



CITY OF
CARLSBAD
Office of the City Attorney

www.carlsbadca.gov

March 23, 2020

Jonathan Markovitz, Staff Attorney
ACLU—San Diego and Imperial Counties
P.O. Box 87131
San Diego, CA 92138-7131
Sent via email

Re: Carlsbad's Homeless Population in the Wake of the COVID-19 Pandemic

Dear Mr. Markovitz,

Thank you for sharing your concern regarding Carlsbad's homeless population in the wake of the COVID-19 pandemic and numerous governmental emergency orders. We are uncertain as to what information your agency has relied upon for determining that "Carlsbad Police officers have been citing unhoused people for failing to comply with the Governor's recent executive order, or for similar offenses." To date, the Carlsbad Police Department has no record of any citations issued against any unhoused persons for a violation of Executive Order N-33-20, enforceable as a misdemeanor pursuant to Government Code section 8665. The Carlsbad Police Department also has not observed any violations of Executive order N-33-20 that would be citable under some other state or local law outside of Government Code section 8665.

Nor would the Carlsbad Police Department's COVID-19 related policies or procedures allow for such a citation against homeless persons. For many of the reasons provided in your letter, the Carlsbad Police Department's policies allow only for tailored, limited enforcement of persons sitting, lying, or sleeping outside at particular times or in particular locations. And, such enforcement efforts occur on a progressive basis, involving prior contacts and the offering and rejection of housing and social services before a homeless individual is cited for any such violation. During the month of March 2020, three citations were issued for "unlawful camping" under Carlsbad Municipal Code section 8.36.030, which is chargeable as an infraction. These citations were issued only after the cited persons were previously warned, offered and refused homeless services and assistance. The last such citation was issued on March 14, 2020, prior to the March 19, 2020 issuance of the Governor's Stay at Home order. The Carlsbad Police Department does not plan to issue further citations under this section of the Carlsbad Municipal Code while any COVID-19-related emergency orders are in effect.



City Attorney

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Meanwhile, the city's Homeless Outreach Team is working as expeditiously as possible with state, county and local partners to expand shelter and quarantining opportunities for the city's homeless residents. Even prior to the COVID-19 outbreak, we have been in the process of securing additional state funds to assist our homeless residents from both a prevention and intervention standpoint.

Please feel free to reach out to me directly with any further questions that you may have regarding the city's COVID-19 response and precautions we are taking to protect our vulnerable homeless residents.

Sincerely,



Celia A. Brewer
City Attorney

cc: Mayor and City Council Members
Scott Chadwick, City Manager
Neil Gallucci, Chief of Police