 Public Policy & Advocacy of the National Alliance on Mental Illness Washington stated, “We’re  
6 working on [housing], but I have not heard from any providers that somehow there’s been this  
7 miracle.”<sup>7</sup> A City Councilmember as well noted that the estimates of people living unsheltered  
8 “don’t match what I see on the streets every day” and that the amount of money the City has  
9 “invest[ed] in this space has not jumped in a way that would lead me to believe we have a 38%  
10 decrease in chronic homelessness.”<sup>8</sup>

11 79. The need for shelter space far exceeds its availability in Seattle. The City  
12 currently supports approximately 2,200 spaces in emergency shelters, tiny home villages, and  
13 tents.<sup>9</sup> Approximately five percent of shelter beds are only available in the winter.

14 80. The City knows there is not enough shelter space for its homeless population. As  
15 it has stated, “City-funded shelters and sanctioned encampments are at or near capacity . . . .”<sup>10</sup>

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17  
18 <sup>6</sup> 2019 PIT Count, at 80–81.

19 <sup>7</sup> Sydney Brownstone, *Did Chronic Homelessness in King County Really Drop 38%?* SEATTLE TIMES, June 4,  
20 2019, 6:00 am, updated June 4, 2019, 2:26 pm, <https://www.seattletimes.com/seattle-news/homeless/did-chronic-homelessness-in-king-county-really-drop-38/>.

21 <sup>8</sup> *Id.*

22 <sup>9</sup> See 2019–2020 Proposed Budget, CITY OF SEATTLE, at 20–21 (2018), [http://www.seattle.gov/finance](http://www.seattle.gov/finance-department/19proposedbudget/documents/2019-2020proposedbudget.pdf)  
23 [department/19proposedbudget/documents/2019-2020proposedbudget.pdf](http://www.seattle.gov/finance-department/19proposedbudget/documents/2019-2020proposedbudget.pdf) [hereinafter “2019–2020 Budget”] (stating  
24 that, in the summer of 2018, the Human Services Department supported approximately 1,854 emergency shelter  
beds and 345 spaces in tiny homes and sanctioned encampments; at least 116 of these spaces were only available in  
the winter).

25 <sup>10</sup> *Homelessness Response Blog*, SEATTLE.GOV (May 30, 2018), [https://homelessness.seattle.gov/mayor-durkan-](https://homelessness.seattle.gov/mayor-durkan-announces-plan-to-increase-seattles-bridge-housing-and-shelter-capacity-by-25-to-bring-more-people-inside-and-into-safer-places/)  
26 [announces-plan-to-increase-seattles-bridge-housing-and-shelter-capacity-by-25-to-bring-more-people-inside-and-](https://homelessness.seattle.gov/mayor-durkan-announces-plan-to-increase-seattles-bridge-housing-and-shelter-capacity-by-25-to-bring-more-people-inside-and-into-safer-places/)  
27 [into-safer-places/](https://homelessness.seattle.gov/mayor-durkan-announces-plan-to-increase-seattles-bridge-housing-and-shelter-capacity-by-25-to-bring-more-people-inside-and-into-safer-places/)

(continued...)

1 According to its own data, overall shelter vacancy rates are less than one percent on average.<sup>11</sup>

2 And the City’s Human Services Department has noted that there are not enough “viable shelter  
3 options” to offer beds to all people that live in encampments and might want to move inside.<sup>12</sup>

4 81. The limited available shelter space is often too restricted to house those in need of  
5 shelter. Many shelters have limited hours, no right of return, no place to store belongings, do not  
6 allow couples or families to stay together, and do not allow pets. Nearly a quarter of people  
7 contacted in 2017 by REACH (a nonprofit organization that provides services to homeless  
8 individuals in Seattle) were ineligible for shelter for such reasons as criminal history, having a  
9 pet, or having a significant other.<sup>13</sup>

10 82. Other reasons shelters might not be accessible include but are not limited to health  
11 and safety concerns due to overcrowding and disease transmission, a lack of privacy, limited  
12 mobility, and being located far from services the person was regularly accessing.

13 83. Many shelters require a photo ID from occupants—yet the City frequently seizes  
14 and destroys homeless people’s IDs and other supporting documentation in sweeps.

