



Administrative Report

N.4., File # 20-1196

Meeting Date: 8/4/2020

To: **MAYOR AND CITY COUNCIL**
From: **MICHAEL W. WEBB, CITY ATTORNEY**

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING THE NEXT PHASE OF THE ENHANCED RESPONSE TO HOMELESSNESS PILOT PROGRAM

EXECUTIVE SUMMARY

To further the effectiveness of the Redondo Beach Enhanced Response to Homelessness Pilot Program, I am recommending that the Mayor and City Council give direction to 1) host the Homeless Court program (currently held in the Torrance Superior Court) once a month for one year; 2) prepare and bring back for City Council approval an MOU for Clear Recovery Center to donate \$5,000 per month of professional clinical services for a mental health treatment program to assist the homeless, with the option to pay for additional services using funds from the SBCCOG grant; and 3) prepare and return for City Council approval the documents necessary to rent beds within a collaborative housing program in a nearby city within Spa 8.

BACKGROUND

The Enhanced Response Pilot Program was initiated by the City in June 2019 as an enhanced response to the impact of homelessness not only on individuals experiencing homelessness but also on residents and our local community. The City sought a variety of creative and novel efforts ranging from innovative policing, amending the municipal code, and utilizing the criminal justice system as tools to minimize impacts on the community while striving towards the goal of housing homeless defendants.

Homeless Court Homeless defendant cases represent a significant portion of the total criminal cases the City Prosecutor Division of the City Attorney's Office handles. The prosecution of individuals experiencing homelessness was modified to effectively and demonstratively curtail the cycle of drug, alcohol, quality of life, and theft offenses being committed. The prosecution has utilized, with marked success, a measured carrot and stick approach. Essentially, the message has been if misdemeanor defendants are willing to accept services and work with either PATH, Housing Navigators like Lila Omura with Harbor Interfaith, and/or local FSP programs like Exodus, towards being housed, then their cases will be diverted and potentially dismissed. If not, then punishment will be sought to deter the continuing impact on the community. Currently, Lila Omura and other Harbor Interfaith Housing Navigators have taken the primary lead with court appearances, but we are expanding the program by having amended our contract with PATH to include PATH's appearances

in court.

Initially, our prosecutors incorporated Lila Omura into the program by having her attend court hearings at least once a month for what has informally become known as "Homeless Court". She is able to conduct her outreach at court, meeting individuals for the first time to begin the process of services and housing connections. She is also instrumental in assisting with structuring court orders based on an individual's needs. For example, if one of the homeless misdemeanor defendants can afford a phone, but has not been following through with meetings to assist in securing their own housing, the court will order that individual to obtain a phone in order to communicate with Lila Omura and follow-through on meetings between court dates.

Lila has been attending court appearances since August of last year. The success by incorporating her into the prosecution process has been truly remarkable. For example, those suffering from homelessness is a population that historically does not appear on scheduled court dates, which leads to warrants being issued, and subsequent incarceration for their failures to appear in court. However, the vast majority of those in the program appear in court on their scheduled date and are willing to work to improve their status by seeking mental health treatment, substance abuse treatment, and eventually housing. The "Homeless Court" only picked up momentum as time went on. It makes Lila even more effective to have the prosecutors, defense attorneys and the Judge all working collaboratively, which is atypical, towards the same end goal - securing stabilization and housing for the homeless defendant. Many of Redondo's most problematic homeless individuals are now housed as a result.

However, the Homeless Court has not been immune to the COVID-19 pandemic. Like it has in all areas of life, COVID has drastically disrupted the normal operations of the Court system throughout California. Not wanting to have its success derailed, I called the Hon. Alan Honeycutt, the Site Supervising Judge of the Superior Court in Torrance, to inquire about the near-term future of the Homeless Court. I asked if they would consider holding the once per month Homeless Court proceedings here in Redondo Beach. COVID restrictions have limited the available options for our homeless defendants to get to court. Additionally, having, at times, 20 plus defendants inside Court at the same time is not optimal for avoiding the spread of COVID-19 and the safety of court personnel. He indicated that he would consider my request. He and the Hon. Rene Gilbertson, the Judge who hears our Homeless Court cases, toured a number of potential sites in Redondo. Eventually, we agreed that the best location would be in the parking area outside the Detective Bureau at 200 N. PCH.

On Monday, July 27th, Judge Gilbertson hosted a meeting in Department 2 of the Superior Court in Torrance with the agencies involved with the Homeless Court to discuss the idea. This included members of the Los Angeles County Sheriff's Department, Public Defenders, Alternate Public Defenders, Judge Gilbertson's courtroom staff in addition to members of my office, the Police Department and Public Works. The meeting went well and was followed by a site visit from members of the Sheriff's Department on Wednesday, July 29th. They were very helpful and supportive of the idea. In the meetings Chief Keith Kauffman, Captain Jon Naylor, Public Works Director Ted Semaan, and Deputy Public Works Director Mike Klein were very successful in addressing the concerns of our various Justice System partners. A diagram of the current draft model of the layout for the court set up prepared by Mike Klein is included as Attachment 1.

Although this would be the first courtroom of its kind in Los Angeles County, Judge Honeycutt has agreed to recommend it to the Presiding Judge of the Los Angeles Superior Court. Judge Gilbertson is also very supportive of the idea. It would take place on one Wednesday per month for a period of one year. I strongly recommend that the Mayor and City Council give direction to staff to do everything necessary to host the Homeless Court as described above if the Presiding Judge gives his approval.

