



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



July 8, 2021

The Honorable Gavin Newsom
Governor of California
State Capitol Building
Sacramento, California 95814

Dear Governor Newsom:

LOCAL STATE OF EMERGENCY REGARDING THE HOMELESS CRISIS

The purpose of this correspondence is to highlight the homeless crisis California is facing and request a declaration of a state of emergency pursuant California Government Code Section 8558(b). (California Correctional Peace Officers Assn. v. Schwarzenegger (2008) 163 Cal. App. 4th 802; Martin v. Municipal Court (1983) 148 Cal. App. 3d 693.)

The State of California is bearing the brunt of a national crisis involving the homeless population. As more and more Californians leave our state, we are seeing an influx of transients from across the nation coming to California and taking valuable services away from our local homeless population. This crisis has had a negative impact on the quality of life throughout the state and residents are increasingly in fear for their safety, not to mention the economic hardship on our local businesses and tourism.

In the last ten years, over \$6.5 billion has been used to address the problem in Los Angeles County (County) and yet the crisis continues to get bigger. In fact, the homeless problem has grown by approximately 20 percent each year. According to the Los Angeles Homeless Services Authority (LAHSA) 2020 count, the County had over 66,000 persons experiencing homelessness and living in our streets. We believe conservative estimates for 2021 put the figure over 80,000 persons, which represents half of the entire state's homeless population.

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With the current drought our state is facing, the County is facing an increasing threat from fires in our mountainous areas from homeless encampments. On a daily basis, fires are started by the transient population taking refuge in the wilderness and in our city streets. In the city of Los Angeles alone, there are 24 fires a day started in homeless encampments, making up 54 percent of all fires the Los Angeles City Fire Department responds to.

As the elected Sheriff providing safety to over ten million residents, I have been inundated with calls for action by citizens from all over the County. On June 23, 2021, I wrote a letter to the Los Angeles County Board of Supervisors (BOS) asking them to declare a local state of emergency to address this issue utilizing the assistance from the federal government (see attached). The failed formulas utilized to date are not properly addressing the homeless crisis and the problem is spiraling out of control.

On June 28, 2021, I received a response from the BOS's County Counsel indicating that under the Safford Act and at the request of the governor, the President of the United States may issue a Presidential Declaration of Emergency (see attached). In the letter, I was disturbed to read that the BOS still believes their system is working by providing "robust" services to the homeless population. The figures and information provided do not support their conclusions as the problem is growing every year.

According to the County's medical examiner, 1,383 people experiencing homelessness died in 2020, and nearly four unhoused people die each day. The number of deaths rose by 9 percent from 2019, and this does not take into account the unhoused that die in hospitals and other settings. In April 2021, United States District Judge David Carter issued a court order stating the city's "inaction" is "so egregious, and the state so nonfunctional" that it's "likely in violation of the [14th Amendment's] Equal Protection Clause."

As you are aware, the governor may proclaim a state of emergency when a condition of extreme peril to the safety of persons and property exists "within the state," even in an area under the exclusive control of the state government, and because of its magnitude, the condition is likely to affect areas within the jurisdiction of local government; is likely to be beyond the control of the services, personnel, equipment, and facilities of any single county or city; and is likely to require the combined forces of a mutual aid region or regions to combat. (*California Correctional Peace Officers Assn. v. Schwarzenegger*, *supra*, 163 Cal. App. 4th 802).

To that end, we need solutions that match the magnitude of the problem. Additional resources are needed to triage the homeless population by identifying safe unoccupied buildings, campgrounds, and parking areas. In collaboration with service providers, these locations, which are located throughout the state and county, will be utilized to move the homeless population out of fire prone areas and away from our public spaces to link them to services. This will be done by allowing law enforcement to regulate public space in compliance with the Martin v. City of Boise, 920 F.3d 584, 616 (9th Cir.2019) decision, deterring the influx of transients entering our state taking advantage of our limited programs and resources.

More than 70 percent of the homeless population suffers from mental and substance abuse problems. We are in dire need of more secure hospital beds, step down capacity, community based facilities, and rehabilitation centers, which will allow us to direct vital resources to this vulnerable population. The current strategies being utilized to address these issues are not matching the gravity of the problem. If we continue to ignore these problems, the unnecessary loss of life will only accelerate. Service providers and first responders cannot solve these issues on our city streets without the capacity to safely house and treat this homeless population.

The Los Angeles County Sheriff's Department (LASD) has a Homeless Outreach Services Team (HOST) who are experts at providing outreach and linking the homeless population to services they desperately need. Their actions are recognized as the best practices and the deputies assigned to the team are a compassionate group of individuals who are truly experts in their field.

The LASD has a proven formula supported by the court, the residents, and businesses. HOST has a proven method to connect our homeless population with the needed support without requiring any extreme measures. In fact, since their existence, HOST has no uses of force and have trained other law enforcement agencies on their proven protocols. Despite repeated requests to expand our HOST, my requests have been denied and my Department continues to be defunded. I have limited resources available to address this crisis.

I invite you to come to Los Angeles County and see the remarkable work of the HOST. The negative rhetoric placed on law enforcement agencies involvement by others is completely false and irresponsible. As elected leaders, we need to be proactive and continually reevaluate strategies that are not working. I

implore you to declare a local state of emergency so we can bring the needed resources to address the crisis facing the County and the State of California. I will work tirelessly and collaboratively with anyone you provide to combat this crisis.

The failed response by local and city leaders is creating an irreparable economic disaster to our tourism industry. The unwillingness of these officials to address the homeless crisis and lawlessness in general is hurting our local businesses and tourist based economy. Once a destination of choice for visitors from around the world, we have unfortunately become a destination to avoid.

Should you have any questions or would like to discuss further, please feel free to contact me at [REDACTED].

Sincerely,



ALEX VILLANUEVA
SHERIFF