15 84. Many shelters are inaccessible for people with disabilities, who are  
16 disproportionately impacted by homelessness. Many shelters simply offer a mat on the floor to  
17 sleep in, or a chair, which can exacerbate physical disabilities. Crowds of people can also trigger  
18 mental health conditions like post-traumatic stress disorder (PTSD). And people with mental  
19 health issues that manifest as aggression may be kicked out of and barred from shelters for

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20 <sup>11</sup> See Memorandum from Jason Johnson, Human Services Department, to Seattle City Clerk and Seattle City  
21 Council, titled *Navigation Team Q2 Proviso Report*, at 4 (May 16, 2019), [https://thecisforcrank.com/wp-](https://thecisforcrank.com/wp-content/uploads/2019/05/FINAL-Q2-Proviso-Report-with-Attachments-002.pdf)  
22 [content/uploads/2019/05/FINAL-Q2-Proviso-Report-with-Attachments-002.pdf](https://thecisforcrank.com/wp-content/uploads/2019/05/FINAL-Q2-Proviso-Report-with-Attachments-002.pdf) [hereinafter “*Q2 Proviso Report*”]  
(noting overall daily average vacancy of 17; percentage assumes total of 2,200 shelter spaces).

23 <sup>12</sup> Erica C. Barnett, *Morning Crank: City Homelessness Director Resigns, Offers New Explanation for*  
24 *Decrease in 72-Hour Encampment Removals*, THE C IS FOR CRANK (June 27, 2019), [https://thecisforcrank.com/](https://thecisforcrank.com/2019/06/27/morning-crank-city-homelessness-director-resigns-offers-new-explanation-for-ramp-up-of-obstruction-camp-removals/)  
25 [2019/06/27/morning-crank-city-homelessness-director-resigns-offers-new-explanation-for-ramp-up-of-obstruction-](https://thecisforcrank.com/2019/06/27/morning-crank-city-homelessness-director-resigns-offers-new-explanation-for-ramp-up-of-obstruction-camp-removals/)  
26 [camp-removals/](https://thecisforcrank.com/2019/06/27/morning-crank-city-homelessness-director-resigns-offers-new-explanation-for-ramp-up-of-obstruction-camp-removals/).

27 <sup>13</sup> *2017 Encampment Monitoring Report*, SEATTLE OFFICE FOR CIVIL RIGHTS, at 9–10 (Mar. 19, 2018),  
[https://www.seattle.gov/Documents/Departments/Homelessness/committee/Encampment-Monitoring-Report-](https://www.seattle.gov/Documents/Departments/Homelessness/committee/Encampment-Monitoring-Report-2017.pdf)  
[2017.pdf](https://www.seattle.gov/Documents/Departments/Homelessness/committee/Encampment-Monitoring-Report-2017.pdf).

(continued...)

1 getting into altercations, and untrained shelter staff may perceive negative reactions to simple  
2 requests as a safety threat. This type of shelter exclusion is often permanent.

3 85. Many shelters also impose sobriety requirements, which are impossible for people  
4 with substance abuse disorders to satisfy.

5 86. LGBTQ youth accounted for roughly one-third of homeless people under 25 in  
6 2019.<sup>14</sup> However, many shelters do not serve juveniles and/or may be unwelcoming to  
7 transgender individuals.

8 87. Shelters that allow couples, families, or people struggling with addiction; offer  
9 storage; or operate 24/7 are often full. According to City data, the vacancy rate for enhanced  
10 shelters, tiny home villages, and sanctioned encampments was less than one percent on average  
11 during the first quarter of 2019.<sup>15</sup>

12 88. As a result, every night thousands of homeless people are forced to live outside  
13 because the need for bed space far outstrips availability.

14 89. Like all human beings, homeless people must eat, sleep, sit, rest, and shelter  
15 themselves somewhere. This conduct is a wholly involuntary, biologically essential part of  
16 being human. Not only is resisting the urge to eat or sleep impossible but doing so for a  
17 prolonged period of time would be fatal.

18 90. Due to a lack of alternative shelter, homeless people must carry out these life-  
19 sustaining activities outside on City property.

### 20 **C. The City's Encampment Abatement Program**

21 91. The City has effectively made it a crime to engage in the essential activities of  
22 sitting, sleeping, resting, or sheltering oneself from the elements anywhere within its limits  
23 through a series of administrative rules and ordinances enforced by "sweeping" homeless people

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24  
25 <sup>14</sup> 2019 PIT Count at 23.

26 <sup>15</sup> Assuming a total daily average vacancy of five versus 1,100 total enhanced spaces, and a daily average  
27 vacancy in tiny home villages and sanctioned encampments of one versus a total of 345 spaces. *See* ¶ 79 & n.9;  
*2019–2020 Budget*, at 20–21; *Q2 Proviso Report*, at 4.