Mental Health Treatment Program A significant percentage of the Homeless individuals who end up in criminal court have underlying chronic mental health conditions. Mental health treatment is vital and often necessary to get a homeless individual “Housing Ready.” The available treatment facilities are frequently overwhelmed with patients or they are otherwise difficult for homeless defendants to access. We have said from the beginning of the Pilot Program that increasing access to Mental Health Services would be an important part of the program.

Fortunately, we have located a willing partner to address this unmet need. Clear Recovery Center is a South Bay based mental health treatment and substance abuse treatment provider that provides a full continuum of care. Their treatment is individualized, evidence-based and age-specific in order to give their clients the best possible chance at long term recovery. They pride themselves on their expert clinical team who is highly skilled in the latest in evidence-based treatments and therapies.

Clear Recovery Center has offered to donate \$5,000 per month of professional clinical services for a mental health treatment program to assist the homeless. Additionally, the City would have the option to use the South Bay Cities Council of Governments’ (SBCCOG) grant funds to purchase additional hours of counseling depending upon the demand for these services. The clinical services would initially be rendered in a space provided by the City, with the opportunity for program expansion contingent upon clinical efficacy. The Police Department is willing to have the counseling take place in a conference room in the annex building at 200 N. PCH.

I strongly recommend that the City Council accept this generous offer and direct my office to prepare and bring back for City Council approval an MOU for Clear Recovery Center to donate \$5,000 per month of professional clinical services for a mental health treatment program to assist the homeless, with the option to pay for additional services using funds from the SBCCOG grant.

Additional Housing

There is insufficient transitional housing available to the Homeless throughout California and particularly to the homeless in the South Bay. Furthermore, there are no homeless shelters in Redondo Beach. We have located beds potentially available for rent in a collaborative housing program in a nearby city within the Los Angeles County Department of Health Service Planning Area. (A Service Planning Area, or SPA, is simply a specific geographic region within Los Angeles County. SPA 8 is the area that serves Redondo Beach.) The beds are all located in single, family residential properties that are fully furnished and include wifi access. Residents in these homes receive wrap-around support from the facilitating program. We have also received a generous offer to provide these residents with after-hours and weekend support services from a licensed clinical social worker from a separate agency who specializes in substance abuse and mental health treatment without cost to the City. These details are still being finalized.

The average cost of a bed in this area is approximately \$600 a month. We are looking at renting

more beds for the male population, ideally 7-8, and up to 3 beds for the female population. The total cost if we rented 11 beds for one year would be approximately \$79,200. This is considered low-income housing in a middle-class neighborhood which allows for stabilization of a person experiencing homelessness. On first review it appears that the City may be able to use some of the Corona Virus Relief (CARES Act) funds allocated to the City to pay for these beds for the next five months. The CARES Act eligibility guidelines allow for expenses associated with "caring for homeless" during the pandemic period as defined as March 1, 2020 through December 30, 2020. It is uncertain if that period of time will be extended by future legislation, so there is some urgency in getting this done as quickly as possible.

This transitional housing would be invaluable in helping homeless individuals prepare for and become eligible for permanent housing. Additionally, it is my opinion that the Police may then be able to once again enforce our camping ordinance, which prohibits camping in public.

As you know, in September 2018 the Ninth Circuit Court of appeals issued its ruling in *Martin v. City of Boise*. Essentially, the court ruled that enforcement of ordinances that prohibit sleeping or camping on public property against homeless individuals is unconstitutional when those individuals do not have a meaningful alternative, such as shelter space or a legal place to camp. The Court's reasoning is that . . ."as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter." As there currently are no such alternatives, the Police in Redondo have been unable to enforce those ordinances.

However, if a bed is available WITHIN SPA 8, then it is my opinion that there would be a meaningful alternative. (I do not think transporting a homeless individual across SPAs would qualify as a meaningful alternative.) A Court may disagree with my interpretation so there is some risk in adopting this approach, but I think it is a reasonable and defensible interpretation. The Police would be offering an available bed and would only use enforcement against individuals who refuse to accept the offered housing - in other words who were making a choice to camp on public property. Enforcement would be a last step, not a first. We would still need to work out the logistical issues associated with verification of an available bed at the time of enforcement and the need to provide transportation of individuals and their belongings to the housing program before the Police resume enforcement.

Therefore, I recommend that the City Council direct staff to prepare and return for City Council approval the documents necessary to rent beds within a collaborative housing program in a nearby city within SPA 8.

COORDINATION

The City Attorney's Office coordinated with the Police Department, the Public Works Department, and the City Manager's Office in connection with the preparation of this report.

FISCAL IMPACT

The Fiscal Impact of each of these items will be finalized at the time they are each brought back for final City Council approval.

ATTACHMENTS

- Diagram of potential Homeless Court setup
- Offer Sheet from Clear Recovery Center
- “A plan for the homeless residents of Redondo Beach”, *Easy Reader News*, June 29, 2019
- “Here’s how one ‘angel’ got 12 people off the streets in Redondo Beach”, *Daily Breeze*, September 20, 2019
- “Legislators to try tackling homelessness”, *Easy Reader News*, March 7, 2020
- Decision Package submitted to City Manager April 20, 2020 regarding the Enhanced Response to Homelessness