1 around the City, threatening and arresting homeless people for criminal trespass for living on  
2 public property, and destroying homeless people’s belongings.

3 92. These activities are part of the City’s Encampment Abatement Program,  
4 implemented in 2017 and designed to stop homeless people from sleeping, sitting, resting, or  
5 keeping their belongings on public property.

6 93. Multi-Departmental Administrative Rule 17-01 (“MDAR”) and Finance and  
7 Administrative Services Encampment Rule 17-01 (“FAS”) “prohibit camping on property under  
8 the[] jurisdiction” of the City departments who implemented them, FAS 17-01 § 2.1; *see* MDAR  
9 §§ 5.1–5.8, and permit the City to remove personal property from those areas, FAS 17-01 § 1.2.

10 94. The camping prohibition covers virtually all City property. Roughly 98% of real  
11 estate parcels in which the City has an interest fall under the jurisdiction of one of the  
12 departments that joined in promulgating MDAR 17-01.

13 95. The rules specifically prohibit “unauthorized camping,” “enter[ing] or  
14 remain[ing] in any area” administered by one of the City departments “when the area is closed to  
15 the public,” and “erect[ing] any structure” without authorization. MDAR §§ 5.1–5.8.

16 96. Violation of the City’s rules may result in a “citation or arrest for criminal  
17 trespass” under chapter 12A.08 of the Seattle Municipal Code, concerning crimes against  
18 property, or chapter 9A.52 of the Revised Code of Washington, concerning burglary and  
19 trespass. MDAR § 6.2. According to the rules, persons potentially subject to arrest for trespass  
20 include “individuals who are reasonably believed to reside at the encampment being removed  
21 and who refuse to leave, or individuals who obstruct the expeditious progress of the removal.”  
22 MDAR § 4.3. And even if not subject to a criminal trespass charge, people living outside on  
23 City property “may be subject” to other criminal ordinances. MDAR § 4.3 (citing SMC tit. 12A,  
24 Seattle Criminal Code). The rules also authorize FAS or its “designees” to “request police action  
25 to exclude individuals from any City-owned or City-controlled property or to enforce the  
26  
27

1 trespass laws of the City.” MDAR § 4.3.<sup>16</sup>

2 97. A core mechanism of enforcing the City’s anti-camping policies is sweeps.  
3 Sweeps are generally conducted by a team of officers of the Seattle Police Department (“SPD”)  
4 and other City employees referred to as the “Navigation Team.” Since it became operational in  
5 2017, the Navigation Team grew from 22 members, 9 of whom were SPD officers, to 38  
6 members including 13 SPD officers. In addition, in 2019 the City trained 100 or more SPD  
7 officers not affiliated with the Navigation Team to conduct sweeps. The Navigation Team is  
8 primarily dedicated to removing tents and people from public spaces and operates seven days a  
9 week.

10 98. Though the word implies otherwise, “homeless” people do in fact have homes.  
11 Their homes may look different from the brick-and-mortar variety many of us are privileged to  
12 enjoy, but they serve the same purposes. Tents and makeshift shelters provide privacy, safety,  
13 protection from the elements, and security for belongings.

14 99. During a sweep, the City often destroys all personal property on the premises,  
15 removing tents and belongings and discarding them as garbage.

16 100. The City does not obtain a warrant of any kind before conducting a sweep.

17 101. When they conduct sweeps, members of the Navigation Team or other SPD  
18 officers threaten to arrest homeless people for criminal trespass.

19 102. The City Attorney’s Office has taken the position that if a homeless person  
20 refuses an offer of shelter, officers can issue a trespass warning. If that person persists in living  
21 on City property, the City may prosecute.

22 103. The City has prosecuted a number of trespass cases against homeless people  
23 living on City land.

24 104. To further ensure homeless people do not camp on public property, the City  
25

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26 <sup>16</sup> Responsibility for the City’s removal operations has since passed to the Human Services Department.

27 (continued...)

1 “monitor[s] recently-cleaned areas to ensure new camps don’t replace them.”<sup>17</sup> The City refers  
2 to its strategy as “clean and hold,” in which it “move[s] the encampment out [and] [] hold[s] it so  
3 that people don’t return,” explaining that Seattleites “will start seeing that happen in more places  
4 in the city.”<sup>18</sup> Mayor Durkan has also elaborated that this approach entails removing  
5 encampments without notice, being aggressive about posting additional signage, and patrolling  
6 areas to make sure people do not return. “If you look on the waterfront and at Sixth and James,”  
7 the mayor stated, “there are a couple of locations where what we’ve done is, once we clear it, if  
8 we post [no camping signs] then . . . as people start to set up, we say, ‘I’m sorry, you can’t set up  
9 here.’”<sup>19</sup>

10 105. SPD officers also threaten to arrest homeless people for criminal trespass if they  
11 remain in an area or return after a sweep.

12 106. SPD officers also arrest homeless people for criminal trespass for being on City  
13 property after an encampment has been cleared.

14 107. The City has escalated the use of sweeps over the past two years. In 2017, the  
15 City conducted approximately 200 sweeps. In 2018, the City conducted more than 500 sweeps.  
16 These numbers have continued to escalate through 2019. During the first quarter of 2019 alone,  
17 the City conducted at least 92 sweeps, even with February’s record snowstorm slowing things  
18 down. During the second quarter of the year, the City conducted at least 135 sweeps.

19 108. The City has also increased the number of sweeps it conducts under the label of  
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22 <sup>17</sup> Vianna Davila, *City Removes Homeless Camp Near Seattle’s Fremont Troll that Was Site of Overdoses*,  
23 SEATTLE TIMES (Mar. 23, 2019, at 6:00 am, updated Mar. 29, 2019, at 11:12 am), [https://www.seattletimes.com/  
seattle-news/homeless/city-removes-homeless-camp-near-seattles-fremont-troll-that-was-site-of-overdoses/](https://www.seattletimes.com/seattle-news/homeless/city-removes-homeless-camp-near-seattles-fremont-troll-that-was-site-of-overdoses/).

24 <sup>18</sup> Erica Barnett, *Morning Crank: Durkan Talks Up Aggressive Encampment Removal Strategy in North Seattle*,  
25 THE C IS FOR CRANK (May 7, 2019), [https://thecisforcrank.com/2019/05/07/morning-crank-durkan-talks-up-  
aggressive-encampment-removal-strategy-in-north-seattle/](https://thecisforcrank.com/2019/05/07/morning-crank-durkan-talks-up-aggressive-encampment-removal-strategy-in-north-seattle/)

26 <sup>19</sup> *Id.*

27 (continued...)



1 “obstructions” or “immediate hazards.”<sup>20</sup> Eighty-two percent of encampments swept during the  
2 first three months of 2019 were deemed to be “obstructions” or “hazards.”<sup>21</sup> This figure rose  
3 over a five-week period in April and May, when 96 percent of encampments listed on a weekly  
4 removal schedule were identified as “obstructions” or “hazards.”

5 109. Under the City’s rules, such sweeps do not require advance notice or available  
6 alternative shelter. FAS 17-01 § 4.1.

7 110. The City unilaterally determines whether a homeless person’s home or property is  
8 an “obstruction” or “immediate hazard.” There is no process for a homeless person to appeal  
9 this determination.

10 111. When asked why the City has increased this type of sweep, the Deputy Director  
11 of the Human Services Department stated that “[t]he number of shelter beds that are available  
12 dictate the number of 72-hour cleans.”<sup>22</sup> In other words, because there are insufficient shelter  
13 beds, the City is focusing on sweeps that they have authorized themselves to conduct without any  
14 notice or shelter availability.

15 **D. Defendant’s Encampment Abatement Program is a Waste of Taxpayer Money**

16 112. As the United States Interagency Council on Homelessness has affirmed, “[t]he  
17 forced dispersal of people from encampment settings is not an appropriate solution or strategy,  
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19 <sup>20</sup> The City defines an “obstruction” as “people, tents, personal property, garbage, debris or other objects related  
20 to an encampment that: are in a City park or on a public sidewalk; interfere with the pedestrian or transportation  
21 purposes of public rights-of-way; or interfere with areas that are necessary for or essential to the intended use of a  
22 public property or facility.” FAS 17-01 § 3.4. It defines “immediate hazard” as “an encampment where people  
23 camping outdoors are at risk of serious injury or death beyond that caused by increased exposure to the elements or  
24 their presence creates a risk of serious injury or death to others; including but not limited to encampments at  
25 highway shoulders and off-ramps, areas exposed to moving vehicles, areas that can only be accessed by crossing  
26 driving lanes outside of a legal crosswalk, and landslide-prone areas.” FAS 17-01 § 3.3. These definitions  
27 encompass most City property.

<sup>21</sup> See *Q2 Proviso Report*, at 5 (noting 51 “obstruction” sweeps and seven “hazard” sweeps out of a total of 71).

<sup>22</sup> Erica C. Barnett, *Morning Crank: City Homelessness Director Resigns, Offers New Explanation for  
Decrease in 72-Hour Encampment Removals*, THE C IS FOR CRANK (June 27, 2019), [https://thecisforcrank.com/  
2019/06/27/morning-crank-city-homelessness-director-resigns-offers-new-explanation-for-ramp-up-of-obstruction-  
camp-removals/](https://thecisforcrank.com/2019/06/27/morning-crank-city-homelessness-director-resigns-offers-new-explanation-for-ramp-up-of-obstruction-camp-removals/).

(continued...)

1 accomplishes nothing toward the goal of linking people to permanent housing opportunities, and  
2 can make it more difficult to provide such lasting solutions to people who have been sleeping  
3 and living in the encampment.”<sup>23</sup> Further, “[r]ather than helping people to regain housing, obtain  
4 employment, or access needed treatment and services, criminalization creates a costly revolving  
5 door that circulates individuals experiencing homelessness from the street to the criminal justice  
6 system and back.”<sup>24</sup>

7 113. Similarly, the United States Department of Justice (DOJ) has opined on the  
8 ineffectiveness of “[c]riminalizing public sleeping in cities with insufficient housing and support  
9 for homeless individuals,” noting that it “does not improve public safety outcomes or reduce the  
10 factors that contribute to homelessness.”<sup>25</sup> “[C]riminalizing homelessness is both  
11 unconstitutional and misguided public policy, leading to worse outcomes for people who are  
12 homeless and for their communities.”<sup>26</sup>

13 114. Even the City’s own Human Rights Commission has called upon the City to stop  
14 their ineffective and inhumane practices:

15 Not only has the city of Seattle failed to pass meaningful budgetary reform that  
16 would begin to address re-homing efforts, but the city has also been wasting  
17 millions of dollars to chase homeless encampment residents from park to  
18 park . . . . The policy of sweeping homeless encampments . . . demonstrates an  
19 unwillingness to address the economic inequities related to homelessness. It’s  
20 morally reprehensible and a waste of money. . . . The solution . . . is not to

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21 <sup>23</sup> *Ending Homelessness for People Living in Encampments: Advancing the Dialogue*, UNITED STATES  
22 INTERAGENCY COUNCIL ON HOMELESSNESS, at 2 (August 2015) [https://www.usich.gov/resources/uploads/asset\\_library/Ending\\_Homelessness\\_for\\_People\\_Living\\_in\\_Encampments\\_Aug2015.pdf](https://www.usich.gov/resources/uploads/asset_library/Ending_Homelessness_for_People_Living_in_Encampments_Aug2015.pdf).

23 <sup>24</sup> *Searching Out Solutions: Constructive Alternatives to Criminalization*, U.S. INTERAGENCY COUNCIL ON  
24 HOMELESSNESS, at 7 (2012), [http://usich.gov/resources/uploads/asset\\_library/RPT\\_SoS\\_March2012.pdf](http://usich.gov/resources/uploads/asset_library/RPT_SoS_March2012.pdf).

25 <sup>25</sup> United States Department of Justice, Statement of Interest of the United States at 15, *Bell v. City of Boise*,  
993 F.Supp.2d 1237 (D. Id. 2015) (No. 1:09-cv-00540-REB), <https://www.justice.gov/crt/file/761211/download>.

26 <sup>26</sup> *Id.* at 16.

27 (continued...)

1 punish residents, but to provide services that would allow them to exercise their  
2 basic human right to live safely.<sup>27</sup>

3 115. Unsurprisingly, despite the number of sweeps the City conducts and money spent  
4 on removing unauthorized encampments, the number of people living outside in tents or on the  
5 streets has only increased in recent years.

6 116. The City spent over \$10 million on sweeps in 2017.<sup>28</sup> With more than doubling  
7 the number of sweeps and expanding the Navigation Team in 2018, Seattle presumably spent  
8 considerably more on sweeps in that year,<sup>29</sup> and costs will continue to increase in 2019.<sup>30</sup>

9 117. For 20 million dollars, the City could have provided permanent supportive  
10 housing for nearly 40 percent of the chronically homeless population in King County as a whole.

11 118. In using these funds to destroy homeless people's homes and property, the City  
12 has instead all but ensured that homeless people will remain on the streets, trapped in a vicious  
13 cycle of the City's creation.

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19  
20 <sup>27</sup> City of Seattle Human Rights Commission, *Seattle should meet its human rights obligations and halt the*  
21 *sweeps*, REAL CHANGE (Nov. 21, 2018), <https://www.realchangenews.org/2018/11/21/seattle-should-meet-its-human-rights-obligations-and-halt-sweeps>

22 <sup>28</sup> Memorandum from Fred Podesta & Jason Johnson, to Seattle City Clerk and Seattle City Council, titled *Q1*  
23 *Response to SLI 242-1-A-1*, at 38 (May 3, 2018), <http://seattle.legistar.com/View.ashx?M=F&ID=6297619&GUID=4ADE588E-C580-4BEE-BD33-F9953D2D9A91>.

24 <sup>29</sup> *Q2 Proviso Report*, at 21. This document reports the 2018 budget of the Navigation Team alone, unlike the  
25 document at note 28, which also includes cleanup costs incurred by Seattle Public Utilities and the Seattle  
Department of Transportation.

26 <sup>30</sup> Kevin Schofield, *Understanding Mayor Jenny Durkan's Proposed Budget: Homelessness Response*, Seattle  
27 Business, <https://www.seattlebusinessmag.com/policy/understanding-mayor-jenny-durkans-proposed-budget-homelessness-response>.



1 property and other injury to their persons. The Homeless Plaintiffs are entitled to punitive  
2 damages because Defendant's conversion was willful.

3 126. Plaintiff Kitcheon served on the City demands for damages for the seizure and  
4 destruction of his personal property on July 1, 2019. Plaintiff Rusnak served on the City a  
5 demand for damages for the seizure and destruction of his personal property on June 10, 2019.  
6 Plaintiff Ream served on the City demands for damages for the seizure and destruction of her  
7 personal property on June 10 and July 3, 2019. Each of the Homeless Plaintiffs' demands was  
8 served on the City's standard Claim for Damages form. The City denied Plaintiff Rusnak and  
9 Plaintiff Ream's demands and has not yet responded to Plaintiff Kitcheon's demands.

10 **THIRD CLAIM**

11 **Cruel Punishment**

12 **Article I, Section 14 of the Washington State Constitution**

13 127. Plaintiffs reallege and incorporate the allegations of the preceding paragraphs as if  
14 fully set forth herein.

15 128. Poverty, unemployment, untreated mental and physical illness, drug and alcohol  
16 dependence, a lack of affordable housing, and the City's failure to provide adequate shelter space  
17 force the Homeless Plaintiffs and other homeless individuals to sleep in public places in Seattle.

18 129. Although the Homeless Plaintiffs and other homeless people have no way to  
19 comply with the anti-camping rules outlined in MDAR 17-01 because they must sit, rest, sleep,  
20 and shelter themselves from the elements outdoors, the City's agents and employees have  
21 forcibly removed the Homeless Plaintiffs' homes and belongings from City property under the  
22 express threat of citation and arrest under criminal statutes and ordinances cited in MDAR 17-01.  
23 Defendant is punishing the Homeless Plaintiffs and other homeless individuals based on conduct  
24 essential to survival that they have no choice but to engage in due to their involuntary homeless  
25 status.

26 130. Defendants' actions amount to cruel punishment in violation of article I, section  
27 14 of the Washington State Constitution.

1 **DECLARATORY RELIEF**

2 131. Plaintiffs reallege and incorporate the allegations of the preceding paragraphs as if  
3 fully set forth herein.

4 132. An actual controversy exists between Plaintiffs and Defendant City of Seattle in  
5 that the City’s agents and employees have engaged in the unlawful and unconstitutional acts  
6 alleged herein. The Homeless Plaintiffs have suffered actual harm as a result of the City’s  
7 unlawful acts and will suffer further harm if the City’s unlawful acts continue. Plaintiff Squirrel  
8 Chops, as a Washington and Seattle taxpayer, has an interest in seeing that the City adheres to  
9 the state constitution. Plaintiffs allege that the City’s acts are contrary to law and seek a  
10 declaration of their rights with regard to this controversy.

11 **VI. PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiffs request that the Court award the following:

- 13 1. A declaratory judgment that the City’s policies, practices, and conduct as alleged
- 14 herein violate the Homeless Plaintiffs’ rights under article I, sections 7 and 14 of the Washington
- 15 State Constitution;
- 16 2. Compensatory and punitive damages, in amounts to be determined at trial, against
- 17 Defendant;
- 18 3. Plaintiffs’ fees and costs in this action; and
- 19 4. Such further relief as is just and warranted under the circumstances.

20  
21 RESPECTFULLY SUBMITTED this 1st day of October, 2019.

22 **WILSON SONSINI GOODRICH & ROSATI, P.C.**

23 /s/ Christopher Petroni

24 Christopher Petroni, WSBA #46966  
25 701 Fifth Avenue, Suite 5100  
26 Seattle, Washington 98104-7036  
27 Telephone: (206) 883-2500  
Facsimile: (206) 883-2699  
Email: cpetroni@wsgr.com

**AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON  
FOUNDATION**

/s/ Emily Chiang

Emily Chiang, WSBA #50517  
Breanne Schuster, WSBA #49993  
901 Fifth Avenue, Suite 630  
Seattle, Washington 98164  
Telephone: (206) 624-2184  
Email: [echiang@aclu-wa.org](mailto:echiang@aclu-wa.org)  
[bschuster@aclu-wa.org](mailto:bschuster@aclu-wa.org)

*Attorneys for Plaintiffs*

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# EXHIBIT A



# NOTICE OF CLEANUP / AVISO DE LIMPIEZA

CLEANUP DATE/ FECHA DE LIMPIEZA	LOCATION/ UBICACIÓN
6/30/19	<b>Alaskan Way From Main To Pike</b>

This is not an authorized area for storage or shelter. Material found here was removed by the City. / Esta no es una zona autorizada para almacenamiento o refugio. El material que se encontró aquí fue retirado por la Ciudad.

## **BELONGINGS ARE IN STORAGE:**

Las Pertenencias Están En Almacenamiento

**YES / SÍ**

**NO/ No**

**TO RECOVER OR ASK ABOUT BELONGINGS  
CALL:**

**206-459-9949**

PARA RECUPERAR SUS PERTENENCIAS, LLAME AL:

Belongings found by the City and authorized for storage will be kept for 70 days at no charge. The City will deliver stored belongings to you. Belongings are stored at: 4200 Airport Way South. / Las pertenencias encontradas por la Ciudad y autorizadas para el almacenamiento se guardarán durante 70 días sin costo alguno. La Ciudad le entregará las pertenencias almacenadas. Las pertenencias se almacenan en: 4200 Airport Way South.

## **FOR OUTREACH AND HOUSING SUPPORT CALL:**

Para asistencia sobre contactos con la comunidad y sobre la vivienda, llame al:

**211 or 206-461-3222**

# EXHIBIT B

/8/19



**City of Seattle**

## NOTICE OF CLEANUP / AVISO DE LIMPIEZA

CLEANUP DATE/ FECHA DE LIMPIEZA	LOCATION/ UBICACIÓN
9/8/19	Pioneer Square

This is not an authorized area for storage or shelter. Material found here was removed by the City. / Esta no es una zona autorizada para almacenamiento o refugio. El material que se encontró aquí fue retirado por la Ciudad.

### BELONGINGS ARE IN STORAGE:

Las Pertenencias Están En Almacenamiento

YES / Sí

**NO/ No**

<b>TO RECOVER OR ASK ABOUT BELONGINGS</b> <b>CALL:</b> PARA RECUPERAR SUS PERTENENCIAS, LLAME AL:	<b>206-459-9949</b>
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Belongings found by the City and authorized for storage will be kept for 70 days at no charge. The City will deliver stored belongings to you. Belongings are stored at: 4200 Airport Way South. / Las pertenencias encontradas por la Ciudad y autorizadas para el almacenamiento se guardarán durante 70 días sin costo alguno. La Ciudad le entregará las pertenencias almacenadas. Las pertenencias se almacenan en: 4200 Airport Way South.

### FOR OUTREACH AND HOUSING SUPPORT CALL:

Para asistencia sobre contactos con la comunidad y sobre la vivienda, llame al:

**211 or 206-461-3222**

# EXHIBIT C



**NOTICE OF CLEANUP / AVISO DE LIMPIEZA**

CLEANUP DATE/ FECHA DE LIMPIEZA	LOCATION/ UBICACIÓN
<b>9-14-19</b>	<b>Pioneer Square</b>

This is not an authorized area for storage or shelter. Material found here was removed by the City. / Esta no es una zona autorizada para almacenamiento o refugio. El material que se encontró aquí fue retirado por la Ciudad.

**BELONGINGS ARE IN STORAGE:**

Las Pertenencias Están En Almacenamiento

**YES / SÍ**

**NO/ No**

<b>TO RECOVER OR ASK ABOUT BELONGINGS CALL:</b> PARA RECUPERAR SUS PERTENENCIAS, LLAME AL:	<b>206-459-9949</b>
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Belongings found by the City and authorized for storage will be kept for 70 days at no charge. The City will deliver stored belongings to you. Belongings are stored at: 4200 Airport Way South. / Las pertenencias encontradas por la Ciudad y autorizadas para el almacenamiento se guardarán durante 70 días sin costo alguno. La Ciudad le entregará las pertenencias almacenadas. Las pertenencias se almacenan en: 4200 Airport Way South.

**FOR OUTREACH AND HOUSING SUPPORT CALL:**

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**211 or 206-461-3222**



**City of Seattle**

**NOTICE OF CLEANUP / AVISO DE LIMPIEZA**

CLEANUP DATE/ FECHA DE LIMPIEZA	LOCATION/ UBICACIÓN
9/15/19	Pioneer Square

This is not an authorized area for storage or shelter. Material found here was removed by the City. / Esta no es una zona autorizada para almacenamiento o refugio. El material que se encontró aquí fue retirado por la Ciudad.

**BELONGINGS ARE IN STORAGE:**

Las Pertenencias Están En Almacenamiento

**YES / SÍ**

**NO / No**

**TO RECOVER OR ASK ABOUT BELONGINGS**

**CALL:**

PARA RECUPERAR SUS PERTENENCIAS, LLAME AL:

**206-459-9949**

Belongings found by the City and authorized for storage will be kept for 70 days at no charge. The City will deliver stored belongings to you. Belongings are stored at: 4200 Airport Way South. / Las pertenencias encontradas por la Ciudad y autorizadas para el almacenamiento se guardarán durante 70 días sin costo alguno. La Ciudad le entregará las pertenencias almacenadas. Las pertenencias se almacenan en: 4200 Airport Way South.

**FOR OUTREACH AND HOUSING SUPPORT CALL:**

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**211 or 206-461-3222**



**City of Seattle**

**NOTICE OF CLEANUP / AVISO DE LIMPIEZA**

CLEANUP DATE/ FECHA DE LIMPIEZA	LOCATION/ UBICACIÓN
9-16-11	1 <sup>st</sup> and Main

This is not an authorized area for storage or shelter. Material found here was removed by the City. / Esta no es una zona autorizada para almacenamiento o refugio. El material que se encontró aquí fue retirado por la Ciudad.

**BELONGINGS ARE IN STORAGE:**

Las Pertenenias Están En Almacenamiento

**YES / SÍ**

**NO/ No**

**TO RECOVER OR ASK ABOUT BELONGINGS**

**CALL:**

PARA RECUPERAR SUS PERTENENCIAS, LLAME AL:

**206-459-9949**

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**FOR OUTREACH AND HOUSING SUPPORT CALL:**

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**211 or 206-461-3222**

# EXHIBIT D



# NOTICE OF CLEANUP / AVISO DE LIMPIEZA

CLEANUP DATE/ FECHA DE LIMPIEZA	LOCATION/ UBICACIÓN
12-20-18	NW 46 <sup>th</sup> St between on & off ramps of 15 <sup>th</sup> Ave NW

This is not an authorized area for storage or shelter. Material found here was removed by the City. / Esta no es una zona autorizada para almacenamiento o refugio. El material que se encontró aquí fue retirado por la Ciudad.

## BELONGINGS ARE IN STORAGE

Las Pertenencias Están En Almacenamiento

YES / SÍ

**NO/ No**

TO RECOVER OR ASK ABOUT BELONGINGS

CALL:

**206-459-9949**

PARA RECUPERAR SUS PERTENENCIAS, LLAME AL:

Belongings found by the City and authorized for storage will be kept for 70 days at no charge. The City will deliver stored belongings to you. Belongings are stored at: 4200 Airport Way South. / Las pertenencias encontradas por la Ciudad y autorizadas para el almacenamiento se guardarán durante 70 días sin costo alguno. La Ciudad le entregará las pertenencias almacenadas. Las pertenencias se almacenan en: 4200 Airport Way South.

**FOR OUTREACH AND HOUSING SUPPORT CALL:**

Para asistencia sobre contactos con la comunidad y sobre la vivienda, llame